City of Cockburn

# Governance Committee

# Minutes

For Tuesday, 21 April 2026

These Minutes are subject to confirmation

Presiding Member's signature

_____

Date: 16 June 2026

# Governance Committee Meeting, Tuesday, 21 April 2026

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## Governance Committee Meeting, Tuesday, 21 April 2026

# Minutes

**PRESENT:**

## Attendance

**Members**
Cr T Dewan (Presiding Member)
Deputy Mayor P Corke
Cr C Reeve-Fowkes
Cr H Srhoy
Cr C Zhang

**Staff**

| | |
|---|---|
| Mr D Arndt | Acting Chief Executive Officer |
| Ms C Bywater | Director Corporate and System Services |
| Ms K Johnson | Director Community and Place |
| Mr A Lees | Director Infrastructure Services |
| Ms C Catherwood | Acting Director Sustainable Development and Safety |
| Mr J Blanchard | General Counsel |
| Mr J Curulli | Chief Information Officer |
| Mr L Santoriello | Group Manager Development and Safety |
| Ms L Dunstan | Service Manager Development Services |
| Ms P Orr | Service Manager Health and Building Services |
| Ms T Hardmeier | Service Lead Governance and Council Support |
| Mr J Schofield | Service Lead Rangers and Parking |
| Ms C Lindgren | Courts and Legal Process Coordinator |
| Ms A Schutz | Assistant Governance Officer |
| Mr M Lee | Systems Support Analyst |

## 1. Declaration of Meeting

The Presiding Member declared the meeting open at 6:08pm.

**Acknowledgement of Country**
The Presiding Member acknowledged the Nyungar people of Beeliar Boodjar. Long ago, now and in the future they care for Country. The Presiding Member acknowledged their continuing connection to Land, Waters and Culture and pay respect to the Elders, past and present.

## 2. Appointment of Presiding Member (If required)

Nil

## 3. Acknowledgement of Receipt of Written Declarations of Financial Interests and Conflict of Interest (by Presiding Member)

| Item | Name | Type/Nature of Interest |
|---|---|---|
| 8.2.6 Proposed City of Cockburn Public Places Local Law | Jamie Blanchard, General Counsel | **Impartiality Interest**<br>I am a member of the Risk, Audit and Governance Committee of the National Heart Foundation of Australia which has a stated policy position on the regulation of smoking in public areas. |

## 4. Apologies & Leave of Absence

**Apologies**
Cr C Stone
Cr P Eva
Cr T Widenbar
Mr D Simms, Chief Executive Officer

## 5. Confirmation of Minutes

### 5.1 (2026/MINUTE NO 0021) Minutes of the Governance Committee Meeting - 24/02/2026

**Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Reeve-Fowkes

That Committee confirms the Minutes of the Governance Committee Meeting held on Tuesday, 24 February 2026 as a true and accurate record.

**CARRIED 5/0**

## 6. Business Left Over from Previous Meeting (if adjourned)

Nil

## 7. Declaration by Members who have Not Given Due Consideration to Matters Contained in the Business Paper Presented before the Meeting

Nil

**EN BLOC RESOLUTION**

The General Counsel advised Elected Members of the following prior to the En Bloc vote:

Items 8.2.4 and 8.2.5 – updated Attachments 1, 2 and 3 for each item were provided to Elected Members via email on the 16 and 21 April. The updates and reasons for these updates were contained in the emails sent to Elected Members. The City's administration will ensure the Minutes contain the corrected attachments, and will make any necessary administrative changes to the reports.

6:13pm The following items were carried by En Bloc resolution:

| |
|---|
| 8.1.2 |
| 8.1.3 |
| 8.1.4 |
| 8.2.1 |
| 8.2.2 |
| 8.2.3 |
| 8.2.4 |
| 8.2.5 |
| 8.2.6 |
| 8.2.7 |
| 8.2.8 |
| 8.2.9 |

# 8 Reports - CEO (and Delegates)

## 8.1 Corporate and System Services

### 8.1.1 (2026/MINUTE NO 0022) Proposed Policy - Ethical Use of Artificial Intelligence Services

**Executive** Director Corporate and System Services
**Author(s)** Chief Information Officer
**Attachments**
1. Ethical Use of Artificial Intelligence Services
2. City of Cockburn Approved Artificial Intelligence Services

**Officer Recommendation/Committee Recommendation**
MOVED Cr C Reeve-Fowkes SECONDED Cr H Srhoy

That Council ADOPTS the proposed Council Policy Ethical Use of Artificial Intelligence Services, as shown in Attachment 1.

**CARRIED 5/0**

**Background**

Artificial Intelligence (AI) tools are increasingly embedded within the software platforms used by the City, including productivity, mapping, and customer systems. As a result, staff may already be interacting with AI without clear organisational guidance on appropriate use, data handling, or governance expectations.

At present, the City does not have a formal policy governing the ethical, secure, and compliant use of AI services, creating a governance gap, particularly in relation to privacy, data protection, and record keeping.

The proposed Ethical Use of Artificial Intelligence Services Policy, supported by an AI Services Register, establishes a clear governance framework to enable the responsible use of AI while ensuring the City meets its legal, regulatory, and accountability obligations.

**Submission**

N/A

**Report**

The purpose of the Ethical Use of Artificial Intelligence Services Policy is to provide clear guidance to staff on how AI may be used to support service delivery, improve efficiency, and enhance community outcomes, while ensuring appropriate safeguards are in place.

The policy is designed to balance between enabling innovation with risk management. The policy does not seek to prohibit the use of AI. Instead, it establishes clear boundaries around the use of City and resident data, ensuring that sensitive information is only used within approved and managed environments.

Key elements of the policy include:

- Establishing the principle that AI advises, humans decide, ensuring accountability for decisions and outcomes remains with staff
- Defining managed, unmanaged, and restricted AI services, providing clarity on where City information can and cannot be used
- Introducing an AI Services Register to allow approved tools to be managed dynamically without requiring frequent policy updates
- Clarifying that built-in AI features within existing software are not automatically approved and require separate assessment
- Providing guidance on record keeping, ensuring AI use is documented proportionately where it contributes to business outcomes
- Requiring transparency and disclosure where AI-generated content is used in public-facing communications
- Establishing expectations for supplier and third-party use of AI, ensuring the City remains accountable for content and outputs used in its operations.

The policy has been developed in consultation with internal stakeholders and reflects current WA Government guidance on responsible digital governance.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.
Strengthen engagement, communication and enhance customer experience.

**Budget/Financial Implications**

N/A

**Legal Implications**

The policy supports the City's compliance with several legislative and regulatory requirements, including:

- State Records Act 2000 (WA) – ensuring that AI-assisted business activities are appropriately documented and retained as part of the City's official records
- Privacy and Responsible Information Sharing Act 2024 (WA) – particularly Information Privacy Principle 10 (IPP10), which requires transparency, risk assessment, and human oversight where automated decision-making is used
- Local Government Act 1995 (WA) – supporting good governance, transparency, and accountability in decision-making processes.

**Community Consultation**

N/A

**Risk Management Implications**

The introduction of this policy mitigates a range of emerging risks associated with the increasing use of AI technologies.

Risks of not implementing the policy include:

- Privacy and data security risk – inappropriate use of public or unmanaged AI services may result in the exposure of sensitive City or resident information, contrary to privacy and data protection obligations
- Legal and regulatory risk – non-compliance with record-keeping, privacy, and decision-making requirements, including obligations under the PRIS Act
- Reputational risk – misuse of AI, including reliance on inaccurate outputs or failure to disclose AI-generated content, may undermine public trust
- Operational risk – inconsistent or unclear use of AI across the organisation may lead to inefficiencies or poor decision-making.

Risks associated with implementing the policy:

- Adoption risk – staff may perceive the policy as restrictive if not supported by clear communication, guidance and leadership support
- Change management risk – embedding new practices, particularly around data handling and record keeping, will require ongoing education and support
- Technology evolution risk – rapid changes in AI capabilities necessitate maintenance of the policy and AI Services Register.

These risks are considered manageable and are outweighed by the benefits of establishing a clear and adaptive governance framework. The policy has been deliberately designed to enable innovation while maintaining human accountability and safeguarding data, supported by the AI Services Register to allow flexibility as technologies continue to evolve.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Policy | Ethical Use of Artificial Intelligence Services |
|---|---|

## Policy Type

Administration

## Policy Purpose

The City of Cockburn supports the responsible use of Artificial Intelligence (AI) to improve community services, efficiency, and innovation. This policy ensures that AI is used ethically, safely, and in line with our commitment to protecting personal and sensitive information, maintaining public trust, and supporting staff to explore new technologies responsibly.

This policy aligns with the WA Government Artificial Intelligence Policy and Assurance Framework, ensuring that the City's use of AI upholds transparency, accountability, and fairness.

## Definitions

Managed AI Services
AI services that are approved, secured, and administered by the City. These services operate within the City's managed ICT environment and comply with security, privacy, and record-keeping requirements.

Only Managed AI Services listed on the AI Services Register may be used with City information, including confidential or sensitive data. The AI Services Register is available in ECM (Doc Set ID:12668708). Changes to the register will be communicated to the business via organisational updates.

Unmanaged AI Services
AI services that are not approved, secured, or administered by the City and operate outside the City's managed ICT environment.

Unmanaged AI Services may be used only for non-sensitive, generic purposes such as brainstorming or creative idea generation, and must never be used with City information, resident data, or internal documents.

Restricted AI Services
AI services that are explicitly not permitted for use on City systems, devices, or networks due to identified cybersecurity, privacy, ethical, or legislative risks, or in response to a Government direction.

Restricted AI Services are listed in the AI Services Register and must not be accessed, installed, or used for any purpose, including non-sensitive or personal use, on any City-managed devices or networks.

## Principles

1. Protect City and Community Data

[1]

| Policy | Ethical Use of Artificial Intelligence Services |
|---|---|

- Restricted AI Services must not be used.
- Confidential or sensitive information (such as resident details, internal reports, contracts, or financial data) must never be entered into unmanaged AI services.
- Staff may use unmanaged AI tools (e.g. image generation, brainstorming text) only with non-sensitive, non-confidential content.
- All AI use must comply with the City's Information and Cyber Security Policies and Privacy Management requirements.

2. AI Advises, Humans Decide

- AI may provide suggestions, summaries, or draft materials, but staff remain responsible and accountable for all final decisions, actions, and communications.
- Staff must always check AI outputs for accuracy, fairness, and appropriateness before using them.

3. Do No Harm

- AI use must align with the City's values and policies and must be adjusted to align with the Corporate Style Guide and Corporate Writing Style Guide.
- Staff must not use AI in ways that could cause harm, bias, or disadvantage to individuals or groups.
- Where the City is aware of reasonable and credible evidence that an AI service or provider contributes to harm, modern slavery, unethical labour practices, unethical environmental damage, or other unethical conduct, the City will not approve its use.

4. Empowerment and Innovation

- Staff are encouraged to experiment with AI tools to improve efficiency and creativity, provided they follow this policy using non-sensitive and non-confidential content.
- The City will continue to assess and adopt secure, Managed AI services where appropriate.

5. Transparency, Disclosure and Trust

- AI-generated media that depicts people, places, or events must be clearly identified as "AI-generated" or "content created with AI."
    - This requirement applies where AI has created new visual or audio content, not where it has been used for minor editing, spelling correction, layout, or similar assistive functions.

| Policy | Ethical Use of Artificial Intelligence Services |
|---|---|

- AI tools used to enhance or assist in written content (e.g., grammar checking, summarisation, Copilot prompts) do not require disclosure.
- The intent of this requirement is to maintain public trust and ensure residents can distinguish between AI representations and real events, people, or places.

**Automated Decision-Making and the PRIS Act**

The City complies with the Privacy and Responsible Information Sharing Act 2024 (WA), including Information Privacy Principle 10 (IPP10) relating to automated decision-making.

The City does not permit AI systems to make important decisions about individuals without meaningful human involvement.

Where AI is used to support a decision about a person:
- staff must ensure that a human reviews and validates the outcome,
- any risks of harm, bias, or discrimination are identified and mitigated,
- individuals are informed if an automated process has contributed to the decision, and
- individuals may request human review or reconsideration of the decision.

Automated decision-making systems must be periodically reviewed, particularly when they change or when risks are identified.

**Record Keeping**

The City must maintain accurate and auditable records of AI use in line with the State Records Act 2000 (WA) and the City's Records Management Policy and Information Governance Framework.

AI-related records must be created and retained when the use of AI influences or contributes to City business outcomes, such as decisions, published material, or communications that may affect residents or the community.

<u>When to Keep a Record</u>

A record must be kept when:

- AI-generated content is published externally or used in resident-facing communications (e.g. website, media release, printed material).
- AI output informs or supports decision-making, advice, or recommendations.
- AI tools are used to generate images, audio, or video content requiring disclosure under this policy.
- AI output or use forms part of a formal project deliverable, report, or corporate record.

| Policy | Ethical Use of Artificial Intelligence Services |
|---|---|

What to Record

Where applicable, staff must ensure the following are captured in ECM:

- The purpose of the AI use (e.g. drafting a concept image for community consultation).
- The AI tool or service used including version or access context where known (e.g., managed or unmanaged environment) and the time and date of use.
- The prompt or query used (where practical to retain).
- A copy of the generated output if it forms part of the record.
- A brief description of how the AI output was used, including the extent of reliance (e.g. draft only, idea generation, decision support).
- Any significant edits or human judgement applied to the AI-generated content before finalisation.
- The name and position of the staff member who reviewed and approved the final content.

Any identified limitations or risks where the AI output contributed to a decision or advice.

When Full Record Keeping Is Not Required

Routine, low-risk uses - such as grammar checking, text summarisation, or internal brainstorming where no sensitive or City data is used - do not require recording each prompt.

However, staff should still manage any resulting documents in accordance with standard record-keeping practices if they are shared, endorsed, or form part of City work.

This approach ensures transparency and accountability for significant AI use.

**Appropriate Use**

Only AI services listed as approved and 'Managed' on the **AI Services Register** may be used with City data. This register is maintained by Information Services and endorsed by the Information Technology Steering Group.

Examples of appropriate use include:

- Using an approved AI service such as Microsoft Copilot to draft reports or summarise City information.
- Using public AI tools to generate ideas for event names, staff engagement activities, or generic policy wording - without sharing City data.
- Using AI image generation tools to create concept art for community events (no

| Policy | Ethical Use of Artificial Intelligence Services |
|---|---|

personal or confidential data).

Examples of inappropriate use include:

- Entering resident or staff names, addresses, or complaints into unapproved AI services.
- Uploading confidential reports, contracts, or internal documents into public AI tools.
- Relying on AI output without human review or accountability.

## Why This Matters

The City holds sensitive information about our residents, staff, and operations. Sharing this information with unauthorised AI services could result in data misuse, privacy breaches, or loss of public trust. By following this policy, staff protect our community and ensure AI is used to benefit, not risk, the City.

## Governance and Oversight

The Information Services business unit is responsible for monitoring AI use, maintaining the Approved AI Services Register
, and reviewing the policy . The Information Services Business Unit provides oversight and endorses updates to the approved platforms.

## Review

This policy will be reviewed if significant changes occur in AI technology, risk, or relevant legislation.

| | |
|---|---|
| Strategic Link: | Listening and Leading – Best Practice Governance, Partnerships and Value for Money |
| Category | Information and Technology |
| Lead Business Unit: | Information Services |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | … |
| Next Review Due: (Governance Purpose Only) | … |
| ECM Doc Set ID: (Governance Purpose Only) | … |

DRAFT

| Register | Approved AI Services |
|---|---|

**Version** 1.0
**Owner** Information Services
**Oversight** Information Technology Steering Group (ITSG)
**Next Review** 31/03/2027
**Approved By** Chief Information Officer

# City of Cockburn
# Approved Artificial Intelligence Services

## Purpose

This register lists Artificial Intelligence (AI) services that are approved for use with City of Cockburn data and systems.

It ensures all AI use involving City information complies with the Ethical Use of Artificial Intelligence Services Policy.

## Managed Services

| Service | Approved Use | Access Requirements | Data Classification | Security Controls | Notes |
|---|---|---|---|---|---|
| Microsoft Copilot (Microsoft 365 Enterprise) | AI assistance within Microsoft applications (Word, Excel, Outlook, Teams, etc.) | Must be signed in with a cockburn.wa.gov.au account | All City data, including confidential and sensitive information | Covered under the City's Microsoft Enterprise Agreement and managed via M365 tenant security and compliance controls | Available only to licensed users in the City's Microsoft 365 environment |
| NexLaw | Legal matter management and AI-supported document processing | Access via secure City-managed user accounts | Confidential and sensitive legal and corporate data | Hosted in a secure Australian data centre with encryption in transit and at rest; access via single sign-on and role-based permissions under contractual data protection and confidentiality agreements | Managed under Information Services governance |

## Services Under Review

Nil

## Unmanaged Services

The following services are not approved for use with City data but may be used for non-sensitive or generic purposes such as brainstorming or creative idea generation, provided no City or personal information is shared.

[1]

| Register | Approved AI Services |
|---|---|

| Example Services | Usage Limitations | Notes |
|---|---|---|
| ChatGPT (Free), Google Gemini, Claude, other public AI chat tools | Allowed for idea generation and creative writing only. No City or personal data may be entered. | Staff must ensure compliance with the Ethical Use of Artificial Intelligence Services Policy and not upload any City documents. |
| AI image, video, or audio generation tools (e.g., DALL·E, Stable Diffusion, Runway) | Allowed for concept or promotional imagery only (no identifiable people or sensitive data). | AI-generated media must be disclosed in accordance with the Transparency, Disclosure and Trust principle. |
| Browser extensions or third-party integrations using AI | Prohibited from connecting to City systems or data. | |

## Restricted Services 🔴

These services are explicitly prohibited for use or access on City devices and networks due to identified security risks or government direction.

| Service | Reason for Restriction | Reference | Action Required |
|---|---|---|---|
| DeepSeek | Banned under WA Government *Direction 001-2025 - Restrictions* on the Use of DeepSeek Products, Applications and Web Services.<br><br>The Office of Digital Government (WA) requires all government entities to prevent installation, access, or use of DeepSeek products, and to remove any existing instances. | WA Government Cyber Security Policy (2024) and Direction 001-2025 | Access blocked across City networks. Remove any existing installations immediately and report compliance to Information Services. |
| All meeting recording services and tools not explicitly approved | Unapproved meeting recording and AI assistant tools can capture sensitive discussions and transmit them to external systems, creating risks of data exfiltration, privacy breaches, and loss of control over City information.<br><br>These services often store data offshore or in unknown environments, making them unsuitable for conversations involving confidential, personal, or operationally sensitive content. | | |

## Governance

- The **Information Services** business unit maintains this register and reviews it regularly to ensure continued compliance and security.
- Updates are **endorsed by the Information Technology Steering Group (ITSG)**.
- The current version of this register is available on the staff intranet.
- Changes are logged in the revision history below.

[2]

| Register | Approved AI Services |
|---|---|

## Revision History

| Version | Date | Description | Approved By |
|---|---|---|---|
| 1.0 | 14/01/2026 | Initial creation and endorsement | Jacob Curulli |

[3]

## 8.1.2 (2026/MINUTE NO 0023) Policy Review - Corporate Strategic Planning and Budget Policy

| | |
|---|---|
| **Responsible Executive** | Director Corporate and System Services |
| **Author(s)** | Director Corporate and System Services |
| **Attachments** | 1. Corporate Strategic Planning and Budget Policy (reviewed March 2026)<br>2. Corporate Strategic Planning and Budget - Policy |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang

The Committee recommends Council ADOPTS the revised Council Policy 'Corporate Strategic Planning and Budget', as shown by Attachment 1.

**CARRIED 5/0**

### Background

Council originally adopted the Corporate Strategic Planning Budget Policy on 14 June 2022.

A review of the current Policy (refer Attachment 2) was provided to the 18 February 2025 Governance Committee and Council subsequently resolved that this be discussed further at a workshop.

Since then, a review of the feedback provided has led to the drafting of an updated Policy (refer Attachment 1).

This updated policy starts with the current policy as the foundation and offers concise guidance for integrating the City's strategies and financial management.

It also aims to give residents an overview of the Annual Budget process and how it aligns with the City's compliance and integrated reporting requirements.

### Submission

N/A

### Report

The draft Corporate Strategic Planning and Budget Policy (refer Attachment 1) provides a clear framework to guide business planning processes and decision making. This supports effective strategic planning and the allocation of the City's financials and organisational resources, in line with legislative requirements.

Ahe draft policy also outlines Council's expectations for integrated reporting and sets expenditure levels for specific services.

**Difference Between the Draft Policy and the Current Policy**

The proposed draft Corporate Strategic Planning and Budget Policy introduces several key differences from the current policy, as outlined below:

Comprehensive Framework:
The new policy establishes a more comprehensive framework for business planning processes, ensuring that all decisions align with the City's strategic outcomes and community aspirations.

Integrated Reporting:
It establishes specific requirements for integrated reporting, which were not as clearly defined in the current policy.

Risk Management:
The draft policy integrates risk management into the business planning process, ensuring that potential risks are proactively identified and addressed.

Financial Sustainability:
The policy emphasises long-term financial sustainability, ensuring that all business planning decisions consider the long-term affordability and life cycle costing of existing and new infrastructure. It includes the percentage thresholds adopted by Council in current policy for setting budget allocations for:

a) Donations, Sponsorships and Grants of up to 1.5% of the City's general rates revenue (excluding any specified area rates)
b) The Council-determined Annual Calendar of Events of up to 0.8% of the City's general rates revenue (excluding any specified area rates).

Continuous Improvement:
The draft policy promotes continuous improvement by establishing measurable objectives, tracking progress, and regularly reviewing performance.

**Strategic Plans/Policy Implications**

**Listening and Leading**
A community focused, sustainable, accountable, and progressive organisation.
• Best practice Governance, partnerships and value for money.

**Budget/Financial Implications**

N/A

**Legal Implications**

There is no legislative or regulatory requirement for this policy. Section 2.7(2)(b) of the Local Government Act 1995 provides Council with the power to determine policies.

**Community Consultation**

N/A

**Risk Management Implications**

Low: It is low risk for Council to repeal the current policy and replace with an updated policy that provides a more concise policy statement to guide administration on how the City will manage the integrated reporting process.

**Advice to Proponent(s)/Submitters**

N/A.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Title | Corporate Strategic Planning & Budget |
|---|---|

## Policy Type

Council

## Policy Purpose

To achieve its vision, the City has established an integrated, long-term planning and budgeting framework. The Strategic Community Plan (SCP) - the City's Plan for the Future - sets the community's long-term vision, priorities, and strategic objectives. These are delivered through the Corporate Business Plan and resourced through the Annual Budget.

The Corporate Business Plan (reviewed annually) outlines the services, projects, and actions to be delivered over a four-year period, while the Annual Budget (adopted each financial year) allocates the resources required to implement these priorities.

This policy supports effective strategic planning and responsible financial management in compliance with legislative requirements and reflects Council's leadership in guiding the City's long-term direction. It is designed to remain compatible with forthcoming reforms to the Local Government Integrated Planning and Reporting framework.

## Policy Statement

This policy establishes a clear framework for the City of Cockburn's strategic planning, corporate planning, and budget management. It articulates Council's requirements for aligning long-term community priorities with financial decision-making, supports good governance, and ensures compliance with statutory obligations.

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**1) Budget Formulation Principles**

The preparation of the Annual Budget is guided by the following principles:

1.1. **Integrated, Council-led Planning:**

The City applies an integrated, Council-led planning approach driven by the Strategic Community Plan (SCP)**.** *(Note: subject to State legislative reform, the SCP may be replaced by an eight-year Council Plan; this policy applies equally to any such Plan for the Future.)*

The SCP informs the Corporate Business Plan, which in turn guides the Long-Term Financial Plan (LTFP), Asset Management Plans (AMPs), Workforce Plan, and other informing strategies. Together, these documents form the basis of the Annual Budget and ensures that Council's long-term priorities are reflected in annual resource allocation decisions.

1.2. **Alignment with Long-Term Plans:**

The projects, service levels and financial targets identified in the City's LTFP and Corporate Business Plan will provide the general parameters for the annual budget. All budget proposals (operational and capital) are to align with the objectives and priorities set out in the SCP (or Council Plan) to ensure consistency with the community's long-term vision.

1.3. **Balanced Budget Objective:**

Rating revenue is to be set at a level that produces a balanced or small surplus budget. In accordance with Section 6.34 of the *Local Government Act 1995*, any budget surplus or deficit at adoption shall not exceed 10% of the City's rate revenue, unless Ministerial approval is obtained. The City's *Long-Term Financial Plan* will inform the setting of rates to achieve this balanced budget target.

1.4. **Financial Sustainability and Prudence:**

Budget development must emphasise long-term financial sustainability and value for money. All new initiatives or programs are to be assessed for their financial sustainability (including ongoing operating costs and maintenance) and alignment with the City's strategic objectives before inclusion in the budget.

1.5. **Expenditure Caps on Grants and Events:**

The City will maintain strict expenditure limits on discretionary community spending, as established by Council. Specifically, the budget can include:

1.5.1. **Donations, Sponsorships and Grants**: up to a maximum of 1.5% of the City's general rates revenue (excluding specified area rates). Council will approve the allocation of individual grants, donations, and sponsorships within this capped amount.

DRAFT - March 2026

1.5.2. **Community Events**: up to a maximum of 0.8% of the City's general rates revenue (excluding specified area rates). Council will approve the annual program of City-funded community events within this allocation.

1.6. **Accountability and Transparency:**

The City's planning and budgeting processes promote accountability and transparency:

1.6.1. Ensuring that services, projects, and financial decisions align with Council-adopted plans and are subject to regular reporting.

1.6.2. Requiring new Capital Project and New Initiative budget submissions to include detailed multi-year cost projections (cash flow requirements), to support monthly budget variance reporting and long-term financial planning.

1.6.3. Adhering to service standards set by other City policies (e.g. maintenance standards) during budget planning. If maintaining these standards would significantly increase costs, alternative approaches or efficiencies should be evaluated and presented for Council consideration.

1.6.4. Ensuring timely and transparent performance reporting – see Section 4 below on Integrated Reporting – so that Council and the community can track progress of the Strategic Community Plan (Council Plan), Corporate Business Plan and Annual Budget implementation throughout the year.

1.6.5. Making responsible and sustainable investment and procurement decisions that demonstrate value for money, in line with the City's financial and sustainability strategies.

1.7. **Risk Management in Planning:**

The City will embed risk management into its planning and budgeting activities. This means that when developing strategic plans, corporate business plans, and annual budgets, the Administration will identify and assess relevant strategic, financial, and operational risks and incorporate appropriate mitigation strategies. Significant risks and their management measures should be reported to Council as part of plan and budget deliberations, ensuring that decision-making is well-informed and that the City's plans remain resilient and achievable.

1.8. **Financial Reserve Management:**

The City will manage its financial reserves to safeguard long-term financial health and intergenerational equity. Each reserve fund and its target funding level will be reviewed during every budget cycle in line with the Long-Term Financial Plan. Any operating surplus identified at the end of a financial year is to be transferred to appropriate reserve(s) to help achieve the target balances set out in the LTFP.

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*Details of the City's Reserves and their purposes are outlined in the City's audited Annual Financial Report and are reviewed on an ongoing basis. (This statement replaces the detailed list of individual reserve accounts that was in the 2022 policy.)*

2. **Community Engagement on the Draft Annual Budget**
   The City is committed to transparent and inclusive community engagement as part of its annual budget development, consistent with legislative requirements and emerging best practices (e.g. Community Engagement Charters under impending reforms). Each year, once a Draft Annual Budget is prepared (typically by the end of April), the City will undertake the following steps to invite community and stakeholder feedback:

   2.1. **Public Exhibition:** The draft budget, including proposed capital and operating new initiatives, the Rating "Objects and Reasons" document, and the draft Schedule of Fees and Charges, will be published on the "Comment on Cockburn" portal for a period of at least 21 days to allow public review and submissions.

   2.2. **Community Group Consultation:** The draft budget (with key highlights and initiatives) will be presented to a meeting of community resident groups (e.g. the Cockburn Community Development Group) during the public comment period. This provides an opportunity for community representatives to ask questions and give feedback directly.

   2.3. **Differential Rates Notice:** In accordance with the *Local Government Act 1995*, any proposed differential rates for the upcoming year will be advertised publicly, including a clear statement of rating objects and reasons, with a minimum 21-day submission period. This statutory process solicits formal feedback from the broader community on proposed rate changes.

   2.4. **Reporting Feedback to Council:** All feedback and submissions received from the public consultation and community group engagement will be compiled and provided to Elected Members, either via a briefing or in writing, prior to the budget's adoption. A summary of the community feedback and the City's responses will be included in the budget adoption report to Council, demonstrating how public input was considered in finalising the budget.

By continuing these engagement practices, the policy ensures that the City's budget setting process remains open, participatory, and in line with both current statutory requirements and the intent of future Community Engagement Charters.

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3. **Form and Content of the Annual Budget (and Informing Documents):**
   To facilitate comprehensive decision-making, the following key documents and information will be provided to Elected Members during budget deliberations and included as appropriate in the formal Annual Budget presented for adoption:

   3.1. A Rating "Objects and Reasons" document, explaining the rationale for the proposed differential rates and minimum payments.

   3.2. A summary of all financial Reserve Funds and their anticipated opening balances, contributions, withdrawals, and closing balances, based on projected capital works, asset renewal programs, and other commitments for the year. (Note: The detailed purposes of each reserve are documented in the Annual Financial Report)

   3.3. Details of proposed new initiatives or service level changes, both operational and capital, including any new staff positions or new programmes.

   3.4. A proposed Capital Works Program for the financial year, outlining planned capital projects and their budgets.

   3.5. A draft Schedule of Fees and Charges for the coming year, highlighting any new fees or changes to existing fees.

   3.6. A summary of key items from the Corporate Business Plan for the upcoming year, such as major projects, strategic initiatives, or significant changes in service delivery.

The Annual Budget submitted to Council for adoption will comply with Part 3 of the *Local Government (Financial Management) Regulations 1996* (which prescribes the required form and content of annual budgets). It will also include any additional information deemed relevant by Council, such as summaries of new initiatives and capital programs, to provide context for decision-making.

If Council, during its deliberation, requires amendments to the draft budget, those changes will be incorporated, and a revised budget document will be prepared for final adoption at a subsequent Council meeting if necessary. The City will ensure that significant accounting policies are updated and included in the annual budget document each year, to clarify the basis of preparation for the financial statements and guide the budget's implementation.

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4. **Integrated Performance Monitoring and Reporting:**
   As part of the City's integrated planning cycle, this policy establishes clear requirements for performance monitoring and reporting to support Council oversight and informed decision making:

   4.1. **Mid-Year Budget Review:** In line with the *Local Government Act 1995* and Financial Management Regulations, the City will conduct a statutory mid-year budget review between January and March each year. The primary purpose of this review is to address any significant variances in the budget's performance at the half-year mark. The mid-year review is not intended to introduce new spending initiatives or projects, unless they are urgent, essential in nature, and have a clear identified funding source (e.g. a grant or a specific reserve). All proposed mid-year budget amendments will be considered by the Executive and presented to Council for approval. The Project Contingency Reserve (or an alternative reserve) should be considered as a funding source for any essential unbudgeted items that arise mid-year.

   4.2. **Quarterly Reporting on Strategic Performance:** To strengthen accountability for delivery of the Strategic Community Plan/Council Plan and Corporate Business Plan, the City's Administration will set Key Performance Indicators (KPIs) for the Corporate Business Plan each year soon after its adoption. These KPIs will measure progress toward key outputs and outcomes. Quarterly performance reports on the status of Corporate Business Plan KPIs and other major financial and strategic metrics will be provided to Council (e.g. as part of the Quarterly Performance Report to Council meetings). This ensures that Elected Members can monitor implementation of strategic objectives and budget performance throughout the year, and it aligns with the Integrated Planning and Reporting Framework's emphasis on continuous improvement and transparency.

Together, the mid-year budget review and quarterly KPI reports form an integrated reporting system. This system enables Council to respond to emerging issues, manage risks, and adjust course as necessary to achieve the City's strategic goals. Regular public reporting also keeps the community informed about the City's financial health and progress on key initiatives, reinforcing transparency and trust.

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5. **Budget Management Timeline:**
The annual budget is developed in accordance with a structured timeline that aligns with the City's planning cycle and statutory requirements. At the commencement of each budget cycle, a detailed budget timetable is provided to Council to guide deliberations. While specific dates may vary, the budget process generally follows the timetable outlined below:

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| **November:** | **Community input and Q1 review:**<br>Community resident groups are invited to submit budget requests and priorities for the upcoming budget by the end of November.<br><br>The First Quarter (Q1) performance report, including progress on Corporate Business Plan KPIs, is presented to Council for noting.<br><br>The first Strategy and Budget Workshop is held with Elected members to begin the strategy review and budget development process. |
| **December:** | **Long-term planning and mid-year preparation:**<br>The Long-Term Financial Plan (LTFP) and key Asset Management Plans are reviewed (biennially, or as needed) and adopted by Council to ensure up-to-date long-term projections are available for budget planning.<br><br>Budget review templates and guidelines are issued to managers to commence the statutory mid-year budget review process. |
| **January:** | **Mid-Year Review and budget commencement:**<br>Managers submit mid-year budget review inputs, and the Executive considers proposed budget variations.<br><br>The Mid-Year Budget Review report is prepared for Council's consideration in February. Simultaneously, guidelines and templates for the next financial year's budget are distributed to Business Units to begin drafting their service plans and budget proposals for that year. |
| **February:** | **Drafting new initiatives and adopting Mid-Year Review:**<br>Business Units submit new operational and capital initiative proposals and their completed operating budget drafts to Finance.<br><br>The Executive Leadership Team reviews and prioritises these submissions in line with the Strategic Community Plan/Council Plan and LTFP. |

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| **February:** | Council formally considers and adopts the Mid-Year Budget Review (typically at the February Ordinary Council Meeting).<br><br>A Second Quarter (Q2) KPI performance report is provided to Council for noting. |
| **March:** | **Plan and budget alignment:**<br>Management reviews and updates the Corporate Business Plan (annual review) to ensure it remains aligned with the SCP and reflects current priorities and resources. The Executive reviews an initial consolidated draft of the Annual Budget alongside the updated Corporate Business Plan.<br><br>The Second budget workshop is held with Elected Members to consider high-level priorities, the draft capital works programme, major projects, and any significant service changes or new initiatives.<br><br>Fees and Charges are reviewed and updated by management in preparation for the next financial year. |
| **April:** | **Budget refinement and second workshop.**<br>A third Elected Member budget workshop is held focusing on the detailed operating budget (recurrent expenditures and revenues) and the proposed differential rates for the upcoming year. Feedback from Elected Members is incorporated as the Executive and Finance refine the budget.<br><br>The near-final draft Annual Budget and the updated Corporate Business Plan are reviewed by the Executive to ensure consistency and compliance with strategic and financial strategies.<br><br>A fourth Strategy and Budget Workshop may be required and will be scheduled as required. |
| **May:** | **Public consultation and final adjustments.**<br>At the start of May, the City initiates the formal community engagement on the draft budget (as outlined in Section 2) by advertising the draft budget and proposed differential rates for public feedback.<br><br>The draft budget (including capital works program and new initiatives) is presented to the Cockburn Community Development Group and made available on “Comment on Cockburn” for at least 21 days. |

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| **May:** | During May, staff finalise the draft Statutory Budget document and the updated Corporate Business Plan, incorporating any final adjustments.<br><br>A Third Quarter (Q3) KPI performance report is provided to Council for noting. |
| **June:** | **Council adoption of budget and plans.**<br>In early June, Elected Members receive a briefing on the community feedback from the budget engagement process. A Special Council Meeting is then held (typically late June) to adopt the reviewed<br><br>Corporate Business Plan and the Annual Budget (including setting of rates) for the new financial year. Any carried-forward projects and their accompanying funding are estimated and presented at this time, so they can be incorporated into the adopted budget.<br><br>If required, a follow-up Special Meeting will be arranged to finalise the budget, should consensus not be reached in the initial meeting. |
| **July:** | **New financial year and Q4 reporting:**<br>At the start of the new financial year, the City commences implementation of the adopted budget and Corporate Business Plan.<br><br>A Fourth Quarter (Q4) KPI and year-end performance report is prepared for Council, summarising the City's achievements against the year's targets and forming the basis for the annual report. |
| **December:** | **Post-Audit Budget Review:**<br>After the annual financial statements are reviewed by the City's Audit Committee and Council, and the final surplus/deficit for the previous financial year is confirmed (usually by December).<br><br>The Annual Budget may be amended by Council to align the opening balances with the audited figures. Any variance between the estimated and actual surplus is addressed – for example, by transferring additional surplus to reserves in line with this policy – and any unspent funds for carried-forward projects are formally included in the budget. |

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**Legislative Context:**

This policy has been updated to remain consistent with current legislation and anticipated reforms. It will continue to operate under existing requirements and transition seamlessly to new arrangements as legislative changes come into effect.

- **Local Government Act 1995 (WA)** – *Section 5.56* (Planning for the Future) requires each local government to plan for the future of its district, through a Strategic Community Plan (or future Council Plan) and Corporate Business Plan. *Section 6.2* requires Council to prepare and adopt an annual budget each financial year, with regard to the contents of its plan for the future when setting that budget. *Section 6.34* limits any year's budget surplus or deficit to a maximum of 10% of the rate revenue for that year (unless Ministerial approval is obtained).

- **Local Government (Administration) Regulations 1996 (WA)** – *Regulation 19C* and *19D* set out the minimum requirements for Strategic Community Plans and Corporate Business Plans (content, review frequency, and adoption requirements).

- **Local Government (Financial Management) Regulations 1996 (WA)** – prescribes the form and content of the annual budget and requires a mandatory budget review between 1 January and 31 March each year.

- **State Government IPR Reforms (2023–2026)** – The State Government has foreshadowed changes to the Integrated Planning and Reporting framework as part of forthcoming Local Government Act reforms. Key proposals include replacing Strategic Community Plans with a simplified eight-year Council Plan, streamlining Asset Management Plans and Long-Term Financial Plans for greater integration, requiring each local government to develop a Community Engagement Charter and conduct regular community satisfaction surveys, and introducing a mandatory Rates and Revenue Policy to enhance transparency in financial management.

  This Corporate Strategic Planning & Budget Policy has been reviewed and updated to remain consistent with these reforms. It will continue to operate under current legislation and automatically align with the new requirements once they come into effect (for example, by treating the SCP and Corporate Business Plan as the City's "Plan for the Future" until the new Council Plan is introduced, at which point the Council Plan will assume that role).

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**Policy Adoption and Review:**
This policy was originally adopted by Council on 14 July 2022. It has been updated to incorporate Councillor feedback and anticipated legislative reforms.

## Policy Information

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| Strategic Link: | Corporate Strategic Planning & Budget Policy (March 2026 Draft) |
| Category: | Business, Economy & Technology |
| Lead Business Unit: | Corporate and System Services |
| Public Consultation: (Yes or No) | No |
| Revision Adoption Date: (Governance Purpose Only) | Expected 2026 |
| Next Review Due: (Governance Purpose Only) | 2028 |
| ECM Doc Set ID: (Governance Purpose Only) | 12648240 |

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## Policy Type

Council

## Policy Purpose

The City's vision 'Cockburn, the best place to be' is underpinned by our purpose 'Support our communities to thrive by providing inclusive and sustainable services which reflect their aspirations'. To achieve this vision high level long term strategic objectives and business planning processes have been established. The Strategic Community Plan outlines the community's long-term vision, aspirations and priorities. It contains details of the City's Vision, the desired outcomes and the key factors that will help deliver these outcomes – referred to as the 'Strategic Objectives'.

The Strategic Community Plan undergoes a major review (including community consultation) every four years and a desktop review every two years. The Strategic Community Plan is functionally delivered and resourced through the Corporate Business Plan and the Annual Budget process. The Corporate Business Plan is reviewed annually and outlines the actions, projects, and services that the City's administration will undertake over a four year period to achieve the Strategic Community Plan outcomes and objectives. Whereas the Annual Budget provides the financial allocations and resources for the relevant financial year.

The Local Government (Administration) Regulations 1996, Regulations 19C and 19D, set the requirements for the Strategic Community Plan and Corporate Business Plan. They derive from the Local Government Act 1995 Section 5.56.

Section 6.2 (1) of the Local Government Act 1995 requires Council to prepare and adopt a budget for it municipal fund during the period 1 June to 31 August for the following financial year.

Section 6.2 (2) requires Council to have regard to the contents of the plan for the future of the district in the preparation of the annual budget and to prepare estimates for revenues and expenditure in order to determine the amount required to be raised from rates.

Section 6.34 puts a limit on budget surpluses or deficits at no more than 10% of the rates amount required to achieve a balanced budget. Ministerial approval is required to vary this limit.

Part 3 of the Local Government (Financial Management) Regulations 1996 prescribes the form and content for the annual budget and the requirement to review the performance of the budget between 1 January and 31 March each year.

This policy has been formulated to articulate Council's requirements and processes for Strategic and Corporate planning and managing the annual budget in a manner that is both compliant with legislative requirements and pertinent to Council's operating needs.



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**Policy Statement**

This policy establishes a framework for the City of Cockburn's Strategic and Corporate Planning processes that focuses on community priorities, statutory requirements, and the Integrated Planning and Reporting Framework and Guidelines. This policy provides the strategic guidance for an integrated business planning and resourcing approach when considering major decisions which will affect the City into the future.

This policy establishes a framework for the formulation, administration and management of Council's budget that meets both statutory and Council's requirements. It serves to provide strategic guidance to staff and sets out various guiding principles to be followed when developing the annual budget.

(1) Budget Formulation Principles

The following principles shall guide the preparation of the initial draft budget:

1. The Strategic Community Plan, Corporate Business Plan, Council adopted strategies, informing strategies the Community Survey and the Customer Satisfaction Survey should provide strategic guidance to management in determining budget priorities.

2. The projects and financial indicators listed within Council's Long Term Financial Plan (10 year Plan), and the Corporate Business Plan will form the basis and provide the general parameters for the annual budget. Budget submissions should be congruent with the objectives listed within the Strategic Community Plan.

3. Rating revenue is to be set at a level that will produce a balanced or small surplus budget. For this purpose, surplus/deficit calculations will be made in accordance with Local Government Operational Guidelines - Number 08 June 2013 "Net Current Assets (Opening and Closing Funds) Used in the Annual Budget and the Annual Financial Report.

4. Provisional allocation for Donations, Sponsorships and Grants is to be up to a maximum of 1.5% of Rates Revenue (excluding any specified area rates). The Expenditure Review Committee (ERC) makes recommendations to Council regarding individual donations, sponsorships and grants.

5. Provisional allocation for Community Events is to be up to a maximum of 0.8% of Rates Revenue (excluding any specified area rates). The ERC recommends to Council the annual calendar of events each year.

6. All budget submissions are to include detailed cash flow requirements in order to facilitate budget variance reporting each month.

7. Sustainability issues need to be considered when assessing all new initiatives, as well as value for money.



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8. Standards established in other City policies, (such as verge maintenance), are to be adhered to. Where this causes a significant increase in costs, alternatives may be recommended.

9. The end of year current surplus/deficit position will need to be estimated during the formulation of the annual budget. This estimate, together with carried forward works and projects, will be brought to Council as a budget amendment to reflect actual positions once the end of year accounts have been finalised.

10. General Rates revenue will be budgeted using a Differential Rates model pursuant to the Local Government Act 1995 that seeks to rate land in the district equitably and proportionally based on appropriate land use/type characteristics.

11. Modelling of the proposed Differential Rates is to be presented to the Elected Members at a Budget Forum, with a focus on the residential improved rate in the dollar/minimum payment, particularly during a Gross Rental Value (GRV) revaluation year.

12. Specified Area Rates adopted by Council will be reviewed annually and set at levels that raise sufficient funding to meet anticipated needs (both short and long term).

(2) Budget Considerations for Reserve Funds

The requirement for each Reserve Fund and associated target values will be reviewed each budget cycle and net transfers to Reserves will be managed in line with the objective of attaining target values set within Council's Long Term Financial Plan (LTFP). Any budget surplus identified at the end of each financial year is to be transferred to an appropriate Reserve consistent with the objective of attaining target values.

A number of Reserves are subject to budget discipline and quarantining requirements as follows:

1. Carried Forwards Reserve – Municipal funding for carried forward works and projects included in the end of year surplus is to be quarantined into this reserve to fund the completion of those works in the following year.

2. Plant & Vehicle Reserve - the replacement program for major plant and fleet vehicles will be funded from the annual replenishing of this reserve, that based on the depreciation charge for applicable assets.

3. CIHF Building Maintenance Reserve – is replenished from the net commercial lease revenue from the Cockburn Integrated Health & Community Facility.

4. Waste & Recycling Reserve – net surplus/deficit for the Henderson Waste Recovery Park is managed through this reserve.

5. Waste Collection Reserve – transfers to this reserve are based on a hypothetical profit and loss for the Waste Collection Service.



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6. Land Development & Investment Fund Reserve – net proceeds from land sales under the City's Land Management Strategy are transferred into this reserve, as is net commercial lease revenue from the Coogee caravan park and other commercial properties.

7. Developer Contribution Area (DCA) Reserves – net contributions from each DCA area are transferred into each respective reserve in accordance with the City's Town Planning Scheme.

8. Specified Area Rate Reserves – surplus funds raised and unspent at year end are to be quarantined into the respective reserve for future use in accordance with the LG Act.

9. Naval Base Shack/Shack Removal Reserves – net lease revenue is managed through these reserves for current and future maintenance and capital costs.

10. Marina Asset Replacement Reserve – net revenue from the lease of pens is required to be transferred into this reserve for future asset renewal and replacement needs. This should at least cover annual depreciation.

11. Insurance Reserve – any annual savings attained and surplus dividends given by LGIS are to be quarantined to this reserve, which is used to smooth out future spikes in premiums and excess payments.

12. Restricted Grants and Contributions Reserve – some external funding remaining unspent at year end and not resulting in an accounting liability will be quarantined within this reserve.

(3) Form and Content of Budget and Working Papers

Before presentation to Council, the budget will be developed and considered at a series of executive briefings and budget forums involving the Elected Members.

The draft budget to be presented to and considered at the various executive briefings and budget forums is to include the following elements:

1. A Rating Objects and Reasons paper.
2. A summary of all Reserve Funds and their anticipated movements based on known capital works/replacement programs and any other relevant information.
3. Details of proposed new initiatives, both capital and operating.
4. Details of proposed Capital Works program for Infrastructure.
5. Details of proposed new Staff positions.
6. Details of proposed new Information Technology.
7. A fees and charges schedule.
8. A summary of the Corporate Business Plan projects, service changes, strategies and actions for the upcoming year

The formal budget presented to Council for adoption will be in a format that complies with the Part 3 of the Local Government (Financial Management) Regulations 1996



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and is to include any other information deemed relevant (e.g. summaries of the new initiatives and capital programs).

Council's significant accounting policies are to be updated and included within the formal budget to provide direction for the year ahead and explain the basis of preparation for the statutory financial statements

(4) Adjustment for Estimated Surplus/Deficit and Addition of Carried Forwards

Once the end of financial year accounts have been finalised and audited, the actual opening budget surplus/deficit will be determined and reported to Council. Any excess surplus to the estimated final position will be transferred to Reserves in accordance with this policy. Also at this time, a detailed listing of carried forward works and projects will be presented to Council for incorporation into the City's amended annual budget.

(5) Mid-Year Budget Review and Corporate Business Plan Progress Report

Council will conduct a mid-year budget review for the principal purpose of addressing budget variations that may arise or come to the attention of management during the first half of the year, in line with financial regulations.

The review is not intended for the purpose of funding new initiatives or capital works. New initiatives will only be submitted to Council where they are deemed essential and have an identified funding source. The Project Contingency Fund should be considered a funding source for essential items.

Council is bound by legislation to conduct a review of the budget between January and March each year.

Annually after the adoption of the Corporate Business Plan, the CEO and Executive Team in conjunction with the Senior Leadership Team will assign Key Performance Indicators (KPIs) to individual Corporate Business Plan outcomes.

Each financial year, quarterly status reports on the progress of the KPIs will be contained within a report to a Council meeting.

(6) Community Engagement of Draft Budget

Upon the completion of the draft Municipal Budget, (due by the end of April each year), the draft capital and operating new initiatives, the rating objects and reasons and the draft fees and charges schedule will be:

1. Placed on Comment on Cockburn providing 28 days to allow feedback
2. Presented to a meeting of the Cockburn Community Development Group (community resident groups).
3. Elected Members will be provided the feedback in June each year, either at a briefing or by email.



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4. The proposed differential rates will be advertised in accordance with the Local Government Act 1995, seeking additional (and formal) feedback. All feedback received on the budget will be summarised and included in the budget adoption report to Council.

(7) Budget Management Timetable

The following timetable includes all the major activities comprising Council's budgeting regime including the adoption of the Budget by a Special Meeting of Council in June of each financial year. It is indicative and may be subject to minor variations.

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| October | • Community Resident Groups invited to consider budget requests and priorities for the following financial years' budget. |
| November | • Community Resident Groups submissions to be submitted by the end of November.<br>• First quarterly status progress report for KPIs to Council for noting.<br>• Mid-year draft service plans issued to Senior Leadership Team. |
| December | • Long Term Financial Plan reviewed and adopted (Biennially) .<br>• Mid-year budget review procedures and submission templates issued to Managers.<br>• Community and Business Group submissions to be assessed by relevant Business Unit Managers in line with LTFP, Corporate Business Plan, adopted Strategies and Asset Management Plans. |
| January | • Mid-year budget review submissions due back from Managers.<br>• Executive to consider the proposed budget review.<br>• Completion of budget and mid-year service plans review for Council adoption or consideration.<br>• Budget guidelines, procedures and submission templates issued to Managers for next year's budget.<br>• Budget Review amendments included in the monthly reports for February |



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| February | • New initiatives/capital works submissions due back to Management Accounting.<br>• Proposed new initiatives/capital works considered by the Executive.<br>• Advertising of differential rates.<br>• Review of fees and charges register by management.<br>• Completed operational budgets returned to Finance<br>• Council to adopt the Budget Review.<br>• Second quarterly status progress report for KPIs to Council for noting.<br>• Mid-year review of service plans to Council for decision (adoption) |
| March | • Review & Update of Activity Based Costing Model.<br>• Annual review of the Corporate Business Plan prepared by management.<br>• The Executive considers initial draft of Budget and Corporate Business Plan review.<br>• First Budget and Corporate Business Plan Forum for Elected Members. Summary of Corporate Business Plan, service plans, corporate projects, capital works projects and community resident group submissions.<br>• Fees & Charges Schedule updated. |
| April | • Second Budget Forum for Elected Members covering the operational budget and differential rating model.<br>• Review of completed budget by the Executive.<br>• Finalisation of Statutory Budget and draft annual review of the Corporate Business Plan. |
| May | • At beginning of May, commence community engagement of draft budget on Comment on Cockburn providing 28 days to provide feedback.<br>• Presentation to Cockburn Community Development Group meeting<br>• Advertise proposed differential rates including objects and reasons seeking feedback.<br>• Third quarterly status progress report for KPIs to Council for noting. |
| June | • Briefing to Elected Members on feedback from community engagement<br>• Report back to Community Resident Groups on the draft budget submissions included in the draft budget for consideration by Council<br>• Carried forward projects estimated by management<br>• Adoption of reviewed Corporate Business Plan and Budget at Special Council Meeting. |



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| July | • Fourth quarterly status progress report for KPIs to Council for noting. |
| September | • Budget amended to reflect final position with regard to estimated carried forward projects and end of financial year current surplus/deficit. |

**Corporate Strategic Planning Process**

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| Strategic Link: | Long Term Financial Plan, Strategic Community Plan |
| Category | Corporate Planning, Budgeting & Procurement |
| Lead Business Units: | Finance; Strategy |
| Public Consultation: **(Yes or No)** | Yes (budget only) |
| Adoption Date: (Governance Purpose Only) | 14 July 2022 |
| Next Review Due: (Governance Purpose Only) | July 2024 |
| ECM Doc Set ID: (Governance Purpose Only) | 4134024 |



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## 8.1.3 (2026/MINUTE NO 0024) Proposed Amendment to Policy - Work Health and Safety

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| **Responsible Executive** | Director Corporate and System Services |
| **Author(s)** | Service Manager People Experience |
| **Attachments** | 1. Work Health and Safety Policy - current<br>2. Work Health, Safety and Wellbeing Policy - draft |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang

That Council ADOPTS the revised Council Policy 'Work Health, Safety and Wellbeing', as shown by Attachment 2, which is aligned to the recently introduced *Work Health and Safety Act 2020.*

**CARRIED 5/0**

### Background

On 10 November 2020, the Western Australian Parliament passed the *Work Health and Safety Act 2020* (WHS Act), representing a significant reform to workplace health and safety legislation in Western Australia.

The WHS Act modernised the regulatory framework and placed a stronger emphasis on proactive risk management, consultation, leadership accountability, and the integration of physical and psychological wellbeing in workplaces.

The WHS Act applies to the City of Cockburn (the City) and establishes primary duties of care for persons conducting a business or undertaking (PCBUs). There are due diligence obligations for officers, and health and safety duties for workers and other persons at workplaces, including volunteers and Elected Members. The primary PCBU at the City is the Chief Executive Officer.

The City has revised its Work Health, Safety and Wellbeing Policy to provide a contemporary framework for managing work health, safety and wellbeing across the organisation.

The Policy outlines the City's commitment to providing workplaces that are physically and psychologically safe for employees, Elected Members, contractors, volunteers and visitors. It also articulates the guiding principles for safety, affirms that safety is a shared responsibility and clearly defines the expectations of People Leaders and Workers in meeting their obligations under the WHS Act.

The development of the Policy supports the City's objective of embedding a strong safety culture, strengthening governance arrangements and ensuring legislative compliance. Council approval is now sought to formally adopt the Policy.

## Submission

N/A

## Report

The *Work* Health, Safety and Wellbeing Policy has been developed to support compliance with the Work Health and Safety Act 2020 and associated regulations, and to provide an overarching framework for the City's health, safety and wellbeing management system.

The Policy sets out the City's commitment to:

- Providing safe workplaces and fit-for-purpose systems of work
- Delivering effective supervision, training, instruction and support
- Consulting and communicating openly with workers on health, safety and wellbeing matters
- Encouraging behaviours aligned with the City's Values
- Allocating sufficient resources to achieve safety outcomes
- Proactively managing risks and driving continuous improvement

The Policy also empowers all workers to stop work where there is a risk of harm, intervene when unsafe situations are observed and promptly report hazards, near misses and incidents.

Clear responsibilities are defined for People Leaders. These include meeting safety obligations, supporting Health and Safety Representatives, contributing to a positive workplace culture and responding to reported hazards and concerns with care and curiosity.

Workers are similarly expected to take reasonable care for their own health and safety and that of others, and to follow all safety instructions, policies and procedures.

Approval and adoption of the Policy will provide a clear statement of intent from Council, strengthen organisational accountability for work health, safety and wellbeing and support consistent implementation across all City workplaces.

## Strategic Plans/Policy Implications

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

## Budget/Financial Implications

The adoption of the revised Work Health, Safety and Wellbeing Policy is not expected to have a direct financial impact. The Policy provides strategic direction and supports existing budgeted work health, safety and wellbeing systems and activities.

## Legal Implications

The policy has been reviewed to ensure compliance with Western Australian legislation, namely the Work Health and Safety Act 2020.

Recent changes to the Local Government Act as part of LG Reform reinforce the role of Council, the Mayor and Elected Members in contributing to a safe working environment.

## Community Consultation

## Risk Management Implications

Adoption of the policy represents a Low risk to the City.

Failure to adopt a current and compliant Work Health, Safety and Wellbeing Policy would represent a high risk, including potential non-compliance with legislative requirements, increased likelihood of workplace incidents and reputational impacts. Adoption of the Policy supports proactive risk management and continuous improvement across the organisation.

## Advice to Proponent(s)/Submitters

N/A

## Implications of Section 3.18(3) Local Government Act 1995

Nil

City of Cockburn
wetlands to waves

# Work Health and Safety Policy

The City of Cockburn is dedicated to maintaining the safety and health of all workers and is committed to the fostering of a positive safety culture across all sites. We strive to ensure that all workers, including elected members, contractors and volunteers, acknowledge the role that they play, as safety is everyone's responsibility and being safe in the workplace, both physically and psychologically, is every workers right.

The City commits to safeguarding the health and safety of all workers by:

1. Adhering to the requirements of the *Work Health & Safety Act (2020)* and the *Work Health & Safety (General) Regulations 2022*
2. Committing to the philosophy that all accidents are preventable and strive for 'Zero Harm' to people, the environment, plant and infrastructure
3. People Leaders committing to achieve high standards of safety and health and the continual improvement of behaviours and processes
4. Ensuring that The Cockburn Way (our employee Code of Conduct) is instilled in all actions that our people take while undertaking their roles
5. Providing a safe working environment and safe systems of work through the identification, reporting, assessment and control of hazards and their associated risks
6. Providing training and development to workers to ensure they are equipped with the knowledge and skills to carry out their duties safely
7. Providing the necessary human, physical and financial resources required to achieve safety outcomes
8. Understanding relevant codes of practice, guidance notes and Australian standards to make informed decisions
9. Building a culture with continued diligence in providing psychological and physical safety for our people.

The City will promote the 'Zero Harm Courages' which aim to empower our people to:

- ✓ **Report** all incidents, hazards and near misses to prompt People Leaders to act
- ✓ **Intervene** in instances where something appears unsafe
- ✓ **Stop work** if they feel unsafe.

**People Leaders must:**

- Support the City to ensure that all due diligence responsibilities are met
- Understand and acknowledge the principles of the safety management system and strive to continually improve
- Take prompt action, as required, when concerns relating to safety are reported
- Consult and communicate with workers in relation to health and safety
- Ensure that their teams foster a safety culture that is reflective of The Cockburn Way.

**Workers, contractors, and volunteers must:**

- Be accountable for their own safety and health and avoid adversely affecting the safety and health of any other person
- Comply with safety and health instructions given by the City including the direction to wear protective clothing and equipment and undertake identified training
- Report all workplace hazards, incidents and near misses.

**Executive Committee**

08 9411 3444
www.cockburn.wa.gov.au

# Policy

## Work Health, Safety and Wellbeing

### Policy Type

Administration

### Policy Purpose

This purpose of the Work Health, Safety and Wellbeing Policy is to outline the City of Cockburn's (the City) commitment to work health, safety and wellbeing for everyone in our workplaces so everybody can be safe, everyday. The Policy details our guiding principles and the specific expectations we have for People Leaders and Workers.

### Policy Statement

The City of Cockburn is dedicated to safeguarding the health, safety and wellbeing of everyone in our workplaces—including employees, elected members, contractors, volunteers and visitors - by providing supportive environments that are both physically and psychologically safe.

We recognise that safety is a shared responsibility and affirm that every individual has the right to return home safely each day. The City values wellbeing and fosters a culture defined by safety, respect and inclusion.

Our goal is for **Everybody to Be Safe, Everyday**.

### Principles

To uphold our commitment, the City will:

- Comply with relevant legislation
- Provide safe workplaces and fit-for-purpose systems of work
- Deliver effective supervision, training, instruction and support so all workers are prepared to perform their duties safely and with confidence
- Consult and communicate openly with workers on health, safety and wellbeing matters
- Encourage all workers to demonstrate behaviours aligned to the City's Values
- Allocate sufficient resources for achieving safety outcomes
- Manage risks proactively and strive for continuous improvement in safety systems and practices.

DRAFT

All workers at the City of Cockburn are empowered to:

- **Stop work** at any time to prevent harm to themselves or others
- **Intervene** if they see something unsafe or which impacts the wellbeing of others
- **Report** concerns, hazards, near misses, injuries, illness and incidents without hesitation.

People Leaders must:

- Ensure the City's compliance responsibilities are met
- Understand and implement the safety and health management system, including utilising BeSafe to complete reporting, risk assessment and investigation requirements
- Continuously strive to improve health, safety and wellbeing across the organisation
- Actively support and engage with Health and Safety Representatives
- Actively contribute to a positive workplace culture
- Respond with genuine care and curiosity to appropriately resolve any reported hazards or safety concerns.

Workers must:

- Take reasonable care of their own health and safety and that of others
- Engage in health, safety and wellbeing programs
- Follow all health and safety instructions, policies and procedures
- Promptly report workplace hazards, near misses, injuries, illness and incidents
- Engage in consultation on work heath, safety and wellbeing.

## Policy Information

| | |
|---|---|
| Strategic Link: | Strategic Community Plan 2025 – 2025, Objective 5A. Facilitate transparent and accountable governance for today and tomorrow |
| Category: | Work Health and Safety |
| Lead Business Unit: | People Experience |
| Public Consultation: (Yes or No) | No |
| Adoption Date: (Governance Purpose Only) | xx 2026 |
| Next Review Due: (Governance Purpose Only) | xx 2028 |
| ECM Doc Set ID: (Governance Purpose Only) | |

## 8.1.4 (2026/MINUTE NO 0025) Proposed Amendment to Policy - Records Management

| | |
|---|---|
| **Responsible Executive** | Director Corporate and System Services |
| **Author(s)** | Chief Information Officer |
| **Attachments** | 1. Records Management Policy - Reviewed March 2026<br>2. Records Management Policy (track changes) |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang

That Council ADOPTS the revised Council Policy 'Records Management', as shown by Attachment 1.

**CARRIED 5/0**

### Background

The Records Management Policy has been reviewed and updated, and is presented to the Governance Committee for review, and recommendation to Council.

### Submission

N/A

### Report

The Records Management Policy has been reviewed and updated to ensure it remains aligned with current legislative requirements, operational practices, and emerging risks.

Key updates include:

(1) Ownership – Expanded the section relating to contractual arrangements to clarify that records created as part of a contract remain the property of the City, must be accessible when required, and are to be returned to the City at the conclusion of the contract. This aligns with the City's standard recordkeeping clauses.

(4) Access to Records – Added reference to the Privacy and Responsible Information Sharing (PRIS) Act 2024 to ensure alignment with current legislative requirements.

Throughout the policy – Updated terminology and position titles to reflect the current organisational structure.

(7) Roles and Responsibilities – Strengthened accountabilities by:
- Clarifying that Executive and managers are responsible for ensuring records held by departing staff are captured into the corporate recordkeeping system within defined timeframes.
- Including that all staff are responsible for appropriate recordkeeping where Artificial Intelligence tools are used in the course of City business and records are created.

(8) Legislation and Standards – Updated to reflect current applicable legislation and standards.

(9) Definitions – Added a definition for Artificial Intelligence to support clarity in the application of the policy.

These updates improve clarity, strengthen governance, and ensure the policy remains contemporary in addressing both legislative obligations and evolving technology use across the organisation.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.
Strengthen engagement, communication and enhance customer experience.

**Budget/Financial Implications**

N/A

**Legal Implications**

The policy has been reviewed to ensure compliance with the State Records Act 2000 and the Privacy and Responsible Information Sharing Act 2024.

**Community Consultation**

N/A

**Risk Management Implications**

The amendments strengthen governance, clarify responsibilities, and improve alignment with current legislative requirements. No new risks have been introduced, and the changes reduce the risk of non-compliance, inconsistent recordkeeping practices, and loss of corporate information.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Title | Records Management |
|---|---|

## Policy Type

Council

## Policy Purpose

The purpose of this policy is to provide guidance and direction on the creation and management of records and to clarify responsibilities for recordkeeping within the City of Cockburn.

This policy and related recordkeeping procedures/guidelines are the framework for ensuring records are created and retained appropriately to meet accountability requirements, legislative compliance and adherence to best practice standards.

## Policy Statement

Records are recognised as an important information resource within the City of Cockburn, and it is accepted that sound records management practices will contribute to the overall efficiency and effectiveness of the organisation.

The effective management of records will also:

- Protect the interests of the City of Cockburn and the rights of its employees, customers and stakeholders
- Support informed decision making
- Provide evidence of achievements
- Increase efficiency in administration and service delivery across the organisation

(1) Ownership

All records created or received during the course of business belong to the City of Cockburn not to the individuals who created them.

All contractual arrangements will ensure the City's ownership of records, including ongoing access to records by the City when required, and the return of all relevant records in a usable format to the City at the end of the contract.

(2) Creation of Records

All employees, contractors and Elected Members will ensure that full and accurate records are created to provide evidence of business transactions and decisions and that these records will be registered in the City of Cockburn's recordkeeping system.

(3) Capture and Control of Records

All records created and received in the course of City business will be captured at the point of creation (wherever possible), regardless of format, with required metadata into the recordkeeping system or appropriate business system.

| Title | Records Management |
|---|---|

Records created when using social media applications will also be captured in the City of Cockburn's recordkeeping system.

Records will not be maintained in email folders, shared drives, personal drives, Microsoft 365, external storage media or personal cloud services (such as Dropbox, Box, Google Drive), as these lack the necessary functionality to protect business information and records over time.

(4) Security and Protection of Records

Records will be maintained in a safe and secure environment ensuring their usability, reliability, authenticity and preservation for as long as they are needed.

Records will not be removed from the City's sites unless in accordance with the approved retention and disposal schedule, they are being transferred to the City's archive storage provider, or they are in the custody of an officer performing official business. It is preferred that wherever possible only copies of records are removed by those officers performing official business.

(5) Access to Records

Access to the City's records by staff and contractors will be in accordance with designated access and security classifications and in accordance with the requirements of their role.

Access to the City's records by the general public will be in accordance with the Local Government Act 1995, the Freedom of Information Act 1992 and the Privacy and Responsible Information Sharing Act 2024.

Access to the City's records by Elected Members will be via the Chief Executive Officer in accordance with the Local Government Act 1995.

(6) Appraisal, Retention and Disposal of Records

All records kept by the City of Cockburn will be disposed of in accordance with the General Retention and Disposal Authority for Local Government Records, published by the State Records Commission of Western Australia.

Staff and Elected Members must not personally undertake destruction of any records.

Records identified for destruction will be subject to review and approval by the Service Lead Information Management or Records Manager or Senior Records Officer, the manager of the business unit the records relate to, and the Chief Executive Officer.

Copies/duplicates may be disposed of after use by staff and Elected Members ensuring any such records that contain personally identifiable information or information that is not publicly available are placed into confidential destruction bins or given to Information Management to securely dispose of.

| Title | Records Management |
|---|---|

(7) Roles and Responsibilities

1. Elected Members

Elected Members will create and keep records of communications or transactions which convey information relating to the City's business or functions. These records will be forwarded to the Executive Assistant to the Mayor and Councillors to capture into the City's recordkeeping system. Refer to the Elected Members Recordkeeping Guidelines for detailed procedures.

2. Chief Executive Officer

The Chief Executive Officer will ensure there is a system for the capture and management of records that is compliant with the State Records Act 2000 and best practice standards.

3. Executive and Managers

Executive and managers will ensure that all staff (and contractors) under their supervision comply with this policy, associated records management procedures/guidelines and the City of Cockburn's Recordkeeping Plan.

Executive and managers will also ensure that any City records not registered by staff who are leaving the organisation are identified and captured into the recordkeeping system before the staff member's departure, or where this is not possible, as soon as practicable and no later than 90 days after their departure.

4. All Staff

All staff (including contractors) will create and receive records relating to the business activities they perform and are required to:

(a) Make records to document and support business activities.
(b) Ensure that records are captured and registered into the recordkeeping system or appropriate business system
(c) Ensure that records are secure at all times.
(d) If artificial intelligence (AI) is used for City business, staff will ensure any records created are managed in accordance with this policy and the use of AI does not bypass recordkeeping, privacy, security and disposal obligations.

Refer to the Employees Recordkeeping Guidelines for detailed procedures.

| Title | Records Management |
|---|---|

(8) Legislation and Standards

Legislation and standards applicable to recordkeeping in Western Australian Local Government organisations include:

1. State Records Act 2000
2. Corruption, Crime and Misconduct Act 2003
3. Criminal Code Act Compilation Act 1913
4. Electronic Transactions Act 2011
5. Evidence Act 2025
6. Freedom of Information Act 1992
7. Interpretation Act 1984
8. Local Government Act 1995
9. Privacy and Responsible Information Sharing Act 2024
10. State Records Commission: Principles and Standards
11. Australian Standard on Records Management: AS ISO 15489
12. WA Government Artificial Intelligence Policy and AI Framework

(9) Definitions

1. Record

A record is information recorded in any form that is created, received and maintained by an organisation in the course of conducting its business activities and kept as evidence of such activity.

A record may have any or all of the following attributes:

(a) Information which is of evidentiary or historical value and is not recorded elsewhere;
(b) Formal communications and/or transactions between officers or between an officer and another party; or
(c) It may document the rationale behind organisational policy, decisions or directives.

2. Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the City of Cockburn, with little or no ongoing administrative, legal, fiscal, evidential or historical value. They may include insignificant drafts and rough notes, or records of routine enquiries.

3. Recordkeeping Plan

The Recordkeeping Plan ensures that records are created, managed and maintained over time and disposed in accordance with legislation. It is the primary means of providing evidence of compliance with the State Records Act 2000. All government organisations must have a Recordkeeping Plan that is approved by the State Records Commission.

| Title | Records Management |
|---|---|

4. General Retention and Disposal Authority (GRDA)

   The General Retention and Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document a Local Government's operations.

5. Personally Identifiable Information (PII)

   PII refers to information, or an opinion, that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

6. Artificial Intelligence (AI)

   An engineered system that generates predictive outputs such as content, forecasts, recommendations, or decisions for a given set of human defined objectives or parameters without explicit programming. AI systems are designed to operate with varying levels of automation. (Source: WA Government Artificial Intelligence Policy).

| | |
|---|---|
| Strategic Link: | City of Cockburn Recordkeeping Plan |
| Category | Governance |
| Lead Business Unit: | Information Management |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | 14 September 2023 |
| Next Review Due: (Governance Purpose Only) | September 2025 |
| ECM Doc Set ID: (Governance Purpose Only) | 4521606 |

| Title | Records Management |
|---|---|

## Policy Type

Council

## Policy Purpose

The purpose of this policy is to provide guidance and direction on the creation and management of records and to clarify responsibilities for recordkeeping within the City of Cockburn.

This policy and related recordkeeping procedures/guidelines are the framework for ensuring records are created and retained appropriately to meet accountability requirements, legislative compliance and adherence to best practice standards.

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All contractual arrangements will ensure the City's ownership of records, including ongoing access to records by the City when required, and the return of all relevant records in a usable format to the City at the end of the contract.

(2) Creation of Records

All employees, contractors and Elected Members will ensure that full and accurate records are created to provide evidence of business transactions and decisions and that these records will be registered in the City of Cockburn's recordkeeping system.

(3) Capture and Control of Records

All records created and received in the course of City business will be captured at the point of creation (wherever possible), regardless of format, with required metadata into the recordkeeping system or appropriate business system.

[1]

| Title | Records Management |
|---|---|

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Records will be maintained in a safe and secure environment ensuring their usability, reliability, authenticity and preservation for as long as they are needed.

Records will not be removed from the City's sites unless in accordance with the approved retention and disposal schedule, they are being transferred to the City's archive storage provider, or they are in the custody of an officer performing official business. It is preferred that wherever possible only copies of records are removed by those officers performing official business.

(5) Access to Records

Access to the City's records by staff and contractors will be in accordance with designated access and security classifications and in accordance with the requirements of their role.

Access to the City's records by the general public will be in accordance with the Local Government Act 1995, ~~and~~ the Freedom of Information Act 1992 and the Privacy and Responsible Information Sharing Act 2024.

Access to the City's records by Elected Members will be via the Chief Executive Officer in accordance with the Local Government Act 1995.

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All records kept by the City of Cockburn will be disposed of in accordance with the General Retention and Disposal Authority for Local Government Records, published by the State Records Commission of Western Australia.

Staff and Elected Members must not personally undertake destruction of any records.

Records identified for destruction will be subject to review and approval by the Service Lead Information Management~~Records Manager~~ or Senior Records Officer, the manager of the business unit the records relate to, and the Chief Executive Officer.

Copies/duplicates may be disposed of after use by staff and Elected Members ensuring any such records that contain personally identifiable information or information that is not publicly available are placed into confidential destruction bins or given to Information Management to securely dispose of.

[2]

| Title | Records Management |
|---|---|

(7) Roles and Responsibilities

1. Elected Members

Elected Members will create and keep records of communications or transactions which convey information relating to the City's business or functions. These records will be forwarded to the Executive Assistant~~Officer~~ to the Mayor and Councillors to capture into the City's recordkeeping system. Refer to the Elected Members Recordkeeping Guidelines for detailed procedures.

2. Chief Executive Officer

The Chief Executive Officer will ensure there is a system for the capture and management of records that is compliant with the State Records Act 2000 and best practice standards.

3. Executive and Managers

Executive and managers will ensure that all staff (and contractors) under their supervision comply with this policy, associated records management procedures/guidelines and the City of Cockburn's Recordkeeping Plan.

Executive and managers will also ensure that any City records not registered by staff who are leaving the organisation are identified and captured into the recordkeeping system before the staff member's departure, or where this is not possible, as soon as practicable and no later than 90 days after their departure.

4. All Staff

All staff (including contractors) will create and receive records relating to the business activities they perform and are required to:

(a) Make records to document and support business activities.
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(c) Ensure that records are secure at all times.
(d) If artificial intelligence (AI) is used for City business, staff will ensure any records created are managed in accordance with this policy and the use of AI does not bypass recordkeeping, privacy, security and disposal obligations.

Refer to the Employees Recordkeeping Guidelines for detailed procedures.

(8) Legislation and Standards

Legislation and standards applicable to recordkeeping in Western Australian Local Government organisations include:

| Title | Records Management |
|---|---|

1. State Records Act 2000
2. Corruption, Crime and Misconduct Act 2003
3. Criminal Code Act Compilation Act 1913
4. Electronic Transactions Act 2011
5. Evidence Act 2025~~1906~~
6. Freedom of Information Act 1992
7. Interpretation Act 1984
8. Local Government Act 1995
~~8.~~9. Privacy and Responsible Information Sharing Act 2024
~~9.~~10. State Records Commission: Principles and Standards
11. Australian Standard on Records Management: AS ISO 15489
~~10.~~12. WA Government Artificial Intelligence Policy and AI Framework

(9) Definitions

1. Record

A record is information recorded in any form that is created, received and maintained by an organisation in the course of conducting its business activities and kept as evidence of such activity.

A record may have any or all of the following attributes:

(a) Information which is of evidentiary or historical value and is not recorded elsewhere;
(b) Formal communications and/or transactions between officers or between an officer and another party; or
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Ephemeral records are duplicated records and/or those that have only short-term value to the City of Cockburn, with little or no ongoing administrative, legal, fiscal, evidential or historical value. They may include insignificant drafts and rough notes, or records of routine enquiries.

3. Recordkeeping Plan

The Recordkeeping Plan ensures that records are created, managed and maintained over time and disposed in accordance with legislation. It is the primary means of providing evidence of compliance with the State Records Act 2000. All government organisations must have a Recordkeeping Plan that is approved by the State Records Commission.

4. General Retention and Disposal Authority (GRDA)

The General Retention and Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local

| Title | Records Management |
|---|---|

Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document a Local Government's operations.

5. Personally Identifiable Information (PII)

PII refers to information, or an opinion, that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

6. Artificial Intelligence (AI)

An engineered system that generates predictive outputs such as content, forecasts, recommendations, or decisions for a given set of human defined objectives or parameters without explicit programming. AI systems are designed to operate with varying levels of automation. (Source: WA Government Artificial Intelligence Policy).

| | |
|---|---|
| Strategic Link: | City of Cockburn Recordkeeping Plan |
| Category | Governance |
| Lead Business Unit: | Information Management |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | 14 September 2023 |
| Next Review Due: (Governance Purpose Only) | September 2025 |
| ECM Doc Set ID: (Governance Purpose Only) | 4521606 |

## 8.2 Office of the CEO

### 8.2.1 (2026/MINUTE NO 0026) Proposed City of Cockburn Health and Nuisances Local Law 2026

**Executive** Chief Executive Officer

**Author(s)** Service Lead Governance and Council Support and Courts and Legal Process Coordinator

**Attachments**
1. City of Cockburn Health and Nuisances Local Law 2026
2. City of Cockburn Health and Nuisances Local Law 2026 (Tracked Changes)
3. Community Submissions - City of Cockburn Health and Nuisances Local Law 2026
4. Combined Department of Local Government, Industry Regulation and Safety Correspondence
5. Department of Health Correspondence
6. Council Delegation: City of Cockburn Health and Nuisances Local Law 2026

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) CONSIDERS the submissions received on the City of Cockburn Health and Nuisances Local Law 2026, as required by section 3.14(4) of the Local Government Act 1995;

(2) RESOLVES to make the City of Cockburn Health and Nuisances Local Law 2026, as attached to this report as Attachment 1, incorporating the minor changes as shown by Attachment 2, but excluding the cover page, table of contents and page numbers;

(3) AUTHORISES the affixing of the common seal to the City of Cockburn Health and Nuisances Local Law 2026;

(4) AUTHORISES the Chief Executive Officer, in accordance with section 3.12(5)-(6) of the Local Government Act 1995, to:
1. Publish the City of Cockburn Health and Nuisances Local Law 2026 in the Government Gazette;
2. Give a copy of the local law to the Departmental CEOs of the Department of Local Government, Industry Regulation and Safety, and the Department of Health;
3. Give local public notice of the publication of the local law; and
4. In accordance with Ministerial directions, provide a copy of the local law and required explanatory material to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation; and

(5) ENDORSES the new Instrument of Delegation (Attachment 6) to give effect to the City of Cockburn Health and Nuisances Local Law 2026, to take effect and be added to the City of Cockburn Delegations Register on the day the local law comes into force.

**CARRIED 5/0**

## Background

At the 9 December 2025 Ordinary Meeting of Council, Council resolved to commence the lawmaking process for the proposed City of Cockburn Health and Nuisances Local law 2026.

In accordance with this resolution, the City provided a copy of the proposed City of Cockburn Health and Nuisances Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Health, and invited submissions from the community between 12 January and 6 March 2026.

This report presents to Council the submissions and feedback received, as well as an amended City of Cockburn Health and Nuisance Local Law 2026, for consideration and adoption by Council.

## Submission

Community submissions are attached to this report as Attachment 3. Feedback received from the Department of Local Government is attached to this report as Attachment 4. Feedback from the Department of Health is attached as Attachment 5.

Commentary on re-occurring themes raised in the submissions is provided in the detail of this report.

## Report

In accordance with section 3.12(3)(a) of the Local Government Act 1995, local governments are required to give local public notice of their intention to make a local law and then invite submissions from the community for a period of not less than 6 weeks.

In accordance with established processes, the proposed City of Cockburn Health and Nuisances Local Law 2026 was uploaded to a dedicated community engagement page on the City's website. The City then communicated the opportunity to provide feedback via:

- an alert on the City's website
- direct emails to the City of Cockburn 'Comment on Cockburn' newsletter mailing list
- a notice on the noticeboard at the City of Cockburn Administration Building as well as all City of Cockburn libraries
- posts on the City of Cockburn's Facebook and Instagram page
- an article in the electronic and hardcopy Cockburn Soundings newsletter; and
- newspaper advertising in the Perth Now Cockburn newspaper.

The City also sent emails to specific stakeholders including construction peak bodies, commercial developers, residential builders, planning consultants and civil consultants.

The City received 22 valid community submissions during the six-week public consultation period, which are included in Attachment 3. Feedback was broad and varied, however, there was one common theme/feedback, as summarised below:

- Some submissions expressed concern with the requirement for a person to ensure pigeons do not nest or perch on land. This requirement is to help protect the health and amenity of the community, as pigeons can often cause a nuisance and are harbourers of disease.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, the City also sent a copy of the proposed City of Cockburn Health and Nuisances Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Health.

The Department of Health provided a response but no feedback. The Department of Local Government, Industry Regulation and Safety did provide a response, but no specific feedback beyond recommending that the City provide a copy of the proposed Health and Nuisances Local Law to the Department of Health (which the City did).

To address some of the issues raised by the community, and to further improve the local law, the City has made some changes to the proposed City of Cockburn Health and Nuisances Local Law 2026. These changes are:

- The clause requiring fiberglassing and spray painting activities to be approved in certain circumstances (former clause 2.3) has been removed. The City is comfortable managing any issues through the general nuisance clause at 2.2, which has been amended to ensure it is broad enough to capture these activities;
- Clause 5.2 that requires persons to ensure pigeons do not nest or perch on the land has been amended to include a nuisance qualifier. This better reflects the intent of the clause which is to protect the health and amenity of the community;
- Amendment to clause 2.6 dealing with the storage of vehicles and machinery to make clear that the prohibition against the storing or vehicle or machinery does not apply where the vehicles or machinery are stored within a building or screened from the public realm. This is to ensure there is no unreasonable interference with private activities and is consistent with the intent of the clause;
- Amendment to the clauses dealing with dust management plans (Part 2, Division 2) to make it clear that the applicant must comply with the plan approved by the local government. A modified penalty has also been added in respect of this requirement. Further, this clause has also been updated to provide that conditions of approval may be amended on notice, consistent with the City's other local laws;
- Amendment to the clause 2.8 dealing with prevention or erosion and the escape of sand and dust to provide that the City may serve a notice on an owner or occupier if the City is of the opinion that an activity may cause sand and dust release. This power is intended to complement the dust management plans clauses, allowing the City to require a person to apply for approval if they haven't done so. It is important to note that the City already has this power under the current Consolidated Local Laws;

- Inclusion of a transitional clause (new clause 1.6) to ensure any approvals or permits issued under the City's current Health Local Laws continue to be valid on its repeal; and
- Other minor editorial changes to align the local law with wording used in other local laws, and to ensure all required defined words are included. These changes aren't intended to change the operation of the local law.

The City now presents the final proposed City of Cockburn Health and Nuisances Local Law 2026 for adoption by Council.

The purpose of the proposed local law is to provide for the regulation, control and management of particular activities that may adversely affect public health or otherwise cause a nuisance. The effect of the proposed local law is that obligations are imposed on owners and occupiers of land to control and manage particular activities, which must be complied with.

If adopted, the City will publish a copy of the City of Cockburn Health and Nuisances Local Law 2026 in the Government Gazette, and give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Health.

Following gazettal, the City will then give local public notice of the adopted City of Cockburn Health and Nuisances Local Law 2026 and provide a copy of the local law to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL), who will scrutinise it. If the JSCDL takes issue with any part of the local law, they may request the City to give undertakings to amend it, or may disallow part or all of the local law.

To operationalise the City of Cockburn Health and Nuisances Local Law 2026, the City also presents to Council an Instrument of Delegation (Attachment 6). This delegation will allow the City to investigate breaches of the local law, give notices of breach under the local law, undertake work if the person issued a notice of breach does not do the work themselves, as well as determine applications under the local law.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget implications arising from the recommendations of this report.

It is not anticipated that additional resourcing is required to operationalise the City of Cockburn Health and Nuisances Local Law 2026. Costs associated with the procedural aspects of making the local law are included in the City's budget.

**Legal Implications**

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation.

While local governments have broad powers to make local laws under section 3.12 of the Act, this power is not plenary. The power must be exercised "reasonably and proportionately". Local laws must also be "necessary or convenient" for the "good government of the district". They must not go "beyond the accepted notions of local government". They must not be inconsistent with State legislation, nor should they seek to introduce significant new policy or fundamental changes to policy, which is properly a matter for the State.

Local laws infringing on these principles will likely be disallowed by the JSCDL.

**Community Consultation**

As detailed above, the City invited submissions for a period of 6 weeks.

The City also provided a copy of the proposed City of City of Cockburn Health and Nuisances Local Law 2026 to the to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Health.

In total, 22 valid community submissions were received from the community. Of the submissions received via the Comment on Cockburn page or hardcopy survey:

- 17 (90%) provided unqualified or conditional support for the local law
- 1 (5%) objected to the local law
- 1 (5%) neither supported or objected to the local law.

Overall, the submissions suggest broad support for the proposed City of Cockburn Health and Nuisances Local Law 2026. In view of this, the City recommends that Council makes the City of Cockburn Health and Nuisances Local Law 2026, as attached to this report (Attachment 1).

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. The City has engaged external legal advisors to largely draft the proposed City of Cockburn Health and Nuisances Local Law 2026, to ensure it is reasonable, proportionate and within power.

There will be a moderate to substantial level of risk if Council were to amend the proposed City of Cockburn Health and Nuisances Local Law 2026 in such a way that it is no longer reasonable, proportionate or within power. This is because the JSCDL will likely disallow it.

This will result in sunk costs and time associated with the lawmaking process to date, as well as additional costs to re-commence the lawmaking process with a compliant local law. It will also delay the implementation of a modern health and nuisances local law which responds to the needs of the community and the City.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposed City of Cockburn Health and Nuisances Local Law 2026 have been advised that this report is to being considered at the 21 April 2026 Governance Committee and 12 May 2026 Ordinary Council meetings.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

# Health and Nuisances Local Law 2026

## City of Cockburn

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Health and Nuisances Local Law 2026

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**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Health and Nuisances Local Law 2026

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

## Part 1 - Preliminary

### 1.1 Title

This is the *City of Cockburn Health and Nuisances Local Law 2026*.

### 1.2 Commencement

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

### 1.3 Application

This local law applies throughout the district.

### 1.4 Amendments

(1) The *City of Cockburn Health Local Laws 2000* is amended by deleting —

(a) Part 2, Div 1, clauses 5, 8-9, 11-13;

(b) Part 2, Div 2, clause 16;

(c) Part 3, Div 3, clauses 26-27;

(d) Part 3, Divisions 4-5;

(e) Parts 4-7; and

(f) Part 9.

(2) The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting Part V, Divisions 1-5.

### 1.5 Interpretation

(1) In this local law —

***Act*** means the *Local Government Act 1995;*

***applicant*** means a person who makes an application for a permit under this local law;

***approval for subdivision*** means an approval for subdivision under Part 10 of the Planning and Development Act 2005;

***approval holder*** means a person to whom an approval is granted under Division 2 of Part 2 of this local law;

***approved*** means approved by the local government;

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

***CEO*** means the Chief Executive Officer of the local government;

***development application*** has the meaning in the *Planning and Development Act 2005*;

***district*** means the district of the local government;

***dust*** means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

***land*** includes premises on the land;

***liquid waste*** means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, backwash from a swimming pool or spa filtration system, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law, but does not include uncontaminated stormwater;

***local government*** means the City of Cockburn;

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

***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) interference which causes material damage to land or other property on the land affected by the interference;

***occupier*** has the meaning in the Act, but does not include the local government;

***owner*** has the meaning in the Act;

***prescribed offence*** has the meaning in clause 7.5;

***pigeon*** means those birds that are classified within the family Columbidae but does not include doves;

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

***refuse*** includes bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter whatsoever, whether of the same type as or a different type from, those mentioned here;

***residential lot*** means a lot zoned Residential or Rural Living under a local planning scheme;

***Schedule*** means a schedule to this local law;

***stormwater***, in relation to a site, means naturally occurring water that results from rainfall on or around the site, or water flowing onto the site; and

***street*** means a highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and path.

(2) A term that is used in this local law and is not defined has the meaning in the Act.

(3) 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.

(4) 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 intent appears, the duty of causing to be done the act so required to be done, or of preventing from being done the prohibited act, as the case may be.

(5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by this local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.

(6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

**1.6 Transitional**

An approval issued in accordance with a clause of a local law that is repealed under clause 1.4 —

(a) is taken to be an approval granted under this local law;

(b) is to be valid for the period specified in the approval; and

(c) may be earlier cancelled or suspended in accordance with this local law.

## Part 2 - Nuisances

*Division 1 - General prohibitions*

**2.1 Burning rubbish, refuse or other material**

(1) An owner or occupier of land must not set fire to, or cause to be set on fire, any rubbish, refuse or other material listed in Schedule 2 on the land, unless approved under a written law.

(2) Subclause (1) does not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic charcoal or charcoal type fuel.

**2.2 Escape of smoke, odours and other emissions**

(1) In this clause —

***emission*** means any discharge of a material in the form of a fume, mist, gas, vapour or fine particulate.

(2) An owner or occupier of land must take adequate and reasonable measures to prevent the escape of smoke, odour or other emission from the land in such quantity or of such a nature as to cause or to be a nuisance to any person, unless that owner or occupier has approval under a written law that permits the escape of smoke, odours or other emissions from the land.

**2.3 Emission or reflection of light**

(1) An owner or occupier of land must not —

(a) permit artificial light to be emitted or reflected from any thing on the land so as to illuminate premises outside that land at a level that causes a nuisance;

(b) permit natural light to be reflected from any thing on the land so as to cause a nuisance to any owner or occupier of adjoining land or any person using a street as a thoroughfare; or

(c) on land on which floodlights, lighting installations or other exterior lights are erected or used - allow the floodlights, lighting installation or other exterior lights to shine directly onto adjoining land so as to cause a nuisance.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice —

(a) to avoid or abate the nuisance by, for example —

(i) preventing artificial light from being emitted or reflected from the land;

(ii) treating any reflective surfaces;

(iii) restricting the hours of use of the floodlights, lighting installations or other exterior lights; and/or

(iv) requiring alterations to the direction in which any lights are shining; and/or

(b) to take the actions specified in the notice that the local government considers are adequate and reasonable to avoid or abate the nuisance.

(3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

**2.4 Removal of refuse and disused materials**

(1) An owner or occupier of land must not keep, or permit to remain on the land, any refuse, rubbish or disused material which in the opinion of the local government is likely to give the land an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to remove the refuse, rubbish or disused material from the land.

**2.5 Removal of unsightly growth or vegetation**

(1) The owner or occupier of land must not permit to remain on the land any unsightly overgrowth of vegetation that gives the land an untidy appearance and does not conform with the general appearance of other land in that part of the district.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to remove the overgrowth of vegetation.

**2.6 Storage of vehicles and machinery**

(1) The owner or occupier of a residential lot must not —

(a) store or allow to remain on the land any vehicle or machinery (or part thereof) in a state of disrepair or disuse; or

(b) wreck, dismantle or break up any vehicle or machinery (or part thereof).

(2) Subclause (1) does not apply if the vehicle or machinery (or part thereof) is inside a building or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining land.

**2.7 Containment of stormwater**

(1) Subject to subclause (5), the owner or occupier of land must take adequate and reasonable measures to ensure that all stormwater received on the land is contained within the land and is not permitted to discharge onto or run-off onto adjacent land.

(2) The owner or occupier of land must ensure that all stormwater drainage systems on the land are maintained in a good state of repair and free from obstruction.

(3) If the local government is satisfied that an owner or occupier of land has not complied with subclauses (1)-(2), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice —

(a) to comply with subclauses (1)-(2); and/or

(b) to take the actions specified in the notice that the local government considers are adequate and reasonable to ensure compliance with subclauses (1)-(2).

(4) An owner or occupier of land to whom a notice is given under subclause (3) must comply with the requirements of the notice within the time specified in the notice.

(5) Subclause (1) does not prevent the discharge of stormwater from the land into an approved stormwater drainage system on the land.

**2.8 Prevention of erosion and the escape of sand and dust**

(1) An owner or occupier of land must take adequate and reasonable measures to —

(a) stabilise sand on the land; and

(b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1) in respect of any sand or dust, the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to do one or more of the following —

(a) to comply with subclause (1) in respect of any sand or dust;

(b) to clean up and make good any damage resulting from the release or escape of sand or dust from the land; and/or

(c) to take the actions specified in the notice that the local government considers are adequate and reasonable to stabilise sand on the land and/or to prevent or stop the escape, release or carriage of sand or dust from the land.

(3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

(4) If the local government is satisfied that sand or dust is likely to be released or escape as a result of an activity to be carried out on any land, the local government may give to the owner or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

*Division 2 - Dust management plans*

**2.9 Works requiring approval**

(1) Where there is a development application or approval for subdivision involving the clearing, excavation or filling of any land that has the potential to cause significant sand or dust release, the owner or occupier of the land to which the development application or approval for subdivision relates must prepare and submit for approval to the local government a dust management plan in accordance with this clause.

(2) A dust management plan must be approved by the local government prior to any clearing, excavation or filling of the land commencing.

**2.10 Application for approval**

(1) An application for approval must —

(a) be in the form determined by the CEO;

(b) be made and signed by the owner or occupier of the land;

(c) include an outline of the strategies, control measures and contingency arrangements to prevent or minimise the release or sand or dust;

(d) provide any other information required by the form; and

(e) be forwarded to the local government together with any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

(2) Before determining an application for approval, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(3) The local government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the prescribed time.

(4) A person must not make a false or misleading statement in connection with an application in respect of an approval.

**2.11 Determining an application**

(1) The local government may —

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

(b) refuse to approve an application.

(2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 2.10(1) and any request made under clause 2.10(2).

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 2.10(1)(e) is to be refunded to the applicant.

(4) If an application is approved, the local government is to issue to the applicant a notice of approval in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

**2.12 Compliance with plan, conditions and variation of conditions**

(1) The approval holder must comply with the dust management plan approved by the local government under clause 2.11.

(2) Where an approval is given subject to conditions, the approval holder must also comply with each of the conditions.

(3) The local government may, at any time, amend a condition of an approval and the amended condition takes effect —

(a) 14 days after the written notice of it is given to the approval holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If the local government is satisfied that an approval holder has not complied with subclause (1) or (2), the local government may give the approval holder a written notice requiring the approval holder, within the time specified in the notice, to comply with the condition/s.

(5) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

**Part 3 - Liquid waste**

**3.1 Restrictions on deposit or disposal**

A person must not deposit or dispose of liquid waste from any land or premises otherwise than at a facility or place that is authorised under a written law to accept and/or treat the liquid waste.

**3.2 Containment of liquid waste**

(1) An owner or occupier of land must take reasonable and effective measures to —

(a) contain all liquid waste on the land; and

(b) ensure no liquid waste is released or escapes from the land whether by means of wind, water or any other cause.

(2) If the local government is satisfied that an owner or occupier has not complied with subclause (1), the local government may give the owner and or occupier of the land a written notice requiring the owner and or occupier, within the time specified in the notice, to do one or more of the following —

(a) to comply with subclause (1) in respect of any liquid waste;

(b) to clean up and make good any released or escaped liquid waste;

(c) to make good any damage resulting from the released or escaped liquid waste; and/or

(d) to take the actions specified in the notice that the local government considers are adequate and reasonable to prevent or stop the release or escape of liquid waste.

(3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

(4) If the local government is satisfied that liquid waste is likely to be released or escape as a result of an activity to be carried out on any land, the local government may give to the owner or occupier a notice providing that the activity may only be carried out subject to conditions specified in the notice.

**Part 4 - Vermin**

**4.1 Mosquitoes**

(1) An owner or occupier of land must —

(a) ensure that the land is kept free of water located so as to be, or to be liable to become, a breeding place for mosquitoes; and

(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for mosquitoes.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to prevent the pooling of water or undertake control measures to prevent mosquito breeding.

**4.2 Flies**

(1) An owner or occupier of land must —

(a) ensure that the land is kept free of waste food or other matter that is located so as to be, or to be liable to become, a breeding ground or flies; and

(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for flies.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to prevent waste food or other matter being located so as to be, or to be liable to become, a breeding place for flies or undertake control measures to prevent fly breeding.

**4.3 Rodents**

(1) If there are indications of the presence of rodents on land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the rodents, keep the land free from rodents and prevent rodent breeding.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate rodents or undertake control measures to prevent rodent breeding.

(3) This clause does not apply to rodents kept as pets or for research, scientific, education or commercial purposes.

**4.4 Cockroaches**

(1) If there are indications of the presence of cockroaches in, on or about land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the cockroaches, keep the land free from cockroaches and prevent cockroach breeding.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate cockroaches or undertake control measures to prevent breeding of cockroaches.

**4.5 Arthropod vectors of disease**

(1) In this clause, ***arthropod vectors of disease*** includes —

(a) fleas (Siphonaptera);

(b) bed bugs (Cimex lectularius);

(c) crab lice (Phthirus pubis);

(d) body lice (Pediculus humanis var. cororis); and

(e) head lice (Pediculus humanis var. capatia).

(2) The owner or occupier of land must keep the land free from any arthropod vectors of disease.

(3) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate arthropod vectors of disease.

## Part 5 - Birds

### 5.1 Feeding of uncaged birds

(1) A person must not feed or permit the feeding of any uncaged bird in a way that causes a nuisance.

(2) If an authorised person is satisfied that a person has not complied with subclause (1), the authorised person may direct the person to stop feeding the uncaged bird and to clean up and properly dispose of any feed or waste products used or produced in connection with the feeding of the uncaged bird.

### 5.2 Pigeons nesting or perching

(1) An owner or occupier of land must ensure that pigeons do not nest or perch on the land so as to cause a nuisance.

(2) An authorised person may direct an owner or occupier of land on which pigeons nest or perch to take adequate and reasonable measures to prevent them from continuing to do so.

## Part 6 - Objection and review

### 6.1 Objection and review rights

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval;

(b) to vary or cancel an approval;

(c) to impose or amend a condition of approval; and

(d) to give a person a notice under clause 7.2.

## Part 7 - Enforcement

### 7.1 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 Act.

### 7.2 Notices of breach

(1) Where a breach of a provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for the breach, directing the person, within the time specified in the notice, to take such action as specified in the notice for the purpose of remedying the breach.

(2) A notice given under subclause (1) must specify —

(a) the provision of this local law that has been breached;

(b) the particulars of the breach;

(c) the actions the person must take to remedy the breach; and

(d) the time and date by which the actions in the notice must be completed.

(3) A person given a notice of breach must remedy the breach within the time specified in the notice.

**7.3 Local government undertaking work required by a notice**

(1) This clause applies in respect of a notice given under subclauses 2.3(2), 2.4(2), 2.5(2), 2.7(3), 2.8(2), 2.12(4) or 3.2(2) of this local law.

(2) If a person fails to comply with a notice referred to in subclause (1), the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

**7.4 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with a notice or direction issued or given to the person under this local law; or

(c) 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 $10,000; 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.

**7.5 Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 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 1 —

(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 Act.

**7.6 Form of infringement notices**

For the purposes of this local law —

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

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

_____

## Schedule 1 - Prescribed offences

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1 | 2.1(1) | Burning rubbish, refuse or other material | $500 | $750 |
| 2 | 2.2(2) | Failure to prevent the escape of smoke, odour or other emission | $250 | $500 |
| 3 | 2.3(1)(a) | Permitting artificial light to cause a nuisance | $250 | $500 |
| 4 | 2.3(1)(b) | Permitting natural light to cause a nuisance | $250 | $500 |
| 5 | 2.3(1)(c) | Permitting exterior lighting to cause a nuisance | $250 | $500 |
| 6 | 2.4(1) | Permitting refuse or disused material to remain on land | $250 | $500 |
| 7 | 2.5(1) | Permitting unsightly overgrowth of vegetation to remain on land | $250 | $500 |
| 8 | 2.6(1)(a) | Unlawful storage of vehicle or machinery in state of disrepair or disuse | $250 | $500 |
| 9 | 2.6(1)(b) | Unlawful wrecking or dismantling of vehicle or machinery | $250 | $500 |
| 10 | 2.7(1) | Failure to ensure containment of stormwater | $250 | $500 |
| 11 | 2.7(2) | Failure to maintain stormwater drainage system | $250 | $500 |
| 12 | 2.8(1)(a) | Failure to stabilise sand | $250 | $500 |
| 13 | 2.8(1)(b) | Failure to prevent release of sand or dust | $250 | $500 |
| 14 | 2.9 | Failure to obtain dust management plan approval | $500 | $750 |
| 15 | 2.10(4) | Providing false or misleading statement in connection with approval application | $250 | $500 |
| 16 | 2.12(1) | Failure to comply with dust management plan | $500 | $750 |
| 17 | 2.12(2) | Failure to comply with conditions of approval | $500 | $750 |
| 18 | 3.1 | Unlawful deposit or disposal of liquid waste | $500 | $750 |
| 19 | 3.2 | Failure to contain liquid waste | $500 | $750 |
| 20 | 4.1(1) | Failure to comply with mosquito control requirements | $250 | $500 |
| 21 | 4.2(1) | Failure to comply with fly control requirements | $250 | $500 |
| 22 | 4.3(1) | Failure to comply with rodent control requirements | $250 | $500 |
| 23 | 4.4(1) | Failure to comply with cockroach control requirements | $250 | $500 |
| 24 | 4.5(2) | Failure to comply with control requirements for arthropod vectors of disease | $250 | $500 |
| 25 | 5.1(1) | Feeding an uncaged bird so as to cause a nuisance | $250 | $500 |
| 26 | 5.2(1) | Failure to ensure that pigeons do not nest or perch on land so as to cause a nuisance | $250 | $500 |
| 27 | | Each other offence not specified | $250 | $500 |

_____

## Schedule 2 - Materials not to be burned

[Clause 2.1(1)]

The materials, in addition to rubbish and refuse, that must not be burned are —

(1) batteries

(2) carpet

(3) electrical products

(4) fabrics or textiles

(5) solvent

(6) paint

(7) plastic, including polystyrene and the like

(8) rubber

(9) timber that has been treated with preservatives

(10) tyres

(11) vehicles or vessels and their parts; and

(12) waste oil, fats or grease

_____

Dated this of 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

# Health and Nuisances Local Law 2026

## City of Cockburn

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Health and Nuisances Local Law 2026

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**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Health and Nuisances Local Law 2026

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

## Part 1 - Preliminary

### 1.1 Title

This is the *City of Cockburn Health and Nuisances Local Law 2026*.

### 1.2 Commencement

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

### 1.3 Application

This local law applies throughout the district.

### 1.4 Amendments

(1) The *City of Cockburn Health Local Laws 2000* is amended by deleting —

(a) Part 2, Div 1, clauses 5, 8-9, 11-13;

(b) Part 2, Div 2, clause 16;

(c) Part 3, Div 3, clauses 26-27;

(d) Part 3, Divisions 4-5;

(e) Parts 4-7; and

(f) Part 9.

(2) The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting Part V, Divisions 1-5.

### 1.5 Interpretation

(1) In this local law —

***Act*** means the *Local Government Act 1995;*

***applicant*** means a person who makes an application for a permit under this local law;

***approval for subdivision*** means an approval for subdivision under Part 10 of the Planning and Development Act 2005;

***approval holder*** means a person to whom an approval is granted under Division 2 of Part 2 of this local law;

***approved*** means approved by the local government;

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

***CEO*** means the Chief Executive Officer of the local government;

***development application*** has the meaning in the *Planning and Development Act 2005*;

***district*** means the district of the local government;

***dust*** means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

***land*** includes premises on the land;

***liquid waste*** means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, backwash from a swimming pool or spa filtration system, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law, but does not include uncontaminated stormwater;

***local government*** means the City of Cockburn;

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

***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) interference which causes material damage to land or other property on the land affected by the interference;

***occupier*** has the meaning in the Act, but does not include the local government;

***owner*** has the meaning in the Act;

***prescribed offence*** has the meaning in clause 7.5;

***pigeon*** means those birds that are classified within the family Columbidae but does not include doves;

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

***refuse*** includes bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter whatsoever, whether of the same type as or a different type from, those mentioned here;

***residential lot*** means a lot zoned Residential or Rural Living under a local planning scheme;

***Schedule*** means a schedule to this local law;

***stormwater***, in relation to a site, means naturally occurring water that results from rainfall on or around the site, or water flowing onto the site; and

***street*** means a highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and path.

(2) A term that is used in this local law and is not defined has the meaning in the Act.

(3) 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.

(4) 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 intent appears, the duty of causing to be done the act so required to be done, or of preventing from being done the prohibited act, as the case may be.

(5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by this local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.

(6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

**1.6 Transitional**

An approval issued in accordance with a clause of a local law that is repealed under clause 1.4 —

(a) is taken to be an approval granted under this local law;

(b) is to be valid for the period specified in the approval; and

~~(a)~~(c) may be earlier cancelled or suspended in accordance with this local law.

## Part 2 - Nuisances

*Division 1 - General prohibitions*

**2.1 Burning rubbish, refuse or other material**

(1) An owner or occupier of land must not set fire to, or cause to be set on fire, any rubbish, refuse or other material listed in Schedule 2 on the land, unless approved under a written law.

~~(2)~~ Subclause (1) does not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic charcoal or charcoal type fuel.

(2)

~~2.2 Escape of smoke, fumes, odours and other emissions~~

2.2 Escape of smoke, odours and other emissions

(1) In this clause —

***emission*** means any discharge of a material in the form of a fume, mist, gas, vapour or fine particulate.

(2) An owner or occupier of land must take adequate and reasonable measures to prevent the escape of smoke, odour or other emission from the land in such quantity or of such a nature as to cause or to be a nuisance to any person, unless that owner or occupier has approval under a written law that permits the escape of smoke, odours or other emissions from the land.

~~An owner or occupier of land must take adequate and reasonable measures to prevent the escape of smoke, fumes or odours from the land in such quantity or of such a nature as to cause or to be a nuisance to any person, unless that owner or occupier has approval under a written law that permits the escape of smoke, fumes or odours from the land.~~

~~2.3 Fibreglassing and spray painting~~

~~(1) A person must not, without the prior written approval of the local government -~~

~~(a) apply, use, manufacture or repair fibre reinforced plastics or resins; or~~

~~(b) engage in spray painting,~~

~~on any land that is zoned Residential, Rural or Resource under a local planning scheme.~~

~~(2) A written approval under subclause (1) may be given subject to conditions.~~

~~(3) A person to whom written approval is given must comply with any conditions imposed on the approval.~~

~~2.4~~2.3 **Emission or reflection of light**

(1) An owner or occupier of land must not —

(a) permit artificial light to be emitted or reflected from any thing on the land so as to illuminate premises outside that land at a level that causes a nuisance;

(b) permit natural light to be reflected from any thing on the land so as to cause a nuisance to any owner or occupier of adjoining land or any person using a street as a thoroughfare; or

(c) on land on which floodlights, lighting installations or other exterior lights are erected or used - allow the floodlights, lighting installation or other exterior lights to shine directly onto adjoining land so as to cause a nuisance.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice —

(a) to avoid or abate the nuisance by, for example —

(i) preventing artificial light from being emitted or reflected from the land;

(ii) treating any reflective surfaces;

(iii) restricting the hours of use of the floodlights, lighting installations or other exterior lights; and/or

(iv) requiring alterations to the direction in which any lights are shining; and/or

(b) to take the actions specified in the notice that the local government considers are adequate and reasonable to avoid or abate the nuisance.

(3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

**~~2.5~~2.4 Removal of refuse and disused materials**

(1) An owner or occupier of land must not keep, or permit to remain on the land, any refuse, rubbish or disused material which in the opinion of the local government is likely to give the land an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to remove ~~of~~ the refuse, rubbish or disused material from the land.

**~~2.6~~2.5 Removal of unsightly growth or vegetation**

(1) The owner or occupier of ~~a lot~~land must not permit to remain on ~~a lot~~the land any unsightly overgrowth of vegetation that gives the ~~lot~~ land an untidy appearance and does not conform with the general appearance of other land in that part of the district.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to remove the overgrowth of vegetation.

**~~2.7~~2.6 Storage of vehicles and machinery**

(1) The owner or occupier of a residential lot must not ~~—~~

(a) store or allow to remain on ~~any~~ the land any vehicle or machinery (or part thereof) in a state of disrepair or disuse; or

(b) wreck, dismantle or break up any vehicle or machinery (or part thereof)~~ unless —~~

(2) Subclause (1) does not apply if the vehicle or machinery (or part thereof) is inside a building or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining land.

~~(i) inside a building; or~~

~~(ii) within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining land.~~

**~~2.8~~2.7 Containment of stormwater**

(1) Subject to subclause (5), the owner or occupier of land must take adequate and reasonable measures to ensure that all stormwater received on the land~~,~~ is contained within the land and is not permitted to discharge onto or run-off onto adjacent land.

(2) The owner or occupier of land must ensure that all stormwater drainage systems on the land are maintained in a good state of repair and free from obstruction.

(3) If the local government is satisfied that an owner or occupier of land has not complied with subclauses (1)-(2), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice —

(a) to comply with subclauses (1)-(2); and/or

(b) to take the actions specified in the notice that the local government considers are adequate and reasonable to ensure compliance with subclauses (1)-(2).

(4) An owner or occupier of land to whom a notice is given under subclause (3) must comply with the requirements of the notice within the time specified in the notice.

(5) Subclause (1) does not prevent the discharge of stormwater from the land into an approved stormwater drainage system on the land.

**~~2.9~~2.8 Prevention of erosion and the escape of sand and dust**

(1) An owner or occupier of land must take adequate and reasonable measures to —

(a) stabilise sand on the land; and

(b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.

(2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1) in respect of any sand or dust, the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to do one or more of the following —

(a) to comply with subclause (1) in respect of any sand or dust;

(b) to clean up and make good any damage resulting from the release or escape of sand or dust from the land; and/or

(c) to take the actions specified in the notice that the local government considers are adequate and reasonable to stabilise sand on the land and/or to prevent or stop the escape, release or carriage of sand or dust from the land.

(3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

~~(3)~~(4) If the local government is satisfied that sand or dust is likely to be released or escape as a result of an activity to be carried out on any land, the local government may give to the

owner or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

*Division 2 - Dust management plans*

**~~2.10~~2.9 Works requiring approval**

(1) Where there is a development application or approval for subdivision involving the clearing, excavation or filling of any land that has the potential to cause significant sand or dust release, the owner or occupier of the land to which the development application or approval for subdivision relates must prepare and submit for approval to the local government a dust management plan in accordance with this clause.

(2) A dust management plan must be approved by the local government prior to any clearing, excavation or filling of the land commencing.

**~~2.11~~2.10 Application for approval**

(1) An application for approval must ~~—~~

(a) be in the form determined by the CEO;

(b) be made and signed by the owner or occupier of the land;

(c) include an outline of the strategies, control measures and contingency arrangements to prevent or minimise the release or sand or dust;

(d) provide any other information required by the form; and

(e) be forwarded to the local government together with any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

(2) Before determining an application for approval, the local government may request the applicant ~~—~~

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or~~;~~

~~(a)~~ to consult with ~~those~~ nearby owners and/or occupiers~~—~~, or other persons specified ~~who are specified~~ in the request~~;~~

(b) , and to~~to~~ advise those ~~nearby owners and/or occupiers~~persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application ~~for a permit; and/or~~.

~~(c)(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.~~

(3) The local government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the prescribed time.

(4) A person must not make a false or misleading statement in connection with an application in respect of an approval.

~~2.12~~2.11 **Determining an application**

(1) The local government may ~~—~~

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

(b) refuse to approve an application.

(2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 2.10(1) and any request made under clause 2.10(2)~~1~~.

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 2.10~~1~~(12)(e) is to be refunded to the applicant.

(4) If an application is approved, the local government is to issue to the applicant a notice of approval in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

~~2.13~~2.12 **Compliance with plan, conditions and variation of conditions**

(1) The approval holder must comply with the dust management plan approved by the local government under clause 2.11.

(2) Where an approval is given subject to conditions, the ~~permit~~ approval holder must also comply with each of the conditions.

(3) The local government may, at any time, amend a condition of an approval and the amended condition takes effect ~~—~~

(a) 14 days after the written notice of it is given to the approval holder; or

(b) if a later date is specified in the written notice, on the later date.

~~(1)~~

~~(2)~~(4) If the local government is satisfied that ~~a permit~~ an approval holder has not complied with subclause (1) or (2), the local government may give the ~~permit~~ approval holder a written notice requiring the ~~permit~~ approval holder, within the time specified in the notice, to comply with the condition/s.

(5) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice~~.~~.

## Part 3 - Liquid waste

### 3.1 Restrictions on deposit or disposal

A person must not deposit or dispose of liquid waste from any land or premises otherwise than at a facility or place that is authorised under a written law to accept and/or treat the liquid waste.

### 3.2 Containment of liquid waste

(1) An owner or occupier of land must take reasonable and effective measures to ~~—~~

(a) contain all liquid waste on the land; and

(b) ensure no liquid waste is released or escapes from the land whether by means of wind, water or any other cause~~; and~~.

(2) If the local government is satisfied that an owner or occupier has not complied with subclause (1), the local government may give the owner and or occupier of the land a written notice requiring the owner and or occupier, within the time specified in the notice, to do one or more of the following —

(a) to comply with subclause (1) in respect of any liquid waste;

(b) to clean up and make good any released or escaped liquid waste;

(c) to make good any damage resulting from the released or escaped liquid waste; and/or

(d) to take the actions specified in the notice that the local government considers are adequate and reasonable to prevent or stop the release or escape of liquid waste.

(3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

(4) If the local government is satisfied that liquid waste is likely to be released or escape as a result of an activity to be carried out on any land, the local government may give to the owner or occupier a notice providing that the activity may only be carried ~~on~~ out subject to conditions specified in the notice.

## Part 4 - Vermin

### 4.1 Mosquitoes

(1) An owner or occupier of land must —

(a) ensure that the land is kept free of water located so as to be, or to be liable to become, a breeding place for mosquitoes; and

(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for mosquitoes.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to prevent the pooling of water or undertake control measures to prevent mosquito breeding.

### 4.2 Flies

(1) An owner or occupier of land must —

(a) ensure that the land is kept free of waste food or other matter that is located so as to be, or to be liable to become, a breeding ground or flies; and

(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for flies.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to prevent waste food or other matter being located so as to be, or

to be liable to become, a breeding place for flies or undertake control measures to prevent fly breeding.

**4.3 Rodents**

(1) If there are indications of the presence of rodents on land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the rodents, keep the land free from rodents and prevent rodent breeding.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate rodents or undertake control measures to prevent rodent breeding.

(3) This clause does not apply to rodents kept as pets or for research, scientific, education or commercial purposes.

**4.4 Cockroaches**

(1) If there are indications of the presence of cockroaches in, on or about land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the cockroaches, keep the land free from cockroaches and prevent cockroach breeding.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate cockroaches or undertake control measures to prevent breeding of cockroaches.

**4.5 Arthropod vectors of disease**

(1) In this clause, ***arthropod vectors of disease*** includes —

(a) fleas (Siphonaptera);

(b) bed bugs (Cimex lectularius);

(c) crab lice (Phthirus pubis);

(d) body lice (Pediculus humanis var. cororis); and

(e) head lice (Pediculus humanis var. capatia).

(2) The owner or occupier of land must keep the land free from any arthropod vectors of disease.

(3) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate arthropod vectors of disease.

**Part 5 - Birds**

**5.1 Feeding of uncaged birds**

(1) A person must not feed or permit the feeding of any uncaged bird in a way that causes a nuisance.

(2) If an authorised person is satisfied that a person has not complied with subclause (1), the authorised person may direct the person to stop feeding the uncaged bird and to clean up and properly dispose of any feed or waste products used or produced in connection with the feeding of the uncaged bird.

**5.2 Pigeons nesting or perching**

(1) An owner or occupier of land must ensure that pigeons do not nest or perch on the land ~~in such a way that creates~~so as to cause a nuisance.

(2) An authorised person may direct an owner or occupier of land on which pigeons nest or perch to take adequate and reasonable measures to prevent them from continuing to do so.

**Part 6 - Objection and review**

**6.1 Objection and review rights**

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval;

(b) to vary or cancel an approval;

(c) to impose or amend a condition of approval; ~~or~~ and

(d) to give a person a notice under clause 7.2.

**Part 7 - Enforcement**

**7.1 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 Act.

**7.2 Notices of breach**

(1) Where a breach of a provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for the breach, directing the person, within the time specified in the notice, to take such action as specified in the notice for the purpose of remedying the breach.

(2) A notice given under subclause (1) must specify —

(a) the provision of this local law that has been breached;

(b) the particulars of the breach;

(c) the actions the person must take to remedy the breach; and

(d) the time and date by which the actions in the notice must be completed.

(3) A person given a notice of breach must remedy the breach within the time specified in the notice.

~~(4) A person who fails to comply with a notice issued under this clause commits an offence.~~

**7.3 Local government undertaking work required by a notice**

(1) This clause applies in respect of a notice given under subclauses 2.~~3~~4(2), 2.~~4~~5(2), 2.~~5~~6(2), 2.~~7~~8(3), 2.~~8~~9(2), 2.1~~2~~3(~~4~~2) or 3.2(2) of this local law.

(2) If a person fails to comply with a notice referred to in subclause (1), the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of tThe Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

**7.4 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with a notice or direction issued or given to the person under this local law; or

(c) 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 $10,000; 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.

**7.5 Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 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 1 —

(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 Act.

**7.6 Form of infringement notices**

For the purposes of this local law —

(a) t~~T~~he form of an infringement notice that may be given under section 9.16 of the Act ~~for a prescribed offence~~ is ~~the form set out in~~that of Form 2 in Schedule 1 of the Regulations; and~~.~~

(b) t~~T~~he form of the notice ~~that may be given under~~referred to in section 9.20 of the Act to withdraw an infringement notice is ~~the form set out in~~that of Form 3 in Schedule 1 of the Regulations.

_____

## Schedule 1 - Prescribed offences

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1 | 2.1(1) | Burning rubbish, refuse or other material | $500 | $750 |
| 2 | 2.2(2) | Failure to prevent the escape of smoke, ~~fumes or~~ odour or other emissions~~s~~ | $250 | $500 |
| 3 | 2.34(1)(a)~~2.3~~ | Permitting artificial light to cause a nuisance ~~Unlawful fiberglassing or spray painting~~ | $250~~$500~~ | $500~~750~~ |
| 4 | 2.34(1)(b)~~2.4(1)(a)~~ | Permitting natural light to cause a nuisance ~~Permitting artificial light to cause a nuisance~~ | $250~~$250~~ | $500 |
| 5 | 2.34(1)(c)~~2.4(1)(b)~~ | Permitting exterior lighting to cause a nuisance ~~Permitting natural light to cause a nuisance~~ | $250~~$250~~ | $500 |
| 6 | 2.~~45~~(1)~~2.4(1)(c)~~ | Permitting refuse or disused material to remain on land ~~Permitting exterior lighting to cause a nuisance~~ | $250~~$250~~ | $500 |
| 7 | 2.~~56~~(1)~~2.5(1)~~ | Permitting unsightly overgrowth of vegetation to remain on land~~Permitting refuse or disused material to remain on land~~ | $250~~$250~~ | $500 |
| 8 | 2.~~67~~(1a)(a)~~2.6(1)~~ | Unlawful storage of vehicle or machinery in state of disrepair or disuse~~Permitting unsightly overgrowth of vegetation to remain on land~~ | $250~~$250~~ | $500 |
| 9 | 2.~~67~~(1b)(b)~~2.7(a)~~ | Unlawful wrecking or dismantling of vehicle or machinery~~Unlawful storage of vehicle or machinery in state of disrepair or disuse~~ | $250~~$250~~ | $500 |
| 10 | 2.~~78~~(1)~~2.7(b)~~ | Failure to ensure containment of stormwater~~Unlawful wrecking or dismantling of vehicle or machinery~~ | $250~~$250~~ | $500 |
| 11 | 2.~~78~~(2)~~2.8(1)~~ | Failure to maintain stormwater drainage system ~~Failure to ensure containment of stormwater~~ | $250~~$250~~ | $500 |
| 12 | 2.~~89~~(1)(a)~~2.8(2)~~ | Failure to stabilise sand~~Failure to maintain stormwater drainage system~~ | $250~~$250~~ | $500 |
| 13 | 2.~~89~~(1)(b)~~2.9(1)(a)~~ | Failure to prevent release of sand or dust~~Failure to stabilise sand~~ | $250~~$250~~ | $500 |
| 14 | 2.~~109~~~~2.9(1)(b)~~ | Failure to obtain dust management plan approval~~Failure to prevent release of sand or dust~~ | $500~~$250~~ | $750~~$500~~ |
| 15 | 2.~~10~~1(4)~~2.10~~ | Providing false or misleading statement in connection with ~~permit~~approval application~~Failure to obtain dust management plan approval~~ | $250~~$500~~ | $500~~$750~~ |
| 16 | 2.12(1) | Failure to comply with dust management plan | $500 | $750 |
| ~~16~~17 | 2.12~~2~~(2)~~2.11(4)~~ | Failure to comply with conditions of approval~~Providing false or misleading statement in connection with permit application~~ | $500~~$250~~ | $750~~$500~~ |
| ~~17~~18 | 3.12~~.12(2)~~ | Unlawful deposit or disposal of liquid waste~~Failure to comply with conditions of approval~~ | $500~~$500~~ | $750~~$750~~ |

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| 1819 | 3.23.1 | Failure to contain liquid waste Unlawful deposit or disposal of liquid waste | $500$500 | $750$750 |
| 1920 | 4.1(1)3.2 | Failure to comply with mosquito control requirements Failure to contain liquid waste | $250$500 | $500$750 |
| 2021 | 4.2(1)4.1(1) | Failure to comply with fly control requirementsFailure to comply with mosquito control requirements | $250$250 | $500$500 |
| 2122 | 4.3(1)4.2(1) | Failure to comply with rodent control requirements Failure to comply with fly control requirements | $250$250 | $500$500 |
| 2223 | 4.4(1)4.3(1) | Failure to comply with cockroach control requirements Failure to comply with rodent control requirements | $250$250 | $500$500 |
| 2324 | 4.5(2)4.4(1) | Failure to comply with control requirements for arthropod vectors of diseaseFailure to comply with cockroach control requirements | $250$250 | $500$500 |
| 2425 | 5.1(1)4.5(2) | Feeding an uncaged bird so as to cause a nuisance Failure to comply with control requirements for arthropod vectors of disease | $250$250 | $500$500 |
| 2526 | 5.2(1)5.1(1) | Failure to ensure that pigeons do not nest or perch on land so as to cause a nuisanceFeeding an uncaged bird so as to cause a nuisance | $250$250 | $500$500 |
| 2627 | 5.2(1) | Each other offence not specifiedFailure to ensure that pigeons do not nest or perch on land | $250$250 | $500$500 |
| 27 | | Each other offence not specified | $250 | $500 |

## Schedule 2 - Materials not to be burned

[Clause 2.1(1)]

The materials, in addition to rubbish and refuse, that must not be burned are —

(1) bBatteries

(2) cCarpet

(3) eElectrical products

(4) fFabrics or textiles

(5) sSolvent

(6) pPaint

(7) pPlastic, including polystyrene and the like

(8) rRubber

(9) tTimber that has been treated with preservatives

(10) tTyres

(11) vVehicles or vessels and their parts; and

(12) wWaste oil, fats or grease

Dated this of 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

**Online and hard copy submissions**

| # | Date received | Name | Are you aware of the current local laws regarding health and nuisances in the City? | After viewing the proposed Health and Nuisances Local Law 2026, what is your level of support? | Please list which Part or Clause your feedback is related to | What is your feedback? | If suggesting changes to the local law, please specify how these changes will impact the operation of the local law, or be beneficial for the wider community? | Officer response |
|---|---|---|---|---|---|---|---|---|
| 1 | Jan 12 | Nick Trevor | Yes | Support with concerns | 2.2 Escape of smoke, fumes, odours and other emissions | There is currently no effective mechanism to address the issue of unattended running vehicles, leaving Police, local governments, and private car park duty holders unable to act. This creates unnecessary safety, environmental, and operational concerns. The emissions generated by unattended idling vehicles alone present a significant health and environmental risk, and the absence of an enforceable provision limits the ability of Rangers or authorised officers to intervene. I have observed 5 such vehicles in a private car park next to Woolworths in Atwell. | A specific clause should be added to legislation or local regulations to make the act of leaving a vehicle running while unattended an offence. This clause should:<br><br>Clearly define “unattended running vehicle”<br>Enable authorised officers—such as Police, Council Rangers, and private car park duty holders—to issue infringement notices<br>Align with emissions-reduction and public-safety objectives | Feedback noted.<br><br>The City does not feel it needs to restrict the unattended running of vehicles. It is also not clear whether the City has the power to impose such a restriction.<br><br>Further, the Road Traffic Code already |

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| | | | | | | | Provide practical enforcement powers to address idling vehicles in public and private spaces<br>This amendment would ensure a consistent, enforceable approach to reducing emissions, improving safety, and supporting responsible vehicle operation. | prohibits leaving an engine idle while unattended. This rule applies to all public roads. The Police are responsible for enforcing the Road Traffic Code. |
| 2 | Jan 12 | Withheld by request | No | Support | | | | Feedback noted. |
| 3 | Jan 12 | Withheld by request | Yes | Support | | | | Feedback noted. |
| 4 | Jan 12 | Withheld by request | Yes | Support | Chimney Smoke | Smoke blowing in our house and yard from neighbours wood heater chimney. Wind always blows it onto our property. Position and height of chimney should have council approval and all smoke retained on their property. | | Feedback noted.<br><br>The proposed Health and Nuisances Local Law will allow the City to intervene where smoke is causing a nuisance. Therefore |

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| | | | | | | | | the City does not need to review the position and height of chimneys. |
| 5 | Jan 12 | Withheld by request | Yes | Support with concerns | .2 Pigeons nesting or perching<br>(1) An owner or occupier of land must ensure that pigeons do not nest or perch on the land.<br>(2) An authorised person may direct an owner or occupier of land on which pigeons nest or perch to take adequate and reasonable measures to prevent them from continuing to do so. | Pigeons nesting or perching<br>(1) An owner or occupier of land must ensure that pigeons do not nest or perch on the land.<br>(2) An authorised person may direct an owner or occupier of land on which pigeons nest or perch to take adequate and reasonable measures to prevent them from continuing to do so.<br><br>City of Cockburn has 2 native pigeon species, it is unreasonable and illegal to force residents to remove Bronzewing Pigeons or Crested Pigeons. We actively attract and encourage nesting of both species and it is a privilege to have them in the area.<br><br>Escape of smoke, fumes, odours and other emissions<br>An owner or occupier of land must take adequate and reasonable measures to prevent the escape of smoke, fumes or odours from the land in such quantity or of such a nature as to cause or to be a nuisance to any person, unless that owner or occupier has approval under a written law that permits the escape of smoke, fumes or odours from the land.<br><br>Will the City of Cockburn be providing compensation to neighbouring properties that | Local Law does not override Federal Law. Bronzewing Pigeons and Crested Pigeons are both native and protected species, putting blanket rules over "pigeons" is unreasonable. There are also Spotted Doves and Laughing Doves which are nowhere near pest species and are beneficial to several other animals.<br>This needs to be stated that Feral Pigeons also known as Rock Doves are the only ones causing problems. | Feedback noted.<br><br>The proposed Health and Nuisances Local Law does not override nor it is inconsistent with Federal or State legislation. These clauses are proposed to help protect the health and amenity of the community.<br><br>The City has given further consideration to clause 5.2 and have added a nuisance qualifier, so |

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| | | | | | | are adversely affected by approval to allow odour/fumes to escape?<br><br>Offensive Trades<br>Please provide evidence of this being covered elsewhere. City of Cockburn are the ones issuing the Offensive trades licences, yet dont protect neighbours. | | the clause will now read "An owner or occupier of land must ensure that pigeons do not nest or perch on the land in a way that causes a nuisance".<br><br>Approvals to emit smoke, fumes or odour may be issued under Federal or State legislation. The proposed Health and Nuisances Local Law cannot override these approval powers.<br><br>Compensation questions are better directed to the |

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| | | | | | | | | Government agencies responsible for issuing these approvals.<br><br>The Health (Miscellaneous Provisions) Act 1911 previously provided the power to local governments to regulate offensive trades. The State has repealed these powers. The City already has broad powers to regulate offensive trades through planning approvals, environmental regulations, the Public Health Act 2016, and |

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| | | | | | | | | the nuisance provisions in the proposed Health and Nuisances Local Law. |
| 6 | Jan 12 | Nick Favazzo | Yes | Support with concerns | Clause 2.3 as it is worded prohibits the use of fibre reinforced plastic products. Additionally, minor or hobby repair of items utilise 2-part epoxy glues, which is very similar to FRP, just without the fibre. Similarly, is the intention to prohibit spray-painting from aerosol cans for minor repair or hobbies? | Consider allowing minor use in 2.3 to align with the very small quantities/volumes and low frequency that a hobbies or incidental repair would use. | Minor hobby or incidental repairs at low frequency should not be in contravene of the proposed local law. | Feedback noted.<br><br>The City has given further consideration to clause 2.3 and has determined that it does not need to approve fibreglassing or spraypainting activities via a local law. The City is comfortable managing any issues through the general nuisance clause at 2.2, which has been amended to ensure it captures |

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| | | | | | | | | these activities. |
| 7 | Jan 12 | Withheld by request | Unsure | Support | | | | Feedback noted. |
| 8 | Jan 15 | Withheld by request | Yes | Support with concerns | Clause 2.7 | There should be a reference to noise nuisance in relation to vehicle use and back yard maintenance. Sometimes, engines may be revved (either in the street or in the yard) while testing or tuning or rebuilding and may have noisy illegal exhausts. Noisy exhausts and trucks in particular are troublesome and disturbing and should be restricted. Owners of vehicles with loud exhausts or engines or trucks should keep the engine revs and speed low when leaving for work late at night or in the early hours before, say, 7am. | Maintain a nuisance noise free suburb. | Feedback noted.<br><br>Noise from private properties is already regulated by State legislation, specifically the Environmental Protection (Noise) Regulations 1997.<br><br>The Police are responsible for investigating any illegal car modifications, such as illegal exhausts, as well as hooning (i.e. over-revving) and |

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| | | | | | | | | enquiries should be directed to your local police station. |
| 9 | Jan 15 | Leigh Chatt | Yes | Neither support not object | The proposed Local Law places a strong emphasis on nuisance response rather than preventative public health controls (Parts 3 and 5).<br>Key public health and sanitation provisions contained in the 2000 Local Law have been removed without clear replacement (omitted former Parts 4–7 and 9).<br>Several obligations rely on broad, subjective terms rather than clear minimum standards, which may reduce certainty | The proposed Health and Nuisances Local Law 2026 is overly reactive and places too much reliance on nuisance complaints rather than preventative public health protection. It removes many clear, enforceable health and sanitation standards that previously supported community wellbeing, replacing them with broad and discretionary obligations. This reduces certainty for residents and weakens early intervention by the City. The Local Law would better meet community needs if clearer minimum health standards and preventative controls were reinstated. | Re-introducing clear, minimum public-health and sanitation standards would strengthen the local law by enabling earlier and more consistent intervention, rather than relying on complaints once issues become a nuisance. Adding more specific requirements (for example, around pest control, dust prevention, and property maintenance) would improve certainty for residents, businesses, and enforcement officers, reducing disputes and inconsistent application. These changes would support proactive protection of community health, particularly for vulnerable residents, while still allowing reasonable flexibility for compliance. Overall, the amendments would improve transparency, fairness, and | Feedback noted.<br><br>The Health (Miscellaneous Provisions) Act 1911 and Public Health Act 2016 apply preventative public health protections across WA. It is the intent of the proposed Health and Nuisances Local Law to deal with nuisance and amenity matters that are not captured by these other Acts.<br><br>Focusing on outcomes rather than |

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| | | | | | for residents and enforcement consistency (Parts 3 and 4). Overall, Parts 3–7 would benefit from clearer, preventative health-based standards to better align with community expectations. | | community confidence in how the local law operates. | strict compliance with minimum standards provides a more effective and balanced approach. Outcome-based requirements address the underlying problem directly, allowing flexibility in how the result is achieved. This reduces unnecessary compliance burden on the community while still ensuring that the core objectives – protection of amenity, public health and community safety. |

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| 10 | Jan 15 | Withheld by request | Yes | Support with concerns | | Subjectivity of "Amenity" and "Unsightly": Terms like "unsightly growth" or "nuisance" are subjective. What one neighbor considers a natural garden, another might see as an eyesore, potentially leading to inconsistent enforcement or neighbor disputes.<br><br>Financial Burden of Penalties: The "three-tier" penalty system allows for larger fines for repeat offenders. For low-income residents, a $500 or $750 fine for issues like "failure to contain liquid waste" could represent a significant financial hardship.<br><br>Privacy & Overreach: Some residents may view rules governing vegetation and storage in their own yards as an overreach of local government power into private property rights. | | Feedback noted.<br><br>It is challenging to define terms like “amenity” or “unsightly” in a fixed, technical way because their impact depends heavily on the specific context. A rigid definition could never capture every real-world situation and would limit the City’s ability to address genuine issues simply because they fall outside narrow technical wording. |

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| | | | | | | | | An increased subsequent penalty has been introduced so that the City can issue larger infringements for repeat offenders.<br><br>The City acknowledges that property owners have a right to the quiet enjoyment of their land. For this reason, the proposed Health and Nuisances Local Law focuses on behaviours and activities that can create genuine impacts on public health, community safety or |

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| | | | | | | | | amenity. The focus is not on regulating how people choose to use their land or properties, but on addressing cases where those choices have tangible effects on others in the community. |
| 11 | Jan 19 | Withheld by request | Unsure | Support with concerns | It further requires that owners or occupiers take reasonable steps to minimise or eradicate mosquitoes, flies, rodents, cockroaches and other bugs such as ticks and fleas on their land or in their premises and restricts the feeding of wild birds or the nesting or perching of | A couple of years ago we had rats in our backyard and shed. We have chickens and we think the rats came from the Water Corporation across the road. Since we have had wild birds come to our house, they have kept the rats away. We enjoy all the wild birds that come through including crows, white cockatoos, black cockatoos, magpies, willy wagtails, doves, and the occasional cookaburra. We understand wild birds may feel like a nuisance for some people, but we feel that their presence is important to the local ecosystem, including removing mosquitoes, flies, rodents, cockroaches and other bugs. The removal of these wild birds would have the reverse approach and increase the amount of those critters we don't want in the community. | The clause in general is necessary, but feeding wild birds, and allowing them to nest or perch, including pigeons, will benefit the local community by allowing them to do what they naturally do, which is eat, kill, and remove pests and critters. | Feedback noted.<br><br>The intent of the proposed Health and Nuisances Local Law is to provide a mechanism to address nuisances created by people feeding and harbouring birds.<br><br>Notwithstanding the |

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| | | | | | pigeons if it would cause a nuisance or public health concern. | | | above, the City does not support feeding wild birds, as it can create dependence, spread disease, encourage aggression, and disrupt natural feeding patterns. Instead, the City promotes activities that support wildlife in sustainable ways, such as creating habitat, planting native species, and providing fresh water. These approaches attract local fauna while protecting the broader ecosystem. |

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| 12 | Jan 29 | Withheld by request | Yes | Object | Nothing about dumping of rubbish. Storm water and liquid doesnt make sense | Problem statement doesn't identify the problem statement looks like a waste of resources | Refocus on whats needed not making council life easier | Feedback noted.<br><br>The dumping of rubbish is already regulated by the Litter Act 1979 as well as the Environmental Protection Act 1986.<br><br>Stormwater and liquid waste are both defined in the proposed Health and Nuisances Local Law. |
| 13 | Jan 31 | Withheld by request | Unsure | Support | | | | Feedback noted. |
| 14 | Feb 09 | Wade Hughes | Yes | Support with concerns | 5.2 Pigeons Nesting or Perching | Cockburn City Council has circulated for comment the proposed City of Cockburn Health and Nuisances Local Law 2026 which includes an amendment "requiring owners to prevent pigeons from nesting or perching on their property."<br><br>Whilst the increasing prevalence and density of feral pigeon populations within Cockburn has rendered this proposed amendment essential, it is not clear from the published fact | | Feedback noted.<br><br>A pigeon control strategy is outside the scope of this engagement, which is about the |

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| | | | | | | sheet, and full proposed local law, how the Council proposes to launch, lead, inspire momentum for, support, and measure the effectiveness of a pigeon control and eradication program. Long-standing domestic and international experience, led and supported by peer reviewed scientific research confirms that pigeon control demands a multi-strategy, and ongoing years-long program. Such a program requires consistently effective leadership. Council is the obvious, and really, only candidate for that role. As a domestic, Western Australian example of a Council grasping that concept, and stepping up into a leadership role, Narrogin Shire Council's multi-strategy, multi-year program is summarised below. It is clear that Narrogin Council understands that, while is essential that individual property owners with pigeon problems be engaged and actively involved within their own boundaries, uncoordinated and unsupported individual efforts will not bring feral pigeon infestations under control. It is to be hoped that Cockburn City Council comes to the same realisation, and follows suit.<br><br>SUMMARY OF NARROGIN SHIRE COUNCIL PIGEON CONTROL AND ERADICATION STRATEGY 2025.<br>In March 2025, Narrogin Council endorsed a resolution to consider allocating $10,000 in the 2025/26 budget to implement the strategy. This includes:<br><br>1. Annual OvoControl fertility control (a proven bird contraceptive)<br>2. Pigeon-proofing key Shire buildings like the | | proposed Health and Nuisances Local Law. Your comments will be passed onto the relevant team for their information. |

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| | | | | | | Town Hall, Goods Shed, and Railway Station<br>3. Development of educational materials and workshops<br>4. Engagement and support for landowners with known pigeon issues<br>5. The Shire is leading by example — treating and securing its own buildings first.<br><br>📻 What Landowners and CBD Property Owners Need to Know<br><br>If you own a building in the CBD or elsewhere in Narrogin:<br><br>+You may be invited to participate in the OvoControl program or be offered support to install proofing devices like netting or spikes.<br>+You'll receive education materials and advice on how to manage or prevent pigeon roosting on your property.<br>+The Shire may offer initial subsidies or assistance for pigeon-proofing.<br>+Under the Health Local Law 2022, owners may be required to act if a pigeon infestation is found on their premises. +Enforcement is a last resort — voluntary cooperation is strongly encouraged.<br><br>Narrogin's full pigeon control and eradication strategy can be read here:<br><br>https://www.narrogin.wa.gov.au/documents/1755/pigeon-control-and-eradication-strategy<br><br><br>SOURCES<br>1. Healthy WA – Feral pigeon control: Problems caused by pigeons and effective control techniques ( Feral pigeon control ) | | |

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| | | | | | | 2. Shire of Narrogin Health Local Law 2022 – provisions on pigeon nuisances and enforcement (Health-Local-Law-2022-(consolidated-4-November-2022).pdf) (Health-Local-Law-2022(consolidated-4-November-2022).pdf).<br>3. Research study (Barcelona City Council) – effectiveness of nicarbazin fertility control reducing urban pigeon populations by ~55% over 3 years ( Use of Fertility Control (Nicarbazin) in Barcelona: An Effective yet Respectful Method towards Animal Welfare for the Management of Conflictive Feral Pigeon Colonies - PMC ).<br>4. City of Vincent (WA) – Feral Pigeon Control Guide: notes on non-lethal vs lethal methods and importance of removing food sources (Microsoft Word - Pigeon Brochure 28 may.doc) (Microsoft Word - Pigeon Brochure 28 may.doc).<br>5. Wakefield Regional Council (SA) – example of integrated pigeon control with netting and controlled shooting at a town hall (Pigeon controls for Balaklava Town Hall \| Wakefield Regional Council).<br>6. WA Health Department guidance – humane shooting by licensed operators and safety measures in pigeon control ( Feral pigeon control ).<br>7. Shire of Narrogin Health Local Law 2022 – requirement for proper disposal of dead animals (applicable to pigeon carcasses) (Health-Local-Law-2022-(consolidated-4-November-2022).pdf). | | |
| 15 | 23 Feb | Georgia | Yes | Support with concerns | 2.5 | It should be an offence to store rubbish and old unregistered cars, boats, trailers in your front yard/verge that is visible to the street | Means people can complain and escalate issues regarding properties that look | Feedback noted. |

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| | | | | | | | more like rubbish tips, there must be so many in Coc | The proposed Health and Nuisances Local Law does prohibit the storage of refuse, disused materials, vehicles and machinery in front yards where it creates an untidy appearance.<br><br>The proposed Parking Local Law regulates parking on verges. Vehicles may be parked on the verge where they are licensed. Boats and trailers cannot be parked on the verge unless they are attached to a vehicle. |

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| | | | | | | | | Verges are not permitted to be used for the storage of rubbish. |
| 16 | 26 Feb | Name withheld by request | Yes | Support with concerns | Bbq smoke and smell needs to be excluded. | | | Feedback noted.<br><br>BBQ smoke and smell would generally not be significant enough to be captured by the proposed Health and Nuisances Local Law. |
| 17 | 26 Feb | Name withheld by request | Yes | Support with concerns | Part 2 - Nuisances (Division 1 - General prohibitions): Clauses 2.1 (burning), 2.2 (emissions/odours), 2.4 (light emission/reflection), 2.5 (removal of refuse/disused materials), 2.6 (removal of unsightly | Part 2 - Nuisances (Division 1 - General prohibitions: Clauses 2.1, 2.2, 2.4, 2.5, 2.6, 2.8)<br>I support these prohibitions and requirements overall, they protect families and neighbours from real issues like smoke/odours from burning rubbish (2.1), emissions/fumes (2.2), nuisance light/glare (2.4), rubbish/disused materials buildup (2.5), overgrown vegetation (2.6), and stormwater runoff (2.8). The simplified wording is an improvement for clarity and compliance. These help keep our neighbourhoods safe and pleasant for kids to play in without one property causing problems for others. No major changes needed here, but ensure enforcement starts with | As a father raising two young daughters in Cockburn, I want local laws that genuinely protect family health, neighbourhood amenity, and our environment without unnecessary burdens on everyday homeowners or overreach into private backyards. The proposed Health and Nuisances Local Law 2026 improves on the old 2000 version by | Feedback noted.<br><br>Division 2 would not apply to small home projects or landscaping, as it only captures activities subject of a development application or |

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| | | | | | growth/vegetation), 2.8 (containment of stormwater) – these are mostly good for protecting neighbours and families, with clearer/simplified wording I support.<br><br>Part 2 - Nuisances (Division 2 - Dust management plan): Clauses 2.10–2.13 – the approval process for dust/sand plans adds unnecessary steps, costs, and delays for small home projects or landscaping by families.<br><br>Part 4 - Vermin: Clauses 4.1–4.5 (mosquitoes, flies, rodents, cockroaches, arthropod vectors) – | education/neighbour discussion for minor cases.<br><br>Part 2 - Nuisances (Division 2 - Dust management plan: Clauses 2.10–2.13)<br>The requirement for approval of dust/sand management plans for works involving clearing, filling, or excavation adds extra bureaucracy, costs, and delays, even for small family home extensions, renovations, or landscaping. Many working parents undertake these projects without causing significant dust issues. This feels disproportionate for low-impact residential work. Suggest: exempt small-scale residential projects (e.g., under a certain area/volume) or make the process faster/online with self-certification options where low risk. This would better balance protection with family freedoms.<br><br>Part 4 - Vermin: Clauses 4.1–4.5 (mosquitoes, flies, rodents, cockroaches, arthropod vectors)<br>Simplifying to require owners to take "reasonable steps" to prevent breeding is practical and welcome—better than overly prescriptive old rules. It focuses on genuine health risks (e.g., mosquito-borne diseases affecting kids) without unnecessary detail. Support this approach, but the term "reasonable steps" could benefit from clearer examples/guidance in the law or on the City's website to avoid inconsistent officer interpretations.<br><br>Part 5 - Birds: Clauses 5.1 (feeding of uncaged birds) and 5.2 (pigeons nesting or perching)<br>These clauses seem overly restrictive on private property. Responsible feeding of | simplifying rules, removing duplicates covered by state law, and focusing on real issues like pests, rubbish, emissions, and runoff. I support most of that direction.<br>Here are my suggested changes (tied to the clauses I listed earlier), with explanations of how they'd improve operation of the law and benefit the wider community:<br><br>Part 2, Division 2 - Dust management plan (Clauses 2.10–2.13): Add exemptions for small-scale residential works (e.g., home extensions, driveways, or landscaping under X m² or low volume of material moved).<br>Impact/Benefit: This reduces unnecessary paperwork, approval delays, and costs for families doing common home improvements. It streamlines City resources (fewer low-risk applications to process), speeds compliance for genuine small projects, and | subdivision, and where the activity can cause significant sand and dust release.<br><br>Bird feeding would only be captured by the proposed Health and Nuisances Local Law if it was done in such a way that it caused a nuisance.<br><br>Notwithstanding the above, the City does not support feeding wild birds, as it can create dependence, spread disease, encourage aggression, and disrupt natural feeding patterns. |

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| | | | | | simplification to "reasonable steps" to prevent breeding is practical and welcome.<br><br>Part 5 - Birds: Clauses 5.1 (feeding of uncaged birds) and 5.2 (pigeons nesting or perching) – these feel overly restrictive on private property for harmless activities, like responsible bird feeding that many families (including kids) enjoy.<br><br>Part 7 - Enforcement: Clauses 7.1–7.6 (notices, penalties, infringements) – higher penalties for repeats are okay for serious cases, but emphasis | uncaged birds (e.g., in a small feeder for family enjoyment or teaching kids about nature) is harmless for most households and shouldn't be prohibited unless it genuinely causes a significant nuisance (e.g., large-scale attracting flocks that affect neighbours). Similarly, requiring owners to prevent pigeons from nesting/perching feels heavy-handed, many properties have natural perching spots, and minor issues are better handled neighbour-to-neighbour. Suggest: reword to apply only when feeding or nesting causes a demonstrated nuisance (e.g., health/sanitation issue), with evidence required before enforcement. This respects family backyards while still protecting amenity.<br><br>Part 7 - Enforcement: Clauses 7.1–7.6 (legal proceedings, notices of breach, undertaking work, offences/penalties, prescribed offences/modified penalties, infringement notices)<br>Standardising enforcement is good for consistency. Higher penalties for repeat serious offenders make sense for egregious cases. However, for most first-time or minor breaches (especially subjective ones like "nuisance" or "unsightly"), the law should prioritise education, warnings, mediation, or neighbour resolution over immediate fines or council action. This is fairer for families and builds trust. Also, broad/subjective terms throughout the law (e.g., "nuisance" not tightly defined in 1.5 Interpretation, "adequate/reasonable measures") risk inconsistent or overzealous application. Recommend: add clearer definitions/examples of key terms, require evidence of impact before notices, and | maintains protection against major dust/sand issues from larger developments, better balancing efficiency, affordability for residents, and environmental health.<br><br>Part 5 - Birds (Clauses 5.1 and 5.2): Reword both to apply restrictions only when feeding uncaged birds or pigeon nesting/perching causes a demonstrated nuisance (e.g., documented health/sanitation impacts like droppings affecting neighbours' properties or attracting excessive pests). Require evidence of impact before any notice/enforcement. Impact/Benefit: Prevents blanket prohibitions on harmless backyard activities (like small bird feeders for family enjoyment or kids learning about wildlife), reducing complaints over minor issues and encouraging neighbour resolution first. This | Instead, the City promotes activities that support wildlife in sustainable ways, such as creating habitat, planting native species, and providing fresh water. These approaches attract local fauna while protecting the broader ecosystem.<br><br>The City will give further consideration to the development of guidance notes as part of the implementation of the local law.<br><br>While the City's compliance and |

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| | | | | | should stay on education, warnings, and neighbour resolution first rather than quick fines; also relates to potential inconsistent application due to subjective terms like "nuisance" across the law. | emphasise graduated enforcement (warning → notice → penalty). | makes the law more proportionate and fair, builds community goodwill, lowers enforcement workload on trivial cases, and still protects amenity/public health where real problems exist, promoting trust in council processes.<br><br>Part 4 - Vermin (Clauses 4.1–4.5) and general across the law (e.g., terms in 1.5 Interpretation, nuisance definitions): Add clearer examples/guidance in the law or linked City fact sheets for "reasonable steps" to prevent pest breeding, and tighter definitions/examples of "nuisance" (e.g., what level of odour, light, or unsightliness triggers action).<br>Impact/Benefit: Reduces subjectivity and inconsistent officer interpretations, helping residents understand expectations upfront and comply easily. This leads to fewer disputes, fairer enforcement, less need for | enforcement approach is outside the scope of this engagement , the City does use a graduated approach to compliance, starting with education and warnings and escalating only where necessary to infringement s or prosecution. This ensures any action taken is fair and proportionat e to the issue. Your comments however will be passed onto the relevant team for their information. |

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| | | | | | | | appeals/objections (Part 6), and more efficient use of City resources, ultimately creating a clearer, more predictable law that families can follow without fear of arbitrary application.<br><br>Part 7 - Enforcement (Clauses 7.1–7.6): Strengthen graduated enforcement by requiring initial education/warnings/mediation (especially for first-time or minor/subjective breaches) before notices, fines, or council works. Limit higher three-tier penalties to proven repeat serious offenders only. Impact/Benefit: Starts with helpful guidance rather than punishment, giving families a fair chance to fix issues (e.g., minor rubbish or pest problems). This fosters cooperation, reduces conflict/escalation, lowers administrative costs from unnecessary infringements/proceedings, and improves | |

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| | | | | | | | community relations, making the law more effective at preventing nuisances long-term while being seen as reasonable and supportive of everyday residents.<br><br>These tweaks keep the law's strong protections for public health and amenity (e.g., no open burning, stormwater containment, pest prevention) but make it leaner, fairer, and less intrusive on private family life. They'd benefit the wider community by encouraging voluntary compliance, freeing up council time for bigger issues, minimising neighbour disputes, and building greater trust in local government—all while ensuring Cockburn remains a safe, clean place for families to thrive.<br><br>Thanks again for considering resident input, this helps get the balance right. | |

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| 18 | 3 March | Name withheld by request | Yes | Support with concerns | Nuisance and Parking | Nuisance<br>These laws should also ban/restrict playing music in public places. Restrict times of use of public jetty at Chelydra Point as we have issues with bright led head lights throughout the night and sometimes loud music. There should be no fishing or crabbing in the marina and it be policed as it is dangerous. Should also be banned from jetty after dusk.<br>There should be more signage around the area and penalties imposed for breaches by ranger or CoSafe | To make the area a more relaxing, pleasant safer place for residents and visitors and to give rangers and CoSafe more power to impose penalties for breach of local laws | Feedback noted.<br><br>Noise is already regulated by State legislation, specifically the Environmental Protection (Noise) Regulations 1997.<br><br>What activities people are permitted to do at Port Coogee jetty is outside the scope of this engagement, which is about the proposed Health and Nuisances Local Law. Your comments however will be passed onto the relevant team for |

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| | | | | | | | | their information. |
| 19 | 5 March | Jason Hayes | Unsure | Support | Feeding of birds, rubbish, machinery and overgrown vegetation in front yards, control of mosquitoes due to favorable breeding environments such as unused swimming pools which are not maintained. | I feel this new Proposed Health and Nuisances Local Law strikes a good balance, giving the City of Cockburn the authority to enforce penalties or infringement notices in order to maintain a healthy and safe environment for the City of Cockburn community. | I don't have any additional suggestions or changes to this new proposed local law. | Feedback noted. |

**Email and letter submissions**

| # | Date received | Name | Feedback | Officer response |
|---|---|---|---|---|
| | 12 Jan | REDACTED | See Appendix A. | Feedback noted.<br><br>The dumping of rubbish is already regulated by the Litter Act 1979 as well as the Environmental Protection Act 1986. |
| 1 | 5 March | Cancer Council WA | See Appendix B. | Feedback noted.<br><br>Legislation to control the use of tobacco products is largely the responsibility of the State Government. Local governments do include some prohibitions in their local laws, but this is generally in respect of smoking in or on local government property under the control and management of the local government.<br><br>It is important to note that members of the public already have a legal ground to resolve issues of smoke drift through private proceedings for nuisance. |
| 2 | 6 March | REDACTED | See Appendix C | Feedback noted. |

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| | | | | It is challenging to define terms like “amenity” or “unsightly” in a fixed, technical way because their impact depends heavily on the specific context. A rigid definition could never capture every real-world situation and would limit the City’s ability to address genuine issues simply because they fall outside narrow technical wording.<br><br>The rules around mosquitoes, flies and rodents require a person to take reasonable steps. What is reasonable would depend on the context, including the location of the property. The City would not impose unreasonable obligations on a member of the community which that person could not reasonably comply with.<br><br>The City notes your submissions on the other proposed local laws. |

## Appendix A

**Sent:** Monday, 12 January 2026 2:03 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** REGARDING your surveys on Nuisance, etc.

**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

It is sincerely hoped that the continued dumping of goods in front of Department of Housing properties will cease when the occupants are charged with an infringement, just like the Homeowners of properties would be.
The rubbish that is too often dumped on verges, by Department of Housing renters is an unfair exception & affront to Homeowners, thus, makes for UNsocial housing which affects property values & is plain old unsightly.

Thank you.
--

**Appendix B**

Cancer Council WA

5 March 2026

City of Cockburn
Whadjuk Boodja
9 Coleville Crescent
SPEARWOOD WA 6163

***By email: comment@cockburn.wa.gov.au***

Dear Community Engagement Team

**Submission – Health and Nuisances Local Law 2026**

We refer to the above matter.

As the peak non-government cancer control organisation in Western Australia, Cancer Council Western Australia (Inc) (**Cancer Council WA**) advises government and other bodies on practices and policies to help prevent, detect and treat cancer and support people with cancer. We develop, promote and contribute to policy and initiatives to reduce the incidence and impact of cancer on the Western Australian community.

In the spirit of deepening relationships, Cancer Council WA acknowledges all the Traditional Custodians of Country throughout Western Australia and recognises their continuing connection to land, waters, sky, and community. We also pay our respect to their Elders and extend that respect to all Aboriginal peoples living and working in this area.

Cancer Council WA is pleased to be given the opportunity to contribute to the above consultation regarding the City of Cockburn's proposed Health and Nuisances Local Law 2026 (**the Local Law**). We became are of this consultation through your website. Our submission is directed at ensuring that second-hand tobacco smoke and e-cigarette aerosol are captured in the provisions regarding nuisance. We do not require our details to remain confidential.

**Background**

Cancer Council WA frequently receives smoke drift complaints from community members. Smoke drift occurs when second-hand tobacco smoke or e-cigarette aerosol enters a person's property from neighbouring properties or surrounding areas. This can be a significant source of distress, as exposure to second-hand tobacco smoke and e-cigarette aerosol is both unpleasant and harmful to health. It can mean that people do not let their children into their yard, keep their windows closed and relationships with neighbours break down.

In our experience, tobacco smoke drift remains the primary concern. Our submission therefore focuses on this type of smoke drift. However, we acknowledge the growing concern regarding vaping and the increasing evidence that exposure to e-cigarette aerosol may be associated with a range of adverse health outcomes. Given this and the benefits of clarity and

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cancerwa.asn.au

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ABN: 15 190 821 561

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Subiaco WA 6008
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F: 08 9212 4334

@CancerCouncilWA
@CancerCouncilWA
@CancerCouncilWestAus

consistency, and to provide future protections, it is warranted for the Local Law also address exposure to e-cigarette aerosols.

State legislation does not effectively address the issue of smoke-drift from second-hand tobacco smoke or e-cigarette aerosol into residential properties. It is therefore crucial that this is addressed at the local government level.

**Proposed change**

We note that section 199 of the *Health (Miscellaneous Provisions) Act 1911* (WA) allows for local laws to be made on the prevention of nuisances. In this regard we note Part 2 (Nuisances), clause 2.2 of the Local Law addresses "escape of smoke, fumes, odours and other emissions". This clause reads as follows:

***"2.2 Escape of smoke, fumes, odours and other emissions***

*An owner or occupier of land must take adequate and reasonable measures to prevent the escape of smoke, fumes or odours from the land in such quantity or of such a nature as to cause or to be a nuisance to any person, unless that owner or occupier has approval under a written law that permits the escape of smoke, fumes or odours from the land."*

We consider that this clause should be amended to make it clear that 'smoke' includes second-hand tobacco smoke and e-cigarette aerosol.

The benefit of amending the Local Law in this manner is that it gives a community member a legal ground to resolve the issue of persistent smoke drift from tobacco use and/or e-cigarettes from a neighbour and gives the local government the power to intervene. This would likely increase efficient dispute resolution. An amendment of this nature seeks to protect the health and amenity within the community. No one should feel trapped inside their house due to smoke drift from a neighbour.

We understand that the City of Swan will shortly be progressing a local law regarding smoke-drift and we recommend liaising with this local government regarding the nature of the proposed amendment (in case this assists with the drafting approach).

Thank you for your consideration of the matters raised. Please contact Rebekah Light, Legal Policy Advisor on Rebekah.Light@cancerwa.asn.au should you wish to discuss or if you would like further information.

Yours sincerely

Melissa Ledger
**Cancer Prevention & Research Director**
**Cancer Council WA**

## Appendix C

My few concerns about the proposed Local Laws are these:

**Health and Nuisances Local Law 2026**

| Proposed Law | Comment |
|---|---|
| 2.6 Removal of unsightly growth or vegetation<br>(1) The owner or occupier of a lot must not permit to remain on a lot any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that part of the district. | Unsightly and untidy are subjective terms – what are the thresholds?<br>Consider publishing example photographs of what might breach the thresholds for each type of district. |
| 4.1 Mosquitoes<br>(1) An owner or occupier of land must -<br>(a) ensure that the land is kept free of water located so as to be, or to be liable to become, a breeding place for mosquitoes; and<br>(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for mosquitoes. | The rural localities have many areas of standing water and wetlands whose owners would not be able to comply with this law.<br><br>Consider "(1) An owner or occupier of *drained* land …" |
| 4.2 Flies<br>(1) An owner or occupier of land must –<br>(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for flies. | For owners who keep chickens or large animals this might be impractical.<br><br>Consider publishing examples of adequate and reasonable measures for such animals. |
| 4.3 Rodents<br>(1) If there are indications of the presence of rodents on land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the rodents, keep the land free from rodents and prevent rodent breeding.<br>(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate rodents or undertake control measures to prevent rodent breeding. | Rodents are endemic to rural areas. Eradication is almost impossible, as with rabbits and foxes.<br><br>Consider:<br>"(1) If there are indications of the presence of rodents on *urban* land," |

**Fencing Local Law 2026**

| Proposed Law | Comment |
|---|---|
| Schedule 4 - Requirements for a sufficient fence on a rural lot<br>The requirements for a sufficient fence on a rural lot are that it must be -<br>(a) at least 1.2m high; and<br>(b) of a posts and wire construction. | Does a "more than sufficient fence" need defining?<br>In rural areas, wildlife corridors are essential.<br><br>Consider:<br>(a) *between 1.2m and 1.5m high;* and<br>(b) of a posts and wire construction, *with any mesh being at least 100mm wide.* |

**Keeping of Animals Local Law 2026**

| Proposed Law | Comment |
|---|---|
| Division 3 – Keeping of large animals<br>4.7 General restrictions<br>A person must not keep a large animal on any premises within the district unless it is kept –<br>(a) in accordance with this Division; or<br>(b) under and in accordance with a planning approval under the local government's local planning scheme. | The wording of this section has caused considerable confusion in the rural community.<br><br>To make the wording clearer for the average person, consider:<br><br>(a) in accordance with *section 4.8 of* this Division; or<br>(b) under and in accordance with a *permit issued* under the local government's local planning scheme. |

Department of Local Government, Industry Regulation and Safety
GOVERNMENT OF WESTERN AUSTRALIA

Our ref A105025872
Enquiries Statutory Approvals
Phone 6552 1530
Email legislation@lgirs.wa.gov.au

Julian Juhas
Courts and Legal Process Coordinator
City of Cockburn

Email: governance@cockburn.wa.gov.au

Dear Mr Juhas

**CITY OF COCKBURN – PROPOSED LOCAL LAWS**

Thank you for your email dated 15 January 2026 regarding the City's proposed local laws.

Copies of the draft local laws have been forwarded to the Statutory Approvals team at the Department of Local Government, Industry Regulation and Safety (LGIRS).

If there are any comments or concerns regarding the local laws, these comments will be provided by the close of the public submission period so that they can be taken into consideration alongside any other public submissions.

If you have any queries in the meantime, please contact the Statutory Approvals Team at 6552 1530 or by email to legislation@lgirs.wa.gov.au.

Yours sincerely

Lanie Chopping
**DIRECTOR GENERAL**
13 February 2026

Gordon Stephenson House, 140 William Street Perth WA 6000
Locked Bag 14 Cloisters Square Perth WA 6850
Telephone (08) 9222 3333
Email odg@lgirs.wa.gov.au
Web www.lgirs.wa.gov.au

Document Set ID: 12626432
Version: 1, Version Date: 24/02/2026

**From:** ELLIOTT, Steven
**To:** Governance
**Subject:** RE: City of Cockburn"s Proposed local laws
**Date:** Friday, 27 February 2026 4:07:20 PM
**Attachments:** image009.png
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**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

This email is regarding the City's proposed local laws.

The Department did not have any significant comments to make regarding the drafts, however, some minor comments relating to each local law is provided below. In addition, the City should ensure that all references and cross references are comprehensively checked to ensure their accuracy – particularly if any additional changes are made to the final draft.

## Waste Amendment Local Law

1. **Local law review**

LGIRS does not normally review waste local laws, as it lacks the subject specific knowledge to advise on waste management issues.

Accordingly, the City should take careful consideration of any advice provided by DWER in relation to the document.

2. **Copy of local law to be provided to DWER**

This local law is made under the Waste Avoidance and Resource Recovery Act 2007 in addition to the Local Government Act 1995.

Accordingly, a copy of the local law will need to be provided to the Minister for Environment and DWER, presuming this has not already occurred.

## Parking Local Law

1. **Amendments to Taxi legislation**

The Department is aware that amendments have recently occurred toTaxi legislation to account for ride-share services.

The City should double check all references to Taxi legislation and ensure that these references still achieve the desired outcomes.

## Fencing Local Law

### 1. Reference to Australian Standards

The local law makes reference to Australian Standards. The Delegated Legislation Committee has typically opposed the use of standards as they may not necessarily be publicly available. However, the Committee has been willing to allow standards provided that:

(a) The full title of the Standard is used at least once, either in the applicable clause or in a suitable definition;

(b) The local law makes it clear whether the Standard should be complied with as of a certain version or otherwise "as amended from time to time" and

(c) The Shire's website should provide information as to where the public can access these standards.

### 2. Minor issues:

- It is suggested that each Schedule should have a bracket reference under the title referring to the applicable clause in the local law.

## Keeping of Animals Local Law

### 1. Penalty for excrement

As the local law is currently drafted, a person who seeks to dispute a modified penalty for clause 2.26 will potentially be liable for a $5000 penalty.

The City may wish to add an additional subclause in clause 2.26 specifying a lower unmodified penalty for that offence.

### 2. Cats causing nuisance

As the local law is currently written, Clause 3.2 implies that an authorised person may issue a fine in a situation where a cat is not causing a nuisance, provided that the authorised person is of the opinion that the cat is causing a nuisance.

The City may wish to delete the words "in the opinion of an authorised person" to avoid any confusion.

### 3. Minor issues

- Schedule 6 – After the title, include a bracket reference to the applicable clause.

## Public Places Local Law

### 1. Potential application outside of district

Several of the clauses in the City's local law refer to waterways and jetties.

As a general rule, the district of a local government is defined as ending at the edge of coastal water, meaning that local laws will not typically have any legal effect beyond that

point (and be void to the extent that it purports to do so).

If the City merely wishes to enforce the local law in river waterways and inland areas this is unlikely to be an issue.

However, if the City wishes to enforce the law in relation to coastal water and jetties located beyond the low-water mark, it will need to obtain the prior approval of the Governor to extend the local law's effect to these coastal waters. The City should contact the Department if it requires any further information in this regard.

2. **Clause 7.9 – reversing onus of proof**

The Parliament's Delegated Legislation Committee has expressed doubts that clauses such as clause 7.9 are legally enforceable, as they effectively reverse the onus of proof in relation to proving guilt of an offence.

The Committee has concluded that the clause is of limited burden and accordingly, have never sought the clause's removal. However, the City should keep in mind that there may be enforceability issues if the clause is ever challenged in court.

3. **Multiple modified penalties**

It is unusual for a local law to contain multiple modified penalties for first and subsequent offences.

There is no available commentary on the subject and it is uncertain how the Delegated Legislation Committee will react to the clause. The City should prepare for the possibility that the Committee may request only a single set of penalties.

**Health and Nuisances Local Law**

The Department did not have any observations or comments regarding this local law, though the City may wish to consult with the Department of Health to identify if any health-specific considerations need to be taken into account.

I hope these comments assist you. Please keep in mind that they are provided in good faith and are not intended to constitute legal advice.

Kind regards

Steven Elliott
Principal Strategy Officer
Department of Local Government, Industry Regulation and Safety
140 William Street, Perth WA 6000
Locked Bag 14, Cloisters Square, Peth WA 6850

**From:** "Public Health Act" <publichealthact@health.wa.gov.au>
**Sent:** Tue, 27 Jan 2026 15:13:37 +0800
**To:** "Governance" <governance@cockburn.wa.gov.au>
**Subject:** RE: 26-86 - FOR INFORMATION/ACTON AS REQUIRED - DG NOTED - City of Cockburn's Proposed Health and Nuisances Local Law
**Categories:** to ECM

**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

OFFICIAL

Dear Julian,

The Department of Health has no objections and/or comments with regard to the changes proposed for the Proposed City of Cockburn Health and Nuisance Local Law 2026.

As you may already be aware, all local laws are now made under the *Local Government Act 1995*, and as a result these laws no longer need to be sent to the Department of Health as was the previous procedure when they were made under the *Health Act 1911*.

For further information regarding the process for local government local laws, please consult the Department of Health website link Local laws and the Public Health Act.

For all health legislation matters you are welcome to contact publichealthact@health.wa.gov.au

Kind regards,

Document Set ID: 12594794
Version: 1, Version Date: 28/01/2026

### 1.2.XX Health and Nuisances Local Law 2026

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Health and Nuisances Local Law 2026* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the *City of Cockburn Health and Nuisances Local Law 2026*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This delegation excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **As per CEO determination.** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |
| 1 | Adopted 12 May 2026 |

## 8.2.2 (2026/MINUTE NO 0027) Proposed City of Cockburn Fencing Local Law 2026

| | |
|---|---|
| **Executive** | Chief Executive Officer |
| **Author(s)** | Service Lead Governance and Council Support and Courts and Legal Process Coordinator |
| **Attachments** | 1. City of Cockburn Fencing Local Law 2026<br>2. City of Cockburn Fencing Local Law 2026 (Tracked Changes)<br>3. Community Submissions - City of Cockburn Fencing Local Law 2026<br>4. Combined Department of Local Government, Industry Regulation and Safety Correspondence<br>5. Council Delegation: City of Cockburn Fencing Local Law 2026 |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) CONSIDERS the submissions received on the City of Cockburn Fencing Local Law 2026, as required by section 3.14(4) of the Local Government Act 1995;

(2) RESOLVES to make the City of Cockburn Fencing Local Law 2026, as attached to this report as Attachment 1, incorporating the minor changes as shown by Attachment 2, but excluding the cover page, table of contents and page numbers;

(3) AUTHORISES the affixing of the common seal to the City of Cockburn Fencing Local Law 2026;

(4) AUTHORISES the Chief Executive Officer, in accordance with section 3.12(5)-(6) of the Local Government Act 1995, to:

1. Publish the City of Cockburn Fencing Local Law 2026 in the Government Gazette; and
2. Give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety;
3. Give local public notice of the publication of the local law; and
4. In accordance with Ministerial directions, provide a copy of the local law and required explanatory material to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation; and

(5) ENDORSES the changes to delegation DA 1.2.34 (Attachment 5), to give effect to the City of Cockburn Fencing Local Law 2026, with the changes taking effect and to be reflected in the City of Cockburn Delegations Register on the day the local law comes into force.

**CARRIED 5/0**

## Background

At the 9 December 2025 Ordinary Meeting of Council, Council resolved to commence the lawmaking process for the proposed City of Cockburn Fencing Local law 2026.

In accordance with this resolution, the City provided a copy of the proposed City of Cockburn Fencing Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, and invited submissions from the community between 12 January and 6 March 2026.

This report presents to Council the submissions and feedback received, as well as an amended City of Cockburn Fencing Local Law 2026, for consideration and adoption by Council.

## Submission

Community submissions are attached to this report as Attachment 3. Feedback received from the Department of Local Government is attached to this report as Attachment 4.

Commentary on re-occurring themes raised in the submissions, as well addressing the feedback provided by the Department of Local Government, Industry Regulation and Safety is provided in the detail of this report.

## Report

In accordance with section 3.12(3)(a) of the Local Government Act 1995, local governments are required to give local public notice of their intention to make a local law and then invite submissions from the community for a period of not less than 6 weeks.

In accordance with established processes, the proposed City of Cockburn Fencing Local Law 2026 was uploaded to a dedicated community engagement page on the City's website. The City then communicated the opportunity to provide feedback via:

- an alert on the City's website
- direct emails to the City of Cockburn 'Comment on Cockburn' newsletter mailing list
- a notice on the noticeboard at the City of Cockburn Administration Building as well as all City of Cockburn libraries
- posts on the City of Cockburn's Facebook and Instagram page
- an article in the electronic and hardcopy Cockburn Soundings newsletter; and
- newspaper advertising in the Perth Now Cockburn newspaper.

The City received 9 valid community submissions during the six-week public consultation period, which are included in Attachment 3. Feedback was broad and varied, however, there were one common theme/feedback, as summarised below:

- Some submissions expressed concern with the requirement to obtain a permit in order to construct a barbed wire, razor wire or electric fence in certain circumstances. These clauses exist in the current local laws and exist due to the significant potential safety risks these structures present, particularly where fencing is accessible to the public, adjoining properties, or areas frequented by children, emergency services, or other persons.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, the City also sent a copy of the proposed City of Cockburn Fencing Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety. The Department of Local Government, Industry Regulation and Safety provided feedback, which is attached to this report as Attachment 4.

Specifically, the Department advised:

- That by utilising references to the AS/NZS, the City will need to provide access to these standards and ensure that the local law specify whether the reference to the AS/NZS is for a specific version or 'as amended from time to time'.
- Minor issue related to Schedule titles and ensuring their related clauses are included in the title.

To address the feedback provided by the Department of Local Government, Industry Regulation and Safety, and to further improve the local law, the City has made some changes to the proposed City of Cockburn Fencing Local Law 2026. These changes are:

- Amending the reference to the Australian Standard in the local law so it specifies the exact Standard
- Amending the Schedule titles in line with what was suggested by the Department of Local Government, Industry Regulation and Safety
  Following internal discussion, City officers agreed that the clause prohibiting the reuse of material without approval (former clause 3.1) was ultimately unnecessary and has been removed from the local law
- Changes to clauses 2.1 and 2.2 to make it clearer that a dividing fence erected by agreement of all the owners of adjoining lots is deemed to be a sufficient fence. As the local law was drafted, a person does not commit an offence to erect a dividing fence that is not a sufficient fence, but it was unclear whether that meant it was a sufficient fence
- Amendment to clause 3.6 to clarify the intent of the clause, which is to ensure appropriate City oversight of fences which when left open, may cause an obstruction
- Inclusion of a transitional clause (new clause 1.7) to ensure any approvals or permits issued under the City's current Fencing Local Law continue to be valid on its repeal
- Other minor editorial changes to align the local law with wording used in other local laws, and to ensure all required defined words are included. These changes aren't intended to change the operation of the local law.

The City now presents the final proposed City of Cockburn Fencing Local Law 2026 for adoption by Council.

The purpose of the proposed local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district. The effect of the proposed local law is to establish the minimum requirements for fencing within the district.

If adopted, the City will publish a copy of the City of Cockburn Fencing Local Law 2026 in the Government Gazette and give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety.

Following gazettal, the City will then give local public notice of the adopted City of Cockburn Fencing Local Law 2026 and provide a copy of the local law to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL), who will scrutinise it. If the JSCDL takes issue with any part of the local law, they may request the City to give undertakings to amend it, or may disallow part or all of the local law.

To operationalise the City of Cockburn Fencing Local Law 2026, the City also presents to Council an Instrument of Delegation (Attachment 5). This delegation will allow the City to investigate breaches of the local law, give notices of breach under the local law, undertake work if the person issued a notice of breach does not do the work themselves, as well as determine applications under the local law.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget implications arising from the recommendations of this report.

It is not anticipated that additional resourcing is required to operationalise the City of Cockburn Fencing Local Law 2026.

Costs associated with the procedural aspects of making the local law are included in the City's budget.

**Legal Implications**

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation.

While local governments have broad powers to make local laws under section 3.12 of the Act, this power is not plenary. The power must be exercised “reasonably and proportionately”. Local laws must also be “necessary or convenient” for the “good government of the district”.

They must not go “beyond the accepted notions of local government”. They must not be inconsistent with State legislation, nor should they seek to introduce significant new policy or fundamental changes to policy, which is properly a matter for the State.

Local laws infringing on these principles will likely be disallowed by the JSCDL.

**Community Consultation**

As detailed above, the City invited submissions for a period of 6 weeks.

The City also provided a copy of the proposed City of City of Cockburn Fencing Local Law 2026 to the to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety.

In total, 9 valid community submissions were received from the community. Of the submissions received via the Comment on Cockburn page or hardcopy survey:

- 6 (75%) provided unqualified or conditional support for the local law
- 1 (12.5%) objected to the local law
- 1 (12.5%) neither supported or objected to the local law.

Overall, the submissions suggest broad support for the proposed City of Cockburn Fencing Local Law 2026.

In view of this, the City recommends that Council makes the City of Cockburn Fencing Local Law 2026, as attached to this report (Attachment 1).

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. The City has engaged external legal advisors to largely draft the proposed City of Cockburn Fencing Local Law 2026, to ensure it is reasonable, proportionate and within power.

There will be a moderate to substantial level of risk if Council were to amend the proposed City of Cockburn Fencing Local Law 2026 in such a way that it is no longer reasonable, proportionate or within power. This is because the JSCDL will likely disallow it.

This will result in sunk costs and time associated with the lawmaking process to date, as well as additional costs to re-commence the lawmaking process with a compliant local law. It will also delay the implementation of a modern fencing local law which responds to the needs of the community and the City.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposed City of Cockburn Fencing Local Law 2026 have been advised that this report is to being considered at the 21 April 2026 Governance Committee and 12 May 2026 Ordinary Council meetings.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil.

# Fencing Local Law 2026

## City of Cockburn

DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995

**DIVIDING FENCES ACT 1961**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Fencing Local Law 2026

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**DIVIDING FENCES ACT 1961**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Fencing Local Law 2026

Under the powers conferred by the *Dividing Fences Act 1961*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Cockburn resolved on ..... to make the following local law.

## Part 1 - Preliminary

**1.1 Title**

This is the *City of Cockburn Fencing Local Law 2026.*

**1.2 Commencement**

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

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

The *City of Cockburn Fencing Local Law 2012,* published in the *Government Gazette* on 3 July 2012, is repealed.

**1.5 Interpretation**

(1) In this local law —

***Act*** means the *Local Government Act 1995*;

***applicant*** means a person who makes an application for a permit under this local law;

***approved*** means approved by the local government;

***AS/NZS*** means an Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time;

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

***barbed wire*** means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals and includes other materials with spiked or jagged projections;

***boundary fence*** means a fence, other than a dividing fence, that separates private land from land that is local government property or a thoroughfare, whether the fence is on the common boundary of the adjoining lands or on a line other than a common boundary;

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

***CEO*** means the Chief Executive Officer of the local government;

***dangerous*** in relation to any fence means —

(a) an electrified fence, or one containing barbed wire or razor wire, other than a fence that is constructed and maintained in accordance with this local law;

(c) a fence containing exposed broken glass, asbestos fibre, or any other potentially harmful projection or material; or

(d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

***district*** means the district of the local government;

***dividing fence*** has the meaning in the *Dividing Fences Act*;

***Dividing Fences Act*** means the *Dividing Fences Act 1961*;

***electrified fence*** means a fence carrying or designed to carry an electric charge;

***fence*** means any structure, not including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

***height*** in relation to a fence, means the vertical distance between —

(a) the top of the fence at any point; and

(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

***industrial lot*** means a lot zoned Industrial under a local planning scheme;

***local government*** means the City of Cockburn;

***local government property*** means anything, except a thoroughfare —

(a) which belongs to, is owned by or is under the care, control and management of the local government;

(b) which is an otherwise unvested facility within section 3.53 of the Act; or

(c) of which the local government is the management body under the *Land Administration Act 1997*;

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

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

***non-residential lot*** means a lot that is not —

(a) a residential lot; or

(b) a rural lot;

***notice of breach*** means a notice referred to in clause 6.2(1);

***occupier*** has the meaning in the Act, but does not include the local government;

***owner*** has the meaning in the Act;

***permit*** means a permit issued under this local law;

***permit holder*** means a person to whom a permit is granted***;***

***prescribed offence*** has the meaning in clause 6.5;

***public place*** means a place to which the public has access, whether or not that place is on private property;

***razor wire*** means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals;

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

***residential lot*** means a lot zoned Residential or Rural Living under a local planning scheme;

***retaining wall*** means any structure which prevents the movement of soil, or which retains soil or structures, in order to allow ground levels of different elevations to exist adjacent to one another;

***rural lot*** means a lot zoned Rural or Resource under a local planning scheme;

***Schedule*** means a schedule to this local law;

***sufficient fence*** means a fence described in clause 2.2; and

***thoroughfare*** has the meaning in the Act, but does not include a private thoroughfare which is not under the management or control of the local government.

(2) A term that is used in this local law and is not defined has the meaning in the Act or, if not defined in the Act, the meaning in the Dividing Fences Act.

(3) 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.

(4) 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.

(5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by the local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.

(6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

**1.6 Relationship with other laws**

Nothing in this local law affects the need for compliance, in respect of a fence with —

(a) any relevant provisions of a local planning scheme; and

(b) any relevant provisions that apply if a building permit is required for that fence under the *Building Act 2011*.

**1.7 Transitional**

A permit or approval issued in accordance with a local law that is repealed under clause 1.4 —

(a) is taken to be a permit or approval granted under this local law, as the case may be;

(b) is to be valid for the period specified in the permit or approval; and

(c) may be earlier cancelled or suspended in accordance with this local law.

**Part 2 - Sufficient fences**

**2.1 Only sufficient fences to be constructed**

(1) A person must not construct a dividing fence that is not a sufficient fence.

**2.2 Meaning of 'sufficient fence'**

(1) A dividing fence is a sufficient fence if it is constructed in accordance with the requirements of Schedule 2 and is on or near the boundary between —

(a) 2 residential lots; or

(b) a residential lot and —

(i) a non-residential lot; or

(ii) a rural lot.

(2) A dividing fence is a sufficient fence if it is constructed in accordance with the requirements of Schedule 3 and is on the boundary between —

(a) 2 non-residential lots; or

(b) a non-residential lot and a rural lot.

(3) A dividing fence is a sufficient fence if it is constructed in accordance with the requirements of Schedule 4 and is on or near the boundary between 2 rural lots.

(4) Notwithstanding subclauses (1)-(3) above, a dividing fence is also a sufficient fence if all the owners of the lots adjoining the lots on which the dividing fence is to be constructed agree on the kind of dividing fence that is to be constructed.

(5) A dividing fence lawfully erected before this local law came into operation is also taken to be a sufficient fence for the purposes of the Dividing Fences Act.

## Part 3 - Fencing materials and maintenance

### 3.1 Barbed wire fences

(1) This clause does not apply to a fence constructed wholly or partly of razor wire.

(2) Unless in accordance with a permit issued by the local government, an owner or occupier of a residential lot or a non-residential lot, but not an industrial lot or rural lot, must not, on that lot —

(a) construct a fence that contains;

(b) affix to a fence; or

(c) allow to remain on a fence,

any barbed wire or other material with spiked or jagged projections.

(3) An owner or occupier of an industrial lot must not, on that lot —

(a) construct a fence that contains;

(b) affix to a fence; or

(c) allow to remain on a fence,

any barbed wire or other materials with spiked or jagged projections unless —

(d) the barbed wire or materials are carried on posts at an angle of 45 degrees; and

(e) the bottom row of barbed wire or other materials is set back at least 150mm from the face of the fence and is not nearer than 2000mm from the ground level.

(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining lots.

(5) An owner or occupier of a rural lot must not, on that lot, place, affix or allow barbed wire to remain on a fence adjacent to a thoroughfare or public place, unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

### 3.2 Razor wire fences

(1) An owner or occupier of a lot, other than a rural lot, must not —

(a) construct a fence wholly or partly of razor wire on that lot —

(i) without first obtaining a permit; and

(ii) except in accordance with that permit.

(2) A permit cannot be issued in respect of a lot —

(a) if the lot is, or abuts, a residential lot;

(b) if the fence is within 3m of any boundary of the lot; or

(c) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

**3.3 Electric fences**

(1) An owner or occupier of a lot, other than a rural lot, must not —

(a) have or use an electrified fence on that lot —

(i) without first obtaining a permit; and

(ii) except in accordance with that permit.

(2) A permit, in respect of a lot, cannot be issued —

(a) if the lot is, or abuts, a residential lot; and

(b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot.

(3) On a rural lot, an electrified fence must comply with AS/NZS 3016:2002.

**3.4 Other prohibited fencing materials**

In constructing or repairing a fence, a person must not use —

(a) broken glass or any other potentially harmful projections or material;

(b) asbestos fibre; or

(c) material that is likely to collapse or fall, or part of which is likely to collapse or fall, from any reasonably foreseeable cause.

**3.5 Maintenance of fences**

(1) An owner or occupier of a lot on which a fence is constructed must maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated or unsightly.

(2) If the local government is satisfied that an owner or occupier of a lot has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to return the fence to good condition.

**3.6 Gates in fences**

A person must not install a gate in a fence which does not —

(a) open into the lot; or

(b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed,

without first obtaining the written approval of the local government.

## Part 4 - Permits

### 4.1 Application for a permit

(1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit must —

(a) be in the form determined by the CEO;

(b) be made and signed by the owner or occupier of the lot;

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

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

(3) Before determining an application for a permit, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (3) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

### 4.2 Determining an application

(1) The local government may —

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

(b) refuse to approve an application.

(2) In considering whether to approve or refuse an application under subclause (1), the local government is to have regard to any adverse effect that an approval would have on —

(a) the safe or convenient use of any land;

(b) the safety or convenience of any person; and

(c) the visual amenity of the locality.

(3) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 4.1(2) and any request made under clause 4.1(3).

(4) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 4.1(2)(d) is to be refunded to the applicant.

(5) If an application is approved, the local government is to issue to the applicant a permit in the form of —

(a) Schedule 5, where the application is made in relation to an electric fence;

(b) Schedule 6, where the application is made in relation to razor wire; or

(c) Schedule 7, where the application is made in relation to barbed wire.

(6) If an application is refused, the local government is to give written notice of that refusal with reasons for the decision to the applicant.

**4.3 Compliance with and variation of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after the written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

**4.4 Duration of a permit**

(1) Unless otherwise specified as a condition of the permit, a permit is valid from the date on which it is issued until the earlier of —

(a) the expiry date, if any, specified on the permit; or

(b) the date that the permit is cancelled under this Part.

(2) Unless otherwise specified as a condition of approval, a permit —

(a) runs with the lot to which it relates;

(b) may be relied on by any subsequent occupier or owner of the lot; and

(c) may be enforced by the local government against a subsequent occupier or owner of the lot.

**4.5 Cancellation of a permit**

(1) The local government may cancel a permit if —

(a) the permit holder requests the local government to do so;

(b) the fence to which the permit applies has been demolished and not rebuilt for a period of 6 months;

(c) the circumstances are such that a permit could not be issued under this local law;

(d) the permit holder fails to comply with a condition of the permit; or

(e) the permit holder breaches a provision of this local law in respect of the fence that is the subject of the permit.

(2) If the local government cancels a permit under subclauses (1)(b)-(e), it must give the permit holder written notice of the cancellation and of the reasons for the cancellation.

(3) A cancellation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a permit is cancelled —

(a) the permit holder must, in the case of a written permit, return the permit to the local government as soon as practicable, or cause it to be destroyed; and

(b) no part of the fee paid for the permit is refundable.

## Part 5 - Objection and review

### 5.1 Objection and review rights

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval or permit;

(b) to vary or cancel an approval or permit;

(c) to impose or amend a condition of an approval or permit; and

(d) to give a person a notice under clause 6.2.

## Part 6 - Enforcement

### 6.1 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 Act.

### 6.2 Notices of breach

(1) Where a breach of a provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for the breach, directing the person, within the time specified in the notice, to take such action as specified in the notice for the purpose of remedying the breach.

(2) A notice given under subclause (1) must specify —

(a) the provision of this local law that has been breached;

(b) the particulars of the breach;

(c) the actions the person must take to remedy the breach; and

(d) the time and date by which the actions in the notice must be completed.

(3) A person given a notice of breach must remedy the breach within the time specified in the notice.

**6.3 Local government undertaking work required by a notice**

(1) This clause applies in respect of a notice given under clause 3.5(1), if the fence is a boundary fence.

(2) If a person fails to comply with a notice referred to in subclause (1), the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the Act, do anything that the CEO considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

**6.4 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with a notice issued to the person under this local law; or

(c) 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 $10,000; 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.

**6.5 Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 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 1 —

(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 Act.

**6.6 Form of infringement notices**

For the purposes of this local law —

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

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

_____

## Schedule 1 – Prescribed offences

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1 | 2.1 | Constructing a dividing fence which is not a sufficient fence | $250 | $500 |
| 2 | 3.1(2) | Having a barbed wire fence without a permit | $250 | $500 |
| 3 | 3.1(2) | Using materials with spiky or jagged projections in construction of fence | $250 | $500 |
| 4 | 3.1(3); 3.1(4); 3.1(5) | Failure to comply with requirements for a barbed wire fence | $250 | $500 |
| 5 | 3.2(1) | Having a razor wire fence without a permit | $250 | $500 |
| 6 | 3.3(1) | Having an electrified fence without a permit | $250 | $500 |
| 7 | 3.3(3) | Failure to comply with requirements for an electrified fence | $250 | $500 |
| 8 | 3.4 | Using prohibited materials in construction or repair of a fence | $250 | $500 |
| 9 | 3.5(1) | Failure to maintain a fence in good condition so as to prevent fence becoming dangerous, dilapidated or unsightly | $250 | $500 |
| 10 | 3.6 | Installing a gate in a fence without approval | $250 | $500 |
| 11 | 4.1(5) | Providing false or misleading statement in connection with permit application | $250 | $500 |
| 12 | 4.3(1) | Failure to comply with conditions of a permit | $250 | $500 |
| 13 | | Each other offence not specified | $250 | $500 |

## Schedule 2 - Requirements for a sufficient fence on a residential lot

[Clause 2.2(1)]

The requirements for a sufficient fence on a residential lot are that it must be —

(a) between 1.8m and 2.2m high; and

(b) comprised of —

(i) timber pickets or palings;

(ii) masonry (including brick, stone or concrete);

(iii) factory-coloured sheet metal posts and panels; or

(iv) any combination of (i), (ii) and (iii).

———

## Schedule 3 - Requirements for a sufficient fence on a non-residential lot

[Clause 2.2(2)]

The requirements for a sufficient fence on a non-residential lot are that it must be —

(a) not higher than 2.2m; and

(b) comprised of —

(i) timber pickets or palings;

(ii) masonry (including brick, stone or concrete);

(iii) factory-coloured sheet metal posts and panels;

(iv) galvanised or PVC steel frame and link mesh, chain mesh or steel mesh;

(v) painted or galvanised steel or aluminium sheeting; or

(vi) any combination of (i)-(v).

## Schedule 4 - Requirements for a sufficient fence on a rural lot

[Clause 2.2(3)]

The requirements for a sufficient fence on a rural lot are that it must be —

(a) at least 1.2m high; and

(b) of a posts and wire construction.

## Schedule 5 - Permit for an electrified fence

[Clause 4.2(5)(a)]

This is to certify that ……..…….....
of ……..……
has a permit, subject to the conditions set out below, to have and use an electrified fence on ……..……
……..……
……..……
(address)

Date …….. ……
Authorised Officer
City of Cockburn

**Conditions of Permit**

The holder of the permit must —

(a) display the permit in a prominent position on the land or premises on which the electrified fence has been constructed;
(b) on the request of an authorised person, produce this permit;
(c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
(d) comply with AS/NZS 3016:2002; and
(e) following construction of the fence, lodge with Western Power a certificate of installation from a qualified electrician and comply with any requirements of Western Power regarding the construction of the fence.

……..……
……..……..

———

## Schedule 6 - Permit for a razor wire fence

[Clause 4.2(5)(b)]

This is to certify that ……..…….....
of ……..…
has a permit, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on ……..……..……
……..……
……..……
(address)

Date …….. ……..…
Authorised Officer
City of Cockburn

**Conditions of permit**

The holder of this permit must —

(a) display this permit in a prominent position on the land or premises on which the fence has been constructed;
(b) on the request of an authorised person, produce this permit; and
(c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

……..……
……..……..

_____

## Schedule 7 - Permit for a barbed wire fence

[Clause 4.2(5)(c)]

This is to certify that ……..
of ……
has a permit, subject to the conditions set out below, to have a fence constructed wholly or partially of barbed wire on ……..……..……
……..……
……..……
(address)

(Date …….. ……
Authorised Officer
City of Cockburn

**Conditions of permit**

The holder of this permit must —

(a) display this permit in a prominent position on the land or premises on which the fence has been constructed;
(b) on the request of an authorised person, produce this permit; and
(c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

……..……
……..……..

_____

Dated this of 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

_____

# Fencing Local Law 2026

## City of Cockburn

DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995

**DIVIDING FENCES ACT 1961**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Fencing Local Law 2026

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**DIVIDING FENCES ACT 1961**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Fencing Local Law 2026

Under the powers conferred by the *Dividing Fences Act 1961*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Cockburn resolved on ..... to make the following local law.

## Part 1 - Preliminary

**1.1 Title**

This is the *City of Cockburn Fencing Local Law 2026.*

**1.2 Commencement**

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

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

The *City of Cockburn Fencing Local Law 2012,* published in the *Government Gazette* on 3 July 2012, is repealed.

**1.5 Interpretation**

(1) In this local law —

***Act*** means the *Local Government Act 1995*;

***applicant*** means a person who makes an application for a permit under this local law;

***approved*** means approved by the local government;

***AS/NZS*** means an Australian Standard or Australian/New Zealand Standard ~~(as applicable)~~ published by Standards Australia, as amended from time to time;

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

***barbed wire*** means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals and includes other materials with spiked or jagged projections;

***boundary fence*** means a fence, other than a dividing fence, that separates private land from land that is local government property or a thoroughfare, whether the fence is on the common boundary of the adjoining lands or on a line other than a common boundary;

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

***CEO*** means the Chief Executive Officer of the local government;

***dangerous*** in relation to any fence means —

(a) an electrified fence, or one containing barbed wire or razor wire, other than a fence that is constructed and maintained in accordance with this local law;–

(c) a fence containing exposed broken glass, asbestos fibre, or any other potentially harmful projection or material; or

(d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

***district*** means the district of the local government;

***dividing fence*** has the meaning in the *Dividing Fences Act*;

***Dividing Fences Act*** means the *Dividing Fences Act 1961*;

***electrified fence*** means a fence carrying or designed to carry an electric charge;

***fence*** means any structure, not including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

***height*** in relation to a fence, means the vertical distance between —

(a) the top of the fence at any point; and

(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

***industrial lot*** means a lot zoned Industrial under a local planning scheme;

***local government*** means the City of Cockburn;

***local government property*** means anything, except a thoroughfare —

(a) which belongs to, is owned by or is under the care, control and management of the local government;

(b) which is an otherwise unvested facility within section 3.53 of the Act; or

(c) of which the local government is the management body under the *Land Administration Act 1997*;

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

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

***non-residential lot*** means a lot that is not —

(a) a residential lot; or

(b) a rural lot;

***notice of breach*** means a notice referred to in clause 6.2~~1~~(12);

***occupier*** has the meaning in the Act, but does not include the local government;

***owner*** has the meaning in the Act;

***permit*** means a permit issued under this local law;

***permit holder*** means a person to whom a permit is granted;

***prescribed offence*** has the meaning in clause 6.5~~6.5~~;

***public place*** means a place to which the public has access, whether or not that place is on private property;

***razor wire*** means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals;

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

***residential lot*** means a lot zoned Residential or Rural Living under a local planning scheme;

***retaining wall*** means any structure which prevents the movement of soil, or which retains soil or structures, in order to allow ground levels of different elevations to exist adjacent to one another;

***rural lot*** means a lot zoned Rural or Resource under a local planning scheme;

***Schedule*** means a schedule to this local law;

***sufficient fence*** means a fence described in clause 2.2; and

***thoroughfare*** has the meaning in the Act, but does not include a private thoroughfare which is not under the management or control of the local government.

(2) A term that is used in this local law and is not defined has the meaning in the Act or, if not defined in the Act, the meaning in the Dividing Fences Act.

(3) 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.

(4) 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.

(5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by the local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.

(6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

**1.6 Relationship with other laws**

Nothing in this local law affects the need for compliance, in respect of a fence with —

(a) any relevant provisions of a local planning scheme; and

(b) any relevant provisions that apply if a building permit is required for that fence under the *Building Act 2011*.

**1.7 Transitional**

A permit or approval issued in accordance with a local law that is repealed under clause 1.4 —

(a) is taken to be a permit or approval granted under this local law, as the case may be;

(b) is to be valid for the period specified in the permit or approval; and

~~(b)~~(c) may be earlier cancelled or suspended in accordance with this local law.

**Part 2 - Sufficient fences**

**2.1 Only sufficient fences to be constructed**

(1) A person must not construct a dividing fence that is not a sufficient fence.

~~(2) Subclause (1) does not apply in respect of a dividing fence if all the owners of lots adjoining the lots on which the dividing fence is to be constructed agree on the kind of dividing fence that is to be constructed.~~

**2.2 Meaning of 'sufficient fence'**

(1) ~~(1)~~ A dividing fence is a sufficient fence if it is constructed in accordance with the requirements of Schedule 2 and is on or near the boundary between —

(a) 2 residential lots; or

(b) a residential lot and —

(i) a non-residential lot; or

(ii) a rural lot.

(2) ~~(2)~~ A dividing fence is a sufficient fence if it is constructed in accordance with the requirements of Schedule 3 and is on the boundary between —

(a) 2 non-residential lots; or

(b) a non-residential lot and a rural lot.

(3) A dividing fence is a sufficient fence if it is constructed in accordance with the requirements of Schedule 4 and is on or near the boundary between 2 rural lots.

(4) Notwithstanding subclauses (1)-(3) above, a dividing fence is also a sufficient fence if all the owners of the lots adjoining the lots on which the dividing fence is to be constructed agree on the kind of dividing fence that is to be constructed.

(5) A dividing fence lawfully erected before this local law came into operation is also taken to be a sufficient fence for the purposes of the Dividing Fences Act.

(4)

**Part 3 - Fencing materials and maintenance**

**3.1 Fencing materials**

(1) The materials used in the construction of a fence must be either -

(a) new materials; or

(b) pre-used materials that are approved in writing by the local government.

(2) If the local government approves the use of pre-used materials under clause 3.1(1)(b), that approval is to be conditional on the pre-used materials being painted or treated as directed by the local government.

**3.12 Barbed wire fences**

(1) This clause does not apply to a fence constructed wholly or partly of razor wire.

(2) Unless in accordance with a permit issued by the local government, an owner or occupier of a residential lot or a non-residential lot, but not an industrial lot or rural lot, must not, on that lot —

~~(c)~~(a) construct a fence that contains;

~~(d)~~(b) affix to a fence; or

~~(e)~~(c) allow to remain on a fence,

any barbed wire or other material with spiked or jagged projections.

(3) An owner or occupier of an industrial lot must not, on that lot —

(a) construct a fence that contains;

(b) affix to a fence; or

(c) allow to remain on a fence,

any barbed wire or other materials with spiked or jagged projections unless —

(d) the barbed wire or materials are carried on posts at an angle of 45 degrees; and

(e) the bottom row of barbed wire or other materials is set back at least 150mm from the face of the fence and is not nearer than 2000mm from the ground level.

(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining lots.

(5) An owner or occupier of a rural lot must not, on that lot, place, affix or allow barbed wire to remain on a fence adjacent to a thoroughfare or public place, unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

**3.23 Razor wire fences**

(1) An owner or occupier of a lot, other than a rural lot, must not —

(a) construct a fence wholly or partly of razor wire on that lot —

(i) without first obtaining a permit; and

(ii) except in accordance with that permit.

(2) A permit cannot be issued in respect of a lot —

(a) if the lot is, or abuts, a residential lot;

(b) if the fence is within 3m of any boundary of the lot; or

(c) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

**3.34 Electric fences**

(1) An owner or occupier of a lot, other than a rural lot, must not —

(a) have or use an electrified fence on that lot —

(i) without first obtaining a permit; and

(ii) except in accordance with that permit.

(2) A permit, in respect of a lot, cannot be issued —

(a) if the lot is, or abuts, a residential lot; and

(b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot.

(3) On a rural lot, an electrified fence must comply with ~~any applicable~~ AS/NZS 3016:2002.

**3.45 Other prohibited fencing materials**

~~(1)~~ In constructing or repairing a fence, a person must not use —

(a) broken glass or any other potentially harmful projections or material;

(b) asbestos fibre; or

(c) material that is likely to collapse or fall, or part of which is likely to collapse or fall, from any reasonably foreseeable cause.

**3.5 Maintenance of fences**

(1) An owner or occupier of a lot on which a fence is constructed must maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated or unsightly.

(2) If the local government is satisfied that an owner or occupier of a lot has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to return the fence to good condition.

**3.6 Gates in fences**

A person must not install a gate in a fence which does not —

(a) open into the lot; or

(b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed,

~~opens onto a thoroughfare~~ without first obtaining the written approval of the local government.

**Part 4 - Permits**

**4.1 Application for a permit**

(1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit must —

(a) be in the form determined by the CEO;

(b) be made and signed by the owner or occupier of the lot;

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

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

(3) Before determining an application for a permit, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or~~,~~

~~(a)~~ to consult with ~~those~~ nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons ~~who are specified in the request;~~

(b) ~~to advise those nearby owners and/or occupiers~~ that they may, within 14 days of receiving that advice, make submissions to the local government on the application. ~~for a permit; and/or~~

~~(c)(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.~~

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (3) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

**4.2 Determining an application**

(1) The local government may —

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

(b) refuse to approve an application.

(2) In considering whether to approve or refuse an application under subclause (1), the local government is to have regard to any adverse effect that an approval would have on —

(a) the safe or convenient use of any land;

(b) the safety or convenience of any person; and

(c) the visual amenity of the locality.

(3) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 4.1(2) and any request made under clause 4.1(3).

(4) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 4.1(2)(d) is to be refunded to the applicant.

(5) If an application is approved, the local government is to issue to the applicant a permit in the form of —

(a) Schedule 5, where the application is made in relation to an electric fence;

(b) Schedule 6, where the application is made in relation to razor wire; or

(c) Schedule 7, where the application is made in relation to barbed wire.

(6) If an application is refused, the local government is to give written notice of that refusal with reasons for the decision to the applicant.

**4.3 Compliance with and variation of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend ~~the~~ a condition~~s~~ of a permit and the amended condition~~s~~ take~~s~~ effect —

(a) 14 days after the written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

~~(a) 14 days after written notice is given to the permit holder.~~

**4.4 Duration of a permit**

(1) Unless otherwise specified as a condition of ~~approval~~the permit, a permit is valid from the date on which it is issued until the earlier of —

(a) the expiry date, if any, specified on the permit; or

(b) the date that the permit ~~it~~ is cancelled under this Part.

(2) Unless otherwise specified as a condition of approval, a permit —

(a) runs with the lot to which it relates;

(b) may be relied on by any subsequent occupier or owner of the lot; and

(c) may be enforced by the local government against a subsequent occupier or owner of the lot.

**4.5 Cancellation of a permit**

(1) The local government may cancel a permit if —

(a) the permit holder requests the local government to do so;

(b) the fence to which the permit applies has been demolished and not rebuilt for a period of 6 months;

(c) the circumstances are such that a permit could not be issued under this local law;

(d) the permit holder fails to comply with a condition of the permit; or

(e) the permit holder breaches a provision of this local law in respect of the fence that is the subject of the permit.

(2) If the local government cancels a permit under subclauses (1)(b)-(e), it must give the permit holder written notice of the cancellation and of the reasons for the cancellation.

(3) A cancellation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

~~(3) A cancellation under subclause (1) takes effect 14 days after the written notice under subclause (2) is given to the permit holder.~~

(4) If a permit is cancelled —

(a) the permit holder must, in the case of a written permit, return the permit to the local government as soon as practicable, or cause it to be destroyed; and

(b) no part of the fee paid for the permit is refundable.

**Part 5 - Objection and review**

**5.1 Objection and review rights**

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval or permit;

(b) to vary or cancel an approval or permit;

(c) to impose or amend a condition of an approval or permit; ~~or~~and

(d) to give a person a notice under clause 6.2.

**Part 6 - Enforcement**

**6.1 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 Act.

**6.2 Notices of breach**

(1) Where a breach of a provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for the breach, directing the person, within the time specified in the notice, to take such action as specified in the notice for the purpose of remedying the breach.

(2) A notice given under subclause (1) must specify —

(a) the provision of this local law that has been breached;

(b) the particulars of the breach;

(c) the actions the person must take to remedy the breach; and

(d) the time and date by which the actions in the notice must be completed.

(3) A person given a notice of breach must remedy the breach within the time specified in the notice.

~~(4) A person who fails to comply with a notice issued under this clause commits an offence.~~

**6.3 Local government undertaking work required by a notice**

(1) This clause applies in respect of a notice given under clause 3.~~5~~6(1), if the fence is a boundary fence.

(2) If a person fails to comply with a notice referred to in subclause (1), the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the Act, do anything that the CEO considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

**6.4 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with a notice issued to the person under this local law; or

(c) 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 $10,000; 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.

**6.5 Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 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 1 —

(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 Act.

**6.6 Form of infringement notices**

For the purposes of this local law —

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

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

_____

## Schedule 1 – Prescribed offences

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1 | 2.1~~(1)~~ | Constructing a dividing fence which is not a sufficient fence | $250 | $500 |
| ~~2~~ | ~~3.1(1)(b)~~ | ~~Using pre-used materials to construct a fence without the approval of the local government~~ | ~~$250~~ | ~~$500~~ |
| ~~3~~ | ~~3.1(2)~~ | ~~Not painting or treating pre-used materials used in the construction of a fence~~ | ~~$250~~ | ~~$500~~ |
| 2~~4~~ | 3.1~~2~~(2) | Having a barbed wire fence without a permit | $250 | $500 |
| 3~~5~~ | 3.1~~2~~(2) | Using materials with spiky or jagged projections in construction of fence | $250 | $500 |
| 4~~6~~ | 3.1~~2~~(3); 3.1~~2~~(4); 3.1~~2~~(5) | Failure to comply with requirements for a barbed wire fence | $250 | $500 |
| 5~~7~~ | 3.2(1)~~3~~ | Having a razor wire fence without a permit | $250 | $500 |
| 6~~8~~ | 3.3(1)~~4~~ | Having an electrified fence without a permit | $250 | $500 |
| 7~~9~~ | 3.3~~4~~(3) | Failure to comply with requirements for an electrified fence | $250 | $500 |
| 8~~10~~ | 3.4~~5~~ | Using prohibited materials in construction or repair of a fence | $250 | $500 |
| 9~~11~~ | 3.5(1)~~6~~ | Failure to maintain a fence in good condition so as to prevent fence becoming dangerous, dilapidated or unsightly | $250 | $500 |
| 10~~12~~ | 3.6~~7~~ | Installing a gate in a fence ~~that causes an obstruction when open~~without approval | $250 | $500 |
| 11~~3~~ | 4.1(5) | Providing false or misleading statement in connection with permit application | $250 | $500 |
| 12~~4~~ | 4.3(1) | Failure to comply with conditions of a permit | $250 | $500 |
| 13~~5~~ | | Each other offence not specified | $250 | $500 |

## Schedule 2 - Requirements for a sufficient fence on a residential lot

[Clause 2.2(1)]

The requirements for a sufficient fence on a residential lot are that it must be —

(a) between 1.8m and 2.2m high; and

(b) comprised of —

(i) timber pickets or palings;

(ii) masonry (including brick, stone or concrete);

(iii) factory-coloured sheet metal posts and panels; or

(iv) any combination of (i), (ii) and (iii).

## Schedule 3 - Requirements for a sufficient fence on a non-residential lot

[Clause 2.2(2)]

The requirements for a sufficient fence on a non-residential lot are that it must be —

(a) not higher than 2.2m; and

(b) comprised of —

(i) timber pickets or palings;

(ii) masonry (including brick, stone or concrete);

(iii) factory-coloured sheet metal posts and panels;

(iv) galvanised or PVC steel frame and link mesh, chain mesh or steel mesh;

(v) painted or galvanised steel or aluminium sheeting; or

(vi) any combination of (i)-(v).

## Schedule 4 - Requirements for a sufficient fence on a rural lot

[Clause 2.2(3)]

The requirements for a sufficient fence on a rural lot are that it must be —

(a) at least 1.2m high; and

(b) of a posts and wire construction.

## Schedule 5 - Permit for an electrified fence

[Clause 4.2(5)(a)]

This is to certify that ……..
of ……
has a permit, subject to the conditions set out below, to have and use an electrified fence on ……
……
……
(address)

Date …….

……
Authorised Officer
City of Cockburn

**Conditions of Permit**

The holder of the permit must —

(a) display the permit in a prominent position on the land or premises on which the electrified fence has been constructed;
(b) ~~up~~on the request of an authorised person, produce this permit;
(c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
(d) comply with AS/NZS 3016:2002~~any applicable AS/NZS~~; and
(e) following construction of the fence, lodge with Western Power a certificate of installation from a qualified electrician and comply with any requirements of Western Power regarding the construction of the fence.

……
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## Schedule 6 - Permit for a razor wire fence

[Clause 4.2(5)(b)]

This is to certify that ……..……..…....
of ……..……
has a permit, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on ……..……..……
……...……
……...……
(address)

Date …….. ……...…
Authorised Officer
City of Cockburn

**Conditions of permit**

The holder of this permit must —

(a) display this permit in a prominent position on the land or premises on which the fence has been constructed;
(b) on the request of an authorised person, produce this permit; and
(c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

……...……
……..

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## Schedule 7 - Permit for a barbed wire fence

[Clause 4.2(5)(c)]

This is to certify that ……..
of ……
has a permit, subject to the conditions set out below, to have a fence constructed wholly or partially of barbed wire on ……..
……
……
(address)

(Date …….. ……
Authorised Officer
City of Cockburn

**Conditions of permit**

The holder of this permit must —

(a) display this permit in a prominent position on the land or premises on which the fence has been constructed;
(b) on the request of an authorised person, produce this permit; and
(c) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

……
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Dated this of 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

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**Online and hard copy submissions**

| # | Date received | Name | Are you aware of the current local laws regarding fencing in the City? | After viewing the proposed Fencing Local Law 2026, what is your level of support? | Please list which Part or Clause your feedback is related to | What is your feedback? | If suggesting changes to the local law, please specify how these changes will impact the operation of the local law, or be beneficial for the wider community? | Officer response |
|---|---|---|---|---|---|---|---|---|
| 1 | 12 Jan | Withheld by request | Yes | Support with concerns | | When building a residential home it should be law that fencing should be installed around the entire property resulting in the house/property the be built within the fence. It is never made clear what a boundary wall is and this should not be standard or the regular thing now during builds. It should be regulation from councils that houses are only to be built within what will be a fence line to ensure house walls are not used to make up part of that boundary/fence line leaving home owners exposed to unpleasant neighbours | I don't believe it will impact the operation of local law but it will make a big change to the building industry when consulting with home owners on blocks of land to build on. Builders will have to ensure properties will fit within the intended fencing line. I believe this will give home owners peace of mind that their property if completely enclosed within a fence line | Feedback noted.<br><br>The City does not have the power to require all landowners to construct a fence. This would be inconsistent with the Dividing Fences Act 1961.<br><br>The planning and building framework in WA allows properties to be built up to the property line. The City cannot impose laws that are inconsistent with this framework. |

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| | | | | | | using exposed walls for whatever they like (drilled into, painted on, hit against etc) | | |
| 2 | 12 Jan | Withheld by request | Yes | Support with concerns | The requirements for approval in writing to use “pre-used materials” for fence construction or repairs | I believe this is overly restrictive and onerous on ratepayers. When we are trying to promote reusing, repurposing & repairing items, to add extra obstacles in the way of quick and easy repairs that ratepayers can undertake themselves would stop them from repairing fences and would lead to unnecessary increased waste when fences become damaged. | By allowing ratepayers to undertake repairs using "pre-used materials" without written approval, fences made from colorbond steel for example, which commonly corrodes along the base (in fact, some damage is caused by council parks & garden staff brushcutting fencelines adjoining parks!), these can be patched with offcuts on the affected sections being rivetted to the existing fence and covering the corroded sections.<br>This enables the majority of the fence to remain in use for longer, and smaller "wasted" sections to be reused. | Feedback noted.<br><br>The City has given further consideration to this clause and has determined that it does not need to approve the use or pre-used materials. Whether or not two adjoining landowners wish to use pre-existing fencing materials in a dividing fence is a private matter between those parties. |
| 3 | 12 Jan | Withheld by request | Yes | Support with concerns | The actual height of a fence where the homeowner has considerably heightened the land prior to building [despite the building proposal – as at *REDACTED*], thus the 1.8m is inadequate for privacy | Despite the online, & thus, ‘apparent’ building compliance, an owner who significantly heightens the land/house-pad to the detriment of the neighbours needs to comply with at 2.2m fencing [as at *REDACTED* which has failed to do, plus have the retaining wall | The Building applications should be viewed to find land-height alterations, and not taken aa ‘face value, especially if neighbours complain. | Feedback noted.<br><br>The proposed Fencing Local Law requires that where there is a difference in ground levels between adjoining properties, the height is measured from the higher land level. It is up |

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| | | | | | | reinforced [once again which was not completed as the owners of *REDACTED* had to build a retaining wal INSIDE the poorly constructed {non-}retianing walkk *REDACTED*] | | to the owners of adjoining properties to determine the height of a dividing fence, which the Fencing Local Law states can be up to 2.2m in residential areas. If the adjoining owners cannot reach agreement, an application can be made to the Magistrates Court who will make the decision. |
| 4 | 15 Jan | Withheld by request | Yes | Support with concerns | | Privacy Concerns: The city's power to enter a property to perform work if a notice is ignored is an overreach of authority into private property.<br><br>Subjectivity of Enforcement: Terms like "unsightly" are not clearly defined, which could lead to inconsistent enforcement based on an individual officer's opinion.<br><br>While the law allows neighbors to agree on a fence that is not a | | Feedback noted.<br><br>The City's power to enter land to undertake works arises only after a formal notice has been issued and not complied with and is limited to boundary fences (clauses 3.6 and 6.3). This power is intended as a last resort to address unsafe, dilapidated, or dangerous fences where an owner has failed to act, and the City |

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| | | | | | | "sufficient fence," this could lead to legal disputes if one neighbor changes their mind or a new owner moves in. | | believes does not constitute an unrestricted or arbitrary intrusion into private property.<br><br>While the term “unsightly” is not exhaustively defined, enforcement decisions must be based on objective assessment, supported by evidence, and issued through a formal notice of breach that clearly identifies:<br>• the breached provision.<br>• the particulars of the breach and<br>• the required remedial actions<br><br>Disputes about dividing fences are provided for in the Dividing Fences Act 1961. Owners who cannot agree can make an application to the |

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| | | | | | | | | Magistrates Court for a decision. |
| 5 | 15 Jan | Leigh Chatt | Yes | Neither support nor object | Parts relating to sufficient fencing standards and materials, permit requirements for electrified razor wire and barbed wire fencing, and enforcement and penalties. | The proposed Fencing Local Law 2026 generally aligns well with community expectations by modernising fencing standards, improving safety, and providing clearer permit and enforcement processes. The more detailed requirements increase certainty for residents and help ensure consistent application across the City. Overall, the balance between public safety, amenity, and reasonable property use appears appropriate, with no major increase or decrease in restriction required. | Minor refinements could include clearer guidance notes or examples to accompany permit-based fencing provisions, particularly for electrified and barbed wire fences. This would improve understanding for residents and applicants, reduce incomplete or unsuitable applications, and support more consistent decision-making by the City. Providing this clarity would enhance safety outcomes, minimise disputes, and improve overall community confidence in how the local law is applied, without materially increasing regulatory burden. | Feedback noted.<br><br>The City will give further consideration to the development of guidance notes as part of the implementation of the local law. |
| 6 | 29 Jan | Name withheld by request | Yes | Support | Front fence approvals and rules are extremely overdone and too hard to navigate why should i need approval if i meet the guidelines. I pay rates its my land im building it on. I dont understand. | Removal approval process for fences 1800mm or less. Please | Make life easier, id like a fence so my kids can play out the front safely but i gave up as the website was too confusing and the process was ofer the top. | Feedback noted.<br><br>Front fencing is regulated through a combination of planning controls (R-Codes) and building legislation, each addressing different aspects of compliance. Under the R-Codes, |

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| | | | | | | | | matters such as front fence height, setback, and design are controlled to protect streetscape character, visibility, and public safety. Where a front fence complies with the applicable R-Codes and any relevant local planning policy, planning approval may not be required.<br><br>The proposed Fencing Local Law regulates fencing in relation to materials, safety, and ongoing maintenance. There is no clause in the proposed Fencing Local Law that requires the City to give approval for front fences less than 1.8m. |
| 7 | 02 Feb | Anton von Wielligh | Unsure | Object | Barbed wire and the requirements to apply for a permit | The requirements to apply for a permit to safeguard a property by using barb wire is honestly ridiculous. There is a obscene | If residents of private land or properties have more rights and freedom to choose appropriate safeguards for their safety and security especially in relation to | Feedback noted.<br><br>The proposed Fencing Local Law regulates the use of barbed wire and |

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| | | | | | | increase in theft, break-ins and violent home invasions across WA and owners should have more freedom to decide on barb or razor wire use for boundary fences. | fences and gates, particularly the use of barb wire or razor wire that would be deemed reasonable. Criminals are not supposed to be kept injury free or allow safe unlawful trespassing by forcing owners to comply with friendly or safe boundary materials. | razor wire due to their potential safety risks, particularly where fencing is accessible to the public, adjoining properties, or areas frequented by children, emergency services, or other persons.<br><br>Approval requirements are intend to ensure that potentially hazardous fencing materials are used reasonably and safely, with appropriate consideration of location, accessibility, surrounding land uses, and compliance with relevant safety standards. |
| 8 | 26 Feb | Name withheld by request | Yes | Support with concerns | Part 2 - Sufficient fences (Clauses 2.1–2.2): Support the simplification of 'sufficient fence' to basic height and materials only. This reduces confusion | As a father and husband raising two young daughters in Cockburn, I want fencing rules that keep our neighbourhoods safe for kids while giving families real | As a father and husband raising two young daughters in Cockburn, I want fencing rules that prioritise genuine safety (especially for kids playing near boundaries) while maximising freedom for families to decide on | Feedback noted.<br><br>The barbed wire approvals process only applies to residential lots and non-residential lots. Industrial and |

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| | | | | | and unnecessary complexity for families building or repairing dividing fences.<br><br>Part 3 - Fencing materials and maintenance (Clauses 3.1–3.7): Welcome the addition of prohibited dangerous materials (e.g., asbestos, collapsible ones) for safety, especially protecting kids. Support removal of overly detailed old rules. Concerns remain on Clauses 3.2 (barbed wire), 3.3 (razor wire), 3.4 (electric fences), and 3.7 (gates to thoroughfares) — these still require permits, which could be relaxed with basic safety conditions instead of full approvals for larger/residential blocks.<br><br>Part 4 - Permits (Clauses 4.1–4.5): The standardised permit process is | freedom to manage their own private property without unnecessary council paperwork or restrictions.<br>Here is my detailed feedback on each part/clause I listed:<br><br>Part 2 - Sufficient fences (Clauses 2.1–2.2)<br>Strongly support. Simplifying “sufficient fence” to basic height and materials only is excellent. It removes the old confusing detailed rules that made simple backyard fence repairs or replacements a headache for families. This change gives property owners clarity and freedom to build what works for them, while still allowing neighbours to sort disagreements privately under the Dividing Fences Act. It directly benefits working families by cutting red tape and cost.<br><br>Part 3 - Fencing | their own private property without excessive council approvals, delays, or costs. The proposed Fencing Local Law 2026 is already a strong improvement on the 2012 version — simplifying "sufficient fence" rules, removing City approval for non-standard dividing fences (letting neighbours sort it under the Dividing Fences Act), excluding boundary fences, and focusing prohibitions on truly dangerous materials like asbestos or collapsible ones. These changes reduce red tape and respect property rights, which I strongly support.<br>Here are my specific suggested changes (building on the clauses/parts I listed earlier), with clear explanations of how they'd improve the law's operation and benefit the wider community:<br><br>Part 3 - Fencing materials and maintenance (Clauses 3.2 Barbed wire fences, 3.3 Razor wire fences, 3.4 Electric fences): Replace the full permit requirement with a simple self-certification or notification process (e.g., owner confirms compliance | rural lots can install barbed wire provided they comply with the requirements outlined in the proposed Fencing Local Law.<br><br>The razor wire and electric fence approvals process does not apply to rural lots, provided they also comply with the requirements outlined in the proposed Fencing Local Law.<br><br>It is important to note that the proposed Fencing Local Law regulates the use of barbed wire, razor wire and electric fences due to their significant potential safety risks, particularly where fencing is accessible to the public, adjoining properties, or areas frequented by children, emergency |

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| | | | | | clearer, but overall permits for non-hazardous/special fences add unnecessary steps/costs for property owners. Suggest minimising or exempting low-risk cases.<br><br>Part 5 - Objection and review (Clause 5.1): Good to have review rights for fairness if approvals are needed. | materials and maintenance (Clauses 3.1–3.7)<br>Mostly support.<br><br>Clause 3.1 (new or approved pre-used materials) and 3.5 (banning asbestos, broken glass, collapsible materials) are sensible safety measures that protect children and the community.<br>Clause 3.6 (maintenance) is reasonable to stop dangerous or unsightly fences.<br>However, Clauses 3.2 (barbed wire), 3.3 (razor wire), 3.4 (electric fences) and 3.7 (gates opening onto thoroughfares) still require permits even on larger residential or rural-style blocks. These feel overly restrictive for responsible property owners who can install them safely. Suggest: allow these with simple self-declaration of safety standards (e.g., height, signage, distance from | with basic safety standards like minimum height from ground/public areas, warning signs, and no risk to pedestrians/neighbours).<br>Impact on operation / Benefit to community: This cuts unnecessary administrative burden on the City (fewer routine applications to assess/issue), speeds up legitimate installations for property owners (especially on larger residential or semi-rural blocks where these fences deter intruders without hazard), and maintains safety through clear, enforceable standards. It promotes voluntary compliance, frees council resources for higher-risk issues, and builds trust by treating responsible homeowners as capable rather than requiring pre-approval for everything.<br>Part 3 - Fencing materials and maintenance (Clause 3.7 Gates in fences): For gates opening onto thoroughfares/public access ways, shift from mandatory permit to a self-compliance option (e.g., owner certifies the gate swings inward, has no obstruction risk, and meets basic visibility/safety | services, or other persons.<br><br>Approval requirements are intended to ensure that potentially hazardous fencing materials are used reasonably and safely, with appropriate consideration of location, accessibility, surrounding land uses, and compliance with relevant safety standards.<br><br>The issue with a self-certification or notification process after-the-fact is that if the City has significant concerns with the proposed fence and requires it to be removed, then the property owner may be out of pocket significant funds from installing the fence. The City considers it is better that |

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| | | | | | | boundaries) instead of full permits, or exempt them entirely on non-residential/rural lots. This would reduce bureaucracy while keeping genuine hazards controlled.<br><br>Part 4 - Permits (Clauses 4.1–4.5) Support the standardised, clearer process and the new permit templates (Schedules 5–7) — they are more transparent.<br>Concern: Permits are still required for several common fence types. This adds unnecessary cost, time and council workload for everyday families doing fencing work. Suggest limiting permits only to truly high-risk situations (e.g., razor wire near public areas) and removing them where basic safety rules can be met by the owner. This would make the law more proportionate and free up council resources for real issues.<br>Part 5 - Objection and | specs). Only require permit if non-compliant or complaint-driven.<br>Impact on operation / Benefit to community: Reduces permit volume for common driveway/pedestrian gates, making the process faster and cheaper for families. It prevents minor hazards (e.g., blocking footpaths) via clear guidelines instead of blanket approvals, encourages proactive owner responsibility, lowers enforcement workload on trivial cases, and keeps public thoroughfares safe without over-regulating private access points.<br>Part 4 - Permits (Clauses 4.1–4.5 overall): Limit permits strictly to high-risk scenarios (e.g., razor wire near public spaces or non-compliant electric setups) and expand self-certification/notification for lower-risk items. Standardised templates (Schedules) are already good, make them the default for self-declaration where possible.<br>Impact on operation / Benefit to community: Streamlines City processing (fewer full reviews needed), | approval is sought beforehand to avoid this unfortunate outcome.<br><br>Lastly, the reason for having an applications process for gates that open up into a thoroughfare is to protect community safety, public and emergency access. A gate or fence that opens onto a thoroughfare can obstruct pedestrians, vehicles, public infrastructure as well as emergency access.<br><br>While the City's compliance and enforcement approach is outside the scope of this engagement, the City does use a graduated approach to compliance, starting with education and |

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| | | | | | | review (Clause 5.1) Support. Keeping clear objection and review rights is fair and important if any approval is still needed. It protects property owners from arbitrary decisions.<br><br>Overall, this proposed law is a big improvement on the 2012 version because it removes City approval for most dividing fences, simplifies the “sufficient fence” definition, and focuses only on genuine safety risks. These changes respect private property rights and make life easier for families maintaining their homes. With the remaining permit requirements further reduced or replaced by clear self-compliance options, and enforcement starting with education/warnings rather than fines, it would be even better aligned with community needs for | reduces costs/delays for residents undertaking routine fencing work, and improves efficiency without compromising safety. This creates a more proportionate law that focuses council effort on real hazards, enhances community satisfaction by minimising bureaucracy, and encourages better upkeep through education rather than permission-seeking. Part 7 (or equivalent enforcement sections, including modified penalties in schedules): Explicitly require graduated enforcement, start with education, warnings, or neighbour mediation for first/minor breaches before fines or notices. Higher "subsequent offence" penalties are fine for serious/repeat cases only. Impact on operation / Benefit to community: Promotes fair, supportive enforcement that resolves issues quickly and amicably (e.g., a gate slightly out of spec fixed after a friendly notice). It reduces disputes/escalations to formal proceedings, lowers administrative costs from unnecessary infringements, | warnings and escalating only where necessary to infringements or prosecution. This ensures any action taken is fair and proportionate to the issue. Your comments however will be passed onto the relevant team for their information. |

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| | | | | | | practical, low-intervention rules. Thank you for the opportunity to provide this feedback. | fosters positive council-resident relations, and achieves better long-term compliance through understanding rather than punishment, ultimately making neighbourhoods safer and more harmonious for families.<br><br>These refinements build on the law's excellent deregulatory steps (e.g., no approval for most dividing fences) by further minimising intervention in private property choices. They'd make the law leaner to administer, more affordable/responsive for everyday families, and more focused on genuine public safety/amenity, all while protecting neighbours and kids from real dangers. This approach respects individual responsibility, reduces government overreach, and strengthens community trust in local rules.<br>Thank you for considering these suggestions, your work to modernise and simplify these laws is appreciated by families like mine. | |

**Email and letter submissions**

| # | Date received | Name | Feedback | Officer response |
|---|---|---|---|---|
| 1 | 6 March | REDACTED | See Appendix A. | Feedback noted.<br><br>The City considers the current definition of sufficient fence for a rural fence to be adequate and appropriate. It allows for sufficient flexibility if two adjoining landowners wish to erect a fence greater than 1.5m high, as well as agree on the particulars of any meshing.<br><br>The City notes your submissions on the other proposed local laws. |

**Appendix A**

My few concerns about the proposed Local Laws are these:

**Health and Nuisances Local Law 2026**

| Proposed Law | Comment |
|---|---|
| 2.6 Removal of unsightly growth or vegetation<br>(1) The owner or occupier of a lot must not permit to remain on a lot any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that part of the district. | Unsightly and untidy are subjective terms – what are the thresholds?<br>Consider publishing example photographs of what might breach the thresholds for each type of district. |
| 4.1 Mosquitoes<br>(1) An owner or occupier of land must -<br>(a) ensure that the land is kept free of water located so as to be, or to be liable to become, a breeding place for mosquitoes; and<br>(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for mosquitoes. | The rural localities have many areas of standing water and wetlands whose owners would not be able to comply with this law.<br><br>Consider "(1) An owner or occupier of *drained* land …" |
| 4.2 Flies<br>(1) An owner or occupier of land must –<br>(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for flies. | For owners who keep chickens or large animals this might be impractical.<br><br>Consider publishing examples of adequate and reasonable measures for such animals. |
| 4.3 Rodents<br>(1) If there are indications of the presence of rodents on land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the rodents, keep the land free from rodents and prevent rodent breeding.<br>(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate rodents or undertake control measures to prevent rodent breeding. | Rodents are endemic to rural areas. Eradication is almost impossible, as with rabbits and foxes.<br><br>Consider:<br>"(1) If there are indications of the presence of rodents on *urban* land," |

**Fencing Local Law 2026**

| Proposed Law | Comment |
|---|---|
| Schedule 4 - Requirements for a sufficient fence on a rural lot<br>The requirements for a sufficient fence on a rural lot are that it must be -<br>(a) at least 1.2m high; and<br>(b) of a posts and wire construction. | Does a "more than sufficient fence" need defining?<br>In rural areas, wildlife corridors are essential.<br><br>Consider:<br>(a) *between 1.2m and 1.5m high;* and<br>(b) of a posts and wire construction, *with any mesh being at least 100mm wide.* |

**Keeping of Animals Local Law 2026**

| Proposed Law | Comment |
|---|---|
| Division 3 – Keeping of large animals<br>4.7 General restrictions<br>A person must not keep a large animal on any premises within the district unless it is kept –<br>(a) in accordance with this Division; or<br>(b) under and in accordance with a planning approval under the local government's local planning scheme. | The wording of this section has caused considerable confusion in the rural community.<br><br>To make the wording clearer for the average person, consider:<br><br>(a) in accordance with *section 4.8 of* this Division; or<br>(b) under and in accordance with a *permit issued* under the local government's local planning scheme. |

Department of Local Government, Industry Regulation and Safety
GOVERNMENT OF WESTERN AUSTRALIA

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Julian Juhas
Courts and Legal Process Coordinator
City of Cockburn

Email: governance@cockburn.wa.gov.au

Dear Mr Juhas

**CITY OF COCKBURN – PROPOSED LOCAL LAWS**

Thank you for your email dated 15 January 2026 regarding the City's proposed local laws.

Copies of the draft local laws have been forwarded to the Statutory Approvals team at the Department of Local Government, Industry Regulation and Safety (LGIRS).

If there are any comments or concerns regarding the local laws, these comments will be provided by the close of the public submission period so that they can be taken into consideration alongside any other public submissions.

If you have any queries in the meantime, please contact the Statutory Approvals Team at 6552 1530 or by email to legislation@lgirs.wa.gov.au.

Yours sincerely

Lanie Chopping
**DIRECTOR GENERAL**
13 February 2026

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**From:** ELLIOTT, Steven
**To:** Governance
**Subject:** RE: City of Cockburn"s Proposed local laws
**Date:** Friday, 27 February 2026 4:07:20 PM
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Good afternoon,

This email is regarding the City's proposed local laws.

The Department did not have any significant comments to make regarding the drafts, however, some minor comments relating to each local law is provided below. In addition, the City should ensure that all references and cross references are comprehensively checked to ensure their accuracy – particularly if any additional changes are made to the final draft.

## Waste Amendment Local Law

### 1. Local law review

LGIRS does not normally review waste local laws, as it lacks the subject specific knowledge to advise on waste management issues.

Accordingly, the City should take careful consideration of any advice provided by DWER in relation to the document.

### 2. Copy of local law to be provided to DWER

This local law is made under the Waste Avoidance and Resource Recovery Act 2007 in addition to the Local Government Act 1995.

Accordingly, a copy of the local law will need to be provided to the Minister for Environment and DWER, presuming this has not already occurred.

## Parking Local Law

### 1. Amendments to Taxi legislation

The Department is aware that amendments have recently occurred toTaxi legislation to account for ride-share services.

The City should double check all references to Taxi legislation and ensure that these references still achieve the desired outcomes.

## Fencing Local Law

### 1. Reference to Australian Standards

The local law makes reference to Australian Standards. The Delegated Legislation Committee has typically opposed the use of standards as they may not necessarily be publicly available. However, the Committee has been willing to allow standards provided that:

(a) The full title of the Standard is used at least once, either in the applicable clause or in a suitable definition;

(b) The local law makes it clear whether the Standard should be complied with as of a certain version or otherwise "as amended from time to time" and

(c) The Shire's website should provide information as to where the public can access these standards.

### 2. Minor issues:

- It is suggested that each Schedule should have a bracket reference under the title referring to the applicable clause in the local law.

## Keeping of Animals Local Law

### 1. Penalty for excrement

As the local law is currently drafted, a person who seeks to dispute a modified penalty for clause 2.26 will potentially be liable for a $5000 penalty.

The City may wish to add an additional subclause in clause 2.26 specifying a lower unmodified penalty for that offence.

### 2. Cats causing nuisance

As the local law is currently written, Clause 3.2 implies that an authorised person may issue a fine in a situation where a cat is not causing a nuisance, provided that the authorised person is of the opinion that the cat is causing a nuisance.

The City may wish to delete the words "in the opinion of an authorised person" to avoid any confusion.

### 3. Minor issues

- Schedule 6 – After the title, include a bracket reference to the applicable clause.

## Public Places Local Law

### 1. Potential application outside of district

Several of the clauses in the City's local law refer to waterways and jetties.

As a general rule, the district of a local government is defined as ending at the edge of coastal water, meaning that local laws will not typically have any legal effect beyond that

point (and be void to the extent that it purports to do so).

If the City merely wishes to enforce the local law in river waterways and inland areas this is unlikely to be an issue.

However, if the City wishes to enforce the law in relation to coastal water and jetties located beyond the low-water mark, it will need to obtain the prior approval of the Governor to extend the local law's effect to these coastal waters. The City should contact the Department if it requires any further information in this regard.

2. **Clause 7.9 – reversing onus of proof**

The Parliament's Delegated Legislation Committee has expressed doubts that clauses such as clause 7.9 are legally enforceable, as they effectively reverse the onus of proof in relation to proving guilt of an offence.

The Committee has concluded that the clause is of limited burden and accordingly, have never sought the clause's removal. However, the City should keep in mind that there may be enforceability issues if the clause is ever challenged in court.

3. **Multiple modified penalties**

It is unusual for a local law to contain multiple modified penalties for first and subsequent offences.

There is no available commentary on the subject and it is uncertain how the Delegated Legislation Committee will react to the clause. The City should prepare for the possibility that the Committee may request only a single set of penalties.

**Health and Nuisances Local Law**

The Department did not have any observations or comments regarding this local law, though the City may wish to consult with the Department of Health to identify if any health-specific considerations need to be taken into account.

I hope these comments assist you. Please keep in mind that they are provided in good faith and are not intended to constitute legal advice.

Kind regards

Steven Elliott
Principal Strategy Officer
Department of Local Government, Industry Regulation and Safety
140 William Street, Perth WA 6000
Locked Bag 14, Cloisters Square, Peth WA 6850

### 1.2.34 Fencing Local Law ~~2012~~2026

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Fencing Local Law ~~2012~~2026* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the ~~City's~~ *City of Cockburn Fencing Local Law ~~2012~~2026*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This delegation excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **As per CEO determination.** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 8 July 2025 |
| 4 | Modified 12 May 2026 |

## 8.2.3 (2026/MINUTE NO 0028) Proposed City of Cockburn Parking Local Law 2026

| | |
|---|---|
| **Executive** | Chief Executive Officer |
| **Author(s)** | Service Lead Governance and Council Support and Courts and Legal Process Coordinator |
| **Attachments** | 1. City of Cockburn Parking Local Law 2026<br>2. City of Cockburn Parking Local Law 2026 (Tracked Changes)<br>3. Community Submissions - City of Cockburn Parking Local Law 2026<br>4. Combined Department of Local Government, Industry Regulation and Safety Correspondence<br>5. Council Delegation: City of Cockburn Parking Local Law 2026 |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) CONSIDERS the submissions received on the City of Cockburn Parking Local Law 2026, as required by section 3.14(4) of the Local Government Act 1995;

(2) RESOLVES to make the City of Cockburn Parking Local Law 2026, as attached to this report as Attachment 1, incorporating the minor changes as shown by Attachment 2, but excluding the cover page, table of contents and page numbers;

(3) AUTHORISES the affixing of the common seal to the City of Cockburn Parking Local Law 2026;

(4) AUTHORISES the Chief Executive Officer, in accordance with section 3.12(5)-(6) of the Local Government Act 1995, to:

1. Publish the City of Cockburn Parking Local Law 2026 in the Government Gazette; and
2. Give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety;
3. Give local public notice of the publication of the local law; and
4. In accordance with Ministerial directions, provide a copy of the local law and required explanatory material to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation; and

(5) ENDORSES the changes to delegation DA 1.2.37 (Attachment 5), to give effect to the City of Cockburn Parking Local Law 2026, with the changes taking effect and to be reflected in the City of Cockburn Delegations Register on the day the local law comes into force.

**CARRIED 5/0**

## Background

At the 9 December 2025 Ordinary Meeting of Council, Council resolved to commence the lawmaking process for the proposed City of Cockburn Parking Local Law 2026.

In accordance with this resolution, the City provided a copy of the proposed City of Cockburn Parking Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, and invited submissions from the community between 12 January and 6 March 2026.

This report presents to Council the submissions and feedback received, as well as an amended City of Cockburn Parking Local Law 2026, for consideration and adoption by Council.

## Submission

Community submissions are attached to this report as Attachment 3. Feedback received from the Department of Local Government is attached to this report as Attachment 4.

Commentary on re-occurring themes raised in the submissions, as well addressing the feedback provided by the Department of Local Government, Industry Regulation and Safety is provided in the detail of this report.

## Report

In accordance with section 3.12(3)(a) of the Local Government Act 1995, local governments are required to give local public notice of their intention to make a local law and then invite submissions from the community for a period of not less than 6 weeks.

In accordance with established processes, the proposed City of Cockburn Parking Local Law 2026 was uploaded to a dedicated community engagement page on the City's website. The City then communicated the opportunity to provide feedback via:

- an alert on the City's website
- direct emails to the City of Cockburn 'Comment on Cockburn' newsletter mailing list
- a notice on the noticeboard at the City of Cockburn Administration Building as well as all City of Cockburn libraries
- posts on the City of Cockburn's Facebook and Instagram page
- an article in the electronic and hardcopy Cockburn Soundings newsletter; and
- newspaper advertising in the Perth Now Cockburn newspaper.

The City received 29 valid community submissions during the six-week public consultation period, which are included in Attachment 3. Feedback was broad and varied, however, there were some common themes/feedback, as summarised below:

- Some submissions raised concerns about long term parking on roads and verges by residents. The proposed Parking Local Law does not restrict verge parking of vehicles provided the requirements in the local law are met. If a vehicle parks on a road for more than 24 hours, it is considered an obstruction and City officers may take action
  Some submissions also raised concerns about well the current Parking Local Law is being enforced, with support expressed for stronger enforcement of the local law.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, the City also sent a copy of the proposed City of Cockburn Parking Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety. The Department of Local Government, Industry Regulation and Safety provided feedback, which is attached to this report as Attachment 4. Specifically, the Department advised:

- The City should double check all references to Taxi legislation to ensure that these references still achieve the desired outcomes following amendments to the State Act. This was already done in the process of drafting the proposed City of Cockburn Parking Local Law 2026.

To address some of the issues raised by the community and to further improve the local law, the City has made some changes to the proposed City of Cockburn Parking Local Law 2026. These changes are:

- Inclusion of a transitional clause (new clause 1.13) to ensure any approvals or permits issued under the City's current Parking Local Law continue to be valid on its repeal
- Addition of a form (Form 1, Schedule 2) to allow a notice under section 9.13 and an infringement notice under section 9.16 of the Act to be given together
- Other minor editorial changes to align the local law with wording used in other local laws, and to ensure all required defined words are included. These changes aren't intended to change the operation of the local law.

At the Elected Members Briefing Session on 24 March, City officers discussed with Elected Members a community submission suggesting the clause to do with parking or stopping in a loading zone when picking up or dropping off passengers (clause 3.8) be amended so that the maximum time limit is 5 minutes instead of 2 minutes. Elected Members present indicated support for such a change.

This feedback was discussed internally, and City officers recommend the clause stay as drafted, as it is consistent with the Road Traffic Code, and alignment with the Code has been an aim of the re-drafted Parking Local Law. City officers advise that in the situation described in the submission, being where a person needs more time to safely unload prams or car seats, that officers would exercise enforcement discretion and be unlikely to take any action in these circumstances.

The City now presents the final proposed City of Cockburn Parking Local Law 2026 for adoption by Council.

The purpose of the proposed local law is to constitute a parking region, enable the local government to regulate the parking of vehicles within the parking region, and provide for the management and operation of parking facilities occupied by the local government. The effect of the proposed local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

If adopted, the City will publish a copy of the City of Cockburn Parking Local Law 2026 in the Government Gazette, and give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety.

Following gazettal, the City will then give local public notice of the adopted City of Cockburn Parking Local Law 2026 and provide a copy of the local law to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL), who will scrutinise it. If the JSCDL takes issue with any part of the local law, they may request the City to give undertakings to amend it, or may disallow part or all of the local law.

To operationalise the City of Cockburn Parking Local Law 2026, the City also presents to Council an Instrument of Delegation (Attachment 5). This delegation will allow the City to investigate breaches of the local law, give notices of breach under the local law, undertake work if the person issued a notice of breach does not do the work themselves, as well as determine applications under the local law.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget implications arising from the recommendations of this report.

It is not anticipated that additional resourcing is required to operationalise the City of Cockburn Parking Local Law 2026. Costs associated with the procedural aspects of making the local law are included in the City's budget.

**Legal Implications**

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation.

While local governments have broad powers to make local laws under section 3.12 of the Act, this power is not plenary. The power must be exercised “reasonably and proportionately”. Local laws must also be “necessary or convenient” for the “good government of the district”. They must not go “beyond the accepted notions of local government”. They must not be inconsistent with State legislation, nor should they seek to introduce significant new policy or fundamental changes to policy, which is properly a matter for the State.

Local laws infringing on these principles will likely be disallowed by the JSCDL.

**Community Consultation**

As detailed above, the City invited submissions for a period of 6 weeks.

The City also provided a copy of the proposed City of City of Cockburn Parking Local Law 2026 to the to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety.

In total, 29 valid community submissions were received from the community. Of the submissions received via the Comment on Cockburn page or hard copy survey:

- 26 (90%) provided unqualified or conditional support for the local law
- 2 (7%) objected to the local law
- 1 (3%) neither supported or objected to the local law.

Overall, the submissions suggest broad support for the proposed City of Cockburn Parking Local Law 2026, with much of the conditional support relating to what is perceived as lax enforcement of the City’s current Parking Local Law.

In view of this, the City recommends that Council makes the City of Cockburn Parking Local Law 2026, as attached to this report (Attachment 1).

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. The City has engaged external legal advisors to largely draft the proposed City of Cockburn Parking Local Law 2026, to ensure it is reasonable, proportionate and within power.

There will be a moderate to substantial level of risk if Council were to amend the proposed City of Cockburn Parking Local Law 2026 in such a way that it is no longer reasonable, proportionate or within power. This is because the JSCDL will likely disallow it.

This will result in sunk costs and time associated with the lawmaking process to date, as well as additional costs to re-commence the lawmaking process with a compliant local law. It will also delay the implementation of a modern parking local law which responds to the needs of the community and the City.

There is also a moderate to substantial level of risk if Council were to defer consideration of the recommendations in this report. As previously reported to Council at the 8 July 2025 Ordinary Meeting of Council, the City of Cockburn Parking & Parking Facilities Local Law 2007 will lapse on 7 December 2026, meaning it cannot be enforced.

The project plan presented at that same meeting provides a strict timetable to ensure the lawmaking process for the proposed City of Cockburn Parking Local Law 2026 will be completed by this date. Any delay runs the risk the process will not be completed by this date, meaning the City will not have a local law regulating parking for a period of time.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposed City of Cockburn Parking Local Law 2026 have been advised that this report is to being considered at the 21 April 2026 Governance Committee and 12 May 2026 Ordinary Council meetings.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

# Parking Local Law 2026

## City of Cockburn

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Parking Local Law 2026

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**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Parking Local Law 2026

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

## Part 1 - Preliminary

**1.1 Title**

This is the *City of Cockburn Parking Local Law 2026*.

**1.2 Commencement**

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

**1.3 Application**

(1) Except as set out in this clause, this local law applies throughout the district.

(2) This local law does not apply to —

(a) the approach and departure prohibition areas of all traffic control signal installations as determined, from time to time, by the Commissioner of Main Roads;

(b) the prohibition areas that apply to all bridges and subways as determined, from time to time, by the Commissioner of Main Roads; and

(c) any road or part of a road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

(3) This local law does not apply to a parking facility or parking station that is not owned, managed or controlled by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law is to apply to that facility or station.

(4) The agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

(5) Parts 2 to 4 of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

**1.4 Repeal**

The *City of Cockburn Parking & Parking Facilities Local Law 2007,* published in the *Government Gazette* on 11 January 2008, is repealed.

**1.5 Interpretation**

(1) In this local law —

***Act*** means the *Local Government Act 1995*;

***applicant*** means a person who makes an application for a permit under this local law;

***appropriate fee*** means the fee applicable to the period for which a vehicle is to be parked or has been parked;

***approved*** means approved by the local government;

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

***authorised vehicle*** means a vehicle —

(a) authorised by the CEO or by any written law, to stand or park in an area which is designated by a sign for the parking of authorised vehicles only; or

(b) owned or controlled by the local government, and being used for the purpose of undertaking a function of the local government;

***bicycle*** has the meaning in the Code;

***built-up area*** has the meaning in the Code;

***bus*** has the meaning in the Code;

***bus stop*** has the meaning in the Code;

***bus zone*** has the meaning in the Code;

***caravan*** has the meaning in the *Caravans Parks and Camping Grounds Act 1995*;

***carriageway*** has the meaning in the Code;

***CEO*** means the Chief Executive Officer of the local government;

***centre***, in relation to a carriageway, has the meaning in the Code;

***charging station*** means a machine installed and used to replenish an electric vehicle's battery while the vehicle is parked or stopped in a parking space;

***children's crossing*** has the meaning in the Code;

***clearway*** means that part of a length of a carriageway to which a 'clearway sign' applies;

***Code*** means the *Road Traffic Code 2000*;

***commercial vehicle*** —

(a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and

(b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of goods, merchandise or materials;

***cross-over*** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;

***district*** means the district of the local government;

***dividing line*** has the meaning in the Code;

***driver*** means any person driving, or in control of, a vehicle;

***driver's licence*** has the meaning in the *Road Traffic (Authorisation to Drive) Act 2008*;

***driveway*** —

(a) means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to and from the property; and

(b) includes a cross-over;

***edge line*** has the meaning in the Code;

***electric rideable device*** has the meaning in the Code;

***electric vehicle*** means a motor vehicle or a class of vehicle that is propelled solely by an electric motor in lieu of an internal combustion engine;

***electronic parking detection device*** —

(a) means an electronic device placed in a position to detect or record the parking time of a vehicle on any road, parking station or other public place; and

(b) includes any instrument, display panel or transmitting apparatus associated with the device;

***electronic parking ticket*** means a parking ticket issued in an electronic form;

***emergency vehicle*** has the meaning in the Code;

***fee***, or ***parking fee***, means the fee, payable under this local law, that is determined and imposed by the local government under the Act;

***fee paying machine*** means —

(a) a parking meter;

(b) a ticket issuing machine; or

(c) any other machine or device that can be used to pay for a parking fee;

***fire hydrant*** has the meaning in the Code;

***footpath*** has the meaning in the Code;

***GVM*** (which stands for 'gross vehicle mass') has the meaning in the Code;

***heavy vehicle*** has the meaning in the Code;

***intersection*** has the meaning in the Code;

***keep clear marking*** has the meaning in the Code;

***kerb*** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

***loading zone*** has the meaning in the Code;

***local government*** means the City of Cockburn;

***lot*** has the meaning in the *Planning and Development Act 2005* or the *Strata Titles Act 1985*, according to the context;

***mail zone*** has the meaning in the Code;

***median strip*** has the meaning in the Code;

***metered space*** means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee;

***metered zone*** means a thoroughfare or public reserve in which parking meters regulate the parking of vehicles;

***motorcycle*** has the meaning in the Code;

***motor vehicle*** —

(a) means a self-propelled vehicle that is not operated on rails; and

(b) includes a trailer, semi-trailer or caravan while attached to a motor vehicle,

but does not include a power assisted pedal cycle;

***nature strip*** has the meaning in the Code;

***no parking area*** has the meaning in the Code;

***number plate*** has the meaning in the *Road Traffic (Vehicles) Act 2012*;

***obstruction*** has the meaning in the Code;

***occupier*** has the meaning in the Act;

***one-way carriageway*** has the meaning in the Code;

***owner*** —

(c) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to ‘responsible person’ in the *Road Traffic (Administration) Act 2008*;

(d) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; or

(e) where used in relation to land, has the meaning in the Act;

***painted island*** has the meaning in the Code;

***park*** has the meaning in the Code;

***parking app*** means the mobile application designed to operate on a mobile device for the purpose of purchasing or obtaining an electronic parking ticket or a parking permit in accordance with this local law, and includes a similar process using a web browser;

***parking app fee*** means the parking fee, specified in the parking app, that applies to a parking space or other place where a vehicle is to be parked or is being parked;

***parking area*** has the meaning in the Code;

***parking facilities*** includes —

(a) land, buildings, shelters, parking spaces, parking stations, metered zones, metered spaces and other facilities open to the public generally for the parking of vehicles with or without charge; and

(b) signs, notices and facilities used in connection with the parking of vehicles, including fee paying machines and electronic parking detection devices;

***parking meter*** means a machine or device that, as a result of payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

***parking permit,*** or ***permit****,* means —

(a) a permit issued under this local law; and

(b) a permit issued under a repealed parking local law of the local government where the permit is in force immediately prior to the commencement of this local law under clause 1.2.

***parking region*** means the area to which this local law applies, as described in clause 1.3;

***parking space*** means a section or part of a thoroughfare, a public reserve or a parking station, which is marked, or defined by painted lines, metallic studs, pavers or by similar devices for the purpose of indicating where a vehicle may stop or be parked;

***parking station*** means any land or structure constituted as a parking station under this local law;

***parking ticket***, or ***ticket***, means a ticket, whether printed or electronic, that is —

(a) issued from a ticket issuing machine or a ticket issuing device;

(b) authorises the parking of a vehicle in a metered zone or a parking station; and

(c) includes the date and time that the authorisation expires, whether or not the payment of a fee is required;

***pay by phone*** means payment for parking using the parking app;

***pay by phone transaction*** means the transaction of paying for a parking fee, or purchasing or obtaining a parking permit, using the parking app;

***pay by phone zone*** means a parking station or a metered zone (or any other parking facility), in respect of which signage is installed indicating that, at specified times or generally, payment for parking is required using the parking app;

***pedestrian crossing*** has the meaning in the Code;

***permit*** means a permit issued under this local law;

***permit holder*** means a person to whom a permit is granted;

***place of refuge for pedestrians*** includes any area or place which is open to or used by the public and not ordinarily intended for the stopping, parking or movement of vehicles, and also includes any physical provision or area demarcated by the marking of lines or otherwise identified by a sign;

***power assisted pedal cycle*** has the meaning in the *Road Traffic (Administration) Act 2008*;

***prescribed offence*** has the meaning in clause 8.3;

***property line*** means the boundary between a thoroughfare and the land that abuts it;

***public bus*** has the meaning in the Code;

***public place*** means a place to which the public has access whether or not that place is on private property;

***public reserve*** means any land —

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an ***otherwise unvested facility*** within section 3.53 of the Act;

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

***right of way*** means any lane, passage, thoroughfare, way, whether private or public, over which any person in addition to the owner has a right of carriageway;

***road*** has the meaning in the *Road Traffic (Administration) Act 2008*;

***road marking*** has the meaning in the Code;

***Schedule*** means a Schedule to this local law;

***school zone*** has the meaning in the Code;

***sign*** includes a traffic sign, mark, structure, inscription, road marking, symbol or device on which may be shown words, numbers, expressions or symbols, that is -

(a) approved by the local government; and

(b) placed on or near a thoroughfare, parking station or public reserve for the purpose of prohibiting, regulating, guiding or directing the stopping or parking of vehicles;

***special purpose vehicle*** has the meaning in the Code;

***stop*** has the meaning in the Code;

***symbol*** includes any symbol specified by Australian Standard 1742.11-2016 and any symbol specified from time by time by Standards Australia for use in the regulation of parking;

***taxi*** has the meaning in the Code;

***taxi zone*** has the meaning in the Code;

***thoroughfare*** has the meaning in the Act;

***ticket issuing device*** means a mobile device that, as a result of a payment, issues a parking ticket;

***ticket issuing machine*** means a machine that, as a result of a payment, issues a parking ticket;

***T-intersection*** has the meaning in the Code;

***tractor*** means —

(a) a prime mover type motor vehicle that is a tractive unit designed for hauling a semi-trailer; or

(b) a motor vehicle designed for use primarily in public and private sector industry, including agricultural, earthmoving and forestry pursuits;

***traffic-control signal*** has the meaning in the Code;

***traffic island*** has the meaning in the Code;

***traffic sign*** has the meaning in the Code;

***trailer*** means a vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include a semi-trailer or caravan;

***unexpired parking ticket*** means a parking ticket on which a date and a expiry time is printed or displayed, and that time has not expired;

***vehicle*** has the meaning in the *Road Traffic (Administration) Act 2008*; and

***verge*** means that part of a thoroughfare that is between the carriageway and a lot which abuts the thoroughfare and includes a nature strip, but does not include a footpath.

**1.6 Application of particular terms**

(1) For the purposes of the definitions of ***no parking area*** and ***parking area***, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(2) A reference to a thoroughfare, parking station, parking facility, metered zone or public reserve includes a reference to any part of the thoroughfare, parking station, parking facility, metered zone or public reserve.

(3) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.

(4) Where a term is used, but not defined, in this local law, and that term is defined in the *Road Traffic (Administration) Act 2008* or in the Code, then the term is to have the meaning given in that Act or the Code.

**1.7 Pre-existing signs**

(1) A sign that —

(a) was erected by the local government or the Commissioner of Main Roads prior to the commencement of this local law; and

(b) relates to the stopping or parking of vehicles within the parking region,

is taken to have been erected by the local government under this local law.

**1.8 Part of thoroughfare to which sign applies**

(1) Where under this local law the stopping or parking of a vehicle on a thoroughfare is controlled by a sign, the sign is to be taken to apply to that part of the thoroughfare which —

(a) is beyond the sign;

(b) is between that sign and the next sign; and

(c) is on that side of the thoroughfare nearest to the sign.

**1.9 Vehicle and driver classes**

(1) For the purpose of this local law, vehicles are divided into the following classes —

(a) buses;

(b) caravans;

(c) electric vehicles;

(d) electric rideable devices;

(e) motorcycles and bicycles;

(f) taxis;

(g) commercial vehicles;

(h) tractors;

(i) heavy vehicles; and

(j) all other vehicles.

(2) For the purpose of this local law, drivers are divided into the following classes —

(a) authorised persons;

(b) employees of the local government;

(c) customers or patrons of a shop, shopping centre, facility or event;

(d) persons who work in a shop or shopping centre;

(e) persons with special needs, including those relating to disability, age or care of infants; and

(f) all other persons.

**1.10 Power to prohibit or regulate**

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of person or vehicle, or both, but must do so consistently with this local law.

**1.11 Determinations**

(1) The local government may, by resolution, determine —

(a) the location of parking spaces;

(b) the permitted times and conditions of stopping and parking that may vary within the parking region;

(c) the permitted classes of persons who may stop or park their vehicles;

(d) the permitted classes of vehicles that may stop or park;

(e) the manner of stopping or parking a vehicle; and

(f) the amount, if any, payable for parking a vehicle.

(2) Where the local government makes a determination under subclause (1) —

(a) it may vary the determination; and

(b) the local government is to ensure that one or more signs are erected to give effect to the determination.

**1.12 Parking fees**

(1) Parking fees payable under this local law are to be determined and imposed by the local government under the Act.

(2) The local government may, by resolution, waive the parking fee in respect of a specified parking facility -

(a) at certain days and times;

(b) for specified classes of persons or vehicles; or

(c) for a specified period of time after a vehicle enters, stops or parks in the parking facility.

**1.13 Transitional**

A permit or permission issued or given in accordance with a local law that is repealed under clause 1.4 —

(a) is taken to be a permit or permission granted under this local law, as the case may be;

(b) is to be valid for the period specified in the permit or permission; and

(c) may be earlier cancelled or suspended in accordance with this local law.

**Part 2 - Parking stations and metered zones**

**2.1 Establishment of parking facilities**

The local government may, by resolution, establish and vary parking stations, metered zones and other parking facilities.

**2.2 Payment of fees in a parking station**

A person must not stop or park a vehicle, or permit a vehicle to remain parked or stopped, in a parking station during a period for which a fee is payable unless —

(a) in the case of a parking station having an attendant on duty, the person pays the appropriate fee when demanded;

(b) in the case of a parking station equipped with a ticket issuing machine, the person -

(i) inserts the appropriate fee in the ticket issuing machine or makes such other permitted form of payment that is indicated on the machine; and

(ii) obtains a parking ticket from the machine; or

(c) in the case of a pay by phone zone, the person —

(i) immediately commences the pay by phone transaction and obtains notification that the transaction has commenced;

(ii) ensures that the transaction remains active at all times while the vehicle is stopped or parked; and

(iii) immediately before the vehicle is driven from where it had been stopped or parked, completes the pay by phone transaction and obtains notification that the appropriate fee has been paid.

**2.3 Payment of fees in a metered zone**

A person must not stop or park a vehicle, or permit a vehicle to remain parked or stopped, a metered zone during any period for which a fee is payable for that part unless —

(a) in the case of a metered space, the person inserts the appropriate fee in the adjacent parking meter or makes such other permitted form of payment that is indicated on the parking meter;

(b) in the case of a metered zone equipped with a ticket issuing machine, the person —

(i) inserts the appropriate fee in the ticket issuing machine or makes such other permitted form of payment that is indicated on the machine; and

(ii) obtains a parking ticket from the machine; or

(c) in the case of a pay by phone zone, the person —

(i) immediately commences the pay by phone transaction and obtains notification that the transaction has commenced;

(ii) ensures that the transaction remains active at all times while the vehicle is stopped or parked; and

(iii) immediately before the vehicle is driven from where it had been stopped or parked, completes the pay by phone transaction and obtains notification that the required fee has been paid.

**2.4 Limitations applying where fee paid**

The payment of a fee referred to in clause 2.2 or clause 2.3 does not authorise the stopping or parking of a vehicle where it is otherwise prohibited —

(a) under this local law; or

(b) by a sign.

**2.5 When fee free period applies**

Where a parking fee is waived under clause 1.12(2)(c), a person who is parking, or has parked, in a parking station or metered zone must not, when the fee free period expires —

(a) obtain another parking ticket or commence another parking session for the purpose of extending the total free parking time; or

(b) move the vehicle within, or exit and return to, the parking station or metered zone, for the purpose of extending the total free parking time,

unless the vehicle has been removed from the parking station or metered zone for a minimum of 12 hours.

**2.6 Display of ticket**

(1) A person must not stop or park a vehicle in a parking station or metered zone equipped with a ticket issuing machine during any period for which a fee is payable unless —

(a) in the case of a pay by phone zone, the person has complied with clause 2.2(c) or clause 2.3(c), as the case may be; or

(b) an unexpired parking ticket applicable to that parking station or metered zone is —

(i) displayed inside the vehicle; and

(ii) displayed so that the date, expiry time and the number (if any) on the ticket are clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the parking station or metered zone.

(2) A person must not display in a vehicle a ticket purchased from a ticket issuing machine, or from any other place authorised by the local government, if the ticket has been altered, added to or defaced in any way in an attempt to avoid payment of the appropriate fee.

**2.7 Lost tickets**

If provision is made in a parking station for payment of a fee on the departure of a vehicle, and the ticket issued when a vehicle entered the parking station is not produced on the departure of the vehicle, the fee payable is to be calculated from the time the parking station was opened on that day to the time of the departure of the vehicle.

**2.8 Parking within a parking space**

(1) A person must not stop or park a vehicle in a parking station or a metered zone, other than wholly within a parking space.

(2) In a parking station, a person must not park against the flow of traffic.

(3) In a metered zone —

(a) a person must not park a vehicle in a metered space in which another vehicle is parked; and

(b) unless a metered space in a thoroughfare is set out otherwise than parallel to the kerb, a person must park a vehicle parallel with the kerb and as close as practicable to the kerb.

**2.9 No parking when meter expires or hood on meter**

(1) A person must not leave a vehicle parked, or permit a vehicle to remain parked, in a metered space, during the hours when a fee is payable to park the vehicle in the space, when the adjacent parking meter exhibits the sign ‘expired’ or a negative time.

(2) Despite any other provision of this local law, and despite any other sign or notice, a person must not park a vehicle in a metered space if the parking meter referable to the metered space has a hood marked ‘No Parking’, ‘Reserved Parking’ or ‘Temporary Bus Stand’ (or equivalent symbols), except with the approval of the local government or an authorised person.

**2.10 Prohibitions on stopping or parking**

(1) A person must not stop a vehicle in any part of a parking station or metered zone —

(a) if the stopping of a vehicle in that part is prohibited by a sign; or

(b) during a period in which the stopping of vehicles in that part is prohibited by a sign.

(2) A person must not park a vehicle in any part of a parking station or metered zone —

(a) if the parking of vehicles in that part is prohibited by a sign;

(b) during a period in which the parking of vehicles in that part is prohibited by a sign; or

(c) if a sign specifies that the part is for the parking of vehicles —

(i) of a different class;

(ii) driven by a person of a different class; or

(d) for more than the maximum time specified by a sign.

(3) A person must not park a vehicle in any part of a parking station so as to obstruct an entrance to, or an exit from, the parking station, or an access way within the parking station.

**2.11 Use of fee paying machines**

(1) A person must not insert into a fee paying machine anything other than the designations of coin or bank note or other form of permitted payment indicated by a sign on the fee paying machine.

(2) A person must not operate a fee paying machine except in accordance with the operating instructions on the fee paying machine.

**2.12 Special event parking**

(1) In this clause -

***special event*** means an event or occurrence considered by the local government to be special or likely to attract a substantial number of persons driving vehicles, and which has been the subject of local public notice no less than 28 days before the first day of the event or occurrence.

(2) The local government may, by use of a sign, set aside for any period specified on the signs a parking station or metered zone for the parking of vehicles by persons attending a special event.

(3) A person must not stop or park a vehicle in a parking station or metered zone set aside under subclause (1) during the period for which it is set aside, unless a ticket purchased from the local government with respect to the special event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle.

(4) During the period referred to in subclause (2) the provisions of clauses 2.10(1)(b), 2.10(2)(b) and 2.10(2)(d) do not apply to the parking station or metered zone.

**2.13 Behaviour in a parking station**

A person must not —

(a) remain in a parking station after having been directed to leave the parking station by an authorised person;

(b) permit a vehicle to park in any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or

(c) drive in a parking station in a direction other than the direction indicated by a sign.

**2.14 Parking station may be locked**

At the expiry of the hours of operation of a parking station, and whether or not any vehicle remains parked in the parking station, the local government may lock the parking station or otherwise prevent the movement of any vehicle within, to or from it.

**2.15 Authorised parking spaces**

(1) The local government may, by use of signs, set aside a parking station or metered zone, or one or more parking spaces in a parking station or metered zone, for the parking of vehicles by persons authorised by the local government.

(2) Where the local government authorises a person under subclause (1) the local government —

(a) is to issue a written permit to the person;

(b) may charge a fee for the permit; and

(c) may revoke the permit at any time.

(3) A person must not stop or park a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle is displayed inside the vehicle and is clearly visible to, and readable by, an authorised person examining the permit from outside the vehicle.

**Part 3 - Stopping and parking generally**

**3.1 Parking or stopping a bicycle**

A person must not stop or park a bicycle in a parking space unless the parking space is marked 'M/C'.

**3.2 Authorised parking**

A person must not, without the approval of the local government or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of authorised vehicles only.

**3.3 Stopping or parking on private property**

(1) In this clause —

***land*** does not include land that is —

(a) a public reserve;

(b) the subject of an agreement referred to in clause 1.3(3); or

(c) a parking facility.

(2) A person must not stop or park a vehicle on land —

(a) without the consent of the owner or occupier of the land; or

(b) where the consent is given subject to conditions, otherwise than in accordance with the conditions.

**3.4 Stopping or parking on a public reserve**

A person must not stop or park a vehicle on a public reserve, other than within a parking facility on that reserve, unless the person is an employee of the local government in carrying out their functions or has obtained the approval of the local government or an authorised person.

**3.5 No obstruction**

(1) A person must not stop or park a vehicle in a public place so as to cause an obstruction.

(2) For the purposes of subclause (1) —

(a) a vehicle that is parked in any portion of a public place where vehicles may not lawfully be parked is taken to be causing an obstruction; and

(b) a vehicle that is parked in any portion of a public place where vehicles may lawfully be parked does not cause an obstruction unless —

(i) the vehicle is parked for any period exceeding 24 hours, without the approval of the local government; or

(ii) the vehicle is parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

**3.6 Stopping in a parking area for people with disabilities**

Parking restrictions relating to an area or place designated for the use of people with disabilities is dealt with in the *Local Government (Parking for People with Disabilities) Regulations 2014.*

**3.7 Restrictions on stopping or parking in particular areas**

A person must not stop or park a vehicle —

(a) in a no parking area;

(b) in a parking area, except in accordance with —

(i) a sign associated with the parking area; and

(ii) this local law; or

(c) in a space marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

**3.8 Stopping or parking in a loading zone**

A person must not stop or park a vehicle in a loading zone unless it is —

(a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or

(b) a motor vehicle taking up or setting down passengers,

but, in any event, must not remain in that loading zone —

(c) for longer than a time indicated on the 'loading zone' sign;

(d) if picking up or setting down goods - for longer than 30 minutes (if no time is indicated on the sign); or

(e) or if taking up or setting down passengers - for longer than 2 minutes (if no time is indicated on the sign).

**3.9 Temporary parking restrictions**

(1) The local government may, by the use of signs or other means, temporarily restrict or prohibit parking in a parking station, parking space, metered zone or metered bay for the purpose of carrying out urgent, essential or official functions of the local government.

(2) Unless with the approval of the local government or an authorised person, a person must not stop, park or permit a vehicle to remain parked in an area where temporary parking restrictions apply.

(3) Clause 3.9 has effect notwithstanding any other provision of this local law or any sign referable to the area.

**3.10 Stopping or parking in a taxi zone or bus zone**

(1) A driver must not stop or park in a taxi zone, unless the driver is driving a taxi undertaking fee for service passenger collection or drop-off activities.

(2) A driver must not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign, applying to the bus zone.

## Part 4 - Parking on a thoroughfare generally

**4.1 Stopping or parking contrary to a sign**

(1) In this clause —

***unattended***, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(2) A person must not stop or park a vehicle on a thoroughfare —

(a) during any period when the stopping or parking of vehicles is prohibited by a sign;

(b) if it is set aside by a sign for the stopping or parking of vehicles of a different class;

(c) if it is set aside by a sign for the stopping or parking of vehicles by persons of a different class;

(d) to which a 'no parking' sign applies, unless the driver —

(i) is dropping off, or picking up, passengers or goods;

(ii) does not leave the vehicle unattended; and

(iii) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on; or

(e) the side of which is marked with a continuous yellow edge line.

(3) A person must not stop or park a vehicle on —

(a) a thoroughfare other than wholly within a parking space if the part of the thoroughfare on which the vehicle is standing or parked is provided with parking spaces; or

(b) any part of a thoroughfare, whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

(4) A person must not stop or park a vehicle in a parking space in which another vehicle is stopped or parked.

**4.2 Median strips, painted islands and traffic islands**

Subject to any law relating to intersections with traffic-control signals, a person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is —

(a) on a median strip, painted island or traffic island;

(b) adjacent to a median strip otherwise than in a parking space; or

(c) within 9 metres of any portion of a carriageway bounded on one or both sides by a traffic island.

**4.3 Stopping or parking certain vehicles in built-up area**

A person must not stop or park —

(a) a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5m or more in length; or

(b) exceeds a GVM of 4.5 tonnes,

on a thoroughfare in a built-up area between the hours of 6.00 pm one day and 7.00 am the following day and for more than 3 hours consecutively between the hours of 7.00 am and 6.00 pm.

**4.4 Parking on a carriageway**

(1) In this clause —

***continuous dividing line*** means —

(a) a single continuous dividing line only;

(b) a single continuous dividing line to the left or right of a broken dividing line; or

(c) 2 parallel continuous dividing lines.

(2) Unless otherwise indicated on a sign, a person parking a vehicle on a carriageway other than in a parking space must park the vehicle —

(a) in the case of a two-way carriageway, so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

(b) in the case of a one-way carriageway, so that it is as near as practicable to, and parallel with, either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

(c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;

(d) so that the front and the rear of the vehicle respectively are not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and

(e) so that it does not obstruct any other vehicle on the carriageway.

**4.5 When parallel and right-angled parking apply**

Unless a sign indicates otherwise —

(a) a person parking a vehicle in a parking area adjacent to the boundary of a carriageway, must park the vehicle as near as practicable to, and parallel with, that boundary; and

(b) a person parking a vehicle in a parking area at or near the centre of a carriageway, must park the vehicle at approximately right angles to the centre of the carriageway.

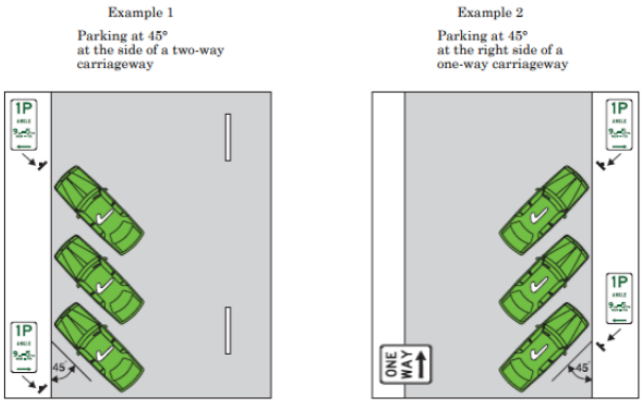
**4.6 When angle parking applies**

(1) Subject to subclause (2), where a sign indicates that angle parking is permitted in a parking area, a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the sign.

(2) This clause does not apply to —

(a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or

(b) a person parking either a motorcycle without a trailer, or a bicycle.




*Example of angle parking*

**4.7 Stopping or parking near a fire hydrant or public post box**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 1 metre of a fire hydrant, fire plug or a sign indicating the existence of a fire hydrant or fire plug.

(2) This clause does not apply if —

(a) the driver is driving a public bus, and the driver stops in a bus zone or bus stop and does not leave the bus unattended; or

(b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the vehicle unattended.

(3) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 3 metres of a public post box or within a mail zone, unless the vehicle is being used for the purpose of collecting postal articles from the post box.

**4.8 Stopping or parking in a clearway**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within an area marked by a clearway sign.

(2) Subclause (1) does not apply to the driver of a public bus if the driver is dropping off, or picking up, passengers.

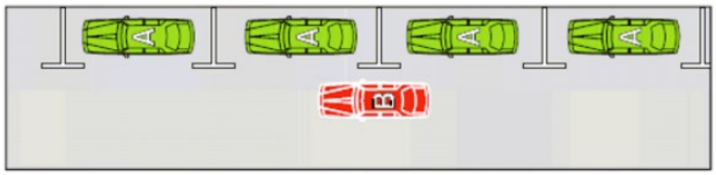
**4.9 Double parking**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is between any other stopped or parked vehicle and the centre of that thoroughfare.

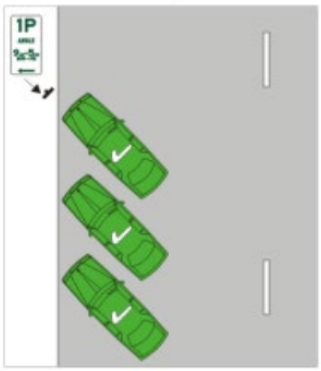
(2) This clause does not apply to —

(a) a driver stopped in traffic; or

(b) a driver angle parking on the carriageway in accordance with this local law.



*Example 1 – double parking*




*Example 2 – no double parking*

**4.10 Verge parking**

(1) A person must not stop or park a vehicle on a verge where a sign prohibits the stopping or parking of vehicles on the verge.

(2) A person must not drive, stop or park a vehicle on a verge, in the absence of a sign prohibiting the stopping or parking of vehicles on the verge, unless —

(a) the person is the owner or occupier of the lot abutting that portion of the verge;

(b) the person has the permission of the owner or occupier of the lot abutting that portion of the verge;

(c) the person is an authorised person undertaking the functions for which they are authorised by the local government; or

(d) the person is acting under the authority of a written law.

**4.11 Bus stops, pedestrian and children's crossing**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20m of the approach side of a bus stop, or within 10 m of the departure side of a bus stop, unless the vehicle is a public bus stopped to take up or set down passengers.

(2) A person must not stop, park or permit a vehicle to remain parked in a bus stop except for the purpose of taking up or setting down passengers to or from such vehicle.

(3) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is —

(a) within 20 m of the approach side of pedestrian or children's crossing; or

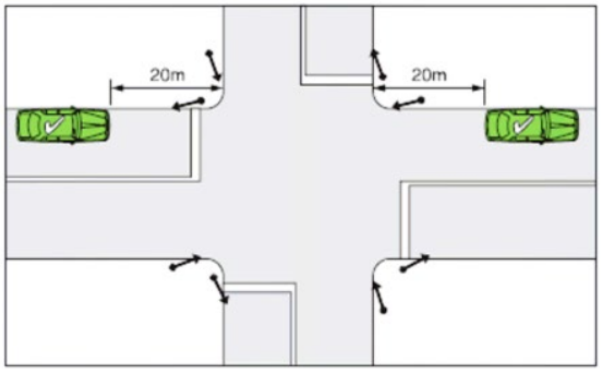
(b) within 10 m of the departure side of pedestrian or children's crossing.

(4) In this clause, distances are measured in the direction in which the driver is driving.

**4.12 Intersections**

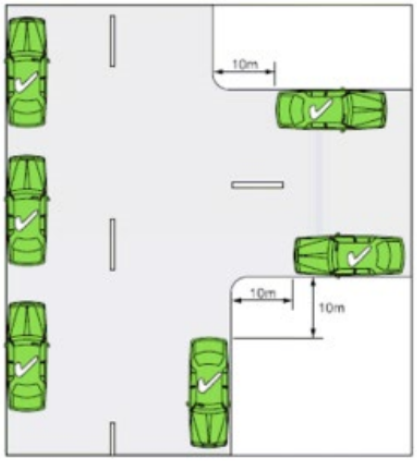
(1) Unless a sign indicates otherwise, a person must not stop a vehicle so that any portion of the vehicle is —

(a) within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals; or



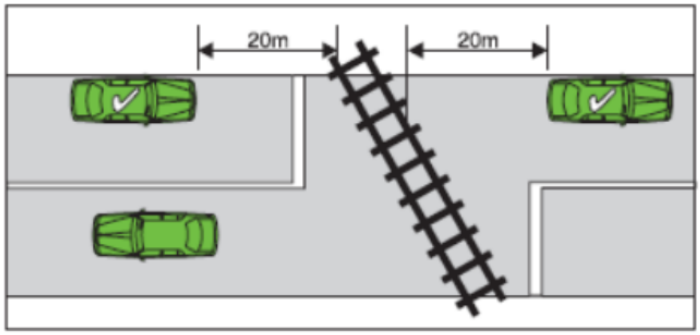

*Example of measurement of distance — intersection with traffic-control signals*

(b) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops, if the intersection is a T-intersection, along the continuous side of the continuing road at the intersection.




*Example of measurement of distance —T-intersection without traffic lights*

(2) A person must not stop or park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.




*Example of measurement of distance — level crossing*

**4.13 Movement of vehicles to avoid time limitation**

If a person parks a vehicle in a thoroughfare where parking is restricted as to time, that person must not park that vehicle again in the same thoroughfare on that same day unless it has first been removed from the thoroughfare for at least 1 hour.

**4.14 No parking of vehicles in certain circumstances**

A person must not park a vehicle on a thoroughfare —

(a) for the purpose of exposing it for sale;

(b) if the vehicle is not licensed under the *Road Traffic (Vehicles) Act 2012*;

(c) if the vehicle is a trailer or a caravan unattached to a motor vehicle; or

(d) for the purpose of effecting repairs to the vehicle, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

**4.15 Keep clear markings**

A person must not stop or park a vehicle on an area of carriageway marked with a keep clear marking.

**4.16 Traffic obstruction**

Subject to any law relating to intersections with traffic-control signals, a person must not stop or park a vehicle so that any portion of the vehicle is —

(a) in front of a right of way, cross-over, passage or driveway, or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, cross-over, passage or private driveway;

(b) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

(c) alongside any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;

(d) in a cul-de-sac so as to obstruct the turning of vehicles within the cul-de-sac;

(e) on or over any part of a footpath or a place of refuge for pedestrians, unless a sign indicates otherwise;

(f) on or over any part of a footpath or a place of refuge for pedestrians within a school zone unless a sign indicates otherwise; or

(g) on a bridge.

## Part 5 - Parking permits

*Division 1 - General provisions*

### 5.1 Application

This Part applies to —

(a) residential parking permits; and

(b) other classes of parking permits, if any, determined under clause 5.2.

### 5.2 Classes of parking permits

The local government may determine —

(a) classes of parking permits in addition to residential parking permits; and

(b) the eligibility criteria for each class of parking permit.

### 5.3 Application for a permit

(1) A person who is eligible or who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit must —

(a) be in the form determined by the CEO;

(b) be signed by the applicant;

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

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

(3) Before determining an application for a permit, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (3) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

**5.4 Determining an application**

(1) The local government may —

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

(b) refuse to approve an application.

(2) A decision under subclause (1) must be made within 90 days of an applicant satisfying the requirements of clause 5.3(2) and any request made under clause 5.2(3).

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 5.3(2)(d) is to be refunded to the applicant.

(4) If an application is approved, the local government is to issue to the applicant a permit in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

**5.5 Compliance with and variation of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after the written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

**5.6 Duration of permit**

(1) Unless otherwise specified as a condition of the permit, a permit is valid from the date on which it is issued until the earlier of —

(a) the expiry date, if any, specified on the permit;

(b) the date that the permit is cancelled under this Division;

(c) the date that the permit holder ceases to be eligible for a permit; or

(d) the date that the permit is replaced under clause 5.10.

(2) Where a permit ceases to be valid, the permit holder must immediately —

(a) cease to use and display the permit; and

(b) in a case where the permit holder has ceased to be eligible for the permit - notify the local government in writing that they have ceased to be eligible.

(3) Where a permit ceases to be valid under subclause (1)(a), the permit holder may apply for a renewal of the permit.

**5.7 Renewal of permit**

(1) A permit holder may apply to the local government for the renewal of the permit.

(2) An application for renewal must —

(a) be in the form determined by the CEO;

(b) be signed by the permit holder;

(c) provide the information required by the form;

(d) be forwarded to the local government no later than 28 days before the expiry of the permit, or within a shorter period that the local government in a particular case permits; and

(e) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

(3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

**5.8 Permit not transferable**

A permit is not transferable.

**5.9 Cancellation of a permit**

(1) The local government may cancel a permit if —

(a) the permit holder requests the local government to do so;

(b) the permit holder has failed to comply with a condition of the permit; or

(c) the permit holder breaches a provision of this local law in respect of the vehicle that is the subject of the local law.

(2) If the local government cancels a permit under subclauses (1)(b)-(c), it must give the permit holder written notice of the cancellation and of the reasons for the cancellation.

(3) A cancellation under subclause (1) takes effect –

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a permit is cancelled –

(a) the permit holder must, in the case of a written permit, return the permit to the local government as soon as practicable, or cause it to be destroyed; and

(b) no part of the fee paid for the permit is refundable.

**5.10 Replacement of a permit**

(1) The local government may, on written application by the permit holder, issue a replacement permit for a permit that has been lost, misplaced, destroyed or stolen.

(2) The written application —

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

(b) be signed by the permit holder;

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

(d) be accompanied by any fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

(3) Before determining the application, the local government may require the applicant to provide additional information reasonably related to the application.

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or where a requirement of subclause (3) has not been satisfied.

**5.11 Use of counterfeit or altered permit**

A person must not —

(a) use or display on a vehicle, a counterfeit permit or one that has in any way been altered, added to or defaced; or

(b) produce to an authorised person a counterfeit permit or one that that has been altered, added to or defaced.

*Division 2 - Residential parking permits*

**5.12 Interpretation**

In this Division —

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

***permit*** means a residential parking permit; and

***residential lot*** means a lot where a residential use -

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot.

**5.13 Eligibility**

(1) A person is eligible for a permit if —

(a) they are the owner or occupier of a residential lot fronting or with vehicle access to and from the thoroughfare to which the permit will relate;

(b) the vehicle to which the permit will apply is not a commercial vehicle; and

(c) they hold a valid driver's licence for the class of vehicle to which the permit will apply.

(2) A person is not eligible for a permit if that person has had a permit issued under this Part cancelled by the local government in the last 12 months.

**5.14 Residential parking permit**

(1) The local government may issue a maximum of 3 permits for each residential lot that —

(a) fronts a thoroughfare; or

(b) has vehicle access to and from a thoroughfare.

(2) A permit is to specify —

(a) the permit number;

(b) the number plate of the permitted vehicle; and

(c) the name of the thoroughfare in respect of which the permit applies.

**5.15 Effect of permit**

(1) The holder of a parking permit issued under this Division is exempt from a prohibition against the stopping or parking of vehicles on a thoroughfare for more than a specified period of time.

(2) The exemption under subclause (1) applies only —

(a) to the thoroughfare specified in the permit, except where it is adjacent to retail premises where the parking of all vehicles is subject to a time restriction;

(b) to the vehicle specified in a permit;

(c) where the permit is subject to conditions – only where those conditions are met;

(d) if the permit is displayed in the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in an area to which the permit relates; and

(e) if the permit is valid.

**Part 6 - Miscellaneous**

**6.1 Authorised person may order vehicle to be moved**

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after having been directed by an authorised person to move the vehicle.

**6.2 Authorised person may mark tyres**

(1) An authorised person, in carrying out their functions, may mark the tyres of a parked vehicle with chalk or any other non-indelible substance.

(2) A person must not remove a mark made by an authorised person so that the purpose of the affixing of the mark is defeated or likely to be defeated.

**6.3 Interference or damage to parking facilities**

(1) A person must not interfere with, alter, affix any thing to, damage, deface, remove, misuse or obstruct the operation of any parking facility or any local government property used in, or in connection with, a parking facility.

(2) If a person is in breach of subclause (1), the local government may, by notice in writing to the person, require the person within the time specified in the notice to, at the option of the local government, pay the costs of —

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

(b) replacing the parking facility or local government property.

**6.4 Unauthorised signs**

A person must not, without the approval of the local government, place, mark or erect a sign purporting to be or resembling a sign placed, marked or erected by the local government under this local law.

**6.5 No contravention of sign**

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law

**6.6 General provisions about signs**

(1) A sign is presumed, in the absence of evidence to the contrary, to be a sign placed, marked or erected under the authority of this local law.

(2) Where an inscription or symbol on a sign relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles.

(3) The first three letters of any day of the week when used on a sign indicate that day of the week

**6.7 Removal of notice from vehicle**

A person, other than the driver of the vehicle or a person acting under the direction of the driver, must not remove from that vehicle any notice affixed to or put on it by an authorised person under this local law.

**6.8 Impounding of vehicles**

The impounding of vehicles and other goods is dealt with in Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

**6.9 Exemptions**

(1) A provision of Part 2, 3 or 4 of this local law does not apply to the driver of an emergency vehicle or a special purpose vehicle if, in the circumstances —

(a) the driver is taking reasonable care; and

(b) it is reasonable that the provision should not apply.

(2) A provision of Part 2, 3 or 4 of this local law does not apply to a driver who is an authorised person appointed for the purposes of this or another written law applicable to the district who is driving a vehicle in the course of their functions if, in the circumstances —

(a) the driver is taking reasonable care; and

(b) it is reasonable that the provision should not apply.

(3) A provision of Part 2, 3, 4 or 6 of this local law does not apply to a person who is at the site of, and engaged in, roadworks or maintenance of the thoroughfare if, in the circumstances —

(a) it is not practical for the person to comply with the provision; and

(b) sufficient warning of the roadworks has been given to other road users.

## Part 7 - Objection and review

### 7.1 Objection and review rights

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval or permit;

(b) to vary or cancel an approval or permit;

(c) to impose or amend a condition of approval or a permit; and

(d) to refuse to renew a permit.

## Part 8 - Enforcement

### 8.1 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 Act.

### 8.2 Offences and general penalty

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with a notice issued or direction given to the person under this local law; or

(c) 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 $10,000; 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.

**8.3 Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.

(4) The amount appearing in the final column on Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

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

**8.4 Form of infringement notices**

For the purposes of this local law —

(a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

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

(c) the form of the infringement notice referred to in section 9.16 of the Act which incorporates the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2; and

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

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## Schedule 1 - Prescribed offences

| Item no. | Clause no. | Description | Modified penalty |
|---|---|---|---|
| 1 | 2.2(a) | Failure to pay appropriate fee when demanded | $125 |
| 2 | 2.2(b) | Failure to obtain a parking ticket in a parking station | $125 |
| 3 | 2.2(c) | Failure to commence or keep active a pay by phone transaction in a parking station | $125 |
| 4 | 2.3(a) | Failure to pay fee to parking meter | $125 |
| 5 | 2.3(b) | Failure to obtain a parking ticket in a metered zone | $125 |
| 6 | 2.3(c) | Failure to commence or keep active a pay by phone transaction in a metered zone | $125 |
| 7 | 2.5(a) | Obtaining multiple parking tickets or commencing multiple parking sessions to extend initial fee free period | $125 |
| 8 | 2.5(b) | Moving a vehicle within a parking station to extend initial fee free period | $125 |
| 9 | 2.6(1) | Failure to clearly display unexpired parking ticket | $125 |
| 10 | 2.6(2) | Displaying an altered, added to or defaced parking ticket | $250 |
| 11 | 2.8(1) | Stopping or parking a vehicle otherwise than wholly within the parking space | $125 |
| 12 | 2.8(2) | Stopping or parking a vehicle against the flow of traffic | $125 |
| 13 | 2.8(3)(a) | Parking a vehicle in a metered space where another vehicle is parked | $125 |
| 14 | 2.8(3)(b) | Failure to park parallel with a kerb and close to the kerb | $125 |
| 15 | 2.9(1) | Parking when parking meter has expired | $125 |
| 16 | 2.9(2) | Parking where hooded parking meter prohibits parking | $125 |
| 17 | 2.10(1) | Stopping a vehicle contrary to a sign | $125 |
| 18 | 2.10(2) | Parking a vehicle contrary to a sign | $125 |
| 19 | 2.10(3) | Obstructing an entrance, exit or access way in a parking station | $125 |
| 20 | 2.11(1) | Making non-authorised insertion into a fee paying machine | $125 |
| 21 | 2.11(2) | Failure to comply with operating instructions on a fee paying machine | $125 |
| 22 | 2.12(3) | Stopping or parking a vehicle without clearly displaying a special event ticket | $125 |
| 23 | 2.13(a) | Failure to leave parking station when directed by authorised person | $250 |
| 24 | 2.13(b) | Failure to remove vehicle when directed of an authorised person | $250 |
| 25 | 2.13(c) | Driving a vehicle in a direction contrary to a sign | $250 |
| 26 | 2.15(3) | Stopping or parking a vehicle in an authorised space without clearly displaying a permit | $125 |
| 27 | 3.1 | Stopping or parking a bicycle in a parking space not marked “M/C” | $125 |
| 28 | 3.2 | Stopping or parking a vehicle in an authorised vehicle area without approval | $125 |
| 29 | 3.2(2) | Stopping or parking a vehicle on private property without consent | $125 |
| 30 | 3.4 | Stopping or parking a vehicle on a public reserve without approval | $250 |
| 31 | 3.5 | Stopping or parking a vehicle in a public place so as to cause an obstruction | $250 |
| 32 | 3.7(a) | Stopping or parking a vehicle in a no parking area | $125 |
| 33 | 3.7(b) | Stopping or parking a vehicle in a parking area contrary to sign and local law | $125 |
| 34 | 3.7(c) | Stopping or parking a vehicle in a motorcycle space | $125 |

| | | | |
|---|---|---|---|
| 35 | 3.8 | Unlawful stopping in a loading zone | $125 |
| 36 | 3.9 | Stopping or parking a vehicle in an area where temporary parking restrictions apply | $125 |
| 37 | 3.10(1) | Unlawful stopping or parking in a taxi zone | $125 |
| 38 | 3.10(2) | Unlawful stopping or parking in a bus zone | $125 |
| 39 | 4.1(2) | Stopping or parking a vehicle on a thoroughfare contrary to a sign | $125 |
| 40 | 4.1(3)(a) | Stopping or parking a vehicle other than wholly within a parking space | $125 |
| 41 | 4.1(3)(b) | Stopping or parking a vehicle for more than the maximum time permitted | $125 |
| 42 | 4.1(4) | Stopping or parking a vehicle in a parking space where another vehicle is stopped or parked | $125 |
| 43 | 4.2(a) | Stopping or parking a vehicle on a median strip | $125 |
| 44 | 4.2(a) | Stopping or parking a vehicle on a painted island | $125 |
| 45 | 4.2(a) | Stopping or parking a vehicle on a traffic island | $125 |
| 46 | 4.2(b) | Stopping or parking a vehicle adjacent to a median strip | $125 |
| 47 | 4.2(c) | Stopping or parking a vehicle within 9 metres of a traffic island | $125 |
| 48 | 4.3 | Stopping or parking certain vehicle in built-up area | $250 |
| 49 | 4.4(2)(a) | Failure to park a vehicle as near as practicable to and parallel with the left boundary of two-way carriageway against the flow of traffic | $125 |
| 50 | 4.4(2)(b) | Failure to park a vehicle as near as practicable to and parallel with the boundary of a one-way carriageway in the direction of the traffic | $125 |
| 51 | 4.4(2)(c) | Parking a vehicle less than 3 metres from the farther boundary of a carriageway | $125 |
| 52 | 4.4(2)(d) | Parking a vehicle closer than 1 metre from another vehicle | $125 |
| 53 | 4.4(2)(e) | Parking a vehicle so as to cause obstruction to another vehicle on a carriageway | $125 |
| 54 | 4.5(a) | Failure to park a vehicle near and parallel with the boundary of a carriageway | $125 |
| 55 | 4.5(a) | Failure to park a vehicle at right angle to the centre of a carriageway | $125 |
| 56 | 4.6(1) | Failure to park a vehicle at specified angle | $125 |
| 57 | 4.7(1) | Stopping or parking a vehicle within 1 metre of a fire hydrant, fire plug or sign | $500 |
| 58 | 4.7(3) | Stopping or parking a vehicle within a mail zone or within 3 metres of a post box | $125 |
| 59 | 4.8(1) | Stopping or parking a vehicle in a clearway zone | $250 |
| 60 | 4.9(1) | Double parking | $125 |
| 61 | 4.10(1) | Stopping or parking a vehicle on a verge contrary to a sign | $125 |
| 62 | 4.10(2)(b) | Driving, stopping or parking a vehicle on a verge without consent | $125 |
| 63 | 4.11(1) | Stopping or parking a vehicle within 20 metres of the approach side of a bus stop | $250 |
| 64 | 4.11(1) | Stopping or parking a vehicle within 10 metres of the departure side of a bus stop | $250 |
| 65 | 4.11(2) | Unlawful stopping or parking in a bus zone | $250 |
| 66 | 4.11(3)(a) | Stopping or parking a vehicle within 20m of the approach side of a pedestrian or children's crossing | $250 |
| 67 | 4.11(3)(a) | Stopping or parking a vehicle within 10 metres of the departure side of a pedestrian or children's crossing | $250 |
| 68 | 4.12(1)(a) | Stopping or parking a vehicle within 20 metres of an intersection with traffic-control signals | $250 |

| | | | |
|---|---|---|---|
| 69 | 4.12(1)(b) | Stopping or parking a vehicle within 10 metres of an intersection without traffic-control signals | $250 |
| 70 | 4.12(2) | Stopping or parking a vehicle within 20 metres of the approach or departure side of a railway level crossing | $250 |
| 71 | 4.13 | Parking a vehicle again within 1 hour on same thoroughfare | $125 |
| 72 | 4.14(a) | Parking a vehicle on a thoroughfare for the purpose of sale | $125 |
| 73 | 4.14(b) | Parking an unlicensed vehicle on a thoroughfare | $125 |
| 74 | 4.14(c) | Parking a trailer or caravan which is not attached to a vehicle on thoroughfare | $125 |
| 75 | 4.14(d) | Effecting repairs to a vehicle parked on a thoroughfare | $125 |
| 76 | 4.15 | Stopping or parking a vehicle on thoroughfare contrary to keep clear marking | $250 |
| 77 | 4.16(a) | Stopping or parking a vehicle in front of a right of way, cross-over, passage or driveway | $250 |
| 78 | 4.16(b) | Stopping or parking a vehicle on an intersection | $250 |
| 79 | 4.16(c) | Stopping or parking a vehicle next to a traffic obstruction | $250 |
| 80 | 4.16(d) | Stopping or parking a vehicle in a cul-de-sac so as to cause an obstruction | $125 |
| 81 | 4.16(e) | Stopping or parking a vehicle over a footpath or place of refuge for pedestrians | $250 |
| 82 | 4.16(f) | Stopping or parking a vehicle on a footpath within a school zone | $500 |
| 83 | 4.16(g) | Stopping or parking a vehicle on a bridge | $125 |
| 84 | 5.3(5) | Providing false or misleading statement in connection with application | $125 |
| 85 | 5.5(1) | Failure to comply with conditions of a permit | $125 |
| 86 | 5.11 | Use of counterfeit or altered permit | $250 |
| 87 | 6.1 | Failure to comply with a direction | $250 |
| 88 | 6.2 | Removing mark of authorised person | $250 |
| 89 | 6.4 | Placing, marking or erecting unauthorised signs | $125 |
| 90 | 6.5 | Contravening a direction on a sign | $125 |
| 91 | 6.7 | Unlawfully removing notice affixed to vehicle | $125 |
| 92 | | Each other offence not specified | $125 |

_____

## Schedule 2 - Infringement notice forms

[Clause 8.4(c)]

**FORM 1**
**CITY OF COCKBURN PARKING LOCAL LAW 2026**
**INFRINGEMENT NOTICE**

Serial No .....

Date ..... / ..... / .....

To: (1) .....

of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....

at (4) .....

in respect of vehicle –

make .....;

model .....;

registration .....,

you committed the following offence –

.....

.....

.....

contrary to clause …….. of the *City of Cockburn Parking Local Law 2026*.

The modified penalty for the offence is $ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) …….. within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice –

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken –

your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or

vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....

(7) .....

Insert:

(1) Name of alleged offender or "the owner of (vehicle identification)"]
(2) Address of alleged offender (not required if owner not named)
(3) Time of alleged offence
(4) Location of alleged offence
(5) Place where modified penalty may be paid
(6) Signature of authorised person
(7) Name and title of authorised person giving notice

_____

Dated this of 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

# Parking Local Law 2026

## City of Cockburn

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Parking Local Law 2026

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**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Parking Local Law 2026

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

## Part 1 - Preliminary

**1.1 Title**

This is the *City of Cockburn Parking Local Law 2026*.

**1.2 Commencement**

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

**1.3 Application**

(1) Except as set out in this clause, this local law applies throughout the district.

(2) This local law does not apply to —

(a) the approach and departure prohibition areas of all traffic control signal installations as determined, from time to time, by the Commissioner of Main Roads;

(b) the prohibition areas that apply to all bridges and subways as determined, from time to time, by the Commissioner of Main Roads; and

(c) any road or part of a road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

(3) This local law does not apply to a parking facility or parking station that is not owned, managed or controlled by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law is to apply to that facility or station.

(4) The agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

(5) Parts 2 to 4 of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

**1.4 Repeal**

The *City of Cockburn Parking & Parking Facilities Local Law 2007,* published in the *Government Gazette* on 11 January 2008, is repealed.

**1.5 Interpretation**

(1) In this local law —

***Act*** means the *Local Government Act 1995*;

***applicant*** means a person who makes an application for a permit under this local law;

***appropriate fee*** means the fee applicable to the period for which a vehicle is to be parked or has been parked;

***approved*** means approved by the local government;

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

***authorised vehicle*** means a vehicle —

(a) authorised by the CEO or by any written law, to stand or park in an area which is designated by a sign for the parking of authorised vehicles only; or

(b) owned or controlled by the local government, and being used for the purpose of undertaking a function of the local government;

***bicycle*** has the meaning in the Code;

***built-up area*** has the meaning in the Code;

***bus*** has the meaning in the Code;

***bus stop*** has the meaning in the Code;

***bus zone*** has the meaning in the Code;

***caravan*** has the meaning in the *Caravans Parks and Camping Grounds Act 1995*;

***carriageway*** has the meaning in the Code;

***CEO*** means the Chief Executive Officer of the local government;

***centre***, in relation to a carriageway, has the meaning in the Code;

***charging station*** means a machine installed and used to replenish an electric vehicle's battery while the vehicle is parked or stopped in a parking space;

***children's crossing*** has the meaning in the Code;

***clearway*** means that part of a length of a carriageway to which a 'clearway sign' applies;

***Code*** means the *Road Traffic Code 2000*;

***commercial vehicle*** —

(a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and

(b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of goods, merchandise or materials;

***cross-over*** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;

***district*** means the district of the local government;

***dividing line*** has the meaning in the Code;

***driver*** means any person driving, or in control of, a vehicle;

***driver's licence*** has the meaning in the *Road Traffic (Authorisation to Drive) Act 2008*;

***driveway*** —

(a) means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to and from the property; and

(b) includes a cross-over;

***edge line*** has the meaning in the Code;

***electric rideable device*** has the meaning in the Code;

***electric vehicle*** means a motor vehicle or a class of vehicle that is propelled solely by an electric motor in lieu of an internal combustion engine;

***electronic parking detection device*** —

(a) means an electronic device placed in a position to detect or record the parking time of a vehicle on any road, parking station or other public place; and

(b) includes any instrument, display panel or transmitting apparatus associated with the device;

***electronic parking ticket*** means a parking ticket issued in an electronic form;

***emergency vehicle*** has the meaning in the Code;

***fee***, or ***parking fee***, means the fee, payable under this local law, that is determined and imposed by the local government under the Act;

***fee paying machine*** means —

(a) a parking meter;

(b) a ticket issuing machine; or

(c) any other machine or device that can be used to pay for a parking fee;

***fire hydrant*** has the meaning in the Code;

***footpath*** has the meaning in the Code;

***GVM*** (which stands for 'gross vehicle mass') has the meaning in the Code;

***heavy vehicle*** has the meaning in the Code;

***intersection*** has the meaning in the Code;

***keep clear marking*** has the meaning in the Code;

***kerb*** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

***loading zone*** has the meaning in the Code;

***local government*** means the City of Cockburn;

***lot*** has the meaning in the *Planning and Development Act 2005* or the *Strata Titles Act 1985*, according to the context;

***mail zone*** has the meaning in the Code;

***median strip*** has the meaning in the Code;

***metered space*** means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee;

***metered zone*** means a thoroughfare or public reserve in which parking meters regulate the parking of vehicles;

***motorcycle*** has the meaning in the Code;

***motor vehicle*** —

(a) means a self-propelled vehicle that is not operated on rails; and

(b) includes a trailer, semi-trailer or caravan while attached to a motor vehicle,

but does not include a power assisted pedal cycle;

***nature strip*** has the meaning in the Code;

***no parking area*** has the meaning in the Code;

***number plate*** has the meaning in the *Road Traffic (Vehicles) Act 2012*;

***obstruction*** has the meaning in the Code;

***occupier*** has the meaning in the Act;

***one-way carriageway*** has the meaning in the Code;

***owner*** —

(c) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to 'responsible person' in the *Road Traffic (Administration) Act 2008*;

(d) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; or

(e) where used in relation to land, has the meaning in the Act;

***painted island*** has the meaning in the Code;

***park*** has the meaning in the Code;

***parking app*** means the mobile application designed to operate on a mobile device for the purpose of purchasing or obtaining an electronic parking ticket or a parking permit in accordance with this local law, and includes a similar process using a web browser;

***parking app fee*** means the parking fee, specified in the parking app, that applies to a parking space or other place where a vehicle is to be parked or is being parked;

***parking area*** has the meaning in the Code;

***parking facilities*** includes —

(a) land, buildings, shelters, parking spaces, parking stations, metered zones, metered spaces and other facilities open to the public generally for the parking of vehicles with or without charge; and

(b) signs, notices and facilities used in connection with the parking of vehicles, including fee paying machines and electronic parking detection devices;

***parking meter*** means a machine or device that, as a result of payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

***parking permit,*** or ***permit****,* means —

(a) a permit issued under this local law; and

(b) a permit issued under a repealed parking local law of the local government where the permit is in force immediately prior to the commencement of this local law under clause 1.2.

***parking region*** means the area to which this local law applies, as described in clause 1.3;

***parking space*** means a section or part of a thoroughfare, a public reserve or a parking station, which is marked, or defined by painted lines, metallic studs, pavers or by similar devices for the purpose of indicating where a vehicle may stop or be parked;

***parking station*** means any land or structure constituted as a parking station under this local law;

***parking ticket***, or ***ticket***, means a ticket, whether printed or electronic, that is —

(a) issued from a ticket issuing machine or a ticket issuing device;

(b) authorises the parking of a vehicle in a metered zone or a parking station; and

(c) includes the date and time that the authorisation expires, whether or not the payment of a fee is required;

***pay by phone*** means payment for parking using the parking app;

***pay by phone transaction*** means the transaction of paying for a parking fee, or purchasing or obtaining a parking permit, using the parking app;

***pay by phone zone*** means a parking station or a metered zone (or any other parking facility), in respect of which signage is installed indicating that, at specified times or generally, payment for parking is required using the parking app;

***pedestrian crossing*** has the meaning in the Code;

***permit*** means a permit issued under this local law;

***permit holder*** means a person to whom a permit is granted;

***place of refuge for pedestrians*** includes any area or place which is open to or used by the public and not ordinarily intended for the stopping, parking or movement of vehicles, and also includes any physical provision or area demarcated by the marking of lines or otherwise identified by a sign;

***power assisted pedal cycle*** has the meaning in the *Road Traffic (Administration) Act 2008*;

***prescribed offence*** has the meaning in clause 8.34;

***property line*** means the boundary between a thoroughfare and the land that abuts it;

***public bus*** has the meaning in the Code;

***public place*** means a place to which the public has access whether or not that place is on private property;

***public reserve*** means any land —

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an ***otherwise unvested facility*** within section 3.53 of the Act;

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

***right of way*** means any lane, passage, thoroughfare, way, whether private or public, over which any person in addition to the owner has a right of carriageway;

***road*** has the meaning in the *Road Traffic (Administration) Act 2008*;

***road marking*** has the meaning in the Code;

***Schedule*** means a Schedule to this local law;

***school zone*** has the meaning in the Code;

***sign*** includes a traffic sign, mark, structure, inscription, road marking, symbol or device on which may be shown words, numbers, expressions or symbols, that is -

(a) approved by the local government; and

(b) placed on or near a thoroughfare, parking station or public reserve for the purpose of prohibiting, regulating, guiding or directing the stopping or parking of vehicles;

***special purpose vehicle*** has the meaning in the Code;

***stop*** has the meaning in the Code;

***symbol*** includes any symbol specified by Australian Standard 1742.11-2016 and any symbol specified from time by time by Standards Australia for use in the regulation of parking;

***taxi*** has the meaning in the Code;

***taxi zone*** has the meaning in the Code;

***thoroughfare*** has the meaning in the Act;

***ticket issuing device*** means a mobile device that, as a result of a payment, issues a parking ticket;

***ticket issuing machine*** means a machine that, as a result of a payment, issues a parking ticket;

***T-intersection*** has the meaning in the Code;

***tractor*** means —

(a) a prime mover type motor vehicle that is a tractive unit designed for hauling a semi-trailer; or

(b) a motor vehicle designed for use primarily in public and private sector industry, including agricultural, earthmoving and forestry pursuits;

***traffic-control signal*** has the meaning in the Code;

***traffic island*** has the meaning in the Code;

***traffic sign*** has the meaning in the Code;

***trailer*** means a vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include a semi-trailer or caravan;

***unexpired parking ticket*** means a parking ticket on which a date and a expiry time is printed or displayed, and that time has not expired;

***vehicle*** has the meaning in the *Road Traffic (Administration) Act 2008*; and

***verge*** means that part of a thoroughfare that is between the carriageway and a lot which abuts the thoroughfare and includes a nature strip, but does not include a footpath.

**1.6 Application of particular terms**

(1) For the purposes of the definitions of ***no parking area*** and ***parking area***, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(2) A reference to a thoroughfare, parking station, parking facility, metered zone or public reserve includes a reference to any part of the thoroughfare, parking station, parking facility, metered zone or public reserve.

(3) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.

(4) Where a term is used, but not defined, in this local law, and that term is defined in the *Road Traffic (Administration) Act 2008* or in the Code, then the term is to have the meaning given in that Act or the Code.

**1.7 Pre-existing signs**

(1) A sign that —

(a) was erected by the local government or the Commissioner of Main Roads prior to the commencement of this local law; and

(b) relates to the stopping or parking of vehicles within the parking region,

is taken to have been erected by the local government under this local law.

**1.8 Part of thoroughfare to which sign applies**

(1) Where under this local law the stopping or parking of a vehicle on a thoroughfare is controlled by a sign, the sign is to be taken to apply to that part of the thoroughfare which —

(a) is beyond the sign;

(b) is between that sign and the next sign; and

(c) is on that side of the thoroughfare nearest to the sign.

**1.9 Vehicle and driver classes**

(1) For the purpose of this local law, vehicles are divided into the following classes —

(a) buses;

(b) caravans;

(c) electric vehicles;

(d) electric rideable devices;

(e) motorcycles and bicycles;

(f) taxis;

(g) commercial vehicles;

(h) tractors;

(i) heavy vehicles; and

(j) all other vehicles.

(2) For the purpose of this local law, drivers are divided into the following classes —

(a) authorised persons;

(b) employees of the local government;

(c) customers or patrons of a shop, shopping centre, facility or event;

(d) persons who work in a shop or shopping centre;

(e) persons with special needs, including those relating to disability, age or care of infants; and

(f) all other persons.

**1.10 Power to prohibit or regulate**

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of person or vehicle, or both, but must do so consistently with this local law.

**1.11 Determinations**

(1) The local government may, by resolution, determine —

(a) the location of parking spaces;

(b) the permitted times and conditions of stopping and parking that may vary within the parking region;

(c) the permitted classes of persons who may stop or park their vehicles;

(d) the permitted classes of vehicles that may stop or park;

(e) the manner of stopping or parking a vehicle; and

(f) the amount, if any, payable for parking a vehicle.

(2) Where the local government makes a determination under subclause (1) —

(a) it may vary the determination; and

(b) the local government is to ensure that one or more signs are erected to give effect to the determination.

**1.12 Parking fees**

(1) Parking fees payable under this local law are to be determined and imposed by the local government under the Act.

(2) The local government may, by resolution, waive the parking fee in respect of a specified parking facility -

(a) at certain days and times;

(b) for specified classes of persons or vehicles; or

(c) for a specified period of time after a vehicle enters, stops or parks in the parking facility.

**1.13 Transitional**

A permit or permission issued or given in accordance with a local law that is repealed under clause 1.4 —

(a) is taken to be a permit or permission granted under this local law, as the case may be;

(b) is to be valid for the period specified in the permit or permission; and

(c) may be earlier cancelled or suspended in accordance with this local law.

**Part 2 - Parking stations and metered zones**

**2.1 Establishment of parking facilities**

The local government may, by resolution, establish and vary parking stations, metered zones and other parking facilities.

**2.2 Payment of fees in a parking station**

A person must not stop or park a vehicle, or permit a vehicle to remain parked or stopped, in a parking station during a period for which a fee is payable unless —

(a) in the case of a parking station having an attendant on duty, the person pays the appropriate fee when demanded;

(b) in the case of a parking station equipped with a ticket issuing machine, the person -

(i) inserts the appropriate fee in the ticket issuing machine or makes such other permitted form of payment that is indicated on the machine; and

(ii) obtains a parking ticket from the machine; or

(c) in the case of a pay by phone zone, the person —

(i) immediately commences the pay by phone transaction and obtains notification that the transaction has commenced;

(ii) ensures that the transaction remains active at all times while the vehicle is stopped or parked; and

(iii) immediately before the vehicle is driven from where it had been stopped or parked, completes the pay by phone transaction and obtains notification that the appropriate fee has been paid.

**2.3 Payment of fees in a metered zone**

A person must not stop or park a vehicle, or permit a vehicle to remain parked or stopped, a metered zone during any period for which a fee is payable for that part unless —

(a) in the case of a metered space, the person inserts the appropriate fee in the adjacent parking meter or makes such other permitted form of payment that is indicated on the parking meter;

(b) in the case of a metered zone equipped with a ticket issuing machine, the person —

(i) inserts the appropriate fee in the ticket issuing machine or makes such other permitted form of payment that is indicated on the machine; and

(ii) obtains a parking ticket from the machine; or

(c) in the case of a pay by phone zone, the person —

(i) immediately commences the pay by phone transaction and obtains notification that the transaction has commenced;

(ii) ensures that the transaction remains active at all times while the vehicle is stopped or parked; and

(iii) immediately before the vehicle is driven from where it had been stopped or parked, completes the pay by phone transaction and obtains notification that the required fee has been paid.

**2.4 Limitations applying where fee paid**

The payment of a fee referred to in clause 2.2 or clause 2.3 does not authorise the stopping or parking of a vehicle where it is otherwise prohibited —

(a) under this local law; or

(b) by a sign.

**2.5 When fee free period applies**

Where a parking fee is waived under clause 1.12(2)(c), a person who is parking, or has parked, in a parking station or metered zone must not, when the ~~initial~~ fee free period expires —

(a) obtain another parking ticket or commence another parking session for the purpose of extending the total free parking time; or

(b) move the vehicle within, or exit and return to, the parking station or metered zone, for the purpose of extending the total free parking time,

unless the vehicle has been removed from the parking station or metered zone for a minimum of 12 hours.

**2.6 Display of ticket**

(1) A person must not stop or park a vehicle in a parking station or metered zone equipped with a ticket issuing machine during any period for which a fee is payable unless —

(a) in the case of a pay by phone zone, the person has complied with clause 2.2(c) or clause 2.3(c), as the case may be; or

(b) an unexpired parking ticket applicable to that parking station or metered zone is —

(i) displayed inside the vehicle; and

(ii) displayed so that the date, expiry time and the number (if any) on the ticket are clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the parking station or metered zone.

(2) A person must not display in a vehicle a ticket purchased from a ticket issuing machine, or from any other place authorised by the local government, if the ticket has been altered, added to or defaced in any way in an attempt to avoid payment of the appropriate fee.

**2.7 Lost tickets**

If provision is made in a parking station for payment of a fee on the departure of a vehicle, and the ticket issued when a vehicle entered the parking station is not produced on the departure of the vehicle, the fee payable is to be calculated from the time the parking station was opened on that day to the time of the departure of the vehicle.

**2.8 Parking within a parking space**

(1) A person must not stop or park a vehicle in a parking station or a metered zone, other than wholly within a parking space.

(2) In a parking station, a person must not park against the flow of traffic.

(3) In a metered zone —

(a) a person must not park a vehicle in a metered space in which another vehicle is parked; and

(b) unless a metered space in a thoroughfare is set out otherwise than parallel to the kerb, a person must park a vehicle parallel with the kerb and as close as practicable to the kerb.

**2.9 No parking when meter expires or hood on meter**

(1) A person must not leave a vehicle parked, or permit a vehicle to remain parked, in a metered space, during the hours when a fee is payable to park the vehicle in the space, when the adjacent parking meter exhibits the sign 'expired' or a negative time.

(2) Despite any other provision of this local law, and despite any other sign or notice, a person must not park a vehicle in a metered space if the parking meter referable to the metered space has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' (or equivalent symbols), except with the approval of the local government or an authorised person.

**2.10 Prohibitions on stopping or parking**

(1) A person must not stop a vehicle in any part of a parking station or metered zone —

(a) if the stopping of a vehicle in that part is prohibited by a sign; or

(b) during a period in which the stopping ~~or parking~~ of vehicles in that part is prohibited by a sign.

(2) A person must not park a vehicle in any part of a parking station or metered zone —

(a) if the parking of vehicles in that part is prohibited by a sign;

(b) during a period in which the parking of vehicles in that part is prohibited by a sign; or

(c) if a sign specifies that the part is for the parking of vehicles —

(i) of a different class;

(ii) driven by a person of a different class; or

(d) for more than the maximum time specified by a sign.

(3) A person must not park a vehicle in any part of a parking station so as to obstruct an entrance to, or an exit from, the parking station, or an access way within the parking station.

**2.11 Use of fee paying machines**

(1) A person must not insert into a fee paying machine anything other than the designations of coin or bank note or other form of permitted payment indicated by a sign on the fee paying machine.

(2) A person must not operate a fee paying machine except in accordance with the operating instructions on the fee paying machine.

**2.12 Special event parking**

(1) In this clause -

***special event*** means an event or occurrence considered by the local government to be special or likely to attract a substantial number of persons driving vehicles, and which has been the subject of local public notice no less than 28 days before the first day of the event or occurrence.

(2) The local government may, by use of a sign, set aside for any period specified on the signs a parking station or metered zone for the parking of vehicles by persons attending a special event.

(3) A person must not stop or park a vehicle in a parking station or metered zone set aside under subclause (1) during the period for which it is set aside, unless a ticket purchased from the local government with respect to the special event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle.

(4) During the period referred to in subclause (2) the provisions of clauses 2.10(1)(b), 2.10(2)(b) and 2.10(2)(d) do not apply to the parking station or metered zone.

**2.13 Behaviour in a parking station**

A person must not —

(a) remain in a parking station after having been directed to leave the parking station by an authorised person;

(b) permit a vehicle to park in any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or

(c) drive in a parking station in a direction other than the direction indicated by a sign.

**2.14 Parking station may be locked**

At the expiry of the hours of operation of a parking station, and whether or not any vehicle remains parked in the parking station, the local government may lock the parking station or otherwise prevent the movement of any vehicle within, to or from it.

**2.15 Authorised parking spaces**

(1) The local government may, by use of signs, set aside a parking station or metered zone, or one or more parking spaces in a parking station or metered zone, for the parking of vehicles by persons authorised by the local government.

(2) Where the local government authorises a person under subclause (1) the local government —

(a) is to issue a written permit to the person;

(b) may charge a fee for the permit; and

(c) may revoke the permit at any time.

(3) A person must not stop or park a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle is displayed inside the vehicle and is clearly visible to, and readable by, an authorised person examining the permit from outside the vehicle.

**Part 3 - Stopping and parking generally**

**3.1 Parking or stopping a bicycle**

A person must not stop or park a bicycle in a parking space unless the parking space is marked 'M/C'.

**3.2 Authorised parking**

A person must not, without the approval of the local government or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of authorised vehicles only.

**3.3 Stopping or parking on private property**

(1) In this clause —

***land*** does not include land that is —

(a) a public reserve;

(b) the subject of an agreement referred to in clause 1.3(3); or

(c) a parking facility.

(2) A person must not stop or park a vehicle on land —

(a) without the consent of the owner or occupier of the land; or

(b) where the consent is given subject to conditions, otherwise than in accordance with the conditions.

**3.4 Stopping or parking on a public reserve**

A person must not stop or park a vehicle on a public reserve, other than within a parking facility on that reserve, unless the person is an employee of the local government in carrying out their functions or has obtained the approval of the local government or an authorised person.

**3.5 No obstruction**

(1) A person must not stop or park a vehicle in a public place so as to cause an obstruction.

(2) For the purposes of subclause (1) —

(a) a vehicle that is parked in any portion of a public place where vehicles may not lawfully be parked is taken to be causing an obstruction; and

(b) a vehicle that is parked in any portion of a public place where vehicles may lawfully be parked does not cause an obstruction unless —

(i) the vehicle is parked for any period exceeding 24 hours, without the approval of the local government; or

(ii) the vehicle is parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

**3.6 Stopping in a parking area for people with disabilities**

Parking restrictions relating to an area or place designated for the use of people with disabilities is dealt with in the *Local Government (Parking for People with Disabilities) Regulations 2014.*

**3.7 Restrictions on stopping or parking in particular areas**

A person must not stop or park a vehicle —

(a) in a no parking area;

(b) in a parking area, except in accordance with —

(i) a sign associated with the parking area; and

(ii) this local law; or

(c) in a space marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

**3.8 Stopping or parking in a loading zone**

A person must not stop or park a vehicle in a loading zone unless it is —

(a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or

(b) a motor vehicle taking up or setting down passengers,

but, in any event, must not remain in that loading zone —

(c) for longer than a time indicated on the 'loading zone' sign;

(d) if picking up or setting down goods - for longer than 30 minutes (if no time is indicated on the sign); or

(e) or if taking up or setting down passengers - for longer than 2 minutes (if no time is indicated on the sign).

**3.9 Temporary parking restrictions**

(1) The local government may, by the use of signs or other means, temporarily restrict or prohibit parking in a parking station, parking space, metered zone or metered bay for the purpose of carrying out urgent, essential or official functions of the local government.

(2) Unless with the approval of the local government or an authorised person, a person must not stop, park or permit a vehicle to remain parked in an area where temporary parking restrictions apply.

(3) Clause 3.9 has effect notwithstanding any other provision of this local law or any sign referable to the area.

**3.10 Stopping or parking in a taxi zone or bus zone**

(1) A driver must not stop or park in a taxi zone, unless the driver is driving a taxi undertaking fee for service passenger collection or drop-off activities.

(2) A driver must not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign, applying to the bus zone.

## Part 4 - Parking on a thoroughfare generally

**4.1 Stopping or parking contrary to a sign**

(1) In this clause —

***unattended***, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(2) A person must not stop or park a vehicle on a thoroughfare —

(a) during any period when the stopping or parking of vehicles is prohibited by a sign;

(b) if it is set aside by a sign for the stopping or parking of vehicles of a different class;

(c) if it is set aside by a sign for the stopping or parking of vehicles by persons of a different class;

(d) to which a 'no parking' sign applies, unless the driver —

(i) is dropping off, or picking up, passengers or goods;

(ii) does not leave the vehicle unattended; and

(iii) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on; or

(e) the side of which is marked with a continuous yellow edge line.

(3) A person must not stop or park a vehicle on —

(a) a thoroughfare other than wholly within a parking space if the part of the thoroughfare on which the vehicle is standing or parked is provided with parking spaces; or

(b) any part of a thoroughfare, whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

(4) A person must not stop or park a vehicle in a parking space in which another vehicle is stopped or parked.

**4.2 Median strips, painted islands and traffic islands**

Subject to any law relating to intersections with traffic-control signals, a person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is —

(a) on a median strip, painted island or traffic island;

(b) adjacent to a median strip otherwise than in a parking space; or

(c) within 9 metres of any portion of a carriageway bounded on one or both sides by a traffic island.

**4.3 Stopping or parking certain vehicles in built-up area**

A person must not stop or park —

(a) a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5m or more in length; or

(b) exceeds a GVM of 4.5 tonnes,

on a thoroughfare in a built-up area between the hours of 6.00 pm one day and 7.00 am the following day and for more than 3 hours consecutively between the hours of 7.00 am and 6.00 pm.

**4.4 Parking on a carriageway**

(1) In this clause —

***continuous dividing line*** means —

(a) a single continuous dividing line only;

(b) a single continuous dividing line to the left or right of a broken dividing line; or

(c) 2 parallel continuous dividing lines.

(2) Unless otherwise indicated on a sign, a person parking a vehicle on a carriageway other than in a parking space must park the vehicle —

(a) in the case of a two-way carriageway, so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

(b) in the case of a one-way carriageway, so that it is as near as practicable to, and parallel with, either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

(c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;

(d) so that the front and the rear of the vehicle respectively are not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and

(e) so that it does not obstruct any other vehicle on the carriageway.

**4.5 When parallel and right-angled parking apply**

Unless a sign indicates otherwise —

(a) a person parking a vehicle in a parking area adjacent to the boundary of a carriageway, must park the vehicle as near as practicable to, and parallel with, that boundary; and

(b) a person parking a vehicle in a parking area at or near the centre of a carriageway, must park the vehicle at approximately right angles to the centre of the carriageway.

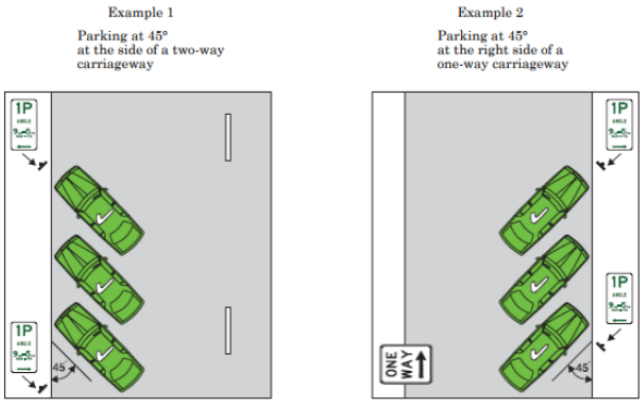
**4.6 When angle parking applies**

(1) Subject to subclause (2), where a sign indicates that angle parking is permitted in a parking area, a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the sign.

(2) This clause does not apply to —

(a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or

(b) a person parking either a motorcycle without a trailer, or a bicycle.




*Example of angle parking*

**4.7 Stopping or parking near a fire hydrant or public post box**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 1 metre of a fire hydrant, fire plug or a sign indicating the existence of a fire hydrant or fire plug.

(2) This clause does not apply if —

(a) the driver is driving a public bus, and the driver stops in a bus zone or bus stop and does not leave the bus unattended; or

(b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the vehicle unattended.

(3) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 3 metres of a public post box or within a mail zone, unless the vehicle is being used for the purpose of collecting postal articles from the post box.

**4.8 Stopping or parking in a clearway**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within an area marked by a clearway sign.

(2) Subclause (1) does not apply to the driver of a public bus if the driver is dropping off, or picking up, passengers.

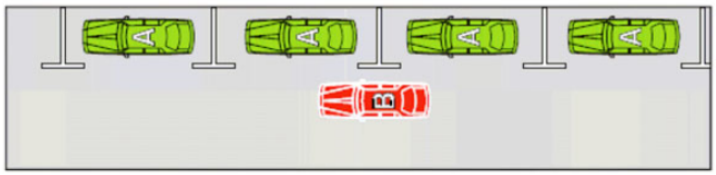
**4.9 Double parking**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is between any other stopped or parked vehicle and the centre of that thoroughfare.

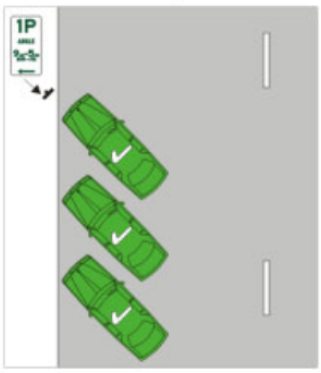
(2) This clause does not apply to —

(a) a driver stopped in traffic; or

(b) a driver angle parking on the carriageway in accordance with this local law.



*Example 1 – double parking*




*Example 2 – no double parking*

**4.10 Verge parking**

(1) A person must not stop or park a vehicle on a verge where a sign prohibits the stopping or parking of vehicles on the verge.

(2) A person must not drive, stop or park a vehicle on a verge, in the absence of a sign prohibiting the stopping or parking of vehicles on the verge, unless —

(a) the person is the owner or occupier of the lot abutting that portion of the verge;

(b) the person has the permission of the owner or occupier of the lot abutting that portion of the verge;

(c) the person is an authorised person undertaking the functions for which they are authorised by the local government; or

(d) the person is acting under the authority of a written law.

**4.11 Bus stops, pedestrian and children's crossing**

(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20m of the approach side of a bus stop, or within 10 m of the departure side of a bus stop, unless the vehicle is a public bus stopped to take up or set down passengers.

(2) A person must not stop, park or permit a vehicle to remain parked in a bus stop except for the purpose of taking up or setting down passengers to or from such vehicle.

(3) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is —

(a) within 20 m of the approach side of pedestrian or children's crossing; or

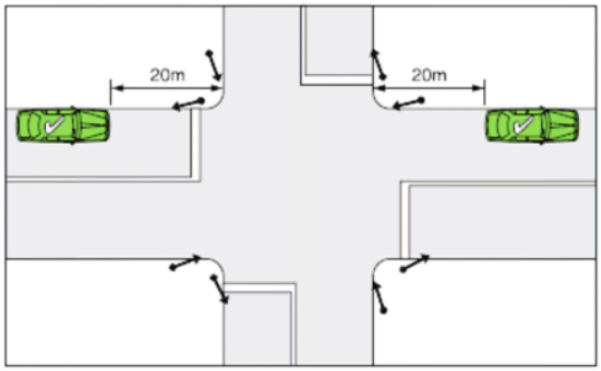
(b) within 10 m of the departure side of pedestrian or children's crossing.

(4) In this clause, distances are measured in the direction in which the driver is driving.

**4.12 Intersections**

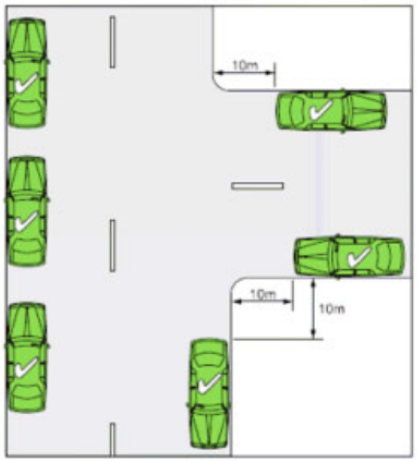
(1) Unless a sign indicates otherwise, a person must not stop a vehicle so that any portion of the vehicle is —

(a) within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals; or



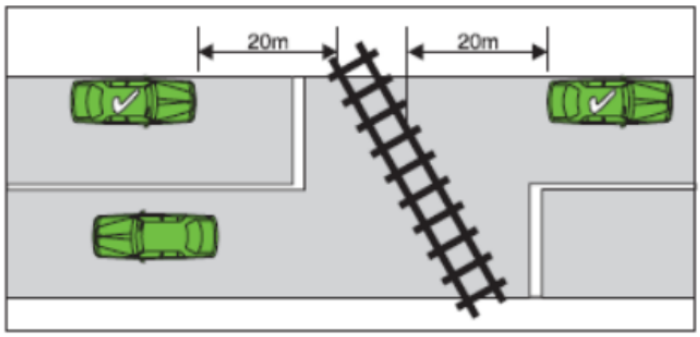

*Example of measurement of distance — intersection with traffic-control signals*

(b) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops, if the intersection is a T-intersection, along the continuous side of the continuing road at the intersection.




*Example of measurement of distance —T-intersection without traffic lights*

(2) A person must not stop or park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.




*Example of measurement of distance — level crossing*

**4.13 Movement of vehicles to avoid time limitation**

If a person parks a vehicle in a thoroughfare where parking is restricted as to time, that person must not park that vehicle again in the same thoroughfare on that same day unless it has first been removed from the thoroughfare for at least 1 hour.

**4.14 No parking of vehicles in certain circumstances**

A person must not park a vehicle on a thoroughfare —

(a) for the purpose of exposing it for sale;

(b) if the vehicle is not licensed under the *Road Traffic (Vehicles) Act 2012*;

(c) if the vehicle is a trailer or a caravan unattached to a motor vehicle; or

(d) for the purpose of effecting repairs to the vehicle, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

**4.15 Keep clear markings**

A person must not stop or park a vehicle on an area of carriageway marked with a keep clear marking.

**4.16 Traffic obstruction**

Subject to any law relating to intersections with traffic-control signals, a person must not stop or park a vehicle so that any portion of the vehicle is —

(a) in front of a right of way, cross-over, passage or driveway, or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, cross-over, passage or private driveway;

(b) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

(c) alongside any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;

(d) in a cul-de-sac so as to obstruct the turning of vehicles within the cul-de-sac;

(e) on or over any part of a footpath or a place of refuge for pedestrians, unless a sign indicates otherwise;

(f) on or over any part of a footpath or a place of refuge for pedestrians within a school zone unless a sign indicates otherwise; or

(g) on a bridge.

## Part 5 - Parking permits

*Division 1 - General provisions*

### 5.1 Application

This Part applies to —

(a) residential parking permits; and

(b) other classes of parking permits, if any, determined under clause 5.2.

### 5.2 Classes of parking permits

The local government may determine —

(a) classes of parking permits in addition to residential parking permits; and

(b) the eligibility criteria for each class of parking permit.

### 5.3 Application for a permit

(1) A person who is eligible or who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit must —

(a) be in the form determined by the CEO;

(b) be signed by the applicant;

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

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

(3) Before determining an application for a permit, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or;

~~(a)~~ to consult with ~~those~~ nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons ~~who are specified in the request;~~

(b) ~~to advise those nearby owners and/or occupiers~~ that they may, within 14 days of receiving that advice, make submissions to the local government on the application ~~for a permit; and/or~~.

~~(c)~~(a) ~~within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.~~

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (3) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

**5.4 Determining an application**

(1) The local government may ~~—~~

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

(b) refuse to approve an application.

(2) A decision under subclause (1) must be made within 90 days of an applicant satisfying the requirements of clause 5.3(2) and any request made under clause 5.2(3).

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 5.3(2)(d) is to be refunded to the applicant.

(4) If an application is approved, the local government is to issue to the applicant a permit in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

**5.5 Compliance with and variation of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend ~~the~~ a condition~~s~~ of a permit and the amended condition~~s~~ take~~s~~ effect ~~—~~

(a) 14 days after the written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

~~(2) 14 days after written notice is given to the permit holder.~~

**5.6 Duration of permit**

(1) Unless otherwise specified ~~in its terms or conditions~~as a condition of the permit, a permit is valid from the date on which it is issued until the earlier of ~~—~~

(a) the expiry date, if any, specified on the permit;

(b) the date that the permit ~~it~~ is cancelled under this Division;

(c) the date that the permit holder ceases to be eligible for a permit; or

(d) the date that the permit is replaced under clause 5.10.

(2) Where a permit ceases to be valid, the permit holder must immediately —

(a) cease to use and display the permit; and

(b) in a case where the permit holder has ceased to be eligible for the permit - notify the local government in writing that they have ceased to be eligible.

(3) Where a permit ceases to be valid under subclause (1)(a), the permit holder may apply for a renewal of the permit.

**5.7 Renewal of permit**

(1) A permit holder may apply to the local government for the renewal of the permit.

(2) An application for renewal must —

(a) be in the form determined by the CEO;

(b) be signed by the permit holder;

(c) provide the information required by the form;

(d) be forwarded to the local government no later than 28 days before the expiry of the permit, or within a shorter period that the local government in a particular case permits; and

(e) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

(3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

**5.8 Permit not transferable**

A permit is not transferable.

**5.9 Cancellation of a permit**

(1) The local government may cancel a permit if —

(a) the permit holder requests the local government to do so;

(b) the permit holder has failed to comply with a condition of the permit; or

(c) the permit holder breaches a provision of this local law in respect of the vehicle that is the subject of the local law.

(2) If the local government cancels a permit under subclauses (1)(b)-(c), it must give the permit holder written notice of the cancellation and of the reasons for the cancellation.

(3) A cancellation under subclause (1) takes effect –

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

~~(3) A cancellation under subclause (1) takes effect 14 days after the written notice under subclause (2) is given to the permit holder.~~

(4) If a permit is cancelled –

(a) the permit holder must, in the case of a written permit, return the permit to the local government as soon as practicable, or cause it to be destroyed; and

(b) no part of the fee paid for the permit is refundable.

**5.10 Replacement of a permit**

(1) The local government may, on written application by the permit holder, issue a replacement permit for a permit that has been lost, misplaced, destroyed or stolen.

(2) The written application —

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

(b) be signed by the permit holder;

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

(d) be accompanied by any fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

(3) Before determining the application, the local government may require the applicant to provide additional information reasonably related to the application.

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or where a requirement of subclause (3) has not been satisfied.

**5.11 Use of counterfeit or altered permit**

A person must not —

(a) use or display on a vehicle, a counterfeit permit or one that has in any way been altered, added to or defaced; or

(b) produce to an authorised person a counterfeit permit or one that that has been altered, added to or defaced.

*Division 2 - Residential parking permits*

**5.12 Interpretation**

In this Division —

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

***permit*** means a residential parking permit; and

***residential lot*** means a lot where a residential use -

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot.

**5.13 Eligibility**

(1) A person is eligible for a permit if —

(a) they are the owner or occupier of a residential lot fronting or with vehicle access to and from the thoroughfare to which the permit will relate;

(b) the vehicle to which the permit will apply is not a commercial vehicle; and

(c) they hold a valid driver's licence for the class of vehicle to which the permit will apply.

(2) A person is not eligible for a permit if that person has had a permit issued under this Part cancelled by the local government in the last 12 months.

**5.14 Residential parking permit**

(1) The local government may issue a maximum of 3 permits for each residential lot that —

(a) fronts a thoroughfare; or

(b) has vehicle access to and from a thoroughfare.

(2) A permit is to specify —

(a) the permit number;

(b) the number plate of the permitted vehicle; and

(c) the name of the thoroughfare in respect of which the permit applies.

**5.15 Effect of permit**

(1) The holder of a parking permit issued under this ~~Part~~ Division is exempt from a prohibition against the stopping or parking of vehicles on a thoroughfare for more than a specified period of time.

(2) The exemption under subclause (1) applies only —

(a) to the thoroughfare specified in the permit, except where it is adjacent to retail premises where the parking of all vehicles is subject to a time restriction;

(b) to the vehicle specified in a permit;

(c) where the permit is subject to conditions – only where those conditions are met;

(d) if the permit is displayed in the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in an area to which the permit relates; and

(e) if the permit is valid.

## Part 6 - Miscellaneous

**6.1 Authorised person may order vehicle to be moved**

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after having been directed by an authorised person to move the vehicle.

**6.2 Authorised person may mark tyres**

(1) An authorised person, in carrying out their functions, may mark the tyres of a parked vehicle with chalk or any other non-indelible substance ~~or technology~~.

(2) A person must not remove a mark made by an authorised person so that the purpose of the affixing of the mark is defeated or likely to be defeated.

**6.3 Interference or damage to parking facilities**

(1) A person must not interfere with, alter, affix any thing to, damage, deface, remove, misuse or obstruct the operation of any parking facility or any local government property used in, or in connection with, a parking facility.

(2) If a person is in breach of subclause (1), the local government may, by notice in writing to the person, require the person within the time specified in the notice to, at the option of the local government, pay the costs of —

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

(b) replacing the parking facility or local government property.

**~~6.3~~6.4 Unauthorised signs**

A person must not, without the approval of the local government, place, mark or erect a sign purporting to be or resembling a sign placed, marked or erected by the local government under this local law.

**~~6.4~~6.5 No contravention of sign**

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law

**~~6.5~~6.6 General provisions about signs**

(1) A sign is presumed, in the absence of evidence to the contrary, to be a sign placed, marked or erected under the authority of this local law.

(2) Where an inscription or symbol on a sign relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles.

(3) The first three letters of any day of the week when used on a sign indicate that day of the week

**~~6.6~~6.7 Removal of notice from vehicle**

A person, other than the driver of the vehicle or a person acting under the direction of the driver, must not remove from that vehicle any notice affixed to or put on it by an authorised person under this local law.

**~~6.7~~6.8 Impounding of vehicles**

The impounding of vehicles and other goods is dealt with in Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

**~~6.8~~6.9 Exemptions**

(1) A provision of Part 2, 3 or 4 of this local law does not apply to the driver of an emergency vehicle or a special purpose vehicle if, in the circumstances —

(a) the driver is taking reasonable care; and

(b) it is reasonable that the provision should not apply.

(2) A provision of Part 2, 3 or 4 of this local law does not apply to a driver who is an authorised person appointed for the purposes of this or another written law applicable to the district who is driving a vehicle in the course of their functions if, in the circumstances —

(a) the driver is taking reasonable care; and

(b) it is reasonable that the provision should not apply.

(3) A provision of Part 2, 3, ~~5~~ 4 or 6 of this local law does not apply to a person who is at the site of, and engaged in, roadworks or maintenance of the thoroughfare if, in the circumstances —

(a) it is not practical for the person to comply with the provision; and

(b) sufficient warning of the roadworks has been given to other road users.

## Part 7 - Objection and review

**7.1 Objection and review rights**

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval or permit;

(b) to vary or cancel an approval or permit; ~~or~~

(c) to impose or amend a condition of approval or a permit; and

~~(c)~~(d) to refuse to renew a permit.~~.~~

## Part 8 - Enforcement

~~8.1 Interference of damage to parking facilities~~

~~(1) A person must not interfere with, alter, affix any thing to, damage, deface, remove, misuse or obstruct the operation of any parking facility or any local government property used in, or in connection with, a parking facility.~~

~~(2) If a person is in breach of subclause (1), the local government may, by notice in writing to the person, require the person within the time specified in the notice to, at the option of the local government, pay the costs of -~~

~~(a) reinstating the parking facility or local government property to the state it was in prior to the occurrence of the damage; or~~

~~(b) replacing the parking facility or local government property.~~

~~8.2~~8.1 **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 Act.

~~8.3~~8.2 **Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

~~(a)~~(b) fails to comply with a notice issued or direction given to the person under this local law; or~~or~~

~~(b)~~(c) 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 $10,000; 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.

~~8.4~~8.3 **Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.

(4) The amount appearing in the final column on Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

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

**~~8.5~~8.4 Form of infringement notices**

For the purposes of this local law —

(a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

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

~~(b)~~(c) the form of the infringement notice referred to in section 9.16 of the Act which incorporates the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2; and

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

## Schedule 1 - Prescribed offences

| Item no. | Clause no. | Description | Modified penalty |
|---|---|---|---|
| 1 | 2.2(a) | Failure to pay appropriate fee when demanded | $125 |
| 2 | 2.2(b) | Failure to obtain a parking ticket in a parking station | $125 |
| 3 | 2.2(c) | Failure to commence or keep active a pay by phone transaction in a parking station | $125 |
| 4 | 2.3(a) | Failure to pay fee to parking meter | $125 |
| 5 | 2.3(b) | Failure to obtain a parking ticket in a metered zone | $125 |
| 6 | 2.3(c) | Failure to commence or keep active a pay by phone transaction in a metered zone | $125 |
| 7 | 2.5(a) | Obtaining multiple parking tickets or commencing multiple parking sessions to extend initial fee free period | $125 |
| 8 | 2.5(b) | Moving a vehicle within a parking station to extend initial fee free period | $125 |
| 9 | 2.6(1) | Failure to clearly display unexpired parking ticket | $125 |
| 10 | 2.6(2) | Displaying an altered, added to or defaced parking ticket | $250 |
| 11 | 2.8(1) | Stopping or parking a vehicle otherwise than wholly within the parking space | $125 |
| 12 | 2.8(2) | Stopping or parking a vehicle against the flow of traffic | $125 |
| 13 | 2.8(3)(a) | Parking a vehicle in a metered space where another vehicle is parked | $125 |
| 14 | 2.8(3)(b) | Failure to park parallel with a kerb and close to the kerb | $125 |
| 15 | 2.9(1) | Parking when parking meter has expired | $125 |
| 16 | 2.9(2) | Parking where hooded parking meter prohibits parking | $125 |
| 17 | 2.10(1) | Stopping a vehicle contrary to a sign | $125 |
| 18 | 2.10(2) | Parking a vehicle contrary to a sign | $125 |
| 19 | 2.10(3) | Obstructing an entrance, exit or access way in a parking station | $125 |
| 20 | 2.11(1) | Making non-authorised insertion into a fee paying machine | $125 |
| 21 | 2.11(2) | Failure to comply with operating instructions on a fee paying machine | $125 |
| 22 | 2.12(3) | Stopping or parking a vehicle without clearly displaying a special event ticket | $125 |
| 23 | 2.13(a) | Failure to leave parking station when directed by authorised person | $250 |
| 24 | 2.13(b) | Failure to remove vehicle when directed of an authorised person | $250 |
| 25 | 2.13(c) | Driving a vehicle in a direction contrary to a sign | $250 |
| 26 | 2.15(3) | Stopping or parking a vehicle in an authorised space without clearly displaying a permit | $125 |
| 27 | 3.1 | Stopping or parking a bicycle in a parking space not marked “M/C” | $125 |
| 28 | 3.2 | Stopping or parking a vehicle in an authorised vehicle area without approval | $125 |
| 29 | 3.2(2) | Stopping or parking a vehicle on private property without consent ~~of owner~~ | $125 |
| 30 | 3.4 | Stopping or parking a vehicle on a public reserve without approval | $250 |
| 31 | 3.5 | Stopping or parking a vehicle in a public place so as to cause an obstruction | $250 |
| 32 | 3.7(a) | Stopping or parking a vehicle in a no parking area | $125 |
| 33 | 3.7(b) | Stopping or parking a vehicle in a parking area contrary to sign and local law | $125 |

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| 34 | 3.7(c) | Stopping or parking a vehicle in a motorcycle space | $125 |
| 35 | 3.8 | Unlawful stopping in a loading zone | $125 |
| 36 | 3.9 | Stopping or parking a vehicle in an area where temporary parking restrictions apply | $125 |
| 37 | 3.10(1) | Unlawful stopping or parking in a taxi zone | $125 |
| 38 | 3.10(2) | Unlawful stopping or parking in a bus zone | $125 |
| 39 | 4.1(2) | Stopping or parking a vehicle on a thoroughfare contrary to a sign | $125 |
| 40 | 4.1(3)(a) | Stopping or parking a vehicle other than wholly within a parking space | $125 |
| 41 | 4.1(3)(b) | Stopping or parking a vehicle for more than the maximum time permitted | $125 |
| 42 | 4.1(4) | Stopping or parking a vehicle in a parking space where another vehicle is stopped or parked | $125 |
| 43 | 4.2(a) | Stopping or parking a vehicle on a median strip | $125 |
| 44 | 4.2(a) | Stopping or parking a vehicle on a painted island | $125 |
| 45 | 4.2(a) | Stopping or parking a vehicle on a traffic island | $125 |
| 46 | 4.2(b) | Stopping or parking a vehicle adjacent to a median strip | $125 |
| 47 | 4.2(c) | Stopping or parking a vehicle within 9 metres of a traffic island | $125 |
| 48 | 4.3 | Stopping or parking certain vehicle in built-up area | $250 |
| 49 | 4.4(2)(a) | Failure to park a vehicle as near as practicable to and parallel with the left boundary of two-way carriageway against the flow of traffic | $125 |
| 50 | 4.4(2)(b) | Failure to park a vehicle as near as practicable to and parallel with the boundary of a one-way carriageway in the direction of the traffic | $125 |
| 51 | 4.4(2)(c) | Parking a vehicle less than 3 metres from the farther boundary of a carriageway | $125 |
| 52 | 4.4(2)(d) | Parking a vehicle closer than 1 metre from another vehicle | $125 |
| 53 | 4.4(2)(e) | Parking a vehicle so as to cause obstruction to another vehicle on a carriageway | $125 |
| 54 | 4.5(a) | Failure to park a vehicle near and parallel with the boundary of a carriageway | $125 |
| 55 | 4.5(a) | Failure to park a vehicle at right angle to the centre of a carriageway | $125 |
| 56 | 4.6(1) | Failure to park a vehicle at specified angle | $125 |
| 57 | 4.7(1) | Stopping or parking a vehicle within 1 metre of a fire hydrant, fire plug or sign | $500 |
| 58 | 4.7(3) | Stopping or parking a vehicle within a mail zone or within 3 metres of a post box | $125 |
| 59 | 4.8(1) | Stopping or parking a vehicle in a clearway zone | $250 |
| 60 | 4.9(1) | Double parking | $125 |
| 61 | 4.10(1) | Stopping or parking a vehicle on a verge contrary to a sign | $125 |
| 62 | 4.10(2)(b) | Driving, stopping or parking a vehicle on a verge without consent | $125 |
| 63 | 4.11(1) | Stopping or parking a vehicle within 20 metres of the approach side of a bus stop | $250 |
| 64 | 4.11(1) | Stopping or parking a vehicle within 10 metres of the departure side of a bus stop | $250 |
| 65 | 4.11(2) | Unlawful stopping or parking in a bus zone | $250 |
| 66 | 4.11(3)(a) | Stopping or parking a vehicle within 20m of the approach side of a pedestrian or children's crossing | $250 |
| 67 | 4.11(3)(a) | Stopping or parking a vehicle within 10 metres of the departure side of a pedestrian or children's crossing | $250 |
| 68 | 4.12(1)(a) | Stopping or parking a vehicle within 20 metres of an intersection with traffic-control signals | $250 |

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| 69 | 4.12(1)(b) | Stopping or parking a vehicle within 10 metres of an intersection without traffic-control signals | $250 |
| 70 | 4.12(2) | Stopping or parking a vehicle within 20 metres of the approach or departure side of a railway level crossing | $250 |
| 71 | 4.13 | Parking a vehicle again within 1 hour on same thoroughfare | $125 |
| 72 | 4.14(a) | Parking a vehicle on a thoroughfare for the purpose of sale | $125 |
| 73 | 4.14(b) | Parking an unlicensed vehicle on a thoroughfare | $125 |
| 74 | 4.14(c) | Parking a trailer or caravan which is not attached to a vehicle on thoroughfare | $125 |
| 75 | 4.14(d) | Effecting repairs to a vehicle parked on a thoroughfare | $125 |
| 76 | 4.15 | Stopping or parking a vehicle on thoroughfare contrary to keep clear marking | $250 |
| 77 | 4.16(a) | Stopping or parking a vehicle in front of a right of way, cross-over, passage or driveway | $250 |
| 78 | 4.16(b) | Stopping or parking a vehicle on an intersection | $250 |
| 79 | 4.16(c) | Stopping or parking a vehicle next to a traffic obstruction | $250 |
| 80 | 4.16(d) | Stopping or parking a vehicle in a cul-de-sac so as to cause an obstruction | $125 |
| 81 | 4.16(e) | Stopping or parking a vehicle over a footpath or place of refuge for pedestrians | $250 |
| 82 | 4.16(f) | Stopping or parking a vehicle on a footpath within a school zone | $500 |
| 83 | 4.16(g) | Stopping or parking a vehicle on a bridge | $125 |
| 84 | 5.3(5) | Providing false or misleading statement in connection with application | $125 |
| 85 | 5.54(1) | Failure to comply with conditions of a permit | $125 |
| 86 | 5.11 | Use of counterfeit or altered permit | $250 |
| 87 | 6.1 | Failureing to comply with a direction ~~of an authorised person~~ | $250 |
| 88 | 6.2 | Removing mark of authorised person | $250 |
| 89 | 6.43 | Placing, marking or erecting unauthorised signs | $125 |
| 90 | 6.54 | Contravening a direction on a sign | $125 |
| 91 | 6.75 | Unlawfully removing notice affixed to vehicle | $125 |
| 92 | | Each other offence not specified | $125 |

## Schedule 2 - Infringement notice forms

[Clause 8.4(c)]

**FORM 1**
**CITY OF COCKBURN PARKING LOCAL LAW 2026**
**INFRINGEMENT NOTICE**

Serial No .....

Date ..... / ..... / .....

To: (1) .....

of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....

at (4) .....

in respect of vehicle –

make .....;

model .....;

registration .....,

you committed the following offence –

.....

.....

.....

contrary to clause …….. of the *City of Cockburn Parking Local Law 2026.*

The modified penalty for the offence is $ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) …….. within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice –

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken –

your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or

vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....

(7) .....

Insert:

(1) Name of alleged offender or "the owner of (vehicle identification)"]
(2) Address of alleged offender (not required if owner not named)
(3) Time of alleged offence
(4) Location of alleged offence
(5) Place where modified penalty may be paid
(6) Signature of authorised person
(7) Name and title of authorised person giving notice

Dated this of 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

**Online and hard copy submissions**

| # | Date received | Name | Are you aware of the current local laws regarding parking in the City? | After viewing the proposed Parking Local Law 2026, what is your level of support? | Please list which Part or Clause your feedback is related to | What is your feedback? | If suggesting changes to the local law, please specify how these changes will impact the operation of the local law, or be beneficial for the wider community? | Officer response |
|---|---|---|---|---|---|---|---|---|
| 1 | 12 Jan | Withheld by request | Yes | Support | All | Parking in the middle of roads is a hazard & damages street trees and close to corners on verges or roads is very hazardous blocking view [as in the truck cnr Stockdale & Peel roads O'Connor] | N/A | Feedback noted.<br><br>Parking on a median strip or on an intersection, or in such a way that causes an obstruction, is prohibited in the proposed Parking Local Law. |
| 2 | 12 Jan | Withheld by request | Yes | Support | Illegal Street Parking | During School holidays and on any calm sunny day Port Coogee is transformed into a parking nightmare. I am pleased to see the parking rules updated, but this exercise is pointless if the rules aren't enforced, dozens of cars parked in signed no parking zones, others | I would like to see more patrols and better policing of this area especially in the evenings around sunset. | Feedback noted.<br><br>Patrols are regularly conducted with targeted patrols during peak times throughout the year. Current resourcing does not allow for extended operational hours. |

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| | | | | | | parked on footpaths and many incorrectly parked facing the wrong way. Especially after 5pm no one is enforcing these rules. | | |
| 3 | 12 Jan | Bradley Mitchell | Yes | Support with concerns | Parking on Verge footpaths | I'm on the ground floor and on very few occasions I need to load items from the car into the apartment. At most I would park on the verge/footpath for 5 minutes whilst load/unloading then moving the car. I see regularly removalist vans doing the same but for longer periods. They park on the verge/footpath because there is nowhere else to park. I would like to see some leniency from parking inspectors to allow residents to load/unload a car into the apartments on the ground floor. | | Feedback noted.<br><br>Parking on footpaths is a hazard to pedestrians. Parking on a verge is permitted provided you comply with the verge parking requirements set out in the proposed Parking Local Law. |
| 4 | 12 Jan | Withheld by request | Yes | Object | it is not CBD, should not charge parking fee, but ranger should be issuing | | | Feedback noted.<br><br>The City of Cockburn currently |

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| | | | | | more illegal parking across the city | | | has no paid parking areas.<br><br>Parking officers currently attend key areas multiple times per day to monitor illegal parking. |
| 5 | 12 Jan | Withheld by request | No | Support | Parking on the verge next to. No Parking on Verge sign. | Visitors to Coogee Beach continually park on the verge in Socrates Parade - although Rangers do come along every now and then, and issue tickets, but as soon as they leave people park there again - I am not sure what the fine for illegal Verge parking is but it is obviously not enough of a deterrent.Maybe the No Verge Parking signs should be changed to a Tow Away Zone and contract the removal of the cars to a towing firm. | | Feedback noted.<br><br>We encourage our community to contact the City if they see illegal parking.<br><br>The proposed Parking Local Law has increased the modified penalty (infringement) amount for parking in a No Parking Zone. |
| 6 | 12 Jan | Withheld by request | Unsure | Support with concerns | 4.1 | Neighbours consistently park their vehicles on the road directly infront of driveway daily and driveway is not | More parking spaces made between houses for guest, not just at parks or community places. | Feedback noted.<br><br>Parking opposite a driveway on other side of road is not illegal and is |

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| | | | | | | used at all. Our guest occasionally manage to park 2 wheels up on driveway, on our side of the road infront of our property. However, opposite neighbours still double park, making it extremely difficult for traffic to manuveur when they do so. As they are resident of the property, their daily roadside parking is making things difficult for a couple of neighbouring houses opposite to reverse/park on own driveway. Something has to be done so that daily roadside parking is managed accordingly. Road width are narrow and dont accomodate enough. | | permitted under the proposed Parking Local Law and State law.<br><br>It is the responsibility of the resident or the relevant guest to ensure they are parking legally. |
| 7 | 12 Jan | Withheld by request | Unsure | Support with concerns | I would like to see some sort of law that prevents people hogging the street with all the cars belonging to the house so other people can use the road if and when | Unhappy that people can park and use the street as there own and no one else can use it if they need it. | I think many would be happy to see that we all get a fair chance and not be selfish like these people are at *REDACTED*. | Feedback noted.<br><br>The proposed Parking Local Law provides that a person must not park their vehicle |

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| | | | | | they need to. People at *REDACTED*, always, every day have cars parked on the street and sometimes for a few days at a time. They have enough parking for5-6 & have 6 cars cars but they won't utelise the area as they don't want to keep moving cars. I would like to see your staff keep coming and fine them so they get the message. Two of these people have there mothers place they can and do live, but mostly they choose tolive here. They have one more person who has not got there license then there will be 7 cars. Please can someone DO SOMETHING ABOUT THIS!!!!! We should NOT have to put up with this. We pay our rates and should be allowed to use the road also. Cars and constantly having to wait for other cars because they are alway blocking the road and on Bin day, generally they keep the road clear. His boys were fine then he | | | in the same spot for more than 24 hours, or a parking officer can deem it an obstruction.<br><br>Further, the proposed Parking Local Law provides that a person must not park a car in a way that causes a traffic obstruction.<br><br>We encourage the community to contact the City if they think a safety risk if being caused due to the way cars are parking on the road.<br><br>The City does not have the power to restrict the number of cars a person has. This is an individual decision. |

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| | | | | | remarried and she has 3 kids so generally 6 kids plus 2 adults. | | | |
| 8 | 12 Jan | Claude Bratschi | Yes | Support | Parking laws | Ban all street and verge parking as it is unsafe for pulling out when you can't see cars coming and stupid people don't know how to give way when a car is parked on a road | I will get more people to use garage and driveways | Feedback noted.<br><br>The City does not have the power to introduce a blanket ban on street and verge parking, as such requirement is likely to be an unreasonable exercise of power. |
| 9 | 12 Jan | Nicholas Trevor | Yes | Support with concerns | 1) Part 3 - Stopping and parking generally<br>There is currently no effective mechanism to address the issue of unattended running vehicles, leaving Police, local governments, and private car park duty holders unable to act. This creates unnecessary safety, environmental, and operational concerns. The emissions generated by unattended idling vehicles alone present a significant health and environmental risk, and the absence of an enforceable provision limits the ability of Rangers or authorised | 1) There is currently no effective mechanism to address the issue of unattended running vehicles, leaving Police, local governments, and private car park duty holders unable to act. This creates unnecessary safety, environmental, and operational concerns. The emissions generated by unattended idling vehicles alone present a significant health and environmental risk, and the absence of an enforceable | 1) A specific clause should be added to legislation or local regulations to make the act of leaving a vehicle running while unattended an offence. This clause should:<br><br>Clearly define "unattended running vehicle"<br>Enable authorised officers—such as Police, Council Rangers, and private car park duty holders—to issue infringement notices<br>Align with emissions-reduction and public-safety objectives<br>Provide practical enforcement powers to address idling vehicles in public and private spaces | Feedback noted.<br><br>The City does not feel it needs to restrict the unattended running of vehicles. It is also not clear whether the City has the power to impose such a restriction.<br><br>Further, the Road Traffic Code already prohibits leaving an engine idle while unattended. This rule applies to all public roads. The Police are responsible for |

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| | | | | | officers to intervene.<br><br>2) 3.4 Stopping or parking on a public reserve | provision limits the ability of Rangers or authorised officers to intervene.<br><br>2) Council has advised that enforcement of Stopping or Parking on a Public Reserve or Nature Strip under Clause 3.4 is currently ineffective due to a lack of magistrate support when matters are taken to court. Although infringement notices are being issued, they are not acting as a sufficient deterrent, particularly for commercial vehicle operators who routinely park on nature strips and verges without legitimate operational purpose. This ongoing behaviour results in damage to public reserves, obscured sightlines, reduced pedestrian accessibility, and the gradual | This amendment would ensure a consistent, enforceable approach to reducing emissions, improving safety, and supporting responsible vehicle operation.<br><br>2) Clause 3.4 – Stopping or Parking on a Public Reserve is intended to prevent unauthorised parking on verges, nature strips, and public reserves. However, the clause lacks the enforcement strength required to properly manage commercial vehicle parking when those vehicles are not engaged in deliveries or legitimate work at adjacent premises. The central issue is that commercial vehicles are exploiting gaps in the current enforcement provisions, and existing penalties are too low to deter non-compliance. Additionally, the inability to issue effective, enforceable infringements—combined with the reluctance of magistrates to uphold prosecutions—has rendered the current | enforcing the Road Traffic Code.<br><br>The City's proposed Parking Local Law already prohibits parking on median strips or nature strips, as well as public reserves unless approval has been granted by the City. These clauses are enforceable and relevant staff are authorised to issue infringements for breaches.<br><br>The City unfortunately cannot control the amount a magistrate may order if the matter goes before the courts. However, the proposed Parking Local Law has increased the modified penalty (infringement amount) for these types of breaches. |

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| | | | | | | transformation of residential and urban areas into informal truck stops. The current framework does not provide Rangers or Co-Safe Officers with adequate authority or penalty levels to meaningfully discourage repeat offenders. | clause insufficient. To strengthen Clause 3.4 and ensure effective enforcement, it is recommended that:<br><br>The prohibition on commercial vehicles parking on nature strips and verges be explicitly reinforced.<br>Rangers and Co-Safe Officers be empowered to issue 24/7 infringement notices.<br>Penalties be increased to: | |
| 10 | 12 Jan | Withheld by request | Yes | Support with concerns | 4.10.2a - parking on verge by the owner/renter of residence | Some road design on intersections aren't suitable for verge parking as the vehicles obstruct the visibility hence i have to enter the road on my own risk. For example, Alberod St & Irvine Pde HAMMOND PARK has non-straight road layout and the residents *REDACTED* are parking multiple cars and driver entering Irvine Pde from Alberod St cannot see the upcoming traffic hence it becomes a road hazard. So the che | This change will definitely improve the intersection access and it'll be safe for pedestrians/drivers | Feedback noted.<br><br>The proposed Parking Local Law provides that a person must not park a car in a way that causes a obstruction.<br><br>We encourage the community to contact the City if they think a safety risk if being caused due to the way cars are parking on the road or verge. |

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| | | | | | | change is that “residents can park on verge unless it’s a safety concern”. As an Alberod St resident, i can feel safety issues entering Irvine Pde especially in busy time when many people drive to and from work, on school pick up/drop off times. | | |
| 11 | 12 Jan | Withheld by request | Yes | Support with concerns | | We need more stricter rules for residential areas. People parking on roads where they shouldn’t. Ie: parking on a T junction. Road parking can be quite dangerous around Kerry and Starling Street due to the cafe. It’s hard for the buses as well as vehicles when cars are parked on Kerry Street. When you call to report, the ranger doesn’t come out until 3 days later when the parking issues have gone. These changes need to be in layman’s terms for | | Feedback noted.<br><br>The proposed Parking Local Law provides that a person must not park a car in a way that causes a traffic obstruction.<br><br>We encourage the community to contact the City if they think a safety risk if being caused due to the way cars are parking on the road or verge.<br><br>Parking at the top of a T-intersection is specifically permitted under |

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| | | | | | | people to understand and be able to engage meaningfully. | | the Road Traffic Code. |
| 12 | 12 Jan 2026 | Withheld by request | Yes | Support | Verge parking and parking blocking the flow of vehicles and of pedestrians is happening close to business in my area. There is no enforcement, and no way to easy report infringements | | | Feedback noted.<br><br>The proposed Parking Local Law provides that a person must not park a car in a way that causes a traffic obstruction.<br><br>We encourage the community to contact the City if they think a safety risk if being caused due to the way cars are parking on the road or verge. |
| 13 | 12 Jan | Withheld by request | Yes | Support with concerns | parking in residential streets for long period to visit beach facilities very inconvenient for residents ie reversing trailer into driveway,noise (slamming doors ,children crying shouting) unable to mow verge due to parked cars and security issues constant use of my driveway to turn round | See above | Benefits to local community peace,quiet and less chaos | Feedback noted.<br><br>Public roads are shared community assets, so the City cannot lawfully restrict parking on residential streets simply because visitors are accessing nearby destinations. Parking controls are only introduced where there is a clear |

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| 14 | 12 Jan | Withheld by request | Unsure | Support | Parking on public land, such as parks. | There needs to be tighter control over parking on parkland, and driving on it for any purpose. | Make no parking signs on public land larger and more visible. | Feedback noted.<br><br>The proposed Parking Local Law already restricts parking on public reserves unless approval has been granted by the City. |
| 15 | 15 Jan | Leigh Chatt | Yes | Support with concerns | My feedback relates primarily to the Parts dealing with parking on roads and verges, parking on City-owned or managed parking facilities, and permit and exemption provisions. It also relates to enforcement powers and penalty provisions, particularly where discretion is applied. These areas have the greatest day-to-day | The proposed Parking Local Law 2026 generally meets community expectations by modernising and consolidating parking controls into a clearer and more consistent framework. It appears to strike a reasonable balance between public safety, access, and | Providing clearer explanatory guidance alongside the local law (for example, plain-English examples for verge parking, time-restricted areas, and permits) would improve understanding and voluntary compliance. This would reduce confusion, disputes, and unintentional breaches, improving efficiency for rangers and residents | Feedback noted.<br><br>An updated version of the current parking guidelines will be released on the City's website if the proposed Parking Local Law is adopted by Council. |

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| | | | | | impact on residents and visitors. | amenity while retaining flexibility for enforcement. Clearer public communication and practical examples would further strengthen community confidence and support smoother implementation once adopted. | alike.<br>Clearer guidance would also improve fairness and consistency in enforcement without increasing regulatory burden. | |
| 16 | 15 Jan | Withheld by request | Yes | Support with concerns | | Subjective "Obstruction": Restrictions against stopping in a cul-de-sac or near a driveway to avoid "obstruction" can be subjective and may lead to disputes between residents and enforcement officers.<br><br>Permit Non-Transferability: Parking permits are strictly non-transferable, which may cause issues for households with multiple cars or temporary visitors if not managed through specific "visitor" permit categories. | | Feedback noted.<br><br>It is difficult to define “obstruction” because what counts as causing a hazard or safety risk depends on the specific circumstances. A fixed definition could never cover every situation and would stop the City from dealing with clear problems simply because they fall outside a narrow technical wording.<br><br>The proposed Parking Local Law currently only provides for |

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| | | | | | | | | residential parking permits. A residential parking permit should not be given to a visitor as it's not the purpose of the permit.<br><br>There are strong policy reasons for keeping permits non-transferable. Making them transferable increases the risk that permits could be traded, commercialised, or passed on to people who are not entitled to them. |
| 17 | 16 Jan | Withheld by request | Yes | Support with concerns | All clauses that involve infringements. Anytime there is a risk of a | Most residents aren't aware of the local laws. Who can blame then when the city rarely erects signage letting driver/residents know what the rules are in a given area. We're lucky to have 15MIN parking signs around the schools. But home owners who have in verge on street parking believe they have | Include signage in local areas. Or at the very least do a letter drop in areas with parking affected by the law so people are informed of the changes and their obligations. We simply want a fair deal for ALL. | Feedback noted.<br><br>The City installs signs only where there are specific, local parking restrictions that differ from the general road rules. It does not signpost rules that apply everywhere, because doing so would be costly, impractical, and unnecessary when |

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| | | | | | | priority over those bays. Council needs to place signs up especially in my area as people have resorted to using traffic cones and substituting vehicles to hold bays indefinitely, | | all road users have a responsibility to know the parking laws that apply to them.<br><br>The City is concerned about your comments about persons attempting to reserve public parking bays. The City encourages the community to report this behaviour so it can be investigated and enforcement action taken were appropriate. |
| 18 | 16 Jan | Withheld by request | Yes | Support with concerns | 4.16. | As people who walk daily the number of houses it isn't uncommon to have footpaths blocked by vehicles. It is pointless having laws unless they are applied.<br><br>I would add that the design of streetscapes in new urban areas helps create this situation. Council places footpaths against | see above | Feedback noted.<br><br>City parking officers actively enforce parking laws, but cannot respond to all breaches due to finite resources. Enforcement is prioritised using a risk-based assessment, which includes the assessing the potential of the breach to cause |

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| | | | | | | property boundaries (I assume to get them away from the road - where people would use them for car parks) and then allows the distance from garage to footpath to be so short that the modern large vehicle(s) doesn't fit without some or all of the vehicle covering the footpath. Towballs are a major risk. The design of streets in Port Coogee with street parking - tree - street parking being used should be the normal model. It tends to keep vehicles from clear verges as more designated parking is provided. A quick drive down Portofino Loop after 6pm will show the problem of too many vehicles with no where suitable to park. When you have 3-6 vehicles per house and garages full of household stuff | | harm to the community.<br><br>The design of streetscapes, as well as the rules about hardscaping on verges, is outside of the scope of this engagement, which is about the proposed Parking Local Law. Your comments will be passed onto the relevant team for their information.<br><br>It is important to note that the number of cars a person has is a personal choice that cannot be controlled by the City.<br><br>Residents are expected to take responsibility for parking their vehicles lawfully and ensuring they can be accommodated within their own property boundaries rather |

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| | | | | | | parking overflows.<br><br>I'd add to this that another local policy is about hard paving of a verge. Both of neighbours have hard paved their verge area for additional parking I assume without any reference to council policy. So much for the latter input of street trees! The horse has bolted in a few short weeks. | | than relying on public space to meet private parking needs. |
| 19 | 18 Jan | Withheld by request | Yes | Support with concerns | Parking at right of ways. | I believe the Parking Local Law needs more clarity around parking at the laneways or right of way. Currently it is very vague and given the new developments have rear access housing issues has been created. | The law should be clear if parking at right of ways (lane ways) is allowed or not. | Feedback noted.<br><br>The proposed Parking Local Law would apply to laneway if they are public roads. If they are private roads, they would not. |
| 20 | 18 Jan | Withheld by request | Yes | Support with concerns | 4.16 - Traffic obstruction This appears to be the closest I can find to the issues I have concern over. | I see that most of the Laws are addressing larger issues with public parking, but I still feel that on residential roads, there are often dangerously long-term parked cars on | I'm suspecting that my issue may well be already be covered, somehow, but it certainly needs to be promoted as a civil safety issue, in any case. | Feedback noted.<br><br>The proposed Parking Local Law provides that a person must not park a car in a way that causes a traffic obstruction. |

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| | | | | | | roads, where the residential property has ample off-street parking.<br>This is particularly noticeable on the 'feeder' road into a closed residential housing block, where there a lots of side roads branching off from that one feeder. This means that parked cars are inevitably close to one side road or another - literally, or effectively, blocking a t-intersection.<br><br>I believe the issue is that Owners won't let visitors/spillover residents park on their own lawn for cosmetic reasons.<br><br>However there is a constant danger, when most drivers don't seem to look 'down' the road as they're entering the feeder road, and only look 'up'. This means that any car driving on the wrong side of the road to | | We encourage the community to contact the City if they think a safety risk if being caused due to the way cars are parking on the road.<br><br>Drivers are also expected to exercise appropriate care when driving and to be aware of other vehicles and road users. |

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| | | | | | | avoid parked cars is now head-on with someone not looking their way.<br><br>It's hazardous parking behaviour with a simple solution, but from what I can see, it doesn't strictly come under any particular category, unless they're directly parked across a t-intersection? It certainly seems to be a recurring issue, in our block, in any case. | | |
| 21 | 24 Jan | Jason Pearson | Yes | Neither support nor object | Section 4.12 Part a & b | This needs to be extended 30 metres for safety. | This needs to be extended 30 metres as the numbers don't work in negotiating intersections safely especially on blind corners, with people using the street as their personal carpark.<br>Apart from that the average person probably couldn't even differentiate the difference between 5 or 10m so making it 30m you may have a chance of them parking at least 20m away. | Feedback noted.<br><br>The clause as drafted is consistent with the Road Traffic Code. |
| 22 | 29 Jan | Name withheld by request | Yes | Object | Failed to capture needs | Whats being done about the illegal campers taking up | | Feedback noted. |

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| | | | | | | all the carparks a long the coast in Cockburn | | Public parking bays are community assets and are for everyone to use, subject to compliance with any local parking restrictions such as time limits etc.<br><br>City officers are active in addressing illegal camping within the City. If you would like more information on how we manage illegal camping, we encourage you to contact us directly so we can discuss our approach and your concerns with you. |
| 23 | 29 Jan | Cassandra Cooper | Yes | Support with Concerns | Not sure where it would fit but possibly 3.7 Restrictions on stopping or Parking, or 3.9 Temporary Parking restrictions or at a stretch Special Event Parking. | I would like these laws to cover (if they don't) being able to restrict people using community facility carparks such as Memorial Hall in Hamilton Hill to park and ride, therefore restricting those attending a function or activity at the hall the ability to park in | The Memorial Hall has alongside it a transpperth bus terminus which for the most part does not interfere with operations in the hall. Since the building of Optus stadium this terminus has been designated by transperth as a pickup location for those wishing to travel to the stadium to watch football etc. This is | Feedback noted.<br><br>The proposed Parking Local Law allows the City to implement parking restrictions in its public car parks.<br><br>Whether or not such restrictions are implemented at a specific |

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| | | | | | | the halls designated parking bays. | causing major issues with people who want to attend activities/functions at the hall not being able to access the hall parking to do so as it has been taken up by people using these bays to park and ride. When asked not to park there often people are met with aggressive behaviours or abuse. The hall has bookings most weeks and people have often paid to hire the hall for their activity, and their audiences/guests cannot get access to the facility to attend. | location is not within the scope of this engagement and should be directed to the City through its customer service channels.<br><br>Ultimately, it is up to Council whether they want to see parking restrictions implemented. |
| 24 | 02 Feb | Anton von Wielligh | Yes | Support | Verge Parking | We live in a Residential street where the public continue to park on the verge and obstruct our street without permission of the owners abutting the verge and then verbally abuse and threaten the residents if we say something. More signs are needed to manage and educate the public as they have no clue about these laws. | Signs on streets notifying the public of no unauthorised verge parking and quote the parking law. This will reduce nasty and uncomfortable situations for residents/owners in small residential lanes line Chelydra Point. | Feedback noted.<br><br>The proposed Parking Local Law provides that a person must not park on a verge unless they have the permission of the owner/occupier of the property that abuts the verge.<br><br>The City installs signs only where there are specific, local parking restrictions that differ from the |

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| | | | | | | | | general road rules. It does not signpost rules that apply everywhere, because doing so would be costly, impractical, and unnecessary when all road users have a responsibility to know the parking laws that apply to them. |
| 25 | 03 Feb | Name withheld by Request | Yes | Support with concern | Verge parking/ visitor parking bays/ Lane way parking. | The laws are not used enough to force people to follow the rules. We live on a property that has a rear access garage with no frontage and drive way for our visitors to park so therefore there are visitor parking bays which we are ok with however what I am absolutely opposed to is the blatant disrespect of the law where people park for extended periods of time. We have instances where people have left cars parked for weeks, these are | Policing the current rules proactively and adding signs will give the wider community a fair go, our visitors will also get a chance to park safely and not left to park miles up the street. Currently you enable people with driveways and verges who have ample parking to use visitor bays in front of my home leaving us with nothing, it is completely unfair. | Feedback noted.<br><br>Visitors bays on private land are not regulated by parking local laws and are a private matter between individuals. Any issues concerning improper use of bays located on private land should be directed to the relevant landowner, Strata Company or Stata Council for investigation and response.<br><br>If the bays are located on public land i.e., the road or verge the City |

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| | | | | | | people who have their own driveways up the street but use visitor bays which should be intended for those with no verge parking. We have reported this to the council several times however because people know that nothing will really happen they continue to break the laws. This leaves us with no visitor bays to use. There are also no signs at all to guide people. We have been told by a neighbor that whilst there are no signs they will use the bays as they like, often taking up multiple bays just with one house hold - there are only 4 bays, they use 2 all the time. You need to put signs up and regularly police the area as it is currently unfair, You should also put in place permit parking so that people up the street with | | can take action. However, it should be noted that the City cannot respond to all breaches of the parking local law due to finite resources. Enforcement is prioritised using a risk-based assessment, which prioritises breaches which cause a safety or other risk to the community.<br><br>The proposed Parking Local Law would only apply to laneways if they are public roads. If they are private roads, they would not and your concerns would have to be brought up with the relevant landowner.<br><br>The City relies on the community reporting parking issues, as with the size of the City and number and |

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| | | | | | | verges and driveways do not have access tp bays that are not intended for them. Yes we were aware of the situation regarding rear access with visitor bays but we were not aware that the city of cockburn is so lax is policing the parking rules. I also want to complain about people parking in the lane way behind us obstructing traffic and in some cases blocking our garage door. Again no signage or policing of this. It should not be up to the residents to call into the rangers office, you need to be more proactive. | | kilometres of roads, it is not possible for City parking officers to patrol each road on a regular basis. |
| 26 | 24 Feb | Name withheld by request | Yes | Support with concerns | 4.10 Verge parking. | This is to ambiguous and open interpretation. It needs to be 100% clear that Caravans, Boats, and trailers cannot be stored on any part of the Verge, Verge crossover, and must be stored fully with | | |

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| | | | | | | the property boundary. | | |
| 27 | 26 Feb | Name withheld by request | Yes | Support with concerns | As a father raising two young daughters in Cockburn, I want parking rules that keep roads safe, protect amenity for families, and avoid unnecessary restrictions or costs on everyday drivers.<br>My feedback relates primarily to the following Parts/Clauses in the proposed Parking Local Law 2026 (based on the table of contents and fact sheet changes):<br><br>Part 1 - Preliminary (Clauses 1.1–1.12): General support for definitions, application, and powers to prohibit/regulate where needed for safety. The future-proofing (e.g., pay-by-phone inclusion in fees) is practical.<br><br>Part 2 - Parking stations and metered zones (Clauses 2.1–2.15): Support merging parking stations and metered zones for simplicity, clarifying fee payment/exemptions (2.2–2.5), display/lost | As a father raising two young daughters in Cockburn, I want parking rules that keep our streets safe and flowing for families, while minimising unnecessary restrictions, fines or bureaucracy that make everyday life harder for working parents with prams, car seats and multiple short stops. Here is my detailed feedback on each point I listed:<br><br>Part 1 - Preliminary (Clauses 1.1–1.12) Strong support. The updated definitions, application rules and future-proofing for pay-by-phone/EasyPark are practical and modern. Clear powers to prohibit or regulate parking only where genuinely needed for safety and amenity is the right | As a father raising two young daughters in Cockburn, I want parking rules that prioritise road safety, keep streets accessible for families (especially with prams, car seats and quick stops), and minimise extra restrictions, costs or enforcement that burden everyday drivers without clear benefit.<br>The proposed Parking Local Law 2026 is a positive update overall, it simplifies the structure (merging parking stations and metered zones), removes duplicated rules covered by state law (e.g., sleeping in cars, hooning, business activities), modernises for pay-by-phone, clarifies ambiguities around fees and free periods, and adds practical safety measures like keep-clear markings and damage reinstatement powers. These changes make the law easier to understand and follow, which benefits working families who need reliable, fair parking options. | Feedback noted.<br><br>The City would always endeavour to give notice before closing parking stations or parking bays, noting in that urgent circumstances, this may not be possible.<br><br>The City would not use any clauses in the proposed Parking Local Law to double-penalise minor issues.<br><br>Loading zones should primarily be kept free for their purpose, which is loading and unloading of goods. This is why a 2-minute rule is proposed as many persons, particularly business, rely on these bays for the delivery of goods and supplies. The 2-minute time limit |

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| | | | | | tickets (2.6–2.7), and prohibitions on stopping/parking (2.10). Welcome removal of redundant clauses (e.g., sleeping in car, hooning, business activity) as covered by state law or other proposed laws. Concern on 2.4 (payment doesn't exempt from other rules) if it leads to over-penalising minor issues.<br><br>Part 3 - Stopping and parking generally: Support amendments for clarity (e.g., double parking not including angle parking with diagram, exemptions for buses/taxis near hydrants/post boxes, clearways for public buses). Welcome the new ban on parking in keep-clear markings for safety. Concern on the new 2-minute limit for passenger pick-up/drop-off in loading zones, this could inconvenience families with young kids (e.g., loading car seats, prams) or short stops. General enforcement and new powers: Support expanded | approach. This helps families understand the rules quickly without confusion.<br><br>Part 2 - Parking stations and metered zones (Clauses 2.1–2.15) Good support for merging the old "Parking Stations" and "Metered Zones" parts — it makes the law much simpler and easier to follow.<br><br>Clauses on payment of fees (2.2–2.5), display/lost tickets (2.6–2.7) and no parking when meter expires (2.9) are clear and fair. Removing redundant prohibitions (sleeping in a car, hooning, carrying out business/selling in a parking station) is excellent — these are already covered by state law or the new Public Places Local Law, so removing duplication | Here are my specific suggested changes (tied to the parts/clauses I referenced earlier), with how they would impact the law's operation and benefit the wider community:<br><br>Part 3 - Stopping and parking generally (loading zone clause amendment for passenger pick-up/drop-off): Increase the proposed 2-minute limit for picking up or dropping off passengers in loading zones to 5 minutes, or add a clear exemption for vehicles displaying child restraint symbols/child seats (or for vehicles with obvious family use, e.g., prams visible). Impact on operation / Benefit to community: A short extension or targeted exemption prevents unsafe rushing or circling for families with young children, reduces stress for parents during school/shopping/medical runs, and maintains loading zone efficiency for commercial use. Enforcement remains straightforward (time-based or visual check), | is also consistent with the Road Traffic Code. In the example given, City officers would use discretion and would be unlikely to take enforcement action against someone parking or stopping for slightly longer than 2 minutes if they are placing or taking a pram or car seat in or out of the car.<br><br>While the City's compliance and enforcement approach is outside the scope of this engagement, the City does use a graduated approach to compliance, starting with education and warnings and escalating only where necessary to infringements or prosecution. This ensures any action taken is fair and |

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| | | | | | enforcement for damage to facilities (notice to reinstate or City recovers costs). Concern on new City power to restrict parking for urgent/essential/official functions — ensure it's narrowly used and communicated clearly to avoid frustrating residents. Also support verge parking clarifications (removing old limits, allowing authorised parking without owner consent for City functions) but emphasise proportionality. | reduces unnecessary rules. Concern: The new clarification in 2.4 (payment of a fee does not exempt from other rules) is okay in principle but must not be used to double-penalise minor issues. Enforcement should start with warnings for first-time or low-impact breaches.<br><br>Part 3 - Stopping and parking generally<br>Mostly strong support.<br><br>The new 2-minute limit for picking up or dropping off passengers in loading zones is my main concern, families with young children often need longer than 2 minutes to safely load/unload prams, car seats or groceries. This could create stress or unsafe rushing. Suggest increasing it to 5 minutes or | but the law becomes more proportionate and inclusive, improving compliance and community goodwill without compromising turnover or safety. General enforcement and new City powers (clause allowing City to restrict parking for urgent/essential/official functions): Add requirements for advance public notification (e.g., signs posted at least 24–48 hours ahead where practicable, except true emergencies) and time-limiting restrictions to the minimum necessary period. Require annual reporting on usage of this power if feasible. Impact on operation / Benefit to community: This safeguards against overuse or surprise restrictions that frustrate residents (e.g., blocking spots near schools or shops). Clear notice builds transparency and trust, reduces complaints/disputes, and ensures the power is used only when truly needed. It makes the law fairer and more predictable for | proportionate to the issue. Your comments however will be passed onto the relevant team for their information. |

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| | | | | | | adding a clear exemption for vehicles with child restraints.<br>Support the clarification that angle parking is not double parking (with diagram) and the new ban on parking in keep-clear markings, both improve safety and clarity.<br>Exemptions for buses/taxis near fire hydrants/post boxes and for public buses in clearways are sensible and consistent with the Road Traffic Code.<br>Amendments to verge parking (removing old 24-hour limit and trailer rules) are positive, they reduce outdated restrictions on families who occasionally need to park on the verge for short periods.<br><br>General enforcement and new powers (including Part 8 and related clauses) | families planning daily routines, while still allowing the City to respond to genuine urgent needs (e.g., maintenance, events, emergencies).<br>Part 2 - Parking stations and metered zones (Clause 2.4 and related fee/exemption clarifications): Strengthen guidance that enforcement for minor breaches (e.g., technical non-compliance after paying a fee) starts with education/warnings rather than immediate fines, especially for first-time or low-impact cases.<br>Impact on operation / Benefit to community: Shifts focus to helpful compliance over punishment, reducing unnecessary infringements on families who pay but make small errors. This lowers administrative costs from appeals/disputes, improves resident satisfaction with council processes, and achieves better long-term adherence through understanding rather than fear — making parking management more | |

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| | | | | | | Support the expanded power for the City to require reinstatement of damaged parking facilities or recover costs, this protects community assets without over-penalising.<br>Concern on the new power for the City to restrict parking in any station/space/zone for “urgent, essential or official functions” this is reasonable in genuine emergencies but must include clear public notice (e.g., signs 24–48 hours in advance where possible) and be used sparingly to avoid frustrating residents who rely on parking for school runs, shopping or medical appointments.<br>Suggest adding a requirement for proportional and time-limited use only.<br>Overall, the proposed Parking | effective and community-oriented.<br><br>These refinements build on the law's strong simplifications and safety focus, making it leaner to administer (fewer trivial enforcements, clearer guidelines), more affordable/responsive for families, and better at fostering cooperation. They'd ensure parking rules protect amenity and assets without over-regulating daily life, promoting safer streets, happier neighbourhoods, and greater trust in local government for Cockburn families.<br>Thank you for considering these suggestions — the overall direction of modernising and decluttering the law is appreciated. | |

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| | | | | | | Local Law 2026 is a clear improvement, it simplifies the rules, removes duplication with state law, modernises for pay-by-phone, and focuses on real safety and amenity issues. These changes will make parking easier and fairer for families like mine. With the minor refinements above (especially lengthening the loading-zone passenger time and adding safeguards on City restriction powers), it would be even better balanced, protecting the community while respecting everyday family needs and reducing unnecessary red tape. Thank you for the opportunity to comment. | | |
| 28 | - | Name withheld by request | Yes | Support with concerns | Part 3 - Stopping and parking generally<br>3.5 No obstruction<br>(1) A person must not stop or park a vehicle in | We have previously experienced challenges with tenants who rented a property next to our house for five | By returning the word 'verge' to the local parking law, if a similar incident were to occur, Rangers could intervene so we could safely reverse from | Feedback noted.<br><br>The word 'thoroughfare' does include a verge, so it is not |

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| | | | | | a public place so as to cause an obstruction.<br>(2) For the purposes of subclause (1) -<br>(a) a vehicle that is parked in any portion of a public place where vehicles may not lawfully be parked is taken to be causing an obstruction; and<br>(b) a vehicle that is parked in any portion of a public place where vehicles may lawfully be parked does not cause an obstruction unless -<br>(i) the vehicle is parked for any period exceeding 24 hours, without the approval of the local government | years (thankfully, the house has since been sold to homeowners who reside in the property).<br><br>The tenants would park their 4WD and attached trailer/boat on their verge on a Friday until Sunday morning (they would use their other car on the weekend). This created a hazard when we were reversing, as we could not see until half of our car was on the road. On one occasion, I was nearly t-boned by another neighbour who was driving too fast.<br><br>When I followed up with the Rangers, they advised the 4WD/trailer/boat could not be parked on their verge for more than 24 hours as per the PARKING & PARKING FACILITIES LOCAL LAW 2007; | our driveway without the obstruction of a 4WD/trailer/boat. | necessary to include the word “verge” in the clause wording. This is why the word was removed. The City does not intend for the removal of the word to change the operation of this clause.<br><br>Parking on a verge is permitted provided you comply with the verge parking requirements set out in the proposed Parking Local Law. |

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| | | | | | | Stopping heavy, commercial and other types of vehicles in built up area<br>45 (1) A person shall not park<br>(a) a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5m or more in length or exceeds a GVM of 4.5 t; (b) a commercial vehicle, (c) a caravan, (d) a bus, (e) a tow truck, (f) a tractor or (g) a trailer.<br>on a carriageway or verge in a built-up area between the hours of 6.00 pm one day and 7.00 am the following day and for more than three hours consecutively between the hours of 7.00 am and 6.00 pm.<br><br>The above parking laws ensured the | | |

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| | | | | | | tenants could not leave their 4WD/trailer on their verge for more than 24 hours, which they adhered to once advised by the Ranger (the boat was parked on their property behind the letterbox). With the proposed law, 'verge' has been deleted, so if a similar circumstance were to occur, I do not believe the Rangers would have any recourse. | | |
| 29 | 3 March | Name withheld by request | Unsure | Support with concerns | Parking Port Coogee and Illegal Camping/Parking in North Coogee/Coogee | Parking on verges or not in designated bays should be policed more and is a problem near power station beach. Fines should be given and more signage. Cars have been parking on road and verge near corner of Caledonian Loop which is dangerous. I have narrowly avoided being run over whilst riding my bike. There is plenty of parking at Coogee Beach OR | Give more authority to rangers to fine illegal parking and camping. Benefit the community to be safer, less rubbish and cleaner facilities and less cost to the council and rate payers. More income from fines. | Feedback noted.<br><br>We encourage our community to contact the City if they see illegal parking.<br><br>The proposed Parking Local Law provides that a person must not park on a verge unless they have the permission of the owner/occupier of the property that abuts the verge |

| | | | | | | | | |
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| | | | | | | WALK!<br>Illegal overnight parking/camping in the area and particular at John Graham Reserve. The council seem to be turning a blind eye. Some vehicles have set up what looks like permanent camp and been there for months. More and more campers are using the car park and facilities and some are camping in the dunes. There is more rubbish in the area. It is not fair on rate payers that these people are living free of charge in an idyllic surrounds and costing rate payers to clean up after them. Rangers should be policing illegal camping and parking and be given the authority to impose fines and move offenders on. | | City officers are active in addressing illegal camping within the City. If you would like more information on how we manage illegal camping, we encourage you to contact us directly so we can discuss our approach and your concerns with you. |

Department of Local Government, Industry Regulation and Safety
GOVERNMENT OF WESTERN AUSTRALIA

Our ref A105025872
Enquiries Statutory Approvals
Phone 6552 1530
Email legislation@lgirs.wa.gov.au

Julian Juhas
Courts and Legal Process Coordinator
City of Cockburn

Email: governance@cockburn.wa.gov.au

Dear Mr Juhas

**CITY OF COCKBURN – PROPOSED LOCAL LAWS**

Thank you for your email dated 15 January 2026 regarding the City's proposed local laws.

Copies of the draft local laws have been forwarded to the Statutory Approvals team at the Department of Local Government, Industry Regulation and Safety (LGIRS).

If there are any comments or concerns regarding the local laws, these comments will be provided by the close of the public submission period so that they can be taken into consideration alongside any other public submissions.

If you have any queries in the meantime, please contact the Statutory Approvals Team at 6552 1530 or by email to legislation@lgirs.wa.gov.au.

Yours sincerely

Lanie Chopping
**DIRECTOR GENERAL**
13 February 2026

Gordon Stephenson House, 140 William Street Perth WA 6000
Locked Bag 14 Cloisters Square Perth WA 6850
Telephone (08) 9222 3333
Email odg@lgirs.wa.gov.au
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Version: 1, Version Date: 24/02/2026

**From:** ELLIOTT, Steven
**To:** Governance
**Subject:** RE: City of Cockburn"s Proposed local laws
**Date:** Friday, 27 February 2026 4:07:20 PM
**Attachments:** image009.png
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**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

This email is regarding the City's proposed local laws.

The Department did not have any significant comments to make regarding the drafts, however, some minor comments relating to each local law is provided below. In addition, the City should ensure that all references and cross references are comprehensively checked to ensure their accuracy – particularly if any additional changes are made to the final draft.

## Waste Amendment Local Law

1. **Local law review**

LGIRS does not normally review waste local laws, as it lacks the subject specific knowledge to advise on waste management issues.

Accordingly, the City should take careful consideration of any advice provided by DWER in relation to the document.

2. **Copy of local law to be provided to DWER**

This local law is made under the Waste Avoidance and Resource Recovery Act 2007 in addition to the Local Government Act 1995.

Accordingly, a copy of the local law will need to be provided to the Minister for Environment and DWER, presuming this has not already occurred.

## Parking Local Law

1. **Amendments to Taxi legislation**

The Department is aware that amendments have recently occurred toTaxi legislation to account for ride-share services.

The City should double check all references to Taxi legislation and ensure that these references still achieve the desired outcomes.

## Fencing Local Law

### 1. Reference to Australian Standards

The local law makes reference to Australian Standards. The Delegated Legislation Committee has typically opposed the use of standards as they may not necessarily be publicly available. However, the Committee has been willing to allow standards provided that:

(a) The full title of the Standard is used at least once, either in the applicable clause or in a suitable definition;

(b) The local law makes it clear whether the Standard should be complied with as of a certain version or otherwise "as amended from time to time" and

(c) The Shire's website should provide information as to where the public can access these standards.

### 2. Minor issues:

- It is suggested that each Schedule should have a bracket reference under the title referring to the applicable clause in the local law.

## Keeping of Animals Local Law

### 1. Penalty for excrement

As the local law is currently drafted, a person who seeks to dispute a modified penalty for clause 2.26 will potentially be liable for a $5000 penalty.

The City may wish to add an additional subclause in clause 2.26 specifying a lower unmodified penalty for that offence.

### 2. Cats causing nuisance

As the local law is currently written, Clause 3.2 implies that an authorised person may issue a fine in a situation where a cat is not causing a nuisance, provided that the authorised person is of the opinion that the cat is causing a nuisance.

The City may wish to delete the words "in the opinion of an authorised person" to avoid any confusion.

### 3. Minor issues

- Schedule 6 – After the title, include a bracket reference to the applicable clause.

## Public Places Local Law

### 1. Potential application outside of district

Several of the clauses in the City's local law refer to waterways and jetties.

As a general rule, the district of a local government is defined as ending at the edge of coastal water, meaning that local laws will not typically have any legal effect beyond that

point (and be void to the extent that it purports to do so).

If the City merely wishes to enforce the local law in river waterways and inland areas this is unlikely to be an issue.

However, if the City wishes to enforce the law in relation to coastal water and jetties located beyond the low-water mark, it will need to obtain the prior approval of the Governor to extend the local law's effect to these coastal waters. The City should contact the Department if it requires any further information in this regard.

2. **Clause 7.9 – reversing onus of proof**

The Parliament's Delegated Legislation Committee has expressed doubts that clauses such as clause 7.9 are legally enforceable, as they effectively reverse the onus of proof in relation to proving guilt of an offence.

The Committee has concluded that the clause is of limited burden and accordingly, have never sought the clause's removal. However, the City should keep in mind that there may be enforceability issues if the clause is ever challenged in court.

3. **Multiple modified penalties**

It is unusual for a local law to contain multiple modified penalties for first and subsequent offences.

There is no available commentary on the subject and it is uncertain how the Delegated Legislation Committee will react to the clause. The City should prepare for the possibility that the Committee may request only a single set of penalties.

**Health and Nuisances Local Law**

The Department did not have any observations or comments regarding this local law, though the City may wish to consult with the Department of Health to identify if any health-specific considerations need to be taken into account.

I hope these comments assist you. Please keep in mind that they are provided in good faith and are not intended to constitute legal advice.

Kind regards

Steven Elliott
Principal Strategy Officer
Department of Local Government, Industry Regulation and Safety
140 William Street, Perth WA 6000
Locked Bag 14, Cloisters Square, Peth WA 6850

### 1.2.37 Parking ~~and Parking Facilities~~ Local Law ~~2007~~2026

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Parking ~~and Parking Facilities~~ Local Law 202~~607~~6* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the ~~City's~~ *City of Cockburn Parking ~~and Parking Facilities~~ Local Law 202~~607~~6*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This delegation excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995*:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **As per CEO determination.** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 12 May 2026 |

## 8.2.4 (2026/MINUTE NO 0029) Proposed City of Cockburn Waste Amendment Local Law 2026

| | |
|---|---|
| **Executive** | Chief Executive Officer |
| **Author(s)** | Service Lead Governance and Council Support and Courts and Legal Process Coordinator |
| **Attachments** | 1. City of Cockburn Waste Amendment Local Law<br>2. City of Cockburn Waste Amendment Local Law 2026 (Tracked Changes)<br>3. Community Submissions - City of Cockburn Waste Amendment Local Law 2026<br>4. Combined Department of Local Government, Industry Regulation and Safety Correspondence<br>5. Department of Water and Environmental Regulation Response |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) CONSIDERS the submissions received on the City of Cockburn Waste Amendment Local Law 2026, as required by section 3.14(4) of the Local Government Act 1995;

(2) RESOLVES to make the City of Cockburn Waste Amendment Local Law 2026, as attached to this report as Attachment 1, incorporating the minor changes by Attachment 2, but excluding the cover page, table of contents and page numbers;

(3) AUTHORISES the affixing of the common seal to the City of Cockburn Waste Amendment Local Law 2026; and

(4) AUTHORISES the Chief Executive Officer, in accordance with section 3.12(5)-(6) of the Local Government Act 1995, to:

1. Publish the City of Cockburn Waste Amendment Local Law 2026 in the Government Gazette; and
2. Give a copy of the local law to the Departmental CEOs of the Department of Local Government, Industry Regulation and Safety, and the Department of Water and Environmental Regulation;
3. Give local public notice of the publication of the local law; and
4. In accordance with Ministerial directions, provide a copy of the local law and required explanatory material to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

**CARRIED 5/0**

## Background

At the 9 December 2025 Ordinary Meeting of Council, Council resolved to commence the lawmaking process for the proposed City of Cockburn Waste Amendment Local Law 2026.

In accordance with this resolution, the City provided a copy of the proposed City of Cockburn Waste Amendment Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Water and Environmental Regulation and invited submissions from the community between 12 January and 6 March 2026.

This report presents to Council the submissions and feedback received, as well as the amended City of Cockburn Waste Amendment Local Law 2026, for consideration and adoption by Council.

## Submission

Community submissions are attached to this report as Attachment 3. Feedback received from the Department of Local Government is attached to this report as Attachment 4. Feedback from the Department of Water and Environmental Regulation is attached as Attachment 5.

Commentary on re-occurring themes raised in the submissions is provided in the detail of this report.

## Report

In accordance with section 3.12(3)(a) of the Local Government Act 1995, local governments are required to give local public notice of their intention to make a local law and then invite submissions from the community for a period of not less than 6 weeks.

In accordance with established processes, the proposed City of Cockburn Waste Amendment Local Law 2026 was uploaded to a dedicated community engagement page on the City's website. The City then communicated the opportunity to provide feedback via:

- an alert on the City's website
- direct emails to the City of Cockburn 'Comment on Cockburn' newsletter mailing list
- a notice on the noticeboard at the City of Cockburn Administration Building as well as all City of Cockburn libraries
- posts on the City of Cockburn's Facebook and Instagram page
- an article in the electronic and hardcopy Cockburn Soundings newsletter; and
- newspaper advertising in the Perth Now Cockburn newspaper.

The City also sent emails to specific stakeholders including construction peak bodies, commercial developers, residential builders, planning consultants and civil consultants.

The City received 8 valid community submissions during the six-week public consultation period, which are included in Attachment 3. Feedback was broad and varied, however, there was one common theme/feedback, as summarised below:

- Some submissions raised concerns about the prohibition on collecting items left out for verge collection for a commercial purpose. The removal of waste from verge collections for commercial purposes is prohibited to protect public safety and maintain community amenity, as large-scale scavenging can create safety risks, obstruct traffic and leave verges untidy. Small scale personal salvaging is generally tolerated because it occurs infrequently, involves minimal equipment, and doesn't pose the same level of disruption or safety concerns as commercial scavenging.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, the City also sent a copy of the proposed City of Cockburn Waste Amendment Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Water and Environmental Regulation.

The Department of Water and Environmental Regulation provided feedback. The Department of Local Government, Industry Regulation and Safety did provide a response, but no specific feedback beyond recommending that the City provide a copy of the proposed Waste Amendment Local Law to the Department of Water and Environmental Regulation (which the City did).

The crux of the feedback from the Department of Water and Environmental Regulation is that the City's proposed Waste Amendment Local Law 2026 will make changes to the City's Waste Local Law 2020 which will mean it will no longer align with the Western Australian Local Government Association (WALGA) waste local template.

The City is aware that this will be the effect of the amendments. The City also notes that it is common practice for local governments to customise WALGA local law templates for their particular circumstances.

The City considers the proposed new clauses to be appropriate for a waste local law, as they have to do with the management and control of waste, which is the subject matter of the local law. The City considers the changes made to the verge collection clause to be appropriate, as the changes are necessary for if the City were to ever move to an on-demand verge collection service. It's not clear whether the WALGA template was drafted with on-demand verge collection services in mind.

The City considers the changes made to the determinations clause to be appropriate and reasonable, as they will align the practice of determinations with that found in the City's other local laws, and will also remove the administrative burden for the City

from having to do a determination every year, which comes with costs that are ultimately paid for by the ratepayer.

The City also considers that the other changes made to ensure consistency across the City's local laws suite to also be reasonable and appropriate customisation of the WALGA local law template for the City's particular circumstances.

To improve the local law, the City has made some minor editorial changes to the proposed City of Cockburn Waste Amendment Local Law 2026. These changes aren't intended to change the operation of the local law.

The City has also corrected some errors in the Schedule of modified penalties.

The City has also removed the CEO of the Department of Water and Environmental Regulation consent section from the end of the local law, in accordance with advice from the Department that their consent is no longer required for waste local laws.

The City now presents the final proposed City of Cockburn Waste Amendment Local Law 2026 for adoption by Council.

The purpose of the proposed local law is to amend the principal local law so as to:

- insert additional definitions into clause 1.5
- insert clauses 3.1A, 3.4, as well as a new Part 6
- delete clauses 5.2 to 5.5
- make substantial changes to clauses 1.6, 2.10 and 3.1
- amend the modified penalties provided for in Schedule 2
- to make other minor changes throughout.

The effect of the proposed local law is that the principal local law is amended.

If adopted, the City will publish a copy of the City of Cockburn Waste Amendment Local Law 2026 in the Government Gazette, and give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Water and Environmental Regulation.

Following gazettal, the City will then give local public notice of the adopted City of Cockburn Waste Amendment Local Law 2026 and provide a copy of the local law to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL), who will scrutinise it. If the JSCDL takes issue with any part of the local law, they may request the City to give undertakings to amend it, or may disallow part or all of the local law.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget implications arising from the recommendations of this report.

It is not anticipated that additional resourcing is required to operationalise the City of Cockburn Waste Amendment Local Law 2026.

Costs associated with the procedural aspects of making the local law are included in the City's budget.

**Legal Implications**

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation.

While local governments have broad powers to make local laws under section 3.12 of the Act, this power is not plenary. The power must be exercised "reasonably and proportionately". Local laws must also be "necessary or convenient" for the "good government of the district". They must not go "beyond the accepted notions of local government". They must not be inconsistent with State legislation, nor should they seek to introduce significant new policy or fundamental changes to policy, which is properly a matter for the State.

Local laws infringing on these principles will likely be disallowed by the JSCDL.

In respect of a Waste Local Law, regard must also be had to section 64 of the Waste Avoidance and Resource Recovery Act 2007, which sets out what a local government may make local laws about in respect of waste.

While two of the clauses added to the Waste Local Law do not fit within this list, the City considers it has the power to include these under its general law making power under the Act, as the clauses are already included within its local law suite, and other local governments also have similar clauses in their local laws, albeit not in their Waste Local Law.

**Community Consultation**

As detailed above, the City invited submissions for a period of 6 weeks.

The City also provided a copy of the proposed City of City of Cockburn Waste Amendment Local Law 2026 to the to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, as well as the Departmental CEO of the Department of Water and Environmental Regulation.

In total, 8 valid community submissions were received from the community. Of the submissions received via the Comment on Cockburn page or hardcopy survey:

- 6 (75%) provided unqualified or conditional support for the local law
- 2 (25%) objected to the local law
- 0 (0%) neither supported or objected to the local law.

Overall, the submissions suggest broad support for the proposed City of Cockburn Waste Amendment Local Law 2026. In view of this, the City recommends that Council makes the City of Cockburn Waste Amendment Local Law 2026, as attached to this report (Attachment 1).

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. The City has engaged external legal advisors to largely draft the proposed City of Cockburn Waste Amendment Local Law 2026, to ensure it is reasonable, proportionate and within power.

There will be a moderate to substantial level of risk if Council were to amend the proposed City of Cockburn Waste Amendment Local Law 2026 in such a way that it is no longer reasonable, proportionate or within power. This is because the JSCDL will likely disallow it.

This will result in sunk costs and time associated with the lawmaking process to date, as well as additional costs to re-commence the lawmaking process with a compliant local law. It will also delay the implementation of a modern waste local law which responds to the needs of the community and the City.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposed City of Cockburn Waste Amendment Local Law 2026 have been advised that this report is to being considered at the 21 April 2026 Governance Committee and 12 May 2026 Ordinary Council meetings.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

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 …….. 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: 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

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 …….. 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 Cehief Eexecutive Oefficer 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; ~~and~~

(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 ~~rights~~**

**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.

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

(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~~ | ~~2.6A(2)~~ | ~~Failure to comply with suitable enclosure requirements~~ | ~~$500~~ | ~~$750~~ |
| ~~13~~ | ~~2.6A(3)~~ | ~~Failure to keep enclosure clean and disinfected~~ | ~~$500~~ | ~~$750~~ |
| 124 | 2.7(a) | Failing to keep a receptacle in the required location | $250 | $500 |
| 135 | 2.7(b) | Failing to place a receptacle for collection in a lawful position | $250 | $500 |
| 146 | 2.7 (c) | Failing to provide a sufficient number of receptacles | $250 | $500 |
| 157 | 2.7(d) | Failing to notify of a lost, stolen, damaged or defective receptacle | $250 | $500 |
| 168 | 2.9(a) | Damaging, destroying or interfering with a receptacle | $500 | $750 |
| 179 | 2.9(b) | Removing a receptacle from premises | $500 | $750 |
| 1820 | 2.10(2) | Failing to comply with a term or condition of verge waste collection | $250 | $500 |
| 1921 | 2.10(3) | Removing waste for commercial purposes | $250 | $500 |
| 202 | 2.10(4) | Disassembling or tampering with deposited for collection | $250 | $500 |
| 213 | 3.1(2)(a)(i) | Failing to provide a sufficient number of bins | $250 | $500 |
| 224 | 3.1(2)(b)(i) | Failing to keep a bin clean and in a good condition and repair | $250 | $500 |
| 235 | 3.1(2)(b)(ii) | Failing to empty a bin regularly | $250 | $500 |
| 246 | 3.1(2)(c)(i) | Failing to prevent fly breeding and vectors of disease in a bin | $250 | $500 |
| 257 | 3.1(2)(c)(ii) | Failing to prevent the emission of offensive odours from a bin | $250 | $500 |
| 268 | 3.1(2)(d) | Allowing a bin to cause a nuisance | $500 | $750 |
| 279 | 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 |
| 3030 | 3.2(1) | Unauthorised removal of waste from premises | $250 | $500 |
| 311 | 3.2(2) | Removing waste from a receptacle without approval | $250 | $500 |
| 322 | 3.3(a) | Depositing unauthorised waste into waste receptacle provided for use of the general public | $500 | $750 |
| 333 | 3.3(b) | Removing waste from waste receptacle provided for use of the general public | $250 | $500 |
| 344 | 3.4(2) | Failing to provide and maintain required bins | $500 | $750 |
| 355 | 3.4(3)(a) | Failing to ensure waste not blown from bins | $500 | $750 |

| Item no. | Clause no. | Description | Modified penalty | Modified penalty - subsequent offence |
|---|---|---|---|---|
| 366 | 3.4(3)(b) | Failing to keep site free of waste | $500 | $750 |
| 377 | 3.4(3)(c) | Failing to maintain verge free of waste | $500 | $750 |
| 388 | 3.4(3)(d) | Failing to ensure bin is emptied when full | $500 | $750 |
| 3939 | 3.4(4)(a) | Failing to clear site of all waste | $500 | $750 |
| 400 | 3.4(4)(b) | Failing to remove bins from site | $500 | $750 |
| 411 | 4.3(2) | Failing to comply with a sign or direction | $250 | $500 |
| 422 | 4.3(4) | Failing to comply with a direction to leave | $250 | $500 |
| 433 | 4.4(1) | Disposing waste without payment of fee or charge | $500 | $750 |
| 444 | 4.5(1) | Depositing waste contrary to sign or direction | $250 | $500 |
| 455 | 4.6(1)(a) | Removing waste without authority in a waste facility | $500 | $750 |
| 466 | 4.6(1){b) | Depositing toxic, poisonous or hazardous waste at a waste facility | $500 | $750 |
| 477 | 4.6(1)(c) | Lighting a fire in a waste facility | $500 | $750 |
| 488 | 4.6(1)(d) | Removing or interfering with any flora in a waste facility | $250 | $500 |
| 4949 | 4.6(1)(e) | Removing or interfering with any fauna without approval in a waste facility | $250 | $500 |
| 5050 | 4.6(1)(f) | Damaging, defacing or destroying any building, equipment, plant or property within a waste facility | $500 | $750 |
| 511 | 4.6(2) | Acting in an abusive or threatening manner | $500 | $750 |

Dated: 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

Consented to —

.....
CHIEF EXECUTIVE OFFICER
DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

Dated: 2026.

**Online and hard copy submissions**

| # | Date received | Name | Are you aware of the current local laws regarding waste in the City? | After viewing the proposed Waste Amendment Local Law 2026, what is your level of support? | Please list which Part or Clause your feedback is related to | What is your feedback? | If suggesting changes to the local law, please specify how these changes will impact the operation of the local law, or be beneficial for the wider community? | Officer response |
|---|---|---|---|---|---|---|---|---|
| 1 | 15 Jan | Leigh Chatt | Yes | Support with concerns | My feedback relates to the Parts dealing with parking on roads and verges, parking within City-owned or managed parking facilities, and permit and exemption provisions.<br>It also relates to enforcement powers and offence provisions, particularly where discretion is applied.<br>These sections have the most direct day-to-day impact on residents and visitors. | The proposed Parking Local Law 2026 generally provides a clear and modernised framework that aligns with existing road traffic rules while addressing local parking issues.<br>It appears to balance public safety, access, and amenity without being overly restrictive.<br>Clearer alignment between the local law and publicly available parking guidelines would further improve understanding and compliance. | Providing clearer explanatory material or examples alongside the local law in particular for verge parking, permit parking, and time-restricted areas, this would help improve community understanding.<br>This would reduce confusion, unintentional breaches, and disputes, leading to more efficient enforcement and fewer complaints.<br>Improved clarity would benefit residents, visitors, and City officers by supporting consistent application of the law without increasing regulatory burden. | Feedback noted.<br><br>The City will give further consideration to the development of explanatory materials as part of the implementation of the local law.<br><br>We also note that this submission concerns the proposed Parking Local Law not the proposed Waste Local Law. |
| 2 | 15 Jan | Withheld by request | Yes | Support with concerns | | Commercial Scavenging Ban: While intended to | | Feedback noted. |

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| | | | | | | maintain order, prohibiting the removal of verge waste for "commercial purposes" may be difficult to enforce. It could also prevent professional recyclers or "upcyclers" from diverting usable materials from landfills.<br><br>Financial Impact of Subsequent Offence Fines: The significant jump in fines for a "subsequent offence" (e.g., from $500 to $750 for a dirty bin enclosure) is excessively punitive for minor residential maintenance issues. | | The removal of waste from verge collections for commercial purposes is prohibited to protect public safety and maintain community amenity, as large-scale scavenging can create safety risks, obstruct traffic and leave verges untidy. Small scale personal salvaging is generally tolerated because it occurs infrequently, involves minimal equipment, and doesn't pose the same level of disruption or safety concerns as commercial scavenging.<br><br>An increased subsequent penalty has been introduced so that the City can issue larger infringements for repeat offenders. |

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| 3 | 15 Jan | Withheld by request | Yes | Support with concerns | 1. Little point having any local laws if no enforcement occurs<br>2. Portofino Loop is a current building site. Many builders bins are totally insufficient with rubbish blowing up and down the local roads. What is proposed for builders will not fix this problem. Best solution in the street is one builder who has contained their rubbish on the ground in the incomplete garage with fencing across the opening. This has achieved a number of positives; less impact of wind, rubbish is contained, reduces dumping of household rubbish on the builders pile of waste and finally it is the builder who will be impacted if too much rubbish accumulated. Rubbish removal remains simple with a bobcat, no bin is required (ie cheaper) and front of house and verge remain clear. The simple law could be all builder rubbish must be contained in the garage space until the garage handstand is built which | see above | see above | Feedback noted.<br><br>The proposed waste amendment local law inserts a new clause (clause 3.4) that imposes numerous obligations on builders to ensure waste is placed in bins and that waste is contained to the building site.<br><br>Requiring building waste to be contained to a garage may not be practicable on all building sites. |

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| | | | | | is often right near the end of the building process. Simple law, simple to monitor and simple to enforce. | | | |
| 4 | 20 Jan | Withheld by request | Yes | Support with concerns | 2.10 Verge Collections, Clause 3 , (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. | For the Past 40 plus years i have worked in the commercial waste industry and for the past 15 plus years i have actively collected reuseable waste from the Verge Collections - I Repair or refurbish and Sell the products via Ebay - Facebook - Marketplace which is a Commercial Purpose. The three R's are Reduce, Re-use and Recycle before it goes to landfill. Reducing the householders use of products and the verge disposal when no longer required cannot be controlled at a council level - Never has never will. I Collect and Re-use the Products i find on the verge giving them a second life and removing them from the cycle for another lifetime of use. The current | I Propose that you remove this clause completely or you adjust the wording to allow for individuals like myself to remove items from the verge for re-use. Whilst i can make a few hundred dollars a year selling these items the amount of savings and the reduction in the carbon footprint would make it worthwhile | Feedback noted.<br><br>The removal of waste from verge collections for commercial purposes is prohibited to protect public safety and maintain community amenity, as large-scale scavenging can create safety risks, obstruct traffic and leave verges untidy. Small scale personal salvaging is generally tolerated because it occurs infrequently, involves minimal equipment, and doesn't pose the same level of disruption or safety concerns as commercial scavenging. |

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| | | | | | | methods of collection by a compaction truck and a tractor with grappling buckets removes the option to re-use from the cycle as it destroys the product and usually contaminates the potential recyclable materials with non recyclable rendering most of the waste collected to be designated as Landfill. When we eventually go to Verge Valet it will be the same as the commercial waste collector will have neither the time or resources to sort and re-use any of the waste. Asking your Rate Payers to do the Sorting and then dropping off re-useable items to various locations has not worked over the past 30 years and will not work going forward.<br>Your Proposal to Fine Verge Collectors like myself will impact very few | | |

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| | | | | | | people but will add significantly to the landfill costs of any council. | | |
| 5 | 29 Jan | Name withheld by request | Yes | Object | | | | Feedback noted. |
| 6 | 04 Feb | Name withheld by request | Yes | Object | Verge collection | I do not support the current verge collection process at all. This council is not up to the latest standard that other councils follow by providing bookable collection. We are faced with local rubbish dumping all over the place, we live on a corner block and are faced with people dumping rubbish on the side of our house of which we had had to report to the ranger. You should be providing bookable rubbish collection, you enable to the environment to be impacted along with our homes/suburb to be used as a dumping ground for anyone to dispose of their rubbish. | The current strategy does not help<br>the environment and it creates a ghetto like culture where we are forced to live in 3rd world conditions for weeks at a time. Put the community and the environment first, help to create a culture that is uplifting for the community and stop the littering of our environment. | Feedback noted.<br><br>Whether or not the City offers bookable verge collections is outside the scope of this engagement, which is about the proposed Waste Amendment Local Law. Your comments will be passed onto the relevant team for their information. |

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| 7 | 19 Feb | Name withheld by request | No | Support with concerns | Building | More needs to be done to stop people illegally dumping on building sites especially in skip bins. | | Feedback noted.<br><br>The proposed waste amendment local law inserts a new clause (clause 3.4) that imposes numerous obligations on builders to ensure waste is placed in bins and that waste is contained to the building site. |
| 8 | 26 Feb | Name withheld by request | Yes | Support with concerns | As a father raising two young daughters in Cockburn, I want waste rules that keep our streets, verges and neighbourhoods clean and safe for families, preventing litter, pests or mess from affecting kids playing outside or neighbours' properties, while avoiding unnecessary burdens or costs on everyday homeowners for minor issues.<br>My feedback relates primarily to the following Parts/Clauses in the proposed Waste Amendment Local Law 2026 (amending the Waste Local Law 2020): | As a father raising two young daughters in Cockburn, I want waste rules that keep our neighbourhoods clean, reduce pests and litter that could affect kids playing outside or families' backyards, while keeping new requirements fair, low-cost and proportionate for everyday homeowners.<br>Here is my detailed feedback on each point/clause I listed:<br>Clause 1.5 (Interpretation/Definitions – additional definitions inserted) | As a father raising two young daughters in Cockburn, I want waste rules that keep our streets, verges and neighbourhoods clean and safe for families, preventing litter, pests or mess from affecting kids playing outside or neighbours' properties, while avoiding unnecessary burdens, costs or overreach on everyday homeowners for minor issues.<br>The proposed Waste Amendment Local Law 2026 is a reasonable update to the 2020 Waste Local Law. It adds targeted controls that should improve amenity (e.g., less visible rubbish bins, better management of | Feedback noted.<br><br>The City will give further consideration to the development of guidance notes as part of the implementation of the local law.<br><br>While the City's compliance and enforcement approach is outside the scope of this engagement, the City does use a graduated approach to compliance, starting with education and |

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| | | | | | Clause 1.5 (Interpretation/Definitions): Additional definitions inserted, support where they clarify terms for better understanding and compliance by families.<br>Clause 3.1 (general duties of owner/occupier — expanded): Substantial changes expanding duties to ensure all waste is placed in bins, bins kept clean/in good repair, and emptied regularly, practical for amenity but concern if it leads to fines over small maintenance issues.<br>Clause 3.1A (new — inserted): Likely relates to expanded owner/occupier responsibilities, support intent to promote responsible waste handling.<br>Clause 3.4 (new — inserted): Likely the new clause requiring owners/occupiers of certain premises/land to provide an enclosure for bins, good for reducing visual clutter/smells but concern about added costs/requirements on private property (e.g., for | Support. Clearer definitions help residents understand exactly what is expected without confusion. This makes compliance easier for families and reduces disputes over interpretation.<br>Clause 3.1 (general duties of owner/occupier – substantially expanded) Support the intent, ensuring waste is placed in bins, bins are kept clean and in good repair, and emptied regularly promotes good habits and protects amenity/neighbour health.<br>Concern: Expanded duties could lead to fines for minor issues (e.g., a bin lid left open accidentally or small repair needed). Suggest the City provide clear, practical guidance/examples (e.g., via fact sheets or website) and start with | construction waste), and I support the intent to protect community health without major overhauls.<br>Here are my specific suggested changes (tied to the key amendments/clauses referenced earlier), with explanations of how they'd impact the law's operation and benefit the wider community:<br><br>Clause 3.4 (new – requiring owners/occupiers of certain premises/land to provide an enclosure for bins): Add flexibility such as low-cost/DIY enclosure options (e.g., simple screening like plants, panels or existing structures), exemptions for properties where bins are already not visible from the street/public view, or for small/low-set homes/units where full enclosures are impractical. Phase in requirements or offer guidance/assistance for compliance.<br>Impact on operation / Benefit to community: Reduces financial and practical burdens on families (especially lower-income or small households), encourages | warnings and escalating only where necessary to infringements or prosecution. This ensures any action taken is fair and proportionate to the issue. Your comments however will be passed onto the relevant team for their information.<br><br>The requirement to install a suitable enclosure only applies to premises on which there are five or more dwellings or which are used for commercial or industrial premises. In these circumstances, the obligation sits with the owner/occupier of the premises, not those of the individual dwellings.<br><br>The requirement to control building waste should not impose excessive |

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| | | | | | small homes).<br>New Part 6 (inserted): Likely covers waste control on building sites, welcome to stop construction rubbish/erosion affecting streets/neighbours, but for small family renovations/extensions, ensure no excessive paperwork/delays.<br>Clauses 2.10 and others (substantial changes): Any related to waste management practices, support clarifications.<br>Clauses 5.2 to 5.5 (deleted): Removal of outdated provisions positive to reduce duplication/complexity.<br>Schedule 2 (modified penalties amended): Updates to penalties fine for serious/repeat issues, but emphasise education/warnings first for minor/family cases. | education/warnings for first-time or low-impact breaches rather than immediate penalties. This keeps the rule effective while being fair to busy families.<br>Clause 3.1A (new – inserted, likely expanded owner/occupier responsibilities)<br>Support the principle of responsible waste handling to prevent overflow, smells or vermin.<br>Concern: Ensure any additional duties are reasonable and not overly prescriptive for small households. Graduated enforcement (education first) would help here too.<br>Clause 3.4 (new – inserted, requiring owners/occupiers of certain premises/land to provide an enclosure for bins)<br>Support the goal, hiding bins reduces visual clutter, odours and pest attraction, | voluntary/high-compliance uptake rather than resistance/fines, and lowers enforcement workload on minor non-compliance. This achieves the goal of tidier streets and less pest attraction more effectively through practical solutions, while maintaining amenity benefits for all residents, leading to cleaner neighbourhoods without disproportionate private costs.<br>Expanded duties under Clause 3.1 (and 3.1A – owner/occupier responsibilities for bin placement, cleanliness, repair and regular emptying): Strengthen guidance by requiring the City to provide clear examples/fact sheets (e.g., what "good repair" means, acceptable cleaning methods) and mandate graduated enforcement, education, warnings, or neighbour advice first for first-time/minor issues before notices or fines.<br>Impact on operation / Benefit to community: Makes rules easier to understand and follow upfront, reducing confusion/disputes and | paperwork or delays as no paperwork is required, as it simply requires owners and occupiers to ensure waste is placed in bins and that waste is contained to the building site. |

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| | | | | | | improving street amenity for everyone.<br>Concern: This adds a new cost/obligation on private property owners (e.g., building or buying an enclosure). For small homes, units or low-set properties, it could be burdensome.<br>Suggest:<br><br>Low-cost/ DIY-friendly options or exemptions for properties where bins are already screened or not visible from the street.<br>Phased introduction or grants/assistance for low-income households.<br>This keeps the benefit (tidier neighbourhoods) while minimising impact on families.<br><br>New Part 6 (inserted – likely waste control on building sites)<br>Strong support for controlling waste/litter/erosion | increasing voluntary compliance among busy families. It shifts council resources from punishing small errors to preventing problems, fosters positive resident relations, and achieves better long-term waste habits through support rather than penalty-first approaches, ultimately creating healthier, less contentious communities.<br>New Part 6 (inserted – regulating waste control on building sites): Scale requirements proportionally e.g., basic site tidiness/self-checklists for small residential renovations/extensions (under a certain value/size), versus more formal plans for larger commercial/developments. Exempt or simplify for owner-builder family projects with low environmental impact.<br>Impact on operation / Benefit to community: Prevents excessive paperwork/delays/costs for homeowners doing modest home improvements (common for families), while still controlling significant litter/erosion from bigger sites that could | |

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| | | | | | | from construction sites, this prevents rubbish blowing into streets, parks or neighbours' yards, which directly affects family safety and enjoyment of public spaces.<br>Concern: For small family home renovations/extensions (not large developments), ensure requirements are scaled appropriately (e.g., basic site tidiness rather than full formal plans). Avoid adding significant paperwork/delays/costs for homeowners doing modest improvements. Simple checklists or self-compliance options would be ideal.<br>Clauses 2.10 and others (substantial changes – waste management practices)<br>Support any clarifications that make rules easier to follow and more consistent. | affect streets/parks/neighbours. This streamlines City approvals/inspections for low-risk cases, focuses enforcement on real hazards, and supports housing affordability/renovations without weakening protections, benefiting families upgrading homes and the broader community through cleaner public spaces.<br>Schedule 2 (amended modified penalties) and general enforcement: Explicitly prioritise education/warnings/mediation for minor or first breaches (across all new/expanded clauses), reserving higher penalties for serious/repeat offences causing demonstrated harm.<br>Impact on operation / Benefit to community: Promotes fair, supportive enforcement that resolves issues amicably and quickly (e.g., a bin not emptied once fixed after a reminder). It reduces unnecessary infringements/appeals, lowers administrative costs, builds trust in council | |

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| | | | | | | Clauses 5.2 to 5.5 (deleted – removal of outdated provisions) Positive change. Removing redundant or unnecessary clauses reduces complexity and makes the law easier for residents to navigate.<br>Schedule 2 (modified penalties amended) Support higher penalties for serious or repeat offences where real harm is caused (e.g., major littering affecting public health). Concern: For minor or first-time issues (especially subjective ones like bin condition), penalties should be a last resort. Prioritise warnings, education and neighbour mediation to encourage voluntary fixes and build trust.<br><br>Overall, the Waste Amendment Local Law 2026 is a sensible step toward cleaner, healthier | processes, and encourages cooperation, making the law more effective at preventing waste problems long-term while being seen as reasonable and family-friendly.<br><br>These tweaks keep the strong protections for public health and amenity (e.g., bin screening to cut smells/pests, site controls to stop construction mess) but make the amended law leaner, fairer and less intrusive on private family life. They'd improve voluntary compliance, free up City resources for bigger issues, minimise neighbour disputes, and enhance overall trust in local rules, helping Cockburn stay a clean, safe place for families to thrive without unnecessary government burdens.<br>Thank you for considering these suggestions, the focus on practical cleanliness is appreciated by parents like me. | |

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| | | | | | | neighbourhoods, important for families with young children. The new focus on bin enclosures and building site controls addresses real amenity issues. With refinements for proportionality (especially on private property and small projects), clear guidance, low-cost solutions and graduated enforcement, it would strike an even better balance between protection and family freedoms. Thank you for considering resident input. | | |

Department of Local Government, Industry Regulation and Safety
GOVERNMENT OF WESTERN AUSTRALIA

Our ref A105025872
Enquiries Statutory Approvals
Phone 6552 1530
Email legislation@lgirs.wa.gov.au

Julian Juhas
Courts and Legal Process Coordinator
City of Cockburn

Email: governance@cockburn.wa.gov.au

Dear Mr Juhas

**CITY OF COCKBURN – PROPOSED LOCAL LAWS**

Thank you for your email dated 15 January 2026 regarding the City's proposed local laws.

Copies of the draft local laws have been forwarded to the Statutory Approvals team at the Department of Local Government, Industry Regulation and Safety (LGIRS).

If there are any comments or concerns regarding the local laws, these comments will be provided by the close of the public submission period so that they can be taken into consideration alongside any other public submissions.

If you have any queries in the meantime, please contact the Statutory Approvals Team at 6552 1530 or by email to legislation@lgirs.wa.gov.au.

Yours sincerely

Lanie Chopping
**DIRECTOR GENERAL**
13 February 2026

Gordon Stephenson House, 140 William Street Perth WA 6000
Locked Bag 14 Cloisters Square Perth WA 6850
Telephone (08) 9222 3333
Email odg@lgirs.wa.gov.au
Web www.lgirs.wa.gov.au

Document Set ID: 12626432
Version: 1, Version Date: 24/02/2026

**From:** ELLIOTT, Steven
**To:** Governance
**Subject:** RE: City of Cockburn"s Proposed local laws
**Date:** Friday, 27 February 2026 4:07:20 PM
**Attachments:** image009.png
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**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

This email is regarding the City's proposed local laws.

The Department did not have any significant comments to make regarding the drafts, however, some minor comments relating to each local law is provided below. In addition, the City should ensure that all references and cross references are comprehensively checked to ensure their accuracy – particularly if any additional changes are made to the final draft.

## Waste Amendment Local Law

1. **Local law review**

LGIRS does not normally review waste local laws, as it lacks the subject specific knowledge to advise on waste management issues.

Accordingly, the City should take careful consideration of any advice provided by DWER in relation to the document.

2. **Copy of local law to be provided to DWER**

This local law is made under the Waste Avoidance and Resource Recovery Act 2007 in addition to the Local Government Act 1995.

Accordingly, a copy of the local law will need to be provided to the Minister for Environment and DWER, presuming this has not already occurred.

## Parking Local Law

1. **Amendments to Taxi legislation**

The Department is aware that amendments have recently occurred toTaxi legislation to account for ride-share services.

The City should double check all references to Taxi legislation and ensure that these references still achieve the desired outcomes.

## Fencing Local Law

1. **Reference to Australian Standards**

The local law makes reference to Australian Standards. The Delegated Legislation Committee has typically opposed the use of standards as they may not necessarily be publicly available. However, the Committee has been willing to allow standards provided that:

(a) The full title of the Standard is used at least once, either in the applicable clause or in a suitable definition;

(b) The local law makes it clear whether the Standard should be complied with as of a certain version or otherwise "as amended from time to time" and

(c) The Shire's website should provide information as to where the public can access these standards.

2. **Minor issues:**

- It is suggested that each Schedule should have a bracket reference under the title referring to the applicable clause in the local law.

## Keeping of Animals Local Law

1. **Penalty for excrement**

As the local law is currently drafted, a person who seeks to dispute a modified penalty for clause 2.26 will potentially be liable for a $5000 penalty.

The City may wish to add an additional subclause in clause 2.26 specifying a lower unmodified penalty for that offence.

2. **Cats causing nuisance**

As the local law is currently written, Clause 3.2 implies that an authorised person may issue a fine in a situation where a cat is not causing a nuisance, provided that the authorised person is of the opinion that the cat is causing a nuisance.

The City may wish to delete the words "in the opinion of an authorised person" to avoid any confusion.

3. **Minor issues**

- Schedule 6 – After the title, include a bracket reference to the applicable clause.

## Public Places Local Law

1. **Potential application outside of district**

Several of the clauses in the City's local law refer to waterways and jetties.

As a general rule, the district of a local government is defined as ending at the edge of coastal water, meaning that local laws will not typically have any legal effect beyond that

point (and be void to the extent that it purports to do so).

If the City merely wishes to enforce the local law in river waterways and inland areas this is unlikely to be an issue.

However, if the City wishes to enforce the law in relation to coastal water and jetties located beyond the low-water mark, it will need to obtain the prior approval of the Governor to extend the local law's effect to these coastal waters. The City should contact the Department if it requires any further information in this regard.

2. **Clause 7.9 – reversing onus of proof**

The Parliament's Delegated Legislation Committee has expressed doubts that clauses such as clause 7.9 are legally enforceable, as they effectively reverse the onus of proof in relation to proving guilt of an offence.

The Committee has concluded that the clause is of limited burden and accordingly, have never sought the clause's removal. However, the City should keep in mind that there may be enforceability issues if the clause is ever challenged in court.

3. **Multiple modified penalties**

It is unusual for a local law to contain multiple modified penalties for first and subsequent offences.

There is no available commentary on the subject and it is uncertain how the Delegated Legislation Committee will react to the clause. The City should prepare for the possibility that the Committee may request only a single set of penalties.

**Health and Nuisances Local Law**

The Department did not have any observations or comments regarding this local law, though the City may wish to consult with the Department of Health to identify if any health-specific considerations need to be taken into account.

I hope these comments assist you. Please keep in mind that they are provided in good faith and are not intended to constitute legal advice.

Kind regards

Steven Elliott
Principal Strategy Officer
Department of Local Government, Industry Regulation and Safety
140 William Street, Perth WA 6000
Locked Bag 14, Cloisters Square, Peth WA 6850

OFFICIAL

Government of Western Australia
Department of Water and Environmental Regulation

Our ref: DWERDG260100524
Enquiries: G Whelan, Ph 08 6364 6941

Mr Daniel Simms
Chief Executive Officer
City of Cockburn

Email: thardmeier@cockburn.wa.gov.au

Dear Mr Simms

***CITY OF COCKBURN PROPOSED WASTE AMENDMENT LOCAL LAW 2026***

I refer to correspondence dated 15 January and 26 March 2026, in relation to the City of Cockburn's proposed Waste Amendment Local Law 2026.

Due to amendments to the *Waste Avoidance and Resource Recovery Act 2007* resulting from the *Local Government Amendment Act 2024* the consent of the Chief Executive Officer of the Department of Water and Environmental Regulation (the Department) is no longer required for waste local laws or waste amendment local laws.

The Department has undertaken a preliminary administrative review of the proposed amendment. That review identified several drafting and structural inconsistencies when compared with the Western Australian Local Government Association (WALGA) template waste local law, including administrative and formatting differences and variations in terminology and cross referencing.

While the WALGA template is not mandatory, it was developed to support consistency across local governments and to reflect previous considerations of the Joint Standing Committee on Delegated Legislation. Departure from the template does not itself invalidate a local law, however, inconsistencies may increase the risk of scrutiny or technical challenge during the parliamentary disallowance period.

The Department therefore recommends that the City reviews the proposed amendment to ensure clarity, internal consistency and alignment with established drafting guidance prior to finalisation.

The Department's comments are provided for information and governance purposes only and do not constitute approval, consent or legal advice.

Should the City wish to discuss any of the matters raised, Departmental officers are available to engage further.

Yours sincerely

Alistair Jones
**DIRECTOR GENERAL**
02 April 2026

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## 8.2.5 (2026/MINUTE NO 0030) Proposed City of Cockburn Keeping of Animals Local Law 2026

**Executive** Chief Executive Officer

**Author(s)** Service Lead Governance and Council Support and Courts and Legal Process Coordinator

**Attachments**
1. City of Cockburn Keeping of Animals Local Law 2026
2. City of Cockburn Keeping of Animals Local Law 2026 (Tracked Changes)
3. Community Submissions - City of Cockburn Keeping of Animals Local Law
4. Combined Department of Local Government, Industry Regulation and Safety Correspondence
5. Council Delegations: City of Cockburn Keeping of Animals Local Law 2026

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) CONSIDERS the submissions received on the City of Cockburn Keeping of Animals Local Law 2026, as required by section 3.14(4) of the Local Government Act 1995;

(2) RESOLVES to make the City of Cockburn Keeping of Animals Local Law 2026, as attached to this report as Attachment 1, incorporating the minor changes as shown by Attachment 2, but excluding the cover page, table of contents and page numbers;

(3) AUTHORISES the affixing of the common seal to the City of Cockburn Keeping of Animals Local Law 2026;

(4) AUTHORISES the Chief Executive Officer, in accordance with section 3.12(5)-(6) of the Local Government Act 1995, to:
   1. Publish the City of Cockburn Keeping of Animals Local Law 2026 in the Government Gazette; and
   2. Give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety;
   3. Give local public notice of the publication of the local law; and
   4. In accordance with Ministerial directions, provide a copy of the local law and required explanatory material to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation;

(5) ENDORSES the new Instrument of Delegation (Attachment 5 – page 1) to give effect to the City of Cockburn Keeping of Animals Local Law 2026, to take effect and be added to the City of Cockburn Delegations Register on the day the local law comes into force; and

(6) ENDORSES the changes to delegations DA 5.1.4 and 5.1.5 (Attachment 5 – pages 2 to 4), to give effect to the City of Cockburn Keeping of Animals Local

Law 2026, with the changes taking effect and to be reflected in the City of Cockburn Delegations Register on the day the local law comes into force.

**CARRIED 5/0**

## Background

At the 9 December 2025 Ordinary Meeting of Council, Council resolved to commence the lawmaking process for the proposed City of Cockburn Keeping of Animals Local law 2026.

In accordance with this resolution, the City provided a copy of the proposed City of Cockburn Keeping of Animals Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, and invited submissions from the community between 12 January and 6 March 2026.

This report presents to Council the submissions and feedback received, as well as an amended City of Cockburn Keeping of Animals Local Law 2026, for consideration and adoption by Council.

## Submission

Community submissions are attached to this report as Attachment 3. Feedback received from the Department of Local Government is attached to this report as Attachment 4.

Commentary on re-occurring themes raised in the submissions, as well addressing the feedback provided by the Department of Local Government, Industry Regulation and Safety is provided in the detail of this report.

## Report

In accordance with section 3.12(3)(a) of the Local Government Act 1995, local governments are required to give local public notice of their intention to make a local law, and then invite submissions from the community for a period of not less than 6 weeks.

In accordance with established processes, the proposed City of Cockburn Keeping of Animals Local Law 2026 was uploaded to a dedicated community engagement page on the City's website. The City then communicated the opportunity to provide feedback via:

- an alert on the City's website
- direct emails to the City of Cockburn 'Comment on Cockburn' newsletter mailing list
- a notice on the noticeboard at the City of Cockburn Administration Building as well as all City of Cockburn libraries
- posts on the City of Cockburn's Facebook and Instagram page;
- an article in the electronic and hardcopy Cockburn Soundings newsletter
- newspaper advertising in the Perth Now Cockburn newspaper.

The City also sent emails to dog and cat owners residing in Cockburn, local veterinarians, cattery and kennel operators, pigeon keepers and racing clubs, and bee keeping clubs.

The City received 123 valid community submissions during the six-week public consultation period, which are included in Attachment 3. Feedback was broad and varied, however, there were some common themes/feedback.

- Some submissions expressed strong support for further restriction on cats, specifically that cats not be able to roam and be restricted to their owners' property. As previously advised to Council, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries. The City is aware that the State Parliament has introduced a Bill that would amend the *Cat Act 2011*, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will seek Council direction on whether to introduce cat containment requirements in the future.
- Some submissions expressed concerns about the clauses dealing with the maximum number of large animals that may be kept without approval. It appears to the City that there was some misinformation in that community, in that the proposed Keeping of Animals Local Law is introducing a blanket ban on the keeping of more than 2 large animals. This is not the case. The proposed local law simply provides that a person may be able to keep 2 large animals without approval. More large animals can be kept if approval is sought. This is a relaxation on the current local laws, which states a person must have approval to keep any number of large animals, and they cannot keep a large animal unless the property size is greater than 2,020m2, and further, that they must be able to comply with the set back requirements, which are that the large animal must not come within 15 metres of a dwelling or other places. Anyone who currently has an approval to keep a large animal will be unaffected, as that approval will still be valid.
- Some submissions expressed concern that the poultry limits were too restrictive. The City advises that these limits are tied to property sizes. Depending on the property size, it may be a reduction in the amount a person can currently keep, or it may actually be an increase in the amount a person can currently keep. It is important to note that the current local laws require poultry to be kept at least 9m away from other homes, and 18m away from streets. This means most smaller lots likely wouldn't have been able to legally keep poultry under the current local law.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, the City also sent a copy of the proposed City of Cockburn Keeping of Animals Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, The Department of Local Government, Industry Regulation and Safety provided feedback, which is attached to this report as Attachment 4.

Specifically, the Department advised:

- That the City consider reviewing the general penalty for clause 2.26 (failure to remove dog excrement) which is set at $5,000. This amount aligns with the maximum possible general penalty under the *Dog Act 1976*. It is important to note that $5,000 is the maximum possible penalty that the Court can impose. The City is not aware of any situation where the Court has imposed a penalty this high for a breach of that type of clause. The City's preference is to keep its proposed Keeping of Animals Local Law consistent with the *Dog Act 1976*.
- That the City consider amending clause 3.2 (cat not to cause a nuisance) to remove the words "in the opinion of an authorised officer" to ensure that an authorised officer can only act if a cat is actually causing a nuisance.
- Minor issue related to Schedule 6 and ensuring the clause is included in the title.

To address some of the issues raised by the community, as well as the feedback provided by the Department of Local Government, Industry Regulation and Safety, and to further improve the local law, the City has made some changes to the proposed City of Cockburn Keeping of Animals Local Law 2026. These changes are:

- Amending clause 3.2 to remove the words "in the opinion of an authorised officer, as suggested by the Department of Local Government, Industry Regulation and Safety
- Amending Schedule 6 to reference the relevant clause, as suggested by the Department of Local Government, Industry Regulation and Safety
- Amending clause 4.8 dealing with the keeping of large animals so that large animals not ordinary kept at or in the premises are not counted in the 2 animal limit. This will ensure that persons keeping more than the limit temporarily (for example, in emergency circumstances) are not breaching the local law
- Deletion of former clause 4.9 requiring a person to keep large animals at least 10 metres away from other premises. This clause was considered slightly duplicative of the other setback clause found in clauses 4.8(2)(c) and 4.8(3)(c)
- Amendment to clause 2.31 dealing with modified penalties for dogs to align it more closely with the *Dog Act 1976*, which differs to the *Local Government Act 1995* in how modified penalties are treated
- Inclusion of service clauses for notices given in respect of dogs and cats (new clauses 2.33 and 3.31), which aligns more closely with the WALGA model local law templates
- Amendment to the setback clauses for pigeons and bees (clauses 4.14 and 4.18) to make clear that persons can apply for a permit for exemptions/changes to the setback requirements
- Reduction in the modified penalty for operating a cattery without a licence – the subsequent modified penalty as drafted exceeds the maximum permitted by the *Cat Act 2011*, which is 10% of the maximum penalty possible for that offence (which is $5,000)
- Inclusion of a transitional clause (new clause 1.6) to ensure any approvals or permits issued under the City's current Consolidated Local Laws continue to be valid on its repeal

- Other minor editorial changes to align the local law with wording used in other local laws, and to ensure all required defined words are included. These changes aren't intended to change the operation of the local law.

At the Elected Members Briefing Session on 24 March, City officers discussed with Elected Members a suggestion that the clause to do with limits on numbers of poultry be changed to allow for greater poultry numbers.

The feedback was considered by City officers and discussed with the Department of Primary Industries and Regional Development. As a result, while City officers do not recommend increasing the poultry limits, City officers do recommend amending the proposed Keeping of Animals Local Law so that ducks are not subject to stricter limits than other permitted poultry.

Where a resident wishes to keep more than the specified number of poultry and applies for a permit, City officers would be able to assess the suitability of individual circumstances and ensure that risk of a nuisance occurring is minimised. In line with current enforcement practices, City officers would prioritise education and work with owners to manage any potential issues, while allowing flexibility to keep chickens, ducks, quail or other suitable poultry, provided they do not cause a nuisance.

This approach may require the provision of additional supporting information, including guidance and weblinks on the City's website, to assist residents who wish to keep ducks. In particular, information may be needed regarding the provision of suitable water for bathing and grooming, and the importance of maintaining water sources in a clean condition to minimise the risk of odour and pest issues.

The City now presents the final proposed City of Cockburn Keeping of Animals Local Law 2026 for adoption by Council.

The purpose of the proposed local law is to further control dogs and cats, and to control other specified animals, so as to reduce nuisances and protect public health, the environment and the amenity of the district. The effect of the proposed local law is that the keeping of cats and dogs over a specified limit will require approval, and that further obligations are imposed on the owners of cats, dogs and other specified animals which must be complied with.

If adopted, the City will publish a copy of the City of Cockburn Keeping of Animals Local Law 2026 in the Government Gazette and give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety.

Following gazettal, the City will then give local public notice of the adopted City of Cockburn Keeping of Animals Local Law 2026 and provide a copy of the local law to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL), who will scrutinise it. If the JSCDL takes issue with any part of the local law, they may request the City to give undertakings to amend it or may disallow part or all of the local law.

To operationalise the City of Cockburn Keeping of Animals Local Law 2026, the City also presents to Council some Instruments of Delegation (Attachment 5). These delegations will allow the City to investigate breaches of the local law, give notices of breach under the local law, undertake work if the person issued a notice of breach does not do the work themselves, as well as determine applications under the local law.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget implications arising from the recommendations of this report.

It is not anticipated that additional resourcing is required to operationalise the City of Cockburn Keeping of Animals Local Law 2026. Costs associated with the procedural aspects of making the local law are included in the City's budget.

**Legal Implications**

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation.

While local governments have broad powers to make local laws under section 3.12 of the Act, this power is not plenary. The power must be exercised "reasonably and proportionately". Local laws must also be "necessary or convenient" for the "good government of the district". They must not go "beyond the accepted notions of local government". They must not be inconsistent with State legislation, nor should they seek to introduce significant new policy or fundamental changes to policy, which is properly a matter for the State.

Local laws infringing on these principles will likely be disallowed by the JSCDL.

Further, when it comes to local laws relating to dogs and cats, the City's powers are constrained by the section 51 of the Dog Act 1976 and section 79(3) of the Cat Act 2011 respectively. These Acts specify the exact matters the City may make a local law about in respect of these animals. Any clauses which deal with matters outside of what these Acts permit will likely be disallowed by the JSCDL, as being outside the power of the City.

**Community Consultation**

As detailed above, the City invited submissions for a period of 6 weeks.

The City also provided a copy of the proposed City of Cockburn Keeping of Animals Local Law 2026 to the to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety.

In total, 123 valid community submissions were received from the community. Of the submission received via the Comment on Cockburn page:

- 71 (68%) providing unqualified or conditional support for the local law
- 34 (32%) objecting to the local law
- 0 (0%) neither supporting or objecting to the local law.

Overall, the submissions suggest broad support for the proposed Keeping of Animals Local Law, with 68% expressing either unconditional or limited support. Community members noted and appreciated the improved clarity and structure of the local law, with much of the conditional support being offered on the basis that the local law was a step in the right direction with regard to cat containment but should be taken further.

Although the proposed Keeping of Animals Local Law had the highest level of objection from the community, the City believes this is due to misinformation in the community that the restrictions on large animals would be a significant departure from what is currently in place. Of the 34 submissions voicing objections to the local law, 19 were attached to submissions raising concerns about the perceived blanket bans on keeping more than 2 large animals, which as explained earlier in this report, is not the case.

In view of this, the City recommends that Council makes the City of Cockburn Keeping of Animals Local Law 2026, as attached to this report (Attachment 1).

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. The City has engaged external legal advisors to largely draft the proposed City of Cockburn Health and Nuisances Local Law 2026, to ensure it is reasonable, proportionate and within power.

There will be a moderate to substantial level of risk if Council were to amend the proposed City of Cockburn Health and Nuisances Local Law 2026 in such a way that it is no longer reasonable, proportionate or within power. This is because the JSCDL will likely disallow it.

This will result in sunk costs and time associated with the lawmaking process to date, as well as additional costs to re-commence the lawmaking process with a compliant local law. It will also delay the implementation of a modern local law which responds to the needs of the community and the City.

There is also a moderate to substantial level of risk if Council were to defer consideration of the recommendations in this report. As previously reported to Council at the 8 July 2025 Ordinary Meeting of Council, the City of Cockburn (Local Government Act) Local Laws 2000 will lapse on 7 December 2026, meaning it cannot be enforced.

The project plan presented at that same meeting provides a strict timetable to ensure the lawmaking process for the proposed City of Cockburn Keeping of Animals Local Law 2026 will be completed by this date. Any delay runs the risk the process will not be completed by this date, meaning the City will not have a local law regulating animals for a period of time.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposed City of Cockburn Keeping of Animals Local Law 2026 have been advised that this report is to being considered at the 21 April 2026 Governance Committee and 12 May 2026 Ordinary Council meetings.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

# Keeping of Animals Local Law 2026

## City of Cockburn

DOG ACT 1976
CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

**CAT ACT 2011**

**DOG ACT 1976**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Keeping of Animals Local Law 2026

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**CAT ACT 2011**

**DOG ACT 1976**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Keeping of Animals Local Law 2026

Under the powers conferred by the *Cat Act 2011*, the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Cockburn resolved on …… to make the following local law.

## Part 1 - Preliminary

### 1.1 Title

This is the *City of Cockburn Keeping of Animals Local Law 2026*

### 1.2 Commencement

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

### 1.3 Application

This local law applies throughout the district.

### 1.4 Amendments

The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting —

(a) Part II – Animals; and

(b) Schedule 1.

### 1.5 Interpretation

(1) In this local law —

***adjoining*** means land or premises which have a common boundary or portion of a boundary with a lot or is separated from that lot by a right-of-way, pedestrian access way, access leg of a battleaxe lot or the equivalent not more than 6m in width;

***approved*** means approved by the local government;

***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;

***CEO*** means the Chief Executive Officer of the local government;

***district*** means the district of the local government;

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

***land*** includes premises on the land;

***LG Act*** means the *Local Government Act 1995;*

***local government*** means the City of Cockburn;

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

***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;

***occupier*** has the meaning in the LG Act, but does not include the local government;

***owner*** has the meaning in the LG Act;

***Schedule*** means a schedule to this local law; and

***thoroughfare*** has the meaning in the Act.

(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) Where, 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 so required to be done, or of preventing from being done the prohibited act, as the case may be.

(4) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the LG Act and any powers of entry exercised by this local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the LG Act.

(5) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the LG Act.

**1.6 Transitional**

A licence, consent, approval, authorisation, certificate or exemption issued in accordance with a clause of a local law that is repealed under clause 1.4 —

(a) is taken to be an exemption, licence, permit, or approval granted under this local law, as the case may be;

(b) is to be valid for the period specified in the licence, consent, approval, authorisation, certificate or exemption; and

(c) may be earlier cancelled or suspended in accordance with this local law.

## Part 2 - Dogs

*Division 1 – Preliminary*

### 2.1 Interpretation

(1) In this Part —

***dangerous dog*** has the meaning in section 3(1) of the *Dog Act*;

***Dog Act*** means the *Dog Act 1976*;

***Dog Regulations*** means the *Dog Regulations 2013*;

***modified penalty*** has the meaning in clause 2.31;

***owner***, in relation to a dog, has the meaning in section 3(1) of the Dog Act;

***person liable for the control of the dog*** has the meaning in section 3(1) of the Dog Act;

***pound*** means a ***dog management facility***, as defined in section 3(1) of the Dog Act that is operated or used by the local government for the purposes of this local law;

***premises*** has the meaning in section 3(1) of the Dog Act; and

***public place*** has the meaning in section 3(1) of the Dog Act.

(2) A term that is used in this Part and is not defined in subclause (1) has the meaning in the Dog Act or, if not defined in the Dog Act, the meaning in the LG Act.

*Division 2 – Seized or detained dogs*

### 2.2 Attendance of authorised person at pound

An authorised person is to be in attendance at the pound, at the times and on the days of the week as determined by the CEO, to facilitate the release of dogs that have been seized or detained under section 29 of the Dog Act.

### 2.3 Release of detained dogs

The owner, or a person lawfully authorised by the owner, of a seized or detained dog who seeks the release of the dog is to be entitled to the release of the dog, subject to —

(a) production of such proof of ownership of the dog, or such lawful authorisation by the owner, as an authorised person considers sufficient;

(b) payment of the applicable fees, charges and other costs referred to in the Dog Act; and

(c) proof of registration of the dog in accordance with the Dog Act.

*Division 3 – Control of dogs*

**2.4 Dogs to be confined**

(1) This clause does not apply to the confinement of a dangerous dog (which is dealt with in the Dog Act and Dog Regulations).

(2) In this clause, ***fence*** includes a wall but does not include a hedge.

(3) A person who owns or has care and control of a dog that is kept or is usually permitted to live in or at a premises within the district must ensure that the portion of those premises on which the dog is kept is fenced in a manner capable of effectively confining the dog to that portion, having regard to the breed, age, size, temperament and physical condition of the dog.

(4) If there is a gate in the fence, the gate must —

(a) be kept closed at all times when the dog is on the premises, but the gate may be opened to enable a person to enter or leave the premises; and

(b) be fitted with a mechanism that enables the gate to be securely latched or locked.

**2.5 Direction to provide a suitable enclosure**

(1) If, in the opinion of an authorised person, a dog is not adequately prevented from escaping from the property where the dog is normally kept, the authorised person may give a written direction to an owner of the dog to provide a suitable enclosure that effectively confines the dog on the property.

(2) A person to whom a direction is given under subclause (1) must comply with the direction within 14 days of the direction being given to the person.

(3) A person who fails to comply with a direction given under subclause (1) commits an offence.

*Division 4 – Keeping of dogs*

**2.6 Interpretation**

In this Division and in Schedule 2 —

***applicant*** means a person who makes an application for an exemption under this Division;

***exemption*** means an exemption granted under this Division; and

***exemption holder*** means a person to whom an exemption is granted.

**2.7 Limitation on the number of dogs**

(1) A person must not keep in or at any premises within the district more than 2 dogs over the age of 3 months and any pups of those dogs under that age.

(2) Subclause (1) does not apply to —

(a) dogs that do not ordinarily reside in or at the premises; or

(b) premises that are —

(i) specified in an exemption granted under this Division in accordance with section 26(3) of the Dog Act; or

(ii) licensed under Division 5 of this Part as an approved kennel establishment.

**2.8 Application for an exemption**

(1) A person may apply to the local government for an exemption to clause 2.7(1) under section 26(3) of the Dog Act for up to 4 additional dogs.

(2) An application for an exemption must —

(a) be made in the form of Schedule 2 and lodged with the local government;

(b) be made and signed by the occupier of the premises where the dogs are proposed to ordinarily reside;

(c) describe and specify the number of dogs to be kept on the premises;

(d) include the reasons and justification for keeping the additional dogs;

(e) if the occupier is not the owner of the premises to which the application relates - be accompanied by the written consent in writing of the owner of the premises;

(f) include any other information required by the form; and

(g) be accompanied by the application fee for an exemption.

(3) Before determining an application, the local government may request the applicant —

(a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with those nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application for an exemption.

**2.9 Refusal to determine application**

The local government may refuse to consider an application for an exemption —

(a) that is not made in accordance with clause 2.8(2); or

(b) if the applicant has not complied with a request by the local government under clause 2.8(3).

**2.10 Determining an application**

(1) In determining an application for an exemption, the local government may have regard to —

(a) the reasons and justification provided in the application;

(b) the physical suitability of the premises;

(c) the environmental sensitivity and general nature of the location surrounding the premises;

(d) the likelihood of additional dogs causing a nuisance, inconvenience or annoyance to an occupier of adjoining premises;

(e) any submission received under clause 2.8(3)(b) within the time specified; and

(f) any other factor that the local government considers to be relevant in the circumstances of the particular application.

(2) Subject to subclauses (3) and (4), the local government may —

(a) approve the application and grant an exemption subject to the conditions imposed under clause 2.11, but may specify an alternative number of dogs permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) The local government must not grant an exemption —

(a) for more than 4 additional dogs over the age of 3 months, or

(b) for dangerous dogs (declared) or dangerous dogs (restricted breed).

(4) The local government must not grant an exemption unless it is satisfied that the premises described in the application are suitable for the additional number of dogs for which the application is made.

(5) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clause 2.8(2) and any request made under clause 2.8(3).

(6) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 2.8(2)(g) is to be refunded to the applicant.

(7) If the local government grants an exemption, it must give the applicant written notice of the exemption in the form determined by the CEO.

(8) If the local government refuses to grant an exemption, it must give the applicant written notice of its decision and of the reasons for its decision.

**2.11 Exemption conditions**

(1) An exemption is taken to have been granted subject to the conditions that the exemption holder must ensure that —

(a) the keeping of each dog on the premises to which the exemption relates complies with the requirements of the Dog Act and the Dog Regulations;

(b) the premises have adequate space and are suitable for all of the dogs;

(c) the premises are maintained in good order and in a clean and sanitary condition; and

(d) without the approval of the local government, a dog that is the subject of an exemption is not substituted or replaced once that dog —

(i) dies; or

(ii) is permanently removed from the premises.

(2) In addition to the conditions listed in subclause (1), the local government may grant an exemption subject to any other conditions that it reasonably considers necessary and appropriate.

(3) The local government may, at any time, amend a condition of an exemption and the amended condition takes effect —

(a) 14 days after the written notice of it is given to the exemption holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) An exemption holder who does not comply with a condition of an exemption commits an offence under the Dog Act.

**2.12 Duration of an exemption**

(1) Unless otherwise specified as a condition of the exemption, an exemption commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the exemption;

(b) the date that the exemption holder ceases to reside at the premises to which the exemption relates;

(c) the date that the dogs that are the subject of the permit die or are permanently removed or relocated from the premises; or

(d) the date that the exemption is revoked under this Division.

(2) If an exemption ceases to be valid as a result of an event listed in subclauses (1)(b) or (1)(c), the exemption holder must notify the local government in writing within 7 days of the event occurring.

**2.13 Exemption not transferable**

An exemption is not transferrable either in relation to the exemption holder or the premises to which the exemption relates.

**2.14 Revoking an exemption**

(1) The local government may, by written notice to the exemption holder, revoke an exemption if the exemption holder has not complied with a provision of this local law or a condition of the exemption.

(2) If the local government decides to revoke an exemption under subclause (1), it must give to the exemption holder written notice of its decision and of the reasons for its decision.

(3) A revocation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the exemption holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If an exemption is revoked, no part of the fee paid for the exemption is refundable.

*Division 5 – Approved kennel establishments*

**2.15 Interpretation**

In this Division and in Schedule 3 —

***applicant*** means a person who makes an application for a licence or a transfer of a licence under this Division, as the case may be;

***kennel*** includes any yard attached to the kennel;

***licence*** means a kennel establishment licence granted under this Division;

***licensee*** means the holder of a licence; and

***premises***, in addition to the meaning given to it in section 3 of the Dog Act, means the premises described in an application for a licence.

**2.16 Application for a licence**

(1) An application for a licence must be made in the form set out in Schedule 3, and must be lodged with the local government together with —

(a) details of the number of dogs proposed to be kept on the premises;

(b) plans and specifications of the kennel establishment, including a site plan;

(c) copies of the notices to be given under clause 2.17 (where required);

(d) written evidence that either the applicant or another person who will have the charge of the dogs will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and ensure their health and welfare;

(e) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels, including noise from dogs, would comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* or their equivalent in force from time to time;

(f) a copy of the planning approval granted by the local government under its local planning scheme in respect of the kennel establishment;

(g) a written acknowledgment that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs that has been adopted or nominated by the local government;

(h) any other information required by the form; and

(i) the application fee for a licence.

(2) On receipt of an application under subclause (1), the local government may require the applicant to provide, within a specified time of not more than 21 days, any additional document or information that it requires to consider the application.

(3) The local government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the prescribed time.

**2.17 Notices of proposed use**

(1) This clause does not apply where notice and consultation requirements have been undertaken for the purposes of the planning approval referred to in clause 2.16(1)(f).

(2) After the application for a licence has been lodged, the applicant must give notice of the proposed use of the premises as an approved kennel establishment —

(a) once in a newspaper circulating in the district; and

(b) to the owners and occupiers of land within a radius of 200m of the boundaries of the land upon which the proposed kennel establishment is to be established.

(3) The notices in subclause (2) must specify that —

(a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and

(b) the application and plans and specifications may be inspected at the offices of the local government.

(4) If —

(a) each notice given under subclause (2) does not clearly identify the premises; or

(b) a notice given under subclause (2)(a) is of a size or in a location in the newspaper that, in the opinion of the local government, would fail to serve the purpose of notifying relevant persons of the proposed use of the premises,

the local government may refuse to determine the application for a licence until each notice is given in accordance with its directions.

**2.18 When an application cannot be determined**

An application for a licence is not to be determined by the local government until —

(a) the applicant has complied with clause 2.16;

(b) the applicant submits proof that the notices referred to in clause 2.17(2) have been given in accordance with that clause (where required); and

(c) the local government has considered any written submission received within the time specified in clause 2.17(3)(a) (where required).

**2.19 Where an application cannot be approved**

The local government cannot approve an application for a licence if —

(a) the application is not consistent with the planning approval referred to in clause 2.16(1)(f); or

(b) the applicant or another person who will have the charge of the dogs will not reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and ensure their health and welfare.

**2.20 Determining an application**

(1) In determining an application for a licence, the local government is to have regard to —

(a) any written submission received within the time specified in clause 2.17(3)(a);

(b) the economic or social benefits which may be derived by any person in the district if the application for the licence is approved;

(c) the effect which the kennel establishment may reasonably be expected to have on the owners or occupiers of adjoining premises;

(d) the suitability of the premises for the proposed use;

(e) the suitability of any kennel in which any dog is to be kept;

(f) whether or not the imposition of and compliance with appropriate conditions of a licence would mitigate any potential nuisance or other adverse effects of the approved kennel establishment; and

(g) any other factor that the local government considers to be relevant in the circumstances of the particular application.

(2) The local government may —

(a) approve the application subject to the conditions imposed under clause 2.21, but may specify an alternative number of dogs permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) The local government must not grant a licence —

(a) for more than 4 additional dogs over the age of 3 months; or

(b) for a dangerous dog (declared) or a dangerous dog (restricted breed).

(4) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clauses 2.16 and 2.7.

(5) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 2.16(1)(i) is to be refunded to the applicant.

(6) If the local government approves an application, it must give the applicant a licence in the form determined by the CEO.

(7) If the local government refuses to approve an application, it must give the applicant written notice of its decision and of the reasons for its decision.

**2.21 Licence conditions**

(1) An application for a licence may be approved by the local government subject to whatever conditions it reasonably considers to be appropriate, including conditions relating to matters such as —

(a) the location, number, type, form or construction of any kennel in which a dog is to be kept;

(b) how much space is to be provided for each dog;

(c) the maintenance, and the keeping in good order and in a clean and sanitary condition, of each kennel;

(d) the type and construction of any fencing used to confine dogs;

(e) the maintenance, cleaning and sanitising of drinking and eating vessels;

(f) the method of disposal of all refuse, faeces and food waste;

(g) the effective control of odours, fleas and flies; and

(h) the provision of suitable water available at the premises.

(2) The local government may, at any time, amend a condition of the licence, and the amended condition takes effect —

(a) 14 days after written notice of it is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(3) A licensee who does not comply with a condition of the licence commits an offence under the Dog Act.

**2.22 Period of licence and renewal**

(1) A licence is in effect for the period set out in section 27(5) of the Dog Act.

(2) Before the licence period expires, the local government may give to the licensee written notice that their licence is due for renewal and the manner in which it may be renewed.

(3) The local government must renew a licence if the licence renewal fee is paid to the local government before the expiry of the licence.

(4) When a licence is renewed —

(a) the local government must give written notice of the renewal to the licensee; and

(b) the conditions of the licence at the time of its renewal continue to have effect.

**2.23 Transfer of licence**

(1) An application for the transfer of a licence from the licensee to another person (**transfer application**) must be —

(a) made in the form determined by the CEO;

(b) made by the person applying to have the licence transferred to them;

(c) made with the written consent of the licensee; and

(d) lodged with the local government together with —

(i) written evidence that a person who will have charge of the dogs will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and ensure their health and welfare; and

(ii) the fee for the transfer application.

(2) Before determining a transfer application, the local government may request the applicant, within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.

(3) The local government may refuse to consider a transfer application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

(4) The local government may, in respect of a transfer application —

(a) approve the transfer application subject to any conditions that it considers to be appropriate; or

(b) refuse to approve the transfer application.

(5) A decision under clause subclause (4) must be made within 90 days of the applicant satisfying the requirements of subclause (1) and any request made under subclause (2).

(6) If a decision under subclause (4) is not made within that period of 90 days, the transfer application is taken to have been refused and any fee payable under subclause (1)(d)(ii) is to be refunded to the applicant.

(7) If the local government approves a transfer application —

(a) it must give the applicant a licence in the form determined by the CEO; and

(b) the applicant becomes the licensee —

(i) on the date as specified on the licence; or

(ii) if no date is specified on the licence, on the date that the licence was given to the applicant under subclause (7)(a).

(c) the local government is not required to refund any part of any fee paid by the former licensee.

(8) If the local government refuses to approve a transfer application, it must give the applicant written notice of its decision and of the reasons for its decision.

**2.24 Cancellation of a licence**

(1) The local government's powers to cancel a licence are set out in section 27(5) and (6) of the Dog Act.

(2) If the local government cancels a licence, it must give the licensee written notice of the cancellation and of the reasons for the cancellation.

(3) A cancellation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a licence is cancelled —

(a) the licence holder must, in the case of a written licence, return the licence to the local government as soon as practicable, or cause it to be destroyed; and

(b) no part of the fee paid for the licence is refundable.

**2.25 Licence to be kept at premises**

A licence must be kept at the premises to which it relates and must be provided to an authorised person on demand.

*Division 6 – Miscellaneous*

**2.26 Offence to fail to remove excrement**

A person liable for the control of a dog and who fails to immediately remove any excrement deposited by that dog on —

(a) any thoroughfare, path or other public place; or

(b) any land which is not a public place other than with the consent of the occupier,

commits an offence.

**2.27 False or misleading statement**

A person must not make a false or misleading statement in connection with an application for an exemption or licence under this Part.

*Division 7 – Objection and review*

**2.28 Objection and review rights**

(1) The review provisions in section 26(5) of the Dog Act apply to a decision of the local government to refuse to grant an exemption under clause 2.10, to revoke an exemption (under clause 2.14 and section 26(3) of the Dog Act), or to the conditions imposed in relation to an exemption.

(2) The review provisions in section 27(7) of the Dog Act apply to a decision of the local government —

(a) to refuse to grant a licence under clause 2.20(2)(b); or

(b) to give notice of the cancellation of a licence under section 27 of the Dog Act.

(3) Division 1 of Part 9 of the LG Act and regulation 33 of the F&G Regulations apply to a decision of the local government —

(a) to give a direction under clause 2.5;

(b) to impose or amend the conditions of a licence under clause 2.21; and

(c) to refuse to approve the transfer of a licence under clause 2.23(4)(b).

*Division 8 – Enforcement*

**2.29 Legal proceedings and evidence**

Provisions relating to legal proceedings and evidence are contained in Part 7 of the Dog Act.

**2.30 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this Part; or

(b) does an act or omits to do an act contrary to this Part,

commits an offence.

(2) A person who commits an offence under this Part 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.

**2.31 Modified penalties**

(1) An offence against a clause specified in Part 1 of Schedule 1 is an offence for which a modified penalty applies for the purposes of section 45A(2) of the Dog Act.

(2) An authorised person who has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed may give an infringement notice to the alleged offender.

(3) A person who does not contest an allegation that they have committed the offence 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.

(4) The amount of the modified penalty for an offence is that specified adjacent to the clause in Part 1 of Schedule 1 —

(a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Part 1 of Schedule 1; and

(b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Part 1 of Schedule 1.

**2.32 Form of infringement notices**

(1) The form of an infringement notice that may be given in respect of an offence for which a modified penalty applies is that of Form 8 in Schedule 1 of the Dog Regulations.

(2) The form of a notice that may be given to withdraw an infringement notice for an offence for which a modified penalty applies is that of Form 9 in Schedule 1 of the Dog Regulations.

**2.33 Service**

(1) A notice served under this Part may be given to a person —

(a) personally;

(b) by postal mail addressed to the person; or

(c) by leaving it for the person at his or her address.

(2) If a person refuses to accept a notice given by way of subclause (1)(a), the person serving the notice may leave it next to or near the person and orally draw his or her attention to it.

## Part 3 - Cats

*Division 1 – Preliminary*

**3.1 Interpretation**

(1) In this Part —

***cat*** has the meaning in the Cat Act;

***cat management facility*** has the meaning in the Cat Act;

***cat prohibited area*** means an area described in Schedule 6;

***Cat Act*** means the *Cat Act 2011*;

***Cat Regulations*** means the *Cat Regulations 2012*;

***Cat (ULP) Regulations*** means the *Cat (Uniform Local Provisions) Regulations 2013*;

***cattery*** means any premises where more than 3 cats are boarded, bred, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;

***member of a cat organisation*** means a person referred to in regulation 23(c) of the Cat Regulations;

***owner***, in relation to a cat, has the meaning in section 4 of the Cat Act;

***premises*** has the meaning in section 3(1) of the Cat Act;

***prescribed offence*** has the meaning in clause 3.29; and

***registered*** means registered with the local government under section 9 of the Cat Act.

(2) A term that is used in this Part and is not defined in subclause (1) has the meaning in the Cat Act or, if not defined in the Cat Act, the meaning in the LG Act.

(3) This Part is to be construed together with, but subject to —

(a) the Cat Act;

(b) the Cat Regulations; and

(c) the Cat (ULP) Regulations.

*Division 2 – Control of cats*

**3.2 Cat not to cause a nuisance**

(1) An owner must not allow a cat to cause a nuisance.

(2) If a cat is causing a nuisance, the local government may give written notice to the owner of the cat requiring that person to abate the nuisance.

(3) A notice given under subclause (2) —

(a) is to be in the form of Schedule 1, Form 3 of the Cat Regulations; and

(b) remains in force for the period specified in the notice, which must not exceed 28 days.

(4) A person given a notice under subclause (2) must comply with the notice within the period specified in the notice.

**3.3 Cat prohibited areas**

(1) A cat must not be in a cat prohibited area at any time.

(2) If a cat is in a cat prohibited area —

(a) the owner of the cat commits an offence; and

(b) an authorised person may seize, impound and deal with the cat in accordance with the Cat Act.

*Division 3 – Keeping of cats*

**3.4 Interpretation**

In this Division and in Schedule 4 —

***applicant*** means a person who makes an application for a permit under this Division;

***cat*** does not include a cat less that is less than 6 months old;

***permit*** means permit issued under this Division;

***permit holder*** means a person to whom a permit is granted; and

***premises***, in addition to the meaning given to it in section 3 of the Cat Act, means the premises described in the application for a permit under this Division.

**3.5 Cats for which a permit is required**

(1) Subject to subclauses (2) and (3), a person who is ordinarily resident at any premises within the district is required to have a permit to keep more than 3 cats at the premises.

(2) Subclause (1) does not apply to —

(a) cats that do not ordinarily reside in or at the premises; or

(b) premises that are operated by an organisation referred to in regulation 9 of the Cat Regulations.

(3) In respect of any premises where a member of a cat organisation is ordinarily resident, the requirement for a permit under subclause (1) applies only if more than 6 cats are proposed to be kept at the premises.

(4) A person contravening this clause commits an offence.

**3.6 Application for permit**

(1) An application for a permit must —

(a) be made in the form set out in Schedule 4 and lodged with the local government;

(b) be made and signed by the occupier of the premises where the cats are proposed to ordinarily reside;

(c) describe and specify the number of cats to be kept on the premises;

(d) include the reasons and justification for keeping the additional cats;

(e) if the occupier is not the owner of the premises to which the application relates - be accompanied by the written consent in writing of the owner of the premises;

(f) include any other information required by the form; and

(g) be accompanied by the application fee for a permit.

(2) Before determining an application, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.; and/or

(b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

**3.7 Refusal to determine application**

The local government may refuse to consider an application for a permit —

(a) that is not made in accordance with clause 3.6(1); or

(b) if the applicant has not complied with a request by the local government under clause 3.6(2).

**3.8 Determining an application**

(1) In determining an application for a permit, the local government may have regard to —

(a) the reasons and justification provided in the application;

(b) the physical suitability of the premises;

(c) the environmental sensitivity and general nature of the location surrounding the premises;

(d) the likelihood of additional cats causing a nuisance, inconvenience or annoyance to an occupier of adjoining premises;

(e) any submission received under clause 3.6(2)(b) within the time specified; and

(f) any other factor that the local government considers to be relevant in the circumstances of the particular application.

(2) Subject to subclause (3), the local government may —

(a) approve the application and grant a permit subject to the conditions imposed under clause 3.9, but may specify an alternative number of cats permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) The local government must not grant a permit unless it is satisfied that the premises described in the application are suitable for the additional number of cats for which the application is made.

(4) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clause 3.6(1) and any request made under clause 3.6(2).

(5) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 3.6(1)(g) is to be refunded to the applicant.

(6) If the local government approves an application, it must give the applicant a permit in the form determined by the CEO.

(7) If the local government refuses to approve an application, it must give the applicant written notice of its decision and of the reasons for its decision.

**3.9 Permit conditions**

(1) A permit is taken to have been issued subject to the conditions that the permit holder must ensure that —

(a) the keeping of each cat on the premises to which the permit relates complies with the requirements of the Cat Act and the Cat Regulations;

(b) the premises have adequate space and are suitable for all of the cats;

(c) the premises are maintained in good order and in a clean and sanitary condition; and

(d) without the approval of the local government, any cat that is the subject of a permit is not substituted or replaced once that cat —

(i) dies; or

(ii) is permanently removed from the premises.

(2) In addition to the conditions listed in subclause (1), the local government may issue a permit subject to any other conditions that it reasonably considers necessary and appropriate.

(3) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) A permit holder who does not comply with a condition of a permit commits an offence.

**3.10 Duration of permit**

(1) Unless otherwise specified as a condition of the permit, a permit commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the permit;

(b) the date the permit holder ceases to reside at the premises to which the permit relates;

(c) the date that the cats that are the subject of the permit die or are permanently removed or relocated from the premises; or

(d) the date that the permit is revoked under this Division.

(2) If a permit ceases to be valid as a result of an event listed in subclauses (1)(b) or (1)(c), the permit holder must notify the local government in writing within 7 days of the event occurring.

**3.11 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises to which the permit relates.

**3.12 Revoking a permit**

(1) The local government may, by written notice to the permit holder, revoke a permit if the permit holder has not complied with a provision of this local law or a condition of the permit.

(2) If the local government decides to revoke a permit under subclause (1), it must give to the permit holder written notice of its decision and of the reasons for its decision.

(3) A revocation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a permit is revoked, no part of the fee paid for the permit is refundable.

*Division 4 – Licensing of a cattery*

**3.13 Interpretation**

In this Division and in Schedule 5 —

***applicant*** means a person who makes an application for a licence or a transfer of a licence under this Division, as the case may be;

***licence*** means a cattery licence issued under this Division;

***licensee*** means the holder of a licence; and

***premises***, in addition to the meaning given to it in section 3 of the Cat Act, means the premises described in the application to be licensed as a cattery.

**3.14 Operating a cattery without a licence**

A person who, without a licence, operates a cattery commits an offence.

**3.15 Application for a cattery licence**

(1) An application for a licence must be made in the form set out in Schedule 5 and must be lodged with the local government together with —

(a) details of the number of cats proposed to be kept on the premises;

(b) plans and specifications of the premises, including a site plan;

(c) copies of the notices to be given under clause 3.16 (where required);

(d) written evidence that either the applicant or another person who will have the charge of the cats will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;

(e) a copy of the planning approval granted by the local government under its local planning scheme in respect of the cattery;

(f) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of cats which may be nominated from time to time by the local government;

(g) any other information required by the form; and

(h) the application fee for a licence.

(2) On receipt of an application under subclause (1), the local government may request the applicant to provide, within a specified time of not more than 21 days, any additional document or information that it requires to determine the application.

(3) The local government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

**3.16 Notices of proposed use**

(1) This clause does not apply where notice and consultation requirements have been undertaken for the purposes of the planning approval referred to in clause 3.15(1)(e).

(2) After the application for a licence has been lodged, the applicant must give notice of the proposed use of the premises as a cattery —

(a) once in a newspaper circulating in the district; and

(b) to the owners and occupiers of land within a radius of 200m of the boundaries of the land upon which the proposed cattery is to be established.

(3) The notices in subclause (1) must specify that —

(a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and

(b) the application and plans and specifications may be inspected at the offices of the local government.

(4) If —

(a) each notice given under subclause (2) does not clearly identify the premises; or

(b) a notice given under subclause (2)(a) is of a size or in a location in the newspaper that, in the opinion of the local government, would fail to serve the purpose of notifying relevant persons of the proposed use of the premises,

the local government may refuse to determine the application for a licence until each notice is given in accordance with its directions.

**3.17 When application cannot be determined**

An application for a licence is not to be determined by the local government until —

(a) the applicant has complied with clause 3.15;

(b) the applicant has submitted proof that the notices referred to in clause 3.16(2) have been given in accordance with that clause (where required); and

(c) the local government has considered any written submissions received within the time specified in clause 3.16(3)(a) (where required).

**3.18 Where an application cannot be approved**

The local government cannot approve an application for a licence if —

(a) the application is not consistent with the planning approval referred to in clause 3.15(1)(e); or

(b) the applicant or another person who will have the charge of the cats will not reside on the premises or, in the opinion of the local government, sufficiently

close to the premises so as to control the cats and ensure their health and welfare.

**3.19 Determining an application**

(1) In determining an application for a licence, the local government is to have regard to —

(a) any written submissions received within the time specified in clause 3.16(3)(a);

(b) the economic or social benefits which may be derived by any person in the district if the application for the license is approved;

(c) the effect which the cattery may reasonably be expected to have on the owners or occupiers of adjoining premises;

(d) the suitability of the premises for the proposed use;

(e) the suitability of any enclosure in which any cat is to be kept;

(f) whether or not the imposition of and compliance with appropriate conditions of a licence would mitigate any potential nuisance or other adverse effects of the cattery; and

(g) any other factors which the local government considers to be relevant in the circumstances of the application.

(2) The local government may —

(a) approve the application and grant a licence subject to the conditions imposed under clause 3.20, but may specify an alternative number of cats permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clauses 3.15 and 3.16.

(4) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 3.15(1)(h) is to be refunded to the applicant.

(5) If the local government approves an application for a licence, it must give the applicant a licence in the form determined by the CEO.

(6) If the local government refuses to approve an application for a licence, it must give the applicant written notice of its decision and of the reasons for its decision.

**3.20 Licence conditions**

(1) An application for a licence may be approved by the local government subject to whatever conditions it reasonably considers to be appropriate, including conditions relating to matters such as —

(a) the location, number, type, form or construction of any enclosure in which a cat is to be kept;

(b) how much space is to be provided for each cat;

(c) the maintenance, and the keeping in good order and in a clean and sanitary condition, of each enclosure;

(d) the type and construction of any fencing used to confine cats;

(e) the maintenance, cleaning and sanitising of drinking and eating vessels;

(f) the method of disposal of all refuse, faeces and food waste;

(g) the effective control of odours, fleas and flies; and

(h) the provision of suitable water available at the premises.

(2) The local government may, at any time, amend a condition of the licence, and the amended condition takes effect —

(a) 14 days after written notice of it is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(3) A licensee who does not comply with a condition of the licence commits an offence.

**3.21 Period of a licence and renewal**

(1) Unless otherwise specified as a condition of the licence, a licence commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the licence;

(b) the date the person specified in clause 3.15(1)(d) ceases to reside at the premises, or sufficiently close to the premises, so as to control the cats and ensure their health and welfare; or

(c) the date that the licence is revoked under this Division.

(2) The local government may renew a licence if the licence renewal fee is paid to the local government before the expiry of the licence.

(3) When a licence is renewed —

(a) the local government must give written notice of the renewal to the licensee; and

(b) the conditions of the licence at the time of its renewal continue to have effect.

**3.22 Transfer of a licence**

(1) An application for the transfer of a licence from the licensee to another person (**transfer application**) must be —

(a) made in the form determined by the CEO;

(b) made by the person applying to have the licence transferred to them;

(c) made with the written consent of the licensee; and

(d) lodged with the local government together with —

(i) written evidence that a person who will have the charge of the cats will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare; and

(ii) the fee for the transfer application.

(2) Before determining a transfer application, the local government may request the applicant, within a specified period of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.

(3) The local government may refuse to consider a transfer application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

(4) The local government may, in respect of a transfer application —

(a) approve the transfer application subject to any conditions that it considers appropriate; or

(b) refuse to approve the transfer application.

(5) A decision under clause subclause (4) must be made within 90 days of the applicant satisfying the requirements of subclause (1) and any request made under subclause (2).

(6) If a decision under subclause (4) is not made within that period of 90 days, the transfer application is taken to have been refused and any fee payable under subclause (1)(d)(ii) is to be refunded to the applicant.

(7) If the local government approves a transfer application —

(a) it must give the applicant a licence in the form determined by the CEO; and

(b) the applicant becomes the licensee —

(i) on the date as specified on the licence; or

(ii) if no date is specified on the licence, on the date that the licence was given to the applicant under subclause (7)(a).

(c) the local government is not required to refund any part of any fee paid by the former licensee.

(8) If the local government refuses to approve a transfer application, it must give the applicant written notice of its decision and of the reasons for its decision.

**3.23 Cancellation of a licence**

(1) The local government may, by written notice to the licensee, cancel a licence if —

(a) the licensee requests the local government to do so;

(b) the licensee has failed to comply with a condition of the licence; or

(c) the licensee has not complied with a provision of this local law.

(2) If the local government cancels a permit under subclause (1)(b)-(c), it must give to the licensee written notice of the cancellation and of the reasons for the cancellation.

(3) A cancellation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a licence is cancelled —

(a) the licence holder must, in the case of a written licence, return the licence to the local government as soon as practicable, or cause it to be destroyed; and

(b) no part of the fee paid for the licence is refundable.

**3.24 Licence to be kept at premises**

A licence must be kept at the premises to which it relates and must be provided to an authorised person on demand.

*Division 5 – Miscellaneous*

**3.25 False or misleading statement**

A person must not make a false or misleading statement in connection with an application for a permit or licence under this Part.

*Division 6 – Objection and review*

**3.26 Objection and review rights**

Division 1 of Part 9 of the LG Act and regulation 33 of the F&G Regulations apply to a decision of the local government —

(a) to refuse to grant a permit under clause 3.8(2)(b);

(b) to impose or amend the conditions of a permit under clause 3.9;

(c) to revoke a permit under clause 3.12;

(d) to refuse to grant a licence under clause 3.19(2)(b);

(e) to impose or amend the conditions of a licence under clause 3.20;

(f) to cancel a licence under clause 3.23;

(g) to refuse to renew a licence under clause 3.21(2); and

(h) to refuse to approve the transfer of a licence under clause 3.22(4)(b).

*Division 7 – Enforcement*

**3.27 Legal proceedings and evidence**

Provisions relating to legal proceedings and evidence are contained in Division 6 of Part 4 of the Cat Act.

**3.28 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this Part; or

(b) does an act or omits to do an act contrary to this Part,

commits an offence.

(2) A person who commits an offence under this Part 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.

**3.29 Prescribed offences and modified penalties**

(1) An offence against a clause specified in Part 2 of Schedule 1 is a prescribed offence for the purposes of section 62(1) of the Cat Act.

(2) In accordance with section 62 of the 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 63 of the 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 66 of the 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 Part 2 of Schedule 1 —

(a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Part 2 of Schedule 1; and

(b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Part 2 of Schedule 1.

(5) Provisions relating to modified penalties in general are contained in Division 4 of Part 4 of the Cat Act.

**3.30 Form of infringement notices**

(1) The form of an infringement notice that may be given in respect of an offence against this Part is the form set out in Form 6 in Schedule 1 of the Cat Regulations.

(2) The form of notice that may be given to withdraw an infringement notice for an offence against this Part is the form set out in Form 7 in Schedule 1 of the Cat Regulations.

**3.31 Service**

(1) A notice served under this Part may be given to a person —

(a) personally;

(b) by postal mail addressed to the person; or

(c) by leaving it for the person at his or her address.

(2) If a person refuses to accept a notice given by way of subclause (1)(a), the person serving the notice may leave it next to or near the person and orally draw his or her attention to it.

## Part 4 - Other animals

*Division 1 – Preliminary*

### 4.1 Interpretation

(1) In this Part —

***animal*** means any living animal, tame or wild, kept by a person;

***applicant*** means a person who makes an application for a permit under this Part;

***cow*** includes an ox, calf or bull;

***dwelling*** means a building or portion of a building being used, adapted or designed, or intended to be used, for the purpose of human habitation;

***grouped dwelling*** means a dwelling which is one of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata plan with common property;

***horse*** includes an ass, mule, donkey, Shetland pony or pony;

***large animal*** includes a cow, goat, horse or sheep (including a miniature cow, miniature goat, miniature horse or miniature sheep), a deer, camel, llama, kangaroo, alpaca, pig, emu and ostrich;

***miniature cow*** means a cow of the Miniature Hereford, Miniature Scottish Highland or Miniature Galloway breeds that does not exceed 1.2m in height when measured as an adult;

***miniature goat*** means a goat of the Pygmy Goat, Nigerian Dwarf or Australian Miniature Goat breeds that is —

(a) classified as a miniature by the Miniature Goats Australia Association/Australian All Breeds of Miniature Goat and Sheep Society Incorporated; and

(b) does not exceed 0.65m in height when measured as an adult;

***miniature horse*** means a horse that is —

(a) classified as miniature by the Miniature Horse Association of Australia; and

(b) does not exceed 0.87m in height when measured as an adult;

***miniature sheep*** means a sheep of the Babydoll Southdown breed that is —

(a) classified as miniature by the Australian Stud Sheep Breeders Association; and

(b) does not exceed 0.62m in height when measured as an adult;

***multiple dwelling*** means a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but —

(a) does not include a grouped dwelling; and

(b) includes any dwellings above the ground floor in a mixed use development;

***permit*** means permit issued under this Part;

***permit holder*** means a person to whom a permit is granted;

***premises*** includes the following —

(c) land (whether or not vacant);

(d) the whole or part of a building or structure (whether of a permanent or temporary nature); and

(e) a vehicle;

***prescribed offence*** has the meaning in clause 4.31;

***public place*** means a thoroughfare or any other place to which the public has access, whether or not that place is on private property;

***residential zone*** means any land zoned Residential under a local planning scheme;

***resource zone means*** any land zoned Resource under a local planning scheme;

***rural living zone*** means any land zoned Rural Living under a local planning scheme;

***rural zone*** means any land zoned Rural under a local planning scheme;

***sheep*** includes a lamb, ewe or ram; and

***slaughter*** means to kill an animal for food.

(2) A term that is used in this Part and is not defined has the meaning in the LG Act.

*Division 2 – Keeping of animals*

**4.2 Cleanliness**

An owner or occupier of premises where an animal is kept must —

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract vermin;

(b) when so directed by an authorised person, clean and disinfect the premises; and

(c) take effective action to keep the premises, so far as possible, free from insects, pests or vermin.

**4.3 Animals causing a nuisance**

An owner or occupier of premises where an animal is kept must ensure that the keeping of the animal does not cause a nuisance.

**4.4 Drainage**

A person must not keep or permit to be kept any animal on premises which are not effectively drained or on premises where the drainage flows to a wall or foundation of any building.

**4.5 Slaughter of animals**

(1) Subject to subclause (2), a person must not slaughter any animal within the district.

(2) Subclause (1) does not apply where the slaughter of an animal is at premises approved for that purpose.

**4.6 Disposal of deceased animals**

(1) An owner or occupier of premises on which there is a deceased animal must immediately arrange for its removal and disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies in a public place must immediately arrange for its removal and disposal at an approved disposal site.

*Division 3 – Keeping of large animals*

**4.7 General restrictions**

A person must not keep a large animal on any premises within the district unless it is kept —

(a) in accordance with this Division; or

(b) under and in accordance with a planning approval under the local government's local planning scheme.

**4.8 Permitted large animals**

(1) In this clause —

***large animal*** means a large animal kept for domestic purposes but does not include a pig.

(2) A person may keep no more than 2 large animals on premises but only if —

(a) no other large animal is kept by anyone else on the premises;

(b) the premises are located in a resource zone, rural zone or rural living zone;

(c) there is a setback of at least 9m between where the large animals are kept and any adjoining dwelling, thoroughfare or public place; and

(d) the premises are fenced in a manner capable of confining each large animal to where it is kept.

(3) A person may keep on premises no more than 2 miniature cows, no more than 2 miniature goats, no more than 2 miniature horses, or no more than 2 miniature sheep, but only if —

(a) no other large animal is kept by anyone else on the premises;

(b) the premises are located in a residential zone, resource zone, rural zone or rural living zone;

(c) there is a setback of at least 9m between where the animals are kept and any adjoining dwelling, thoroughfare or public place; and

(d) the premises are fenced in a manner capable of confining each animal to where it is kept.

(4) The limits specified in subclauses (2) and (3) do not apply to large animals that do not ordinarily reside in or at the premises.

*Division 4 – Keeping of poultry and pigeons*

**4.9 Interpretation**

In this Division —

***Code of Practice*** means the *Code of practice for pigeon keeping and racing in Western Australia*, as adopted (with specified modifications) under regulation 6(2) of the *Animal Welfare (General) Regulations 2003*;

***pigeon*** means bird of the species *columba livia* and includes homing pigeon, racing pigeon and dove;

***poultry*** means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, pea fowl and other birds kept for the production of eggs or meat for domestic consumption; and

***registered pigeon fancier*** means a current financial member of a recognised incorporated pigeon or pigeon fancier body.

**4.10 General restrictions**

(1) A person must not keep poultry on any premises within the district unless it is kept —

(a) in accordance with this Division; or

(b) under and in accordance with a planning approval under the local government's local planning scheme.

(2) A person must not keep pigeons on any premises within the district otherwise than in accordance with this Division.

**4.11 Limits on numbers of poultry**

(1) In this clause —

***poultry*** means a poultry kept for domestic purposes.

(2) An owner or occupier of premises within the district must not, without a permit, keep more than the following poultry (including restrictions on the type of poultry) —

| Lot size | Maximum number of poultry |
|---|---|
| Up to 600m$^2$ | 4 poultry |
| 601m$^2$ to 800m$^2$ | 6 poultry |
| 801m$^2$ to 1,000m$^2$ | 10 poultry |
| 1,001m$^2$ to 5,000m$^2$ | 15 poultry |
| Over 5,001m$^2$ | 30 poultry |

(3) Poultry may only be kept pursuant to subclause (2) where the premises is located in a residential zone, resource zone, rural zone, or rural living zone.

(4) An owner or occupier of premises located in a residential zone must not keep, or permit to be kept, a rooster, goose, turkey, peafowl or any other poultry that is likely to cause a nuisance.

(5) An owner or occupier of land on which is situated a grouped dwelling or multiple dwelling (except for land on which no more than 2 grouped dwellings are permitted) must not keep, or permit to be kept, any poultry.

**4.12 Poultry keeping requirements**

An owner or occupier of premises on which poultry are kept must ensure that —

(a) they are kept at all times in an enclosure that —

(i) is properly constructed and securely fastened; and

(ii) is kept and maintained in a clean and sanitary condition and in good repair;

(b) all feed for the poultry is stored in vermin proof containers; and

(c) the poultry do not cause a nuisance.

**4.13 Limits on numbers of pigeons**

(1) Subject to subclause (2), an owner or occupier of premises —

(a) if the premises are on land located in a residential zone, resource zone, rural zone or rural living zone - may, without a permit, keep no more than 20 pigeons on the premises; and

(b) if the premises are on land located in a resource zone, rural zone or rural living zone - may, with and in accordance with a permit, keep more than 20 pigeons on the premises, but only if the owner or occupier is a current financial member of a recognised incorporated racing pigeon body or is a registered pigeon fancier.

(2) Unless previously approved by the local government before this local law comes into operation, a person must not keep pigeons —

(a) within a caravan park;

(b) on any land that is less than 600m$^2$; or

(c) on any land on which is situated a grouped dwelling or multiple dwelling, except for land on which no more than 2 grouped dwellings are permitted.

**4.14 Pigeon keeping requirements**

An owner or occupier of premises on which pigeons are kept must ensure that —

(a) the pigeons are kept at all times in an enclosure that —

(i) is properly constructed in accordance with the construction requirements set out in the Code of Practice;

(ii) is securely fastened;

(iii) is set back at least 5m from adjoining dwellings and at least 9m from a thoroughfare or public place, unless in accordance with a permit issued by the local government; and

(iv) is kept and maintained in a clean and sanitary condition and in good repair;

(b) all feed for the pigeons is stored in vermin proof containers;

(c) the pigeons do not cause a nuisance; and

(d) the pigeons are not exercised in a residential zone and, outside that zone, are exercised only during the hours set out in the Code of Practice.

**4.15 Permit conditions – pigeons**

(1) A permit is taken to have been issued subject to the conditions that the permit holder must ensure that —

(a) homing pigeons and/or racing pigeons are not released for exercise otherwise than between the hours set out in the Code of Practice;

(b) all other pigeons are confined continuously in cages, enclosures and lofts that are approved by an authorised person;

(c) all cages, enclosures, lofts and their immediate surrounds are kept clean and maintained in good order and condition at all times, with a minimum standard being adhered to being as specified in the Code of Practice; and

(d) all loft litter is disposed of by immediate burial or by being bagged and deposited in a household rubbish bin to ensure that no nuisance occurs.

(2) In addition to the conditions listed in subclause (1), the local government may issue a permit subject to any other conditions that it reasonably considers necessary and appropriate.

(3) A permit holder who does not comply with a condition of a permit commits an offence.

*Division 5 – Keeping of bees*

**4.16 Interpretation**

In this Division —

***bee*** means a bee of the species *Apis mellifera*;

***registered beekeeper*** has the meaning in regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and

***bee hive*** means a movable or fixed structure, container or object which contains a bees nest and in which bees are kept.

**4.17 Restrictions on keeping bees**

(1) A person must not keep bees or bee hives, or permit bees or bee hives to be kept, on any premises within the district otherwise than in accordance with this Division.

(2) An owner or occupier of premises located in a residential zone, resource zone, rural zone or rural living zone may, without a permit, keep up to two bee hives on the premises.

**4.18 Bee keeping requirements**

An owner or occupier or premises on which bees or bee hives are kept must —

(a) unless exempted, be a registered beekeeper;

(b) keep the bees and bee hives in accordance with the *Western Australian Apiarists' Society Best-Practice Guidelines for Urban Beekeepers*;

(c) provide a good and sufficient water supply on the premises which is readily accessible by the bees;

(d) ensure that the bee hives are set back at least 5m from adjoining dwellings and at least 9m from a thoroughfare or public place, unless in accordance with a permit issued by the local government;

(e) ensure that bee flight paths do not affect adjoining premises; and

(f) not keep, or allow to be kept, or permit to remain, bees or bee hives, or both, on premises so as to cause a nuisance.

Division 6 – *Miscellaneous*

**4.19 Offence to fail to remove excrement**

A person liable for the control of a horse and who fails to immediately remove any excrement deposited by that horse on —

(a) any thoroughfare, path or other public place; or

(b) any land which is not a public place other than with the consent of the occupier,

commits an offence.

*Division 7 – Permits*

**4.20 Application for permit**

(1) A person who is required to obtain a permit under Part 4 of this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit must —

(a) be made in the form determined by the CEO and lodged with the local government;

(b) be made and signed by the occupier of the premises where the poultry, pigeons or bee hives are to be kept;

(c) describe and specify, as the case may require —

(i) the type and number or poultry or pigeons to be kept on the premises; or

(ii) the number of bee hives to be kept on the premises;

(d) include the reasons and justification for keeping the additional poultry, pigeons or bee hives;

(e) if the occupier is not the owner of the premises to which the application relates - be accompanied by the written consent in writing of the owner of the premises;

(f) include any other information required by the form; and

(g) be accompanied by the application fee for a permit.

(3) Before determining an application, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (3) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

**4.21 Determining an application**

(1) In determining an application for a permit, the local government may have regard to —

(a) the reasons and justification provided in the application;

(b) the physical suitability of the premises;

(c) the environmental sensitivity and general nature of the location surrounding the premises;

(d) the likelihood of the poultry, pigeons or bee hives causing a nuisance, inconvenience or annoyance to an occupier of adjoining premises;

(e) any submission received under clause 4.20(3)(b) within the time specified; and

(f) any other factor the local government considers relevant in the circumstances of the particular application.

(2) The local government may —

(a) approve the application unconditionally or subject to conditions; or

(b) refuse to approve the application.

(3) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clause 4.20(2) and any request made under clause 4.20(3).

(4) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 4.20(2)(g) is to be refunded to the applicant.

(5) If the local government approves an application, it must give the applicant a permit in the form determined by the CEO.

(6) If the local government refuses to approve an application, it must give the applicant written notice of its decision and of the reasons for its decision.

(7) Where a clause of this Part refers to conditions that may be imposed on a permit, the clause does not limit the power of the local government to impose other conditions of the permit under subclause (2)(a).

**4.22 Compliance with and variation of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(3) A permit holder who does not comply with a condition of the permit commits an offence.

**4.23 Duration of a permit**

(1) Unless otherwise specified as a condition of the permit, a permit commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the permit;

(b) the date that the permit holder ceases to reside at the premises to which the permit relates; or

(c) the date that the permit is cancelled under this Division.

(2) If a permit ceases to be valid as a result of an event listed in subclause (1)(b), the permit holder must notify the local government in writing within 7 days of the event occurring.

**4.24 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises to which the permit relates.

**4.25 Revoking a permit**

(1) The local government may, by written notice to the permit holder, revoke a permit if the permit holder has not complied with a provision of this local law or a condition of the permit.

(2) If the local government decides to revoke a permit under subclause (1), it must give to the permit holder written notice of its decision and of the reasons for its decision.

(3) A revocation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a permit is revoked, no part of the fee paid for the permit is refundable.

*Division 8 – Objection and review*

**4.26 Objection and review rights**

Division 1 of Part 9 of the LG Act and regulation 33 of the F&G Regulations apply to a decision of the local government —

(a) to refuse to grant a permit under clause 4.21(2)(b);

(b) to impose or amend the conditions of a permit under clauses 4.15, 4.21(2)(a) and 4.22(2); and

(c) to revoke a permit under clause 4.25.

*Division 9 – Enforcement*

**4.27 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.

**4.28 Notice requiring removal of bees**

(1) If the local government is satisfied that bees kept on premises are likely to endanger the safety of any person or create a serious public nuisance, the local government may give the owner or occupier of the premises a written notice requiring the owner or occupier, within the time specified in the notice, to remove the bees.

(2) A person to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

**4.29 Local government undertaking work required by a notice**

(1) If a person fails to comply with a notice given under clause 4.28, the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the LG Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(2) The local government may recover the cost of anything it does under subclause (1) as a debt due from the person who failed to comply with the notice.

**4.30 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this Part;

(b) fails to comply with a notice issued to the person under this Part; or

(c) does an act or omits to do an act contrary to this Part,

commits an offence.

(2) A person who commits an offence under this Part is liable, on conviction —

(a) to a penalty not exceeding $10,000; 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.

**4.31 Prescribed offences and modified penalties**

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

(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 Part 3 of Schedule 1 —

(a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Part 3 of Schedule 1; and

(b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Part 3 of Schedule 1.

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

**4.32 Form of infringement notices**

(1) The form of an infringement notice that may be given under section 9.16 of the LG Act for a prescribed offence is that of Form 2 in Schedule 1 of the F&G Regulations.

(2) The form of a notice that may be given under section 9.20 of the LG Act to withdraw an infringement notice for a prescribed offence is that of Form 3 in Schedule 1 of the F&G Regulations.

_____

## Schedule 1 - Prescribed offences

### Part 1 – Dogs

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 2.5(3) | Failure to comply with a direction | $250 | $500 |
| 2. | 2.26 | Failure to remove excrement | $250 | $500 |
| 3. | 2.27 | Providing false or misleading statement in connection with an application | $250 | $500 |

### Part 2 – Cats

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 3.2 | Allowing a cat to cause a nuisance | $250 | $500 |
| 2. | 3.3 | Failure to prevent a cat from being in a cat prohibited area | $250 | $500 |
| 3. | 3.5(4) | Keeping more than 3 cats without a permit | $250 | $500 |
| 4. | 3.9(4) | Failure to comply with a condition of a permit | $250 | $500 |
| 5. | 3.10(2) | Failure to notify of an event in clause 3.10(1) | $250 | $500 |
| 6. | 3.14 | Operating a cattery without a licence | $250 | $500 |
| 7. | 3.20(3) | Failure to comply with a licence condition | $250 | $500 |
| 8. | 3.25 | Providing false or misleading statement in connection with an application | $250 | $500 |
| 9. | | Each other offence not specified | $250 | $500 |

### Part 3 – Other animals

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 4.2 | Failure to comply with cleanliness requirements | $250 | $500 |
| 2. | 4.3 | Permitting an animal to cause a nuisance | $250 | $500 |
| 3. | 4.4 | Failure to comply with drainage requirements | $250 | $500 |
| 4. | 4.5(1) | Unauthorised slaughter of an animal | $250 | $500 |
| 5. | 4.6 | Failure to remove and dispose of a dead animal | $250 | $500 |
| 6. | 4.7 | Unauthorised keeping of a large animal | $250 | $500 |
| 7. | 4.10(1) | Unauthorised keeping of poultry | $250 | $500 |
| 8. | 4.10(2) | Unauthorised keeping of pigeons | $250 | $500 |
| 9. | 4.12 | Failure to comply with poultry keeping requirements | $250 | $500 |
| 10. | 4.14 | Failure to comply with pigeon keeping requirements | $250 | $500 |
| 11. | 4.15(3) | Failure to comply with specified permit conditions for pigeons | $250 | $500 |
| 12. | 4.17 | Unauthorised keeping of bees | $250 | $500 |
| 13. | 4.18 | Failure to comply with bee or bee hive keeping requirements | $250 | $500 |

| | | | | |
|---|---|---|---|---|
| 14. | 4.18(f) | Failure to prevent bees causing a nuisance | $250 | $500 |
| 15. | 4.19 | Failure to remove excrement | $250 | $500 |
| 16. | 4.20(5) | Providing false or misleading statement in connection with a permit application | $250 | $500 |
| 17. | 4.22(3) | Failure to comply with a condition of the permit | $250 | $500 |
| 18. | | Each other offence not specified | $250 | $500 |

_____

## Schedule 2 - Application to keep more than 2 dogs over the age of 3 months

[Clause 2.8]

No exemption will be granted for dangerous dogs (declared) or dangerous dogs (restricted breed).

Full name: .....

Postal address: .....

Telephone number(s): .....

E-mail address: .....

Address of premises at which dogs are to be kept (if different to above): .....

.....

Are you the owner or occupier of this premises?: .....

Details of additional dogs proposed to be kept at the premises (note that 2 dogs over the age of 3 months are permitted to be kept without this exemption) –

| Dog | Breed (including mixed) | Gender | Sterilised Y/N | Colour | Age at the date of this application | Microchip number | Dog's name |
|---|---|---|---|---|---|---|---|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |

Please provide your reasons and justification for the request:
.....
.....
.....

Attached is:

- Written consent of the owner (if the applicant is not the owner of the premises)

Notes –

(1) Under this local law, 1 or 2 dogs over the age of 3 months, and any pups of that dog or those dogs under the age of 3 months, may be kept at any premises.

(2) No more than 6 dogs in total over the age of 3 months may be kept at the premises.

(3) Pups under the age of 3 months that are the offspring of a dog covered by the exemption may be kept until they reach the age of 3 months.

(4) If granted, an exemption to clause 2.7 of this local law applies only to the dogs and premises specified in this application – unless a different number of dogs is specified in the exemption.

(5) All adult dogs kept at the premises must be microchipped and registered with the City of Cockburn.

(6) A person who is aggrieved by the conditions imposed in relation to an exemption or by the refusal to grant an exemption or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision under section 26(5) of the *Dog Act 1976*.

I/We declare that the premises listed above are suitable for the number of dogs proposed to be kept there, that an adequate fence is in place to confine the dogs to the property, and that I/we will make all reasonable endeavours to ensure that the dogs do not cause a nuisance.

Signature of applicant(s): ..... Date .....

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

_____

## Schedule 3 - Application for an approved dog kennel establishment licence

[Clause 2.16]

Full name: .....

Postal address: .....

Telephone number: .....

E-mail address: .....

Address of premises for which licence for approved kennel establishment is sought (if different from above) .....

For (number of dogs) .....

*A (insert name of person) .....will be residing at the premises on and from ..... (insert date)

Or

*B (insert name of person) .....will be residing (sufficiently close to the premises so as to control the dogs and ensure their health and welfare) at:

..... insert address of residence)

on and from..... (insert date).

* delete where inapplicable.

Attached are –

(a) details of the number of dogs proposed to be kept on the premises;

(b) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;

(c) plans and specifications of the kennel establishment;

(d) a copy of the notice of proposed use to appear in newspaper (if required);

(e) a copy of notice of the proposed use to be given to adjoining premises (if required);

(f) written evidence that a person will reside –

(i) at the premises; or

(ii) sufficiently close to the premises so as to control the dogs and ensure their health and welfare;

(g) if the person in paragraph (f) is not the applicant, written evidence that a person will be in charge of the dogs;

(h) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels, including noise from dogs, would comply with the

requirements of the *Environmental Protection (Noise) Regulations 1997* or their equivalent in force from time to time;

(i) a copy of the planning approval granted by the local government under its local planning scheme in respect of the kennel establishment.

I confirm that I have read and agree to comply with the *Standards and Guidelines for the Health and Welfare of Dogs in Western Australia* published by the Western Australian Government in regard to the keeping of dogs at the proposed kennel establishment.

Signature of applicant(s): ..... Date .....

Notes –

(1) A licence, if issued, will have effect for a period of 12 months (under section 27(5) of the *Dog Act 1976*) unless it is cancelled;

(2) A person who is aggrieved by the conditions imposed in relation to a licence or by the refusal to grant a licence or by the revocation of a licence or by the refusal to approve the transfer of a licence, may apply to the State Administrative Tribunal for a review of the decision.

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

_____

## Schedule 4 - Application to keep more than 3 cats over the age of 6 months

[Clause 3.6]

Full name: .....

Postal address: .....

Telephone number(s): .....

E-mail address: .....

Address of premises at which cats are to be kept (if different to above): .....

.....

Are you the owner or occupier of this premises?: .....

Details of additional cats proposed to be kept at the premises (note that cats under the age of 6 months are permitted to be kept without a permit) –

| Cat | Breed (including mixed) | Gender | Sterilised Y/N | Colour | Age at the date of this application | Microchip number | Cat's name |
|---|---|---|---|---|---|---|---|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |

Please provide your reasons and justification for the request:
.....
.....
.....

Attached is:

- Written consent of the owner (if the applicant is not the owner of the premises)

Notes –

(1) Under the *Cat Act 2011*, cats under the age of 6 months may be kept without a permit.

(2) If granted, a permit applies only to the cats and premises specified in this application – unless a different number of cats is specified in the permit.

(3) All cats over the age of 6 months kept at the premises must be sterilised, microchipped and registered with the City of Cockburn.

(4) A person who is aggrieved by the conditions imposed in relation to a permit or by the refusal to grant a permit or by the revocation of a permit, may apply to the State Administrative Tribunal for a review of the decision under Part 9 of the *Local Government Act 1995.*

I/We declare that the premises listed above are suitable for the number of cats proposed to be kept there, and that I/we will make all reasonable endeavours to ensure that the cats do not cause a nuisance.

Signature of applicant(s): ..... Date .....

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

_____

## Schedule 5 - Application for a cattery license

[Clause 3.15]

Full name: .....

Postal address: .....

Telephone number: .....

E-mail address: .....

Address of premises for which licence for cattery is sought (if different from above) .....

For (number of cats) .....

*A (insert name of person) .....will be residing at the premises on and from ..... (insert date)

Or

*B (insert name of person) .....will be residing (sufficiently close to the premises so as to control the cats and ensure their health and welfare) at:

..... insert address of residence)

on and from..... (insert date).

* delete where inapplicable.

Attached are —

(a) details of the number of cats proposed to be kept at the premises;

(b) a site plan of the premises showing the location of the cat enclosures and all other buildings and structures and fences;

(c) plans and specifications of the cattery;

(d) a copy of the notice of proposed use to appear in newspaper (if required);

(e) a copy of notice of the proposed use to be given to adjoining premises (if required);

(f) written evidence that a person will reside –

(i) at the premises; or

(ii) sufficiently close to the premises so as to control the cats and ensure their health and welfare;

(g) if the person in paragraph (f) is not the applicant, written evidence that a person will be in charge of the cats; and

(h) a copy of the planning approval granted by the local government under its local planning scheme in respect of the cattery.

I confirm that I agree to comply with any code of practice published by the Western Australian Government in regard to the keeping of cats at the proposed cattery.

Signature of applicant(s): ..... Date .....

Notes –

(1) A licence, if issued, will have effect for the period of time specified on the licence, unless it is cancelled;

(2) A person who is aggrieved by the conditions imposed in relation to a licence or by the refusal to grant a licence or by the revocation of a licence or by the refusal to approve the transfer of a licence, may apply to the State Administrative Tribunal for a review of the decision under Part 9 of the *Local Government Act 1995.*

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

_____

## Schedule 6 - Cat prohibited areas

[Clause 3.3(1)]

| Item No. | Common Name | Address | Reserve Number/s |
|---|---|---|---|
| 1 | Apara Reserve | 38583R Apara Court SOUTH LAKE | 38583 |
| 2 | Aquamarine Reserve | 105 Aquamarine Parade TREEBY | 53831 |
| 3 | | 47 Aquamarine Parade TREEBY | 53481 |
| 4 | Azure Reserve | 1 Azure Terrace LAKE COOGEE | 53805 |
| 5 | Baler Reserve | 48716R Baler Court HAMMOND PARK | 48716 |
| 6 | Banbar Park | 48161R Astroloma Drive SUCCESS | 48161 |
| 7 | Bandicoot Reserve | 401 Berrigan Drive JANDAKOT | 42343 |
| 8 | Banksia Eucalypt Woodland Reserve | 48078R Cape Le Grand Avenue AUBIN GROVE | 48078 |
| 9 | Barfield Reserve | 48736R Barfield Road HAMMOND PARK | 48736 |
| 10 | Beeliar Reserve | 33 Lakefront Avenue BEELIAR | 45286 |
| 11 | Bibra Lake Reserve | 506L Hope Road BIBRA LAKE | 46787 |
| 12 | | 6208R Hope Road BIBRA LAKE | 6208 |
| 13 | Bindjar Reserve | 8000L Riverina Parade LAKE COOGEE | 48213 |
| 14 | Bloodwood Reserve | 332L Bloodwood Circle SOUTH LAKE | 41039 |
| 15 | Boodjar Mooliny Reserve | 42980R Musulin Rise LAKE COOGEE | 42980 |
| 16 | | 48547R Gumina Place LAKE COOGEE | 48547 |
| 17 | | 48546R Kotisina Gardens LAKE COOGEE | 48546 |
| 18 | | 9501L Mayor Road LAKE COOGEE | 51185 |
| 19 | Boorn Reserve | 25L Progress Drive BIBRA LAKE | 51121 |
| 20 | Boronia Park | 4004L Caterpillar Road SUCCESS | 48692 |
| 21 | Bosworth Reserve | 36588R Harper Road BANJUP | 36588 |
| 22 | Brandwood Reserve | 64 Casserly Drive LEEMING | 41193 |
| 23 | Buckingham Reserve | 39358R Gibbs Road BANJUP | 39358 |
| 24 | | 44348R Coffey Road BANJUP | 44348 |
| 25 | Bushland Park | 21 Southwell Crescent HAMILTON HILL | N/A |
| 26 | Chaplin Park | 16 Chaplin Road SUCCESS | 52708 |
| 27 | Christmas Tree Park | 47163R Serenity Parkway HAMMOND PARK | 47163 |
| 28 | Classon Park | 25 Casserly Drive LEEMING | 40548 |
| 29 | Clementine Park | 6 Clementine Boulevard TREEBY | 52927 |
| 30 | | 6 Clementine Boulevard TREEBY | 52833 |
| 31 | | 6 Clementine Boulevard TREEBY | 53280 |
| 32 | Cocos Park | 88 Cocos Drive BIBRA LAKE | 45113 |
| 33 | Coogee Beach Reserve | 4 Powell Road COOGEE | 24306 |
| 34 | | 502L Cockburn Road COOGEE | 54359 |
| 35 | Coojong Park | 49384R Modong Nook SUCCESS | 49384 |
| 36 | | 49384R Coojong Link SUCCESS | 49384 |
| 37 | Cooper Reserve | 45447R Cooper Road COCKBURN CENTRAL | 45447 |
| 38 | Corsia Park | 41 Corsia Crescent HAMMOND PARK | 53698 |
| 39 | C.Y. O'Connor Reserve | 24787R McTaggart Cove NORTH COOGEE | 24787 |
| 40 | Denis De Young Reserve | 41 Oxley Road BANJUP | 33002 |
| 41 | | 31653R Gibbs Road BANJUP | 31653 |
| 42 | Djidi Djidi Reserve | 27L Progress Drive BIBRA LAKE | 51121 |
| 43 | Doherty Reserve | 30989R Doherty Road COOLBELLUP | 30989 |
| 44 | Eco Park | 32 Aurora Drive ATWELL | 48368 |
| 45 | Emma Treeby Reserve | 66 Murdoch Way BANJUP | 37816 |
| 46 | Frankland Park | 250 Frankland Avenue HAMMOND PARK | 27057 |
| 47 | Fred and Emily Smith Park | 5 Marwood Circuit SUCCESS | 51979 |
| 48 | Freshwater Reserve | 1 Paradise Grove ATWELL | 44932 |
| 49 | Gaebler Park | 149 Gaebler Road AUBIN GROVE | 50801 |

| | | | |
|---|---|---|---|
| 50 | Genoa Park | 5 Genoa Parkway HAMMOND PARK | 52421 |
| 51 | Gibbs Park | 28 Gibbs Road AUBIN GROVE | 51136 |
| 52 | Gil Chalwell Reserve | 62 Boronia Road BANJUP | 40983 |
| 53 | Guava Reserve | 1 Guava Way TREEBY | 53786 |
| 54 | Heatherlea Reserve | 37 Heatherlea Parkway LEEMING | 42378 |
| 55 | Holdsworth Reserve | 24484R Mortimer Street WATTLEUP | 24484 |
| 56 | Ingrilli Park | 21 Ingrilli Court LAKE COOGEE | 50534 |
| 57 | Jamy Park | 16 Jamy Place HAMILTON HILL | N/A |
| 58 | Jubilee Park | 5 Jubilee Avenue SUCCESS | 53183 |
| 59 | | 5 Jubilee Avenue SUCCESS | 53184 |
| 60 | Karda Park | 21 Karda Way HAMILTON HILL | 54222 |
| 61 | Katsura Reserve | 10 Katsura Gardens LAKE COOGEE | 48791 |
| 62 | Kraemer Reserve | 36412R Bartram Road BANJUP | 36412 |
| 63 | Kurrajong Park | 47241R Kurrajong Approach ATWELL | 47241 |
| 64 | Lake Coogee Reserve | 30861R Fawcett Road LAKE COOGEE | 30861 |
| 65 | | 19 McGrath Road HENDERSON | 51415 |
| 66 | L'Aquila Park | 10 L'Aquila Circle BEELIAR | 49872 |
| 67 | Levi Park | 97 Plover Drive YANGEBUP | 39774 |
| 68 | Little Rush Lake Reserve | 39839R Grassbird Loop YANGEBUP | 39839 |
| 69 | Lukin Swamp Reserve | 50617R Merrit Loop JANDAKOT | 50617 |
| 70 | Macrozamia Park | 1 Randazzo Way YANGEBUP | 48352 |
| 71 | Manning Park Reserve | 2 Azelia Road HAMILTON HILL | 26870 |
| 72 | Market Garden Park | 22227R Garden Road SPEARWOOD | 22227 |
| 73 | Marshwood Park | 3 Paddington Court BIBRA LAKE | 43662 |
| 74 | Mather Reserve | 36599R Bartram Road BANJUP | 36599 |
| 75 | McGrath Park | 26 McGrath Road HENDERSON | 51316 |
| 76 | McNeil Field | 44789R Mayor Road COOGEE | 44789 |
| 77 | Meve Park | 109L Spearwood Avenue BEELIAR | 51113 |
| 78 | Mohan Park | 50075R Mohan Loop HAMMOND PARK | 50075 |
| 79 | Montclair Park | 8004L Montclair Crescent SUCCESS | 54123 |
| 80 | Monticola Park | 21 Monticola Gardens AUBIN GROVE | 50916 |
| 81 | Nola Waters Reserve | 10 Beedelup Loop BIBRA LAKE | 46392 |
| 82 | Omodeo Park | 15 Omodeo Vista HAMMOND PARK | 53980 |
| 83 | Owgen Reserve | 45017R Nasturtium Gardens BEELIAR | 45017 |
| 84 | Parco Park | 2 Parco Glade HAMMOND PARK | 52420 |
| 85 | Redemptora Reserve | 41214R Redemptora Road HENDERSON | 41214 |
| 86 | Roper Reserve | 47976R Roper Boulevard HAMMOND PARK | 47976 |
| 87 | Rose Shanks Reserve | 870 Warton Road TREEBY | 1820 |
| 88 | | 886 Warton Road TREEBY | 8129 |
| 89 | Russel Road South Powerline Bushland | 70 Baler Court HAMMOND PARK | N/A |
| 90 | Santorini Park | 50 Santorini Boulevard COOGEE | 52205 |
| 91 | Sherbrooke Reserve | 60 Deller Drive BIBRA LAKE | 42608 |
| 92 | Shoreline Park | 7 Shoreline Gardens YANGEBUP | 48568 |
| 93 | Skaife Park | 26750R Holmes Road MUNSTER | 26750 |
| 94 | Success Reserve Bushland | 359 Hammond Road SUCCESS | 7756 |
| 95 | Triandra Reserve | 47651R Triandra Court BANJUP | 47651 |
| 96 | | 48671R Stromboli Way BANJUP | 48671 |
| 97 | Twin Bartram Park | 212 Wentworth Parade SUCCESS | 51980 |
| 8 | Ulidia Park | 27 Gardiner Avenue HENDERSON | 51316 |
| 99 | Verde Reserve | 95 Verde Drive JANDAKOT | 47577 |
| 100 | Warthwyke Park | 1 Magnolia Gardens YANGEBUP | 40263 |
| 101 | Westwood Park | 20 Westwood Crescent HAMMOND PARK | 53418 |
| 102 | Whadjuk Park | 34 Whadjuk Drive HAMMOND PARK | 53692 |
| 103 | Yaakan Park | 800L Gwilliam Drive BIBRA LAKE | 53696 |

| | | | |
|---|---|---|---|
| 104 | | 508L Progress Drive BIBRA LAKE | 46787 |
| 105 | | 27488R Progress Drive NORTH LAKE | 27488 |
| 106 | Yandi Park | 15 Midgegooroo Avenue COCKBURN CENTRAL | 52980 |
| 107 | Yandjet Park | 342 Yangebup Road YANGEBUP | 53369 |
| 108 | Yangebup Lake Reserve | 49078R Tamara Drive COCKBURN CENTRAL | 49078 |
| 109 | | 48313R Beeliar Drive BEELIAR | 48313 |

_____

Dated this of 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

# Keeping of Animals Local Law 2026

City of Cockburn

DOG ACT 1976
CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

**CAT ACT 2011**

**DOG ACT 1976**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Keeping of Animals Local Law 2026

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**CAT ACT 2011**

**DOG ACT 1976**

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Keeping of Animals Local Law 2026

Under the powers conferred by the *Cat Act 2011*, the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Cockburn resolved on ..... to make the following local law.

## Part 1 - Preliminary

### 1.1 Title

This is the *City of Cockburn Keeping of Animals Local Law 2026*

### 1.2 Commencement

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

### 1.3 Application

This local law applies throughout the district.

### 1.4 Amendments

The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting —

(a) Part II – Animals; and

(b) Schedule 1.

### 1.5 Interpretation

(1) In this local law —

***adjoining*** means land or premises which have a common boundary or portion of a boundary with a lot or is separated from that lot by a right-of-way, pedestrian access way, access leg of a battleaxe lot or the equivalent not more than 6m in width;

***approved*** means approved by the local government;

***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;

***CEO*** means the Chief Executive Officer of the local government;

***district*** means the district of the local government;

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

***land*** includes premises on the land;

***LG Act*** means the *Local Government Act 1995;*

***local government*** means the City of Cockburn;

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

***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;

***occupier*** has the meaning in the LG Act, but does not include the local government;

***owner*** has the meaning in the LG Act;

***Schedule*** means a schedule to this local law; and

***thoroughfare*** has the meaning in the Act.

(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) Where, 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 so required to be done, or of preventing from being done the prohibited act, as the case may be.

(4) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the LG Act and any powers of entry exercised by this local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the LG Act.

(5) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the LG Act.

**1.6 Transitional**

A licence, consent, approval, authorisation, certificate or exemption issued in accordance with a clause of a local law that is repealed under clause 1.4 —

(a) is taken to be an exemption, licence, permit, or approval granted under this local law, as the case may be;

(b) is to be valid for the period specified in the licence, consent, approval, authorisation, certificate or exemption; and

~~(a)~~(c) may be earlier cancelled or suspended in accordance with this local law.

**Part 2 - Dogs**

*Division 1 – Preliminary*

**2.1 Interpretation**

(1) In this Part —

***dangerous dog*** has the meaning in section 3(1) of the *Dog Act*;

***Dog Act*** means the *Dog Act 1976*;

***Dog Regulations*** means the *Dog Regulations 2013*;

***modified penalty*** has the meaning in clause 2.31;

***owner***, in relation to a dog, has the meaning in section 3(1) of the Dog Act;

***person liable for the control of the dog*** has the meaning in section 3(1) of the Dog Act;

***pound*** means a ***dog management facility***, as defined in section 3(1) of the Dog Act that is operated or used by the local government for the purposes of this local law;

***premises*** has the meaning in section 3(1) of the Dog Act; and

***public place*** has the meaning in section 3(1) of the Dog Act.

(2) A term that is used in this Part and is not defined in subclause (1) has the meaning in the Dog Act or, if not defined in the Dog Act, the meaning in the LG Act.

*Division 2 – Seized or detained dogs*

**2.2 Attendance of authorised person at pound**

An authorised person is to be in attendance at the pound, at the times and on the days of the week as determined by the CEO, to facilitate the release of dogs that have been seized or detained under section 29 of the Dog Act.

**2.3 Release of detained dogs**

The owner, or a person lawfully authorised by the owner, of a seized or detained dog who seeks the release of the dog is to be entitled to the release of the dog, subject to —

(a) production of such proof of ownership of the dog, or such lawful authorisation by the owner, as an authorised person considers sufficient;

(b) payment of the applicable fees, charges and other costs referred to in the Dog Act; and

(c) proof of registration of the dog in accordance with the Dog Act.

*Division 3 – Control of dogs*

**2.4 Dogs to be confined**

(1) This clause does not apply to the confinement of a dangerous dog (which is dealt with in the Dog Act and Dog Regulations).

(2) In this clause, ***fence*** includes a wall but does not include a hedge.

(3) A person who owns or has care and control of a dog that is kept or is usually permitted to live in or at a premises within the district must ensure that the portion of those premises on which the dog is kept is fenced in a manner capable of effectively confining the dog to that portion, having regard to the breed, age, size, temperament and physical condition of the dog.

(4) If there is a gate in the fence, the gate must —

(a) be kept closed at all times when the dog is on the premises, but the gate may be opened to enable a person to enter or leave the premises; and

(b) be fitted with a mechanism that enables the gate to be securely latched or locked.

**2.5 Direction to provide a suitable enclosure**

(1) If, in the opinion of an authorised person, a dog is not adequately prevented from escaping from the property where the dog is normally kept, the authorised person may give a written direction to an owner of the dog to provide a suitable enclosure that effectively confines the dog on the property.

(2) A person to whom a direction is given under subclause (1) must comply with the direction within 14 days of the direction being given to the person.

(3) A person who fails to comply with a direction given under subclause (1) commits an offence.

*Division 4 – Keeping of dogs*

**2.6 Interpretation**

In this Division and in Schedule 2 —

***applicant*** means a person who makes an application for an exemption under this Division;

***exemption*** means an exemption granted under this Division; and

***exemption holder*** means a person to whom an exemption is granted.

**2.7 Limitation on the number of dogs**

(1) A person must not keep in or at any premises within the district more than 2 dogs over the age of 3 months and any pups of those dogs under that age.

(2) Subclause (1) does not apply to —

(a) dogs that do not ordinarily reside in or at the premises; or

(b) premises that are —

(i) specified in an exemption granted under this Division in accordance with section 26(3) of the Dog Act; or

(ii) licensed under Division 5 of this Part as an approved kennel establishment.

**2.8 Application for an exemption**

(1) A person may apply to the local government for an exemption to clause 2.7(1) under section 26(3) of the Dog Act for up to 4 additional dogs.

(2) An application for an exemption must —

(a) be made in the form of Schedule 2 and lodged with the local government;

(b) be made and signed by the occupier of the premises where the dogs are proposed to ordinarily reside;

(c) describe and specify the number of dogs to be kept on the premises;

(d) include the reasons and justification for keeping the additional dogs;

(e) if the occupier is not the owner of the premises to which the application relates - be accompanied by the written consent in writing of the owner of the premises;

(f) include any other information required by the form; and

(g) be accompanied by the application fee for an exemption.

(3) Before determining an application, the local government may request the applicant —

(a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or.

~~(a)~~ to consult with those nearby owners and/or occupiers, or other persons ~~who are~~ specified in the request, and to ;

(b) ~~to~~ advise those ~~nearby owners and/or occupiers~~persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application for an exemption~~; and/or~~.

~~(c)~~(a) ~~within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.~~

**2.9 Refusal to determine application**

The local government may refuse to consider an application for an exemption —

(a) that is not made in accordance with clause 2.8(2); or

(b) if the applicant has not complied with a request by the local government under clause 2.8(3).

**2.10 Determining an application**

(1) In determining an application for an exemption, the local government may have regard to —

(a) the reasons and justification provided in the application;

(b) the physical suitability of the premises;

(c) the environmental sensitivity and general nature of the location surrounding the premises;

(d) the likelihood of additional dogs causing a nuisance, inconvenience or annoyance to an occupier of adjoining premises;

(e) any submission received under clause 2.8(3)(b) within the time specified; and

(f) any other factor that the local government considers to be relevant in the circumstances of the particular application.

(2) Subject to subclauses (3) and (4), the local government may —

(a) approve the application and grant an exemption subject to the conditions imposed under clause 2.11, but may specify an alternative number of dogs permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) The local government must not grant an exemption —

(a) for more than 4 additional dogs over the age of 3 months, or

(b) for dangerous dogs (declared) or dangerous dogs (restricted breed).

(4) The local government must not grant an exemption unless it is satisfied that the premises described in the application are suitable for the additional number of dogs for which the application is made.

(5) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clause 2.8(2) and any request made under clause 2.8(3).

(6) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 2.8(2)(g) is to be refunded to the applicant.

(7) If the local government grants an exemption, it must give the applicant written notice of the exemption in the form determined by the CEO.

(8) If the local government refuses to grant an exemption, it must give the applicant written notice of its decision and of the reasons for its decision.

**2.11 Exemption conditions**

(1) An exemption is taken to have been granted subject to the conditions that the exemption holder must ensure that —

(a) the keeping of each dog on the premises to which the exemption relates complies with the requirements of the Dog Act and the Dog Regulations;

(b) the premises have adequate space and are suitable for all of the dogs;

(c) the premises are maintained in good order and in a clean and sanitary condition; and

(d) without the approval of the local government, a dog that is the subject of an exemption is not substituted or replaced once that dog —

(i) dies; or

(ii) is permanently removed from the premises.

(2) In addition to the conditions listed in subclause (1), the local government may grant an exemption subject to any other conditions that it reasonably considers necessary and appropriate.

(3) The local government may, at any time, amend a condition of an exemption and the amended condition takes effect —

(a) 14 days after the written notice of it is given to the exemption holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) An exemption holder who does not comply with a condition of an exemption commits an offence under the Dog Act.

**2.12 Duration of an exemption**

(1) Unless otherwise specified as a condition of the exemption, an exemption commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the exemption;

(b) the date that the exemption holder ceases to reside at the premises to which the exemption relates;

(c) the date that the dogs that are the subject of the permit die or are permanently removed or relocated from the premises; or

(d) the date that the exemption is revoked under this Division.

(2) If an exemption ceases to be valid as a result of an event listed in subclauses (1)(b) or (1)(c), the exemption holder must notify the local government in writing within 7 days of the event occurring.

**2.13 Exemption not transferable**

An exemption is not transferrable either in relation to the exemption holder or the premises to which the exemption relates.

**2.14 Revoking an exemption**

(1) The local government may, by written notice to the exemption holder, revoke an exemption if the exemption holder has not complied with a provision of this local law or a condition of the exemption.

(2) If the local government decides to revoke an exemption under subclause (1), it must give to the exemption holder written notice of its decision and of the reasons for its decision.

(3) A revocation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the exemption holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If an exemption is revoked, no part of the fee paid for the exemption is refundable.

*Division 5 – Approved kennel establishments*

**2.15 Interpretation**

In this Division and in Schedule 3 —

***applicant*** means a person who makes an application for a licence or a transfer of a licence under this Division, as the case may be;

***kennel*** includes any yard attached to the kennel;

***licence*** means a kennel establishment licence granted under this Division;

***licensee*** means the holder of a licence; and

***premises***, in addition to the meaning given to it in section 3 of the Dog Act, means the premises described in an application for a licence.

**2.16 Application for a licence**

(1) An application for a licence must be made in the form set out in Schedule 3, and must be lodged with the local government together with —

(a) details of the number of dogs proposed to be kept on the premises;

(b) plans and specifications of the kennel establishment, including a site plan;

(c) copies of the notices to be given under clause 2.17 (where required);

(d) written evidence that either the applicant or another person who will have the charge of the dogs will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and ensure their health and welfare;

(e) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels, including noise from dogs, would comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* or their equivalent in force from time to time;

(f) a copy of the planning approval granted by the local government under its local planning scheme in respect of the kennel establishment;

(g) a written acknowledgment that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs that has been adopted or nominated by the local government;

(h) any other information required by the form; and

(i) the application fee for a licence.

(2) On receipt of an application under subclause (1), the local government may require the applicant to provide, within a specified time of not more than 21 days, any additional document or information that it requires to consider the application.

(3) The local government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the prescribed time.

**2.17 Notices of proposed use**

(1) This clause does not apply where notice and consultation requirements have been undertaken for the purposes of the planning approval referred to in clause 2.16(1)(f).

(2) After the application for a licence has been lodged, the applicant must give notice of the proposed use of the premises as an approved kennel establishment —

(a) once in a newspaper circulating in the district; and

(b) to the owners and occupiers of land within a radius of 200m of the boundaries of the land upon which the proposed kennel establishment is to be established.

(3) The notices in subclause (2) must specify that —

(a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and

(b) the application and plans and specifications may be inspected at the offices of the local government.

(4) If —

(a) each notice given under subclause (2) does not clearly identify the premises; or

(b) a notice given under subclause (2)(a) is of a size or in a location in the newspaper that, in the opinion of the local government, would fail to serve the purpose of notifying relevant persons of the proposed use of the premises,

the local government may refuse to determine the application for a licence until each notice is given in accordance with its directions.

**2.18 When an application cannot be determined**

An application for a licence is not to be determined by the local government until —

(a) the applicant has complied with clause 2.16;

(b) the applicant submits proof that the notices referred to in clause 2.17(2) have been given in accordance with that clause (where required); and

(c) the local government has considered any written submission received within the time specified in clause 2.17(3)(a) (where required).

**2.19 Where an application cannot be approved**

The local government cannot approve an application for a licence if —

(a) the application is not consistent with the planning approval referred to in clause 2.16(1)(f)~~.~~: or

(b) the applicant ~~for the licence~~ or another person who will have the charge of the dogs will not reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and ensure their health and welfare.

**2.20 Determining an application**

(1) In determining an application for a licence, the local government is to have regard to —

(a) any written submission received within the time specified in clause 2.17(3)(a);

(b) the economic or social benefits which may be derived by any person in the district if the application for the licence is approved;

(c) the effect which the kennel establishment may reasonably be expected to have on the owners or occupiers of adjoining premises;

(d) the suitability of the premises for the proposed use;

(e) the suitability of any kennel in which any dog is to be kept;

(f) whether or not the imposition of and compliance with appropriate conditions of a licence would mitigate any potential nuisance or other adverse effects of the approved kennel establishment; and

(g) any other factor that the local government considers to be relevant in the circumstances of the particular application.

(2) The local government may —

(a) approve the application subject to the conditions imposed under clause 2.21, but may specify an alternative number of dogs permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) The local government must not grant a licence —

(a) for more than 4 additional dogs over the age of 3 months; or

(b) for a dangerous dog (declared) or a dangerous dog (restricted breed).

(4) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clauses 2.16 and 2.7~~2.17~~.

(5) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 2.16(1)(i) is to be refunded to the applicant.

(6) If the local government approves an application, it must give the applicant a licence in the form determined by the CEO.

(7) If the local government refuses to approve an application, it must give the applicant written notice of its decision and of the reasons for its decision.

**2.21 Licence conditions**

(1) An application for a licence may be approved by the local government subject to whatever conditions it reasonably considers to be appropriate, including conditions relating to matters such as —

(a) the location, number, type, form or construction, of any kennel in which a dog is to be kept;

(b) how much space is to be provided for each dog;

(c) the maintenance, and the keeping in good order and in a clean and sanitary condition, of each kennel;

(d) the type and construction of any fencing used to confine dogs;

(e) the maintenance, cleaning and sanitising of drinking and eating vessels;

(f) the method of disposal of all refuse, faeces and food waste;

(g) the effective control of odours, fleas and flies; and

(h) the provision of suitable water available at the premises.

(2) The local government may, at any time, amend a condition of the licence, and the amended condition takes effect —

(a) 14 days after written notice of it is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(3) A licensee who does not comply with a condition of the licence commits an offence under the Dog Act.

**2.22 Period of licence and renewal**

(1) A licence is in effect for the period set out in section 27(5) of the Dog Act.

(2) Before the licence period expires, the local government may give to the licensee written notice that their licence is due for renewal and the manner in which it may be renewed.

(3) The local government must renew a licence if the licence renewal fee is paid to the local government before the expiry of the licence.

(4) When a licence is renewed —

(a) the local government must give written notice of the renewal to the licensee; and

(b) the conditions of the licence at the time of its renewal continue to have effect.

**2.23 Transfer of licence**

(1) An application for the transfer of a licence from the licensee to another person (**transfer application**) must be —

(a) made in the form determined by the CEO;

(b) made by the person applying to have the licence transferred to them;

(c) made with the written consent of the licensee; and

(d) lodged with the local government together with —

(i) written evidence that a person who will have charge of the dogs will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and ensure their health and welfare; and

(ii) the fee for the transfer application.

(2) Before determining a transfer application, the local government may request the applicant, within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.

(3) The local government may refuse to consider a transfer application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

(4) The local government may, in respect of a transfer application —

(a) approve the transfer application subject to any conditions that it considers to be appropriate; or

(b) refuse to approve the transfer application.

(5) A decision under clause subclause (4) must be made within 90 days of the applicant satisfying the requirements of subclause (1) and any request made under subclause (2).

(6) If a decision under subclause (4) is not made within that period of 90 days, the transfer application is taken to have been refused and any fee payable under subclause (1)(d)(ii) is to be refunded to the applicant.

(7) If the local government approves a transfer application —

(a) it must give the applicant a licence in the form determined by the CEO; and

(b) the applicant becomes the licensee —

(i) on the date as specified on the licence; or

(ii) if no date is specified on the licence, on the date that the licence was given to the applicant under subclause (7)(a).

(c) the local government is not required to refund any part of any fee paid by the former licensee.

~~(b) the applicant becomes the licensee –~~

~~(i) on the date specified on the licence; or~~

~~(ii) if no date is specified, on the date that the licence was given to the applicant under clause 2.23(4)(a).~~

(8) If the local government refuses to approve a transfer application, it must give the applicant written notice of its decision and of the reasons for its decision.

**2.24 Cancellation of a licence**

(1) The local government's powers to cancel a licence are set out in section 27(5) and (6) of the Dog Act.

(2) If the local government cancels a licence, it must give the licensee written notice of the cancellation and of the reasons for the cancellation.

(3) A cancellation under subclause (1) takes effect ~~—~~

(a) 14 days after the written notice under subclause (2) is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a licence is cancelled —

(a) the licence holder must, in the case of a written licence, return the licence to the local government as soon as practicable, or cause it to be destroyed; and

~~(c)~~(b) ~~,~~ no part of the fee paid for the licence is refundable.

**2.25 Licence to be kept at premises**

A licence must be kept at the premises to which it relates and must be provided to an authorised person on demand.

*Division 6 – Miscellaneous*

**2.26 Offence to fail to remove excrement**

A person liable for the control of a dog and who fails to immediately remove any excrement deposited by that dog on ~~—~~

(a) any thoroughfare, path or other public place; or

(b) any land which is not a public place other than with the consent of the occupier,

commits an offence.

**2.27 False or misleading statement**

A person must not make a false or misleading statement in connection with an application for an exemption or licence under this Part.

*Division 7 – Objection and review*

**2.28 Objection and review rights**

(1) The review provisions in section 26(5) of the Dog Act apply to a decision of the local government to refuse to grant an exemption under clause 2.10, to revoke an exemption (under clause 2.124 and section 2.6(3) of the Dog Act), or to the conditions imposed in relation to an exemption.

(2) The review provisions in section 27(7) of the Dog Act apply to a decision of the local government —

(a) to refuse to grant a licence under clause 2.20(2)(b); or

(b) to give notice of the cancellation of a licence under section 27 of the Dog Act.

(3) Division 1 of Part 9 of the LG Act and regulation 33 of the F&G Regulations apply to a decision of the local government —

(a) to give a direction under clause 2.5;

(b) to impose or amend the conditions of a licence under clause 2.21; and

(c) to refuse to approve the transfer of a licence under clause 2.23(4)(b).

*Division 8 – Enforcement*

**2.29 Legal proceedings and evidence**

Provisions relating to legal proceedings and evidence are contained in Part 7 of the Dog Act.

**2.30 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this Part; or

(b) does an act or omits to do an act contrary to this Part,

commits an offence.

(2) A person who commits an offence under this ~~local law~~Part 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.

**2.31 Modified penalties**

(1) An offence against a clause specified in Part 1 of Schedule 1 is an offence for which a modified penalty applies for the purposes of section 45A(2) of the Dog Act.

(2) An authorised person who has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed may ~~, within 28 days after the alleged offence is believed to have been committed,~~ give an infringement notice to the alleged offender.

(3) A person who does not contest an allegation that they have committed the offence 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 has the effect of preventing the local government from commencing a prosecution for the alleged offence.~~ .

(4) The amount of the modified penalty for an offence is that specified adjacent to the clause in Part 1 of Schedule 1 —

(a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Part 1 of Schedule 1; and

(b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Part 1 of Schedule 1.

**2.32 Form of infringement notices**

(1) The form of an infringement notice that may be given in respect of an offence for which a modified penalty applies is ~~the form set out in~~that of Form ~~2~~ 8 in Schedule 1 of the ~~F&G~~Dog Regulations.

(2) The form of a notice that may be given to withdraw an infringement notice for an offence for which a modified penalty applies is ~~the form set out in~~that of Form ~~3~~ 9 in Schedule 1 of the ~~F&G~~Dog Regulations.

**2.33 Service**

(1) A notice served under this Part may be given to a person —

(a) personally;

(b) by postal mail addressed to the person; or

(c) by leaving it for the person at his or her address.

(2) If a person refuses to accept a notice given by way of subclause (1)(a), the person serving the notice may leave it next to or near the person and orally draw his or her attention to it.

## Part 3 - Cats

*Division 1 – Preliminary*

**3.1 Interpretation**

(1) In this Part —

***cat*** has the meaning in the Cat Act;

***cat management facility*** has the meaning in the Cat Act;

***cat prohibited area*** means an area described in Schedule 6;

***Cat Act*** means the *Cat Act 2011*;

***Cat Regulations*** means the *Cat Regulations 2012*;

***Cat (ULP) Regulations*** means the *Cat (Uniform Local Provisions) Regulations 2013*;

***cattery*** means any premises where more than 32 cats are boarded, bred, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;

***member of a cat organisation*** means a person referred to in regulation 23(c) of the Cat Regulations;

***owner***, in relation to a cat, has the meaning in section 4 of the Cat Act;

***premises*** has the meaning in section 3(1) of the Cat Act;

***prescribed offence*** has the meaning in clause 3.29; and

***registered*** means registered with the local government under section 9 of the Cat Act.

(2) A term that is used in this Part and is not defined in subclause (1) has the meaning in the Cat Act or, if not defined in the Cat Act, the meaning in the LG Act.

(3) This Part is to be construed together with, but subject to —

(a) the Cat Act;

(b) the Cat Regulations; and

(c) the Cat (ULP) Regulations.

*Division 2 – Control of cats*

**3.2 Cat not to cause a nuisance**

(1) An owner must not allow a cat to cause a nuisance.

(2) If ~~, in the opinion of an authorised person,~~ a cat is causing a nuisance, the local government may give written notice to the owner of the cat requiring that person to abate the nuisance.

(3) A notice given under subclause (2) —

(a) is to be in the form of Schedule 1, Form 3 of the Cat Regulations; and

(b) remains in force for the period specified in the notice, which must not exceed 28 days.

(4) A person given a notice under subclause (2) must comply with the notice within the period specified in the notice.

**3.3 Cat prohibited areas**

(1) A cat must not be in a cat prohibited area at any time.

(2) If a cat is in a cat prohibited area —

(a) the owner of the cat commits an offence; and

(b) an authorised person may seize, impound and deal with the cat in accordance with the Cat Act.

*Division 3 – Keeping of cats*

**3.4 Interpretation**

In this Division and in Schedule 4 —

***applicant*** means a person who makes an application for a permit under this Division;

***cat*** does not include a cat less that is less than 6 months old;

***permit*** means permit issued under this Division;

***permit holder*** means a person to whom a permit is granted; and

***premises***, in addition to the meaning given to it in section 3 of the Cat Act, means the premises described in the application for a permit under this Division.

**3.5 Cats for which a permit is required**

(1) Subject to subclauses (2) and (3), a person who is ordinarily resident at any premises within the district is required to have a permit to keep more than 3 cats at the premises.

(2) Subclause (1) does not apply to —

(a) cats that do not ordinarily reside in or at~~on~~ the premises; or

(b) premises that are operated by an organisation referred to in regulation 9 of the Cat Regulations.

(3) In respect of any premises where a member of a cat organisation is ordinarily resident, the requirement for a permit under subclause (1) applies only if more than 6 cats are proposed to be kept at the premises.

(4) A person contravening this clause commits an offence.

**3.6 Application for permit**

(1) An application for a permit must —

(a) be made in the form set out in Schedule 4 and lodged with the local government;

(b) be made and signed by the occupier of the premises where the cats are proposed to ordinarily reside;

(c) describe and specify the number of cats to be kept on the premises;

(d) include the reasons and justification for keeping the additional cats;

(e) if the occupier is not the owner of the premises to which the application relates - be accompanied by the written consent in writing of the owner of the premises;

(f) include any other information required by the form; and

(g) be accompanied by the application fee for a permit.

(2) Before determining an application, the local government may request the applicant —

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.; and/or

~~(a)~~ to consult with ~~those~~ nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons ~~who are specified in the request;~~

(b) ~~to advise those nearby owners and/or occupiers~~ that they may, within 14 days of receiving that advice, make submissions to the local government on the application ~~for a permit; and/or~~.

~~(c)~~(a) ~~within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.~~

**3.7 Refusal to determine application**

The local government may refuse to consider an application for a permit —

(a) that is not made in accordance with clause 3.6(1); or

(b) if the applicant has not complied with a request by the local government under clause 3.6(2).

**3.8 Determining an application**

(1) In determining an application for a permit, the local government may have regard to —

(a) the reasons and justification provided in the application;

(b) the physical suitability of the premises;

(c) the environmental sensitivity and general nature of the location surrounding the premises;

(d) the likelihood of additional cats causing a nuisance, inconvenience or annoyance to an occupier of adjoining premises;

(e) any submission received under clause 3.6(2)(b) within the time specified; and

(f) any other factor that the local government considers to be relevant in the circumstances of the particular application.

(2) Subject to subclause (3), the local government may —

(a) approve the application and grant a permit subject to the conditions imposed under clause 3.9, but may specify an alternative number of cats permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) The local government must not grant a permit unless it is satisfied that the premises described in the application are suitable for the additional number of cats for which the application is made.

(4) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clause 3.6(1) and any request made under clause 3.6(2).

(5) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 3.6(1)(g) is to be refunded to the applicant.

(6) If the local government approves an application, it must give the applicant a permit in the form determined by the CEO.

(7) If the local government refuses to approve an application, it must give the applicant written notice of its decision and of the reasons for its decision.

**3.9 Permit conditions**

(1) A permit is taken to have been issued subject to the conditions that the permit holder must ensure that —

(a) the keeping of each cat on the premises to which the permit relates complies with the requirements of the Cat Act and the Cat Regulations;

(b) the premises have adequate space and are suitable for all of the cats;

(c) the premises are maintained in good order and in a clean and sanitary condition; and

(d) without the approval of the local government, any cat that is the subject of a permit is not substituted or replaced once that cat —

(i) dies; or

(ii) is permanently removed from the premises.

(2) In addition to the conditions listed in subclause (1), the local government may issue a permit subject to any other conditions that it reasonably considers necessary and appropriate.

(3) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) A permit holder who does not comply with a condition of a permit commits an offence.

**3.10 Duration of permit**

(1) Unless otherwise specified as a condition of the permit, a permit commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the permit;

(b) the date the permit holder ceases to reside at the premises to which the permit relates;

(c) the date that the cats that are the subject of the permit die or are permanently removed or relocated from the premises; or

(d) the date that the permit is revoked under this Division.

(2) If a permit ceases to be valid as a result of an event listed in subclauses (1)(b) or (1)(c), the permit holder must notify the local government in writing within 7 days of the event occurring.

**3.11 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises to which the permit relates.

**3.12 Revoking a permit**

(1) The local government may, by written notice to the permit holder, revoke a permit if the permit holder has not complied with a provision of this local law or a condition of the permit.

(2) If the local government decides to revoke a permit under subclause (1), it must give to the permit holder written notice of its decision and of the reasons for its decision.

(3) A revocation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a permit is revoked, no part of the fee paid for the permit is refundable.

*Division 4 – Licensing of a cattery*

**3.13 Interpretation**

In this Division and in Schedule 5 —

***applicant*** means a person who makes an application for a licence or a transfer of a licence under this Division, as the case may be;

***licence*** means a cattery licence issued under this Division;

***licensee*** means the holder of a licence; and

***premises***, in addition to the meaning given to it in section 3 of the Cat Act, means the premises described in the application to be licensed as a cattery.

**3.14 Operating a cattery without a licence**

A person who, without a licence, operates a cattery commits an offence.

**3.15 Application for a cattery licence**

(1) An application for a licence must be made in the form set out in Schedule 5 and must be lodged with the local government together with —

(a) details of the number of cats proposed to be kept on the premises;

(b) plans and specifications of the premises, including a site plan;

(c) copies of the notices to be given under clause 3.16 (where required);

(d) written evidence that either the applicant or another person who will have the charge of the cats will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;

(e) a copy of the planning approval granted by the local government under its local planning scheme in respect of the cattery;

(f) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of cats which may be nominated from time to time by the local government;

(g) any other information required by the form; and

(h) the application fee for a licence.

(2) On receipt of an application under subclause (1), the local government may request the applicant to provide, within a specified time of not more than 21 days, any additional document or information that it requires to determine the application.

(3) The local government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

**3.16 Notices of proposed use**

(1) This clause does not apply where notice and consultation requirements have been undertaken for the purposes of the planning approval referred to in clause 3.15(1)(e).

(2) After the application for a licence has been lodged, the applicant must give notice of the proposed use of the premises as a cattery —

(a) once in a newspaper circulating in the district; and

(b) to the owners and occupiers of land within a radius of 200m of the boundaries of the land upon which the proposed cattery is to be established.

(3) The notices in subclause (1) must specify that —

(a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and

(b) the application and plans and specifications may be inspected at the offices of the local government.

(4) If —

(a) each notice given under subclause (2) does not clearly identify the premises; or

(b) a notice given under subclause (2)(a) is of a size or in a location in the newspaper that, in the opinion of the local government, would fail to serve the purpose of notifying relevant persons of the proposed use of the premises,

the local government may refuse to determine the application for a licence until each notice is given in accordance with its directions.

**3.17 When application cannot be determined**

An application for a licence is not to be determined by the local government until —

(a) the applicant has complied with clause 3.15;

(b) the applicant has submitted proof that the notices referred to in clause 3.16(2) have been given in accordance with that clause (where required); and

(c) the local government has considered any written submissions received within the time specified in clause 3.16(3)(a) (where required).

**3.18 Where an application cannot be approved**

The local government cannot approve an application for a licence if —

(a) the application is not consistent with the planning approval referred to in clause 3.15(1)(e); or

(b) the applicant ~~for a licence~~ or another person who will have the charge of the cats will not reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare.

**3.19 Determining an application**

(1) In determining an application for a licence, the local government is to have regard to —

(a) any written submissions received within the time specified in clause 3.16(3)(a);

(b) the economic or social benefits which may be derived by any person in the district if the application for the license is approved;

(c) the effect which the cattery may reasonably be expected to have on the owners or occupiers of adjoining premises;

(d) the suitability of the premises for the proposed use;

(e) the suitability of any enclosure in which any cat is to be kept;

(f) whether or not the imposition of and compliance with appropriate conditions of a licence would mitigate any potential nuisance or other adverse effects of the cattery; and

(g) any other factors which the local government considers to be relevant in the circumstances of the application.

(2) The local government may —

(a) approve the application and grant a licence subject to the conditions imposed under clause 3.20, but may specify an alternative number of cats permitted to be kept on the premises; or

(b) refuse to approve the application.

(3) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clauses 3.15 and 3.16.

(4) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 3.15(1)(h) is to be refunded to the applicant.

(5) If the local government approves an application for a licence, it must give the applicant a licence in the form determined by the CEO.

(6) If the local government refuses to approve an application for a licence, it must give the applicant written notice of its decision and of the reasons for its decision.

**3.20 Licence conditions**

(1) An application for a licence may be approved by the local government subject to whatever conditions it reasonably considers to be appropriate, including conditions relating to matters such as —

(a) the location, number, type, form or construction of any enclosure in which a cat is to be kept;

(b) how much space is to be provided for each cat;

(c) the maintenance, and the keeping in good order and in a clean and sanitary condition, of each enclosure;

(d) the type and construction of any fencing used to confine cats;

(e) the maintenance, cleaning and sanitising of drinking and eating vessels;

(f) the method of disposal of all refuse, faeces and food waste;

(g) the effective control of odours, fleas and flies; and

(h) the provision of suitable water available at the premises.

(2) The local government may, at any time, amend a condition of the licence, and the amended condition takes effect —

(a) 14 days after written notice of it is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(3) A licensee who does not comply with a condition of the licence commits an offence.

**3.21 Period of a licence and renewal**

(1) Unless otherwise specified as a condition of the licence, a licence commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the ~~permit~~licence;

(b) the date the person specified in clause 3.15(1)(d) ceases to reside at the premises, or sufficiently close to the premises, so as to control the cats and ensure their health and welfare; or

(c) the date that the ~~permit~~ licence is revoked under this Division.

(2) The local government may renew a licence if the licence renewal fee is paid to the local government before the expiry of the licence.

(3) When a licence is renewed —

(a) the local government must give written notice of the renewal to the licensee; and

(b) the conditions of the licence at the time of its renewal continue to have effect.

**3.22 Transfer of a licence**

(1) An application for the transfer of a licence from the licensee to another person (**transfer application**) must be —

(a) made in the form determined by the CEO;

(b) made by the person applying to have the licence transferred to them;

(c) made with the written consent of the licensee; and

(d) lodged with the local government together with —

(i) written evidence that a person who will have the charge of the cats will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare; and

(ii) the fee for the transfer application.

(2) Before determining a transfer application, the local government may request the applicant, within a specified period of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.

(3) The local government may refuse to consider a transfer application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

(4) The local government may, in respect of a transfer application —

(a) approve the transfer application subject to any conditions that it considers appropriate; or

(b) refuse to approve the transfer application.

(5) A decision under clause subclause (4) must be made within 90 days of the applicant satisfying the requirements of subclause (1) and any request made under subclause (2).

(6) If a decision under subclause (4) is not made within that period of 90 days, the transfer application is taken to have been refused and any fee payable under subclause (1)(d)(ii) is to be refunded to the applicant.

(7) If the local government approves a transfer application —

(a) it must give the applicant a licence in the form determined by the CEO; and

(b) the applicant becomes the licensee —

(i) on the date as specified on the licence; or

(ii) if no date is specified on the licence, on the date that the licence was given to the applicant under subclause (7)(a).

(c) the local government is not required to refund any part of any fee paid by the former licensee.

~~(b) the applicant becomes the licensee –~~

~~(i) on the date as specified on the licence; or~~

~~(ii) if no date is specified on the licence, on the date that the licence was given to the applicant under subclause (7)(a).~~

(8) If the local government refuses to approve a transfer application, it must give the applicant written notice of its decision and of the reasons for its decision.

**3.23 Cancellation of a licence**

(1) The local government may, by written notice to the licensee, cancel a licence if —

(a) the licensee requests the local government to do so;

(b) the licensee has failed to comply with a condition of the licence; or

(c) the licensee has not complied with a provision of this local law.

(2) If the local government ~~decides to revoke~~cancels a permit under subclause (1)(b)-(c), it must give to the licensee written notice of ~~its decision~~the cancellation and of the reasons ~~for its decision~~for the cancellation.

(3) A cancellation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the licensee; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a licence is cancelled —

(a) the licence holder must, in the case of a written licence, return the licence to the local government as soon as practicable, or cause it to be destroyed; and

(b) no part of the fee paid for the licence is refundable.

~~(4) If a licensee is revoked, no part of the fee paid for the licence is refundable.~~

**3.24 Licence to be kept at premises**

A licence must be kept at the premises to which it relates and must be provided to an authorised person on demand.

*Division 5 – Miscellaneous*

**3.25 False or misleading statement**

A person must not make a false or misleading statement in connection with an application for a permit or licence under this Part.

*Division 6 – Objection and review*

**3.26 Objection and review rights**

Division 1 of Part 9 of the LG Act and regulation 33 of the F&G Regulations apply to a decision of the local government —

(a) to refuse to grant a permit under clause 3.8(2)(b);

(b) to impose or amend the conditions of a permit under clause 3.9;

(c) to revoke a permit under clause 3.12;

(d) to refuse to grant a licence under clause 3.19(2)(b);

(e) to impose or amend the conditions of a licence under clause 3.20;

(f) to cancel a licence under clause 3.23; ~~and~~

(g) to refuse to renew a licence under clause 3.21(2); and

~~(g)~~(h) to refuse to approve the transfer of a licence under clause 3.22(4)(b).

*Division 7 – Enforcement*

**3.27 Legal proceedings and evidence**

Provisions relating to legal proceedings and evidence are contained in Division 6 of Part 4 of the Cat Act.

**3.28 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this Part; or

(b) does an act or omits to do an act contrary to this Part,

commits an offence.

(2) A person who commits an offence under this ~~local law~~Part 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.

**3.29 Prescribed offences and modified penalties**

(1) An offence against a clause specified in Part 2 of Schedule 1 is a prescribed offence for the purposes of section 62(1) of the Cat Act.

(2) In accordance with section 62 of the 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 63 of the 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 66 of the 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 Part 2 of Schedule 1 —

(a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Part 2 of Schedule 1; and

(b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Part 2 of Schedule 1.

(5) Provisions relating to modified penalties in general are contained in Division 4 of Part 4 of the Cat Act.

**3.30 Form of infringement notices**

(1) The form of an infringement notice that may be given in respect of an offence against this Part is the form set out in Form 6 in Schedule 1 of the Cat Regulations.

(2) The form of notice that may be given to withdraw an infringement notice for an offence against this Part is the form set out in Form 7 in Schedule 1 of the Cat Regulations.

**3.31 Service**

(1) A notice served under this Part may be given to a person —

(a) personally;

(b) by postal mail addressed to the person; or

(c) by leaving it for the person at his or her address.

(2) If a person refuses to accept a notice given by way of subclause (1)(a), the person serving the notice may leave it next to or near the person and orally draw his or her attention to it.

## Part 4 - Other animals

*Division 1 – Preliminary*

### 4.1 Interpretation

(1) In this Part —

***animal*** means any living animal, tame or wild, kept by a person;

***applicant*** means a person who makes an application for a permit under this Part;

***cow*** includes an ox, calf or bull;

***dwelling*** means a building or portion of a building being used, adapted or designed, or intended to be used, for the purpose of human habitation;

***grouped dwelling*** means a dwelling which is one of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata plan with common property;

***horse*** includes an ass, mule, donkey, Shetland pony or pony;

***large animal*** includes a cow, goat, horse or sheep (including a miniature cow, miniature goat, miniature horse or miniature sheep), a deer, camel, llama, kangaroo, alpaca, pig, emu and ostrich;

***miniature cow*** means a cow of the Miniature Hereford, Miniature Scottish Highland or Miniature Galloway breeds that does not exceed 1.2m in height when measured as an adult;

***miniature goat*** means a goat of the Pygmy Goat, Nigerian Dwarf or Australian Miniature Goat breeds that is —

(a) classified as a miniature by the Miniature Goats Australia Association/Australian All Breeds of Miniature Goat and Sheep Society Incorporated; and

(b) does not exceed 0.65m in height when measured as an adult;

***miniature horse*** means a horse that is —

(a) classified as miniature by the Miniature Horse Association of Australia; and

(b) does not exceed 0.87m in height when measured as an adult;

***miniature sheep*** means a sheep of the Babydoll Southdown breed that is —

(a) classified as miniature by the Australian Stud Sheep Breeders Association; and

(b) does not exceed 0.62m in height when measured as an adult;

***multiple dwelling*** means a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but —

(a) does not include a grouped dwelling; and

(b) includes any dwellings above the ground floor in a mixed use development;

***permit*** means permit issued under this Part;

***permit holder*** means a person to whom a permit is granted;

***premises*** includes the following —

(c) land (whether or not vacant);

(d) the whole or part of a building or structure (whether of a permanent or temporary nature); and

(e) a vehicle;

***prescribed offence*** has the meaning in clause 4.312;

***public place*** means a thoroughfare or any other place to which the public has access, whether or not that place is on private property;

***residential zone*** means any land zoned Residential under a local planning scheme;

***resource zone means*** any land zoned Resource under a local planning scheme;

***rural living zone*** means any land zoned Rural Living under a local planning scheme;

***rural zone*** means any land zoned Rural under a local planning scheme;

***sheep*** includes a lamb, ewe or ram; and

***slaughter*** means to kill an animal for food.

(2) A term that is used in this Part and is not defined has the meaning in the LG Act.

*Division 2 – Keeping of animals*

**4.2 Cleanliness**

An owner or occupier of premises where an animal is kept must —

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract vermin;

(b) when so directed by an authorised person, clean and disinfect the premises; and

(c) take effective action to keep the premises, so far as possible, free from insects, pests or vermin.

**4.3 Animals causing a nuisance**

An owner or occupier of premises where an animal is kept must ensure that the keeping of the animal does not cause a nuisance.

**4.4 Drainage**

A person must not keep or permit to be kept any animal on premises which are not effectively drained or on premises where the drainage flows to a wall or foundation of any building.

**4.5 Slaughter of animals**

(1) Subject to subclause (2), a person must not slaughter any animal within the district.

(2) Subclause (1) does not apply where the slaughter of an animal is at premises approved for that purpose.

**4.6 Disposal of deceased animals**

(1) An owner or occupier of premises on which there is a deceased animal must immediately arrange for its removal and disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies in a public place must immediately arrange for its removal and disposal at an approved disposal site.

*Division 3 – Keeping of large animals*

**4.7 General restrictions**

A person must not keep a large animal on any premises within the district unless it is kept —

(a) in accordance with this Division; or

(b) under and in accordance with a planning approval under the local government's local planning scheme.

**4.8 Permitted large animals**

(1) In this clause —

***large animal*** —

~~(a)~~ means a large animal kept for domestic purposes but ~~; and~~

~~(b)~~ does not include a pig.

(2) A person may keep no more than 2 large animals on premises but only if —

(a) no other large animal is kept by anyone else on the premises;

(b) the premises are located in a resource zone, rural zone or rural living zone;

(c) there is a setback of at least 9m between where the large animals are kept and any adjoining dwelling, thoroughfare or public place; and

(d) the premises are fenced in a manner capable of confining each large animal to where it is kept.

(3) A person may keep on premises no more than 2 miniature cows, no more than 2 miniature goats, no more than 2 miniature horses, or no more than 2 miniature sheep, but only if —

(a) no other large animal is kept by anyone else on the premises;

(b) the premises are located in a residential zone, resource zone, rural zone or rural living zone;

(c) there is a setback of at least 9m between where the ~~large~~ animals are kept and any adjoining dwelling, thoroughfare or public place; and

(d) the premises are fenced in a manner capable of confining each ~~large~~ animal to where it is kept.

(4) The limits specified in subclauses (2) and (3) do not apply to large animals that do not ordinarily reside in or at the premises.

~~**4.9 Proximity of animals to another premises**~~

~~The owner or occupier of premises must ensure that a large animal kept on the premises does not approach within 10m of another premises.~~

*Division 4 – Keeping of poultry and pigeons*

~~4.10~~4.9 **Interpretation**

In this Division —

***Code of Practice*** means the *Code of practice for pigeon keeping and racing in Western Australia*, as adopted (with specified modifications) under regulation 6(2) of the *Animal Welfare (General) Regulations 2003*;

***pigeon*** means bird of the species *columba livia* and includes homing pigeon, racing pigeon and dove;

***poultry*** means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, pea fowl and other birds kept for the production of eggs or meat for domestic consumption; and

***registered pigeon fancier*** means a current financial member of a recognised incorporated pigeon or pigeon fancier body.

~~4.11~~4.10 **General restrictions**

(1) A person must not keep poultry on any premises within the district unless it is kept —

(a) in accordance with this Division; or

(b) under and in accordance with a planning approval under the local government's local planning scheme.

(2) A person must not keep pigeons on any premises within the district otherwise than in accordance with this Division.

**4.124.11 Limits on numbers of poultry**

(1) In this clause —

***poultry*** means a poultry kept for domestic purposes.

(2) An owner or occupier of premises within the district must not, without a permit, keep more than the following poultry (including restrictions on the type of poultry) —

| Lot size | Maximum number of poultry |
|---|---|
| Up to 600m$^2$ | 4 poultry ~~(no ducks permitted)~~ |
| 601m$^2$ to 800m$^2$ | 6 poultry ~~(no ducks permitted)~~ |
| 801m$^2$ to 1,000m$^2$ | 10 poultry ~~(including a maximum of 2 ducks)~~ |
| 1,001m$^2$ to 5,000m$^2$ | 15 poultry ~~(including ducks)~~ |
| Over 5,001m$^2$ | 30 poultry ~~(including ducks)~~ |

(3) Poultry may only be kept pursuant to subclause (2) where the premises is located in a residential zone, resource zone, rural zone, or rural living zone.

(4) An owner or occupier of premises located in a residential zone must not keep, or permit to be kept, a rooster, goose, turkey, peafowl or any other poultry that is likely to cause a nuisance.

(5) An owner or occupier of land on which is situated a grouped dwelling or multiple dwelling (except for land on which no more than 2 grouped dwellings are permitted) must not keep, or permit to be kept, any poultry.

**4.134.12 Poultry keeping requirements**

An owner or occupier of premises on which poultry are kept must ensure that —

(a) they are kept at all times in an enclosure that —

(i) is properly constructed and securely fastened; and

(ii) is kept and maintained in a clean and sanitary condition and in good repair;

(b) all feed for the poultry is stored in vermin proof containers; and

(c) the poultry do not cause a nuisance.

**4.144.13 Limits on numbers of pigeons**

~~(1) A person must not keep pigeons on any premises within the district otherwise than in accordance with this Division.~~

~~(2)~~(1) Subject to subclause (~~2~~3), an owner or occupier of premises —

(a) ~~of~~ if the premises are on land located in a residential zone, resource zone, rural zone or rural living zone - may, without a permit, keep no more than 20 pigeons on the premises; and

(b) ~~of~~ if the premises are on land located in a resource zone, rural zone or rural living zone - may, with and in accordance with a permit, keep more than 20 pigeons on the premises, but only if the owner or occupier is a current financial

member of a recognised incorporated racing pigeon body or is a registered pigeon fancier.

~~(3)~~(2) Unless previously approved by the local government before this local law comes into operation, a person must not keep pigeons —

(a) within a caravan park;

(b) on any land that is less than 600m$^2$; or

(c) on any land on which is situated a grouped dwelling or multiple dwelling, except for land on which no more than 2 grouped dwellings are permitted.

**~~4.15~~4.14 Pigeon keeping requirements**

An owner or occupier of premises on which pigeons are kept must ensure that —

(a) the pigeons are kept at all times in an enclosure that —

(i) is properly constructed in accordance with the construction requirements set out in the Code of Practice;

(ii) is securely fastened;

(iii) is set back at least 5m from adjoining dwellings and at least 9m from a thoroughfare or public place, unless in accordance with a permit issued by the local government; and

(iv) is kept and maintained in a clean and sanitary condition and in good repair;

(b) all feed for the pigeons is stored in vermin proof containers;

(c) the pigeons do not cause a nuisance; and

(d) the pigeons are not exercised in a residential zone and, outside that zone, are exercised only during the hours set out in the Code of Practice.

**~~4.16~~4.15 Permit conditions – pigeons**

(1) A permit is taken to have been issued subject to the conditions that the permit holder must ensure that —

(a) homing pigeons and/or racing pigeons are not released for exercise otherwise than between the hours set out in the Code of Practice;

(b) all other pigeons are confined continuously in cages, enclosures and lofts that are approved by an authorised person;

(c) all cages, enclosures, lofts and their immediate surrounds are kept clean and maintained in good order and condition at all times, with a minimum standard being adhered to being as specified in the Code of Practice; and

(d) all loft litter is disposed of by immediate burial or by being bagged and deposited in a household rubbish bin to ensure that no nuisance occurs.

(2) In addition to the conditions listed in subclause (1), the local government may issue a permit subject to any other conditions that it reasonably considers necessary and appropriate.

(3) A permit holder who does not comply with a condition of a permit commits an offence.

*Division 5 – Keeping of b~~B~~ees*

**4.17~~4~~.16 Interpretation**

In this Division —

***bee*** means a bee of the species *Apis mellifera*;

***registered beekeeper*** has the meaning in regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and

***bee hive*** means a movable or fixed structure, container or object which contains a bees nest and in which bees are kept.

**4.18~~4~~.17 Restrictions on keeping bees**

(1) A person must not keep bees or bee hives, or permit bees or bee hives to be kept, on any premises within the district otherwise than in accordance with this Division.

(2) An owner or occupier of premises located in a residential zone, resource zone, rural zone or rural living zone may, without a permit, keep up to two bee hives on the premises.

**4.19~~4~~.18 Bee keeping requirements**

An owner or occupier or premises on which bees or bee hives are kept must —

(a) unless exempted, be a registered beekeeper;

(b) keep the bees and bee hives in accordance with the *Western Australian Apiarists' Society Best-Practice Guidelines for Urban Beekeepers*;

(c) provide a good and sufficient water supply on the premises which is readily accessible by the bees;

(d) ensure that the bee hives are set back at least 5m from adjoining dwellings and at least 9m from a thoroughfare or public place, unless in accordance with a permit issued by the local government;

(e) ensure that bee flight paths do not affect adjoining premises; and

(f) not keep, or allow to be kept, or permit to remain, bees or bee hives, or both, on premises so as to cause a nuisance.

Division 6 – *Miscellaneous*

**4.20~~4~~.19 Offence to fail to remove excrement**

A person liable for the control of a horse and who fails to immediately remove any excrement deposited by that horse on —

(a) any thoroughfare, path or other public place; or

(b) any land which is not a public place other than with the consent of the occupier,

commits an offence.

*Division 7 – Permits*

**~~4.21~~4.20 Application for permit**

(1) A person who is required to obtain a permit under Part 4 of this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit must ——

(a) be made in the form determined by the CEO and lodged with the local government;

(b) be made and signed by the occupier of the premises where the poultry, pigeons or bee hives are to be kept;

(c) describe and specify, as the case may require ——

(i) the type and number or poultry or pigeons to be kept on the premises; or

(ii) the number of bee hives to be kept on the premises;

(d) include the reasons and justification for keeping the additional poultry, pigeons or bee hives;

(e) if the occupier is not the owner of the premises to which the application relates - be accompanied by the written consent in writing of the owner of the premises;

(f) include any other information required by the form; and

(g) be accompanied by the application fee for a permit.

(3) Before determining an application, the local government may request the applicant ——

(a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application~~.~~; and/or

~~(a)~~ to consult with ~~those~~ nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons ~~who are specified in the request;~~

(b) ~~to advise those nearby owners and/or occupiers~~ that they may, within 14 days of receiving that advice, make submissions to the local government on the application ~~for a permit; and/or~~.

~~(c)~~(a) ~~within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.~~

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (3) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

**4.224.21 Determining an application**

(1) In determining an application for a permit, the local government may have regard to —

(a) the reasons and justification provided in the application;

(b) the physical suitability of the premises;

(c) the environmental sensitivity and general nature of the location surrounding the premises;

(d) the likelihood of the poultry, pigeons or bee hives causing a nuisance, inconvenience or annoyance to an occupier of adjoining premises;

(e) any submission received under clause 4.201(3)(b) within the time specified; and

(f) any other factor the local government considers relevant in the circumstances of the particular application.

(2) The local government may —

(a) approve the application unconditionally or subject to conditions; or

(b) refuse to approve the application.

(3) A decision under subclause (2) must be made within 90 days of the applicant satisfying the requirements of clause 4.201(2) and any request made under clause 4.201(3).

(4) If a decision under subclause (2) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 4.201(2)(g) is to be refunded to the applicant.

(5) If the local government approves an application, it must give the applicant a permit in the form determined by the CEO.

(6) If the local government refuses to approve an application, it must give the applicant written notice of its decision and of the reasons for its decision.

(6)(7) Where a clause of this Part refers to conditions that may be imposed on a permit, the clause does not limit the power of the local government to impose other conditions of the permit under subclause (2)(a).

**4.234.22 Compliance with and variation of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(3) A permit holder who does not comply with a condition of the permit commits an offence.

**4.244.23 Duration of a permit**

(1) Unless otherwise specified as a condition of the permit, a permit commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the permit;

(b) the date that the permit holder ceases to reside at the premises to which the permit relates; or

(c) the date that the permit is ~~revoked~~cancelled under this Division.

(2) If a permit ceases to be valid as a result of an event listed in subclause (1)(b), the permit holder must notify the local government in writing within 7 days of the event occurring.

**4.254.24 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises to which the permit relates.

**4.264.25 Revoking a permit**

(1) The local government may, by written notice to the permit holder, revoke a permit if the permit holder has not complied with a provision of this local law or a condition of the permit.

(2) If the local government decides to revoke a permit under subclause (1), it must give to the permit holder written notice of its decision and of the reasons for its decision.

(3) A revocation under subclause (1) takes effect —

(a) 14 days after the written notice under subclause (2) is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(4) If a permit is revoked, no part of the fee paid for the permit is refundable.

*Division 8 – Objection and review*

**4.274.26 Objection and review rights**

Division 1 of Part 9 of the LG Act and regulation 33 of the F&G Regulations apply to a decision of the local government —

(a) to refuse to grant a permit under clause 4.212~~2~~(2)(b);

(b) to impose or amend the conditions of a permit under clauses 4.156~~6~~, 4.212~~2~~(2)(a) and 4.223~~3~~(2); and~~or~~

(c) to revoke a permit under clause 4.256~~6~~.

*Division 9 – Enforcement*

**4.284.27 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.

**4.294.28 Notice requiring removal of bees**

(1) If the local government is satisfied that bees kept on premises are likely to endanger the safety of any person or create a serious public nuisance, the local government may give the owner or occupier of the premises a written notice requiring the owner or occupier, within the time specified in the notice, to remove the bees.

(2) A person to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

**4.304.29 Local government undertaking work required by a notice**

(1) If a person fails to comply with a notice given under clause 4.289, the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the LG Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(2) The local government may recover the cost of anything it does under subclause (1) as a debt due from the person who failed to comply with the notice.

**4.314.30 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this Part;

(b) fails to comply with a notice issued to the person under this Part; or

(c) does an act or omits to do an act contrary to this Part,

commits an offence.

(2) A person who commits an offence under this Part is liable, on conviction —

(a) to a penalty not exceeding $10,000; 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.

**4.324.31 Prescribed offences and modified penalties**

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

(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 Part 3 of Schedule 1 —

(a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Part 3 of Schedule 1; and

(b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Part 3 of Schedule 1.

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

**~~4.33~~4.32 Form of infringement notices**

(1) The form of an infringement notice that may be given under section 9.16 of the LG Act for a prescribed offence is ~~the form set out in~~that of Form 2 in Schedule 1 of the F&G Regulations.

(2) The form of a notice that may be given under section 9.20 of the LG Act to withdraw an infringement notice for a prescribed offence is ~~the form set out in~~that of Form 3 in Schedule 1 of the F&G Regulations.

_____

## Schedule 1 - Prescribed offences

### Part 1 – Dogs

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 2.5(3) | Failure to comply with a direction | $250 | $500 |
| 2. | 2.26 | Failure to remove excrement | $250 | $500 |
| 3. | 2.27 | Providing false or misleading statement in connection with an application | $250 | $500 |

### Part 2 – Cats

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 3.2 | Allowing a cat to cause a nuisance | $250 | $500 |
| 2. | 3.3 | Failure to prevent a cat from being in a cat prohibited area | $250 | $500 |
| 3. | 3.5(4) | Keeping more than 3 cats without a permit | $250 | $500 |
| 4. | 3.9(4) | Failure to comply with a condition of a permit | $250 | $500 |
| 5. | 3.10(2) | Failure to notify of an event in clause 3.10(1) | $250 | $500 |
| 6. | 3.14 | Operating a cattery without a licence | $~~500~~250 | $~~750~~500 |
| 7. | 3.20(34) | Failure to comply with a licence condition | $250 | $500 |
| 8. | 3.25 | Providing false or misleading statement in connection with an application | $250 | $500 |
| 9. | | Each other offence not specified | $250 | $500 |

### Part 3 – Other animals

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 4.2 | Failure to comply with cleanliness requirements | $250 | $500 |
| 2. | 4.3 | Permitting an animal to cause a nuisance | $250 | $500 |
| 3. | 4.4 | Failure to comply with drainage requirements | $250 | $500 |
| 4. | 4.5(1) | Unauthorised slaughter of an animal | $250 | $500 |
| 5. | 4.6 | Failure to remove and dispose of a dead animal | $250 | $500 |
| 6. | 4.7 | Unauthorised keeping of a large animal | $250 | $500 |
| ~~7.~~ | ~~4.9~~ | ~~Failure to prevent large animal from approaching other premises~~ | ~~$250~~ | ~~$500~~ |
| ~~8.~~7. | 4.10(1)~~2~~ | Unauthorised keeping of poultry | $250 | $500 |
| 8. | 4.10(2) | Unauthorised keeping of pigeons | $250 | $500 |
| 9. | 4.1~~2~~3 | Failure to comply with poultry keeping requirements | $250 | $500 |
| ~~10.~~ | ~~4.14~~ | ~~Unauthorised keeping of pigeons~~ | ~~$250~~ | ~~$500~~ |
| ~~11.~~10. | 4.14~~4.15~~ | Failure to comply with pigeon keeping requirements | $250 | $500 |
| ~~12.~~11. | 4.1~~5~~6(3) | Failure to comply with specified permit conditions for pigeons | $250 | $500 |

| | | | | |
|---|---|---|---|---|
| ~~13.~~12. | 4.1~~8~~7 | Unauthorised keeping of bees | $250 | $500 |
| ~~14.~~13. | 4.1~~9~~8 | Failure to comply with bee or bee hive keeping requirements | $250 | $500 |
| ~~15.~~14. | 4.1~~9~~8(f) | Failure to prevent bees causing a nuisance | $250 | $500 |
| ~~16.~~15. | 4.19~~20~~ | Failure to remove excrement | $250 | $500 |
| ~~17.~~16. | 4.20~~1~~(5) | Providing false or misleading statement in connection with a permit application | $250 | $500 |
| ~~18.~~17. | 4.22~~3~~(3) | Failure to comply with a condition of the permit | $250 | $500 |
| ~~19.~~18. | | Each other offence not specified | $250 | $500 |

## Schedule 2 - Application to keep more than 2 dogs over the age of 3 months

[Clause 2.8]

No exemption will be granted for dangerous dogs (declared) or dangerous dogs (restricted breed).

Full name: .....

Postal address: .....

Telephone number(s): .....

E-mail address: .....

Address of premises at which dogs are to be kept (if different to above): .....

.....

Are you the owner or occupier of this premises?: .....

Details of additional dogs proposed to be kept at the premises (note that 2 dogs over the age of 3 months are permitted to be kept without this exemption) –

| Dog | Breed (including mixed) | Gender | Sterilised Y/N | Colour | Age at the date of this application | Microchip number | Dog's name |
|---|---|---|---|---|---|---|---|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |

Please provide your reasons and justification for the request:
.....
.....
.....

Attached is:

- Written consent of the owner (if the applicant is not the owner of the premises)

Notes –

(1) Under this local law, 1 or 2 dogs over the age of 3 months, and any pups of that dog or those dogs under the age of 3 months, may be kept at any premises.

(2) No more than 6 dogs in total over the age of 3 months may be kept at the premises.

(3) Pups under the age of 3 months that are the offspring of a dog covered by the exemption may be kept until they reach the age of 3 months.

(4) If granted, an exemption to clause 2.7 of this local law applies only to the dogs and premises specified in this application – unless a different number of dogs is specified in the exemption.

(5) All adult dogs kept at the premises must be microchipped and registered with the City of Cockburn.

(6) A person who is aggrieved by the conditions imposed in relation to an exemption or by the refusal to grant an exemption or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision under section 26(5) of the *Dog Act 1976*.

I/We declare that the premises listed above are suitable for the number of dogs proposed to be kept there, that an adequate fence is in place to confine the dogs to the property, and that I/we will make all reasonable endeavours to ensure that the dogs do not cause a nuisance.

Signature of applicant(s): ..... Date .....

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

_____

## Schedule 3 - Application for an approved dog kennel establishment licence

[Clause 2.16]

Full name: .....

Postal address: .....

Telephone number: .....

E-mail address: .....

Address of premises for which licence for approved kennel establishment is sought (if different from above) .....

For (number of dogs) .....

*A (insert name of person) .....will be residing at the premises on and from ..... (insert date)

Or

*B (insert name of person) .....will be residing (sufficiently close to the premises so as to control the dogs and ensure their health and welfare) at:

..... insert address of residence)

on and from..... (insert date).

* delete where inapplicable.

Attached are –

(a) details of the number of dogs proposed to be kept on the premises;

(b) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;

(c) plans and specifications of the kennel establishment;

(d) a copy of the notice of proposed use to appear in newspaper (if required);

(e) a copy of notice of the proposed use to be given to adjoining premises (if required);

(f) written evidence that a person will reside –

(i) at the premises; or

(ii) sufficiently close to the premises so as to control the dogs and ensure their health and welfare;

(g) if the person in paragraph (f) is not the applicant, written evidence that a person will be in charge of the dogs;

(h) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels, including noise from dogs, would comply with the

requirements of the *Environmental Protection (Noise) Regulations 1997* or their equivalent in force from time to time;

(i) a copy of the planning approval granted by the local government under its local planning scheme in respect of the kennel establishment.

I confirm that I have read and agree to comply with the *Standards and Guidelines for the Health and Welfare of Dogs in Western Australia* published by the Western Australian Government in regard to the keeping of dogs at the proposed kennel establishment.

Signature of applicant(s): ..... Date .....

Notes –

(1) A licence, if issued, will have effect for a period of 12 months (under section 27(5) of the *Dog Act 1976*) unless it is cancelled;

(2) A person who is aggrieved by the conditions imposed in relation to a licence or by the refusal to grant a licence or by the revocation of a licence or by the refusal to approve the transfer of a licence, may apply to the State Administrative Tribunal for a review of the decision.

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

_____

**Schedule 4 - Application to keep more than 3 cats over the age of 6 months**

[Clause 3.6]

Full name: .....

Postal address: .....

Telephone number(s): .....

E-mail address: .....

Address of premises at which cats are to be kept (if different to above): .....

.....

Are you the owner or occupier of this premises?: .....

Details of additional cats proposed to be kept at the premises (note that cats under the age of 6 months are permitted to be kept without a permit) –

| Cat | Breed (including mixed) | Gender | Sterilised Y/N | Colour | Age at the date of this application | Microchip number | Cat's name |
|---|---|---|---|---|---|---|---|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |

Please provide your reasons and justification for the request:
.....
.....
.....

Attached is:

- Written consent of the owner (if the applicant is not the owner of the premises)

Notes –

(1) Under the *Cat Act 2011*, cats under the age of 6 months may be kept without a permit.

(2) If granted, a permit applies only to the cats and premises specified in this application – unless a different number of cats is specified in the permit.

(3) All cats over the age of 6 months kept at the premises must be sterilised, microchipped and registered with the City of Cockburn.

(4) A person who is aggrieved by the conditions imposed in relation to a permit or by the refusal to grant a permit or by the revocation of a permit, may apply to the State Administrative Tribunal for a review of the decision under Part 9 of the *Local Government Act 1995.*

I/We declare that the premises listed above are suitable for the number of cats proposed to be kept there, and that I/we will make all reasonable endeavours to ensure that the cats do not cause a nuisance.

Signature of applicant(s): ..... Date .....

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

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## Schedule 5 - Application for a cattery license

[Clause 3.15]

Full name: .....

Postal address: .....

Telephone number: .....

E-mail address: .....

Address of premises for which licence for cattery is sought (if different from above) .....

For (number of cats) .....

*A (insert name of person) .....will be residing at the premises on and from ..... (insert date)

Or

*B (insert name of person) .....will be residing (sufficiently close to the premises so as to control the cats and ensure their health and welfare) at:

..... insert address of residence)

on and from..... (insert date).

* delete where inapplicable.

Attached are —

(a) details of the number of cats proposed to be kept at the premises;

(b) a site plan of the premises showing the location of the cat enclosures and all other buildings and structures and fences;

(c) plans and specifications of the cattery;

(d) a copy of the notice of proposed use to appear in newspaper (if required);

(e) a copy of notice of the proposed use to be given to adjoining premises (if required);

(f) written evidence that a person will reside –

(i) at the premises; or

(ii) sufficiently close to the premises so as to control the cats and ensure their health and welfare;

(g) if the person in paragraph (f) is not the applicant, written evidence that a person will be in charge of the cats; and

(h) a copy of the planning approval granted by the local government under its local planning scheme in respect of the cattery.

I confirm that I agree to comply with any code of practice published by the Western Australian Government in regard to the keeping of cats at the proposed cattery.

Signature of applicant(s): ..... Date .....

Notes –

(1) A licence, if issued, will have effect for the period of time specified on the licence, unless it is cancelled;

(2) A person who is aggrieved by the conditions imposed in relation to a licence or by the refusal to grant a licence or by the revocation of a licence or by the refusal to approve the transfer of a licence, may apply to the State Administrative Tribunal for a review of the decision under Part 9 of the *Local Government Act 1995.*

OFFICE USE ONLY

Approved Yes/No

Conditions (if applicable) .....

.....

If not approved, provide reason(s) .....

Title of authorised officer making this decision ..... Date .....

Signature of authorised officer ..... Name .....

Applicant advised (date) .....

Application fee paid on (insert date) .....

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## Schedule 6 - Cat prohibited areas

[Clause 3.3(1)]

| Item No. | Common Name | Address | Reserve Number/s |
|---|---|---|---|
| 1 | Apara Reserve | 38583R Apara Court SOUTH LAKE | 38583 |
| 2 | Aquamarine Reserve | 105 Aquamarine Parade TREEBY | 53831 |
| 3 | | 47 Aquamarine Parade TREEBY | 53481 |
| 4 | Azure Reserve | 1 Azure Terrace LAKE COOGEE | 53805 |
| 5 | Baler Reserve | 48716R Baler Court HAMMOND PARK | 48716 |
| 6 | Banbar Park | 48161R Astroloma Drive SUCCESS | 48161 |
| 7 | Bandicoot Reserve | 401 Berrigan Drive JANDAKOT | 42343 |
| 8 | Banksia Eucalypt Woodland Reserve | 48078R Cape Le Grand Avenue AUBIN GROVE | 48078 |
| 9 | Barfield Reserve | 48736R Barfield Road HAMMOND PARK | 48736 |
| 10 | Beeliar Reserve | 33 Lakefront Avenue BEELIAR | 45286 |
| 11 | Bibra Lake Reserve | 506L Hope Road BIBRA LAKE | 46787 |
| 12 | | 6208R Hope Road BIBRA LAKE | 6208 |
| 13 | Bindjar Reserve | 8000L Riverina Parade LAKE COOGEE | 48213 |
| 14 | Bloodwood Reserve | 332L Bloodwood Circle SOUTH LAKE | 41039 |
| 15 | Boodjar Mooliny Reserve | 42980R Musulin Rise LAKE COOGEE | 42980 |
| 16 | | 48547R Gumina Place LAKE COOGEE | 48547 |
| 17 | | 48546R Kotisina Gardens LAKE COOGEE | 48546 |
| 18 | | 9501L Mayor Road LAKE COOGEE | 51185 |
| 19 | Boorn Reserve | 25L Progress Drive BIBRA LAKE | 51121 |
| 20 | Boronia Park | 4004L Caterpillar Road SUCCESS | 48692 |
| 21 | Bosworth Reserve | 36588R Harper Road BANJUP | 36588 |
| 22 | Brandwood Reserve | 64 Casserly Drive LEEMING | 41193 |
| 23 | Buckingham Reserve | 39358R Gibbs Road BANJUP | 39358 |
| 24 | | 44348R Coffey Road BANJUP | 44348 |
| 25 | Bushland Park | 21 Southwell Crescent HAMILTON HILL | N/A |
| 26 | Chaplin Park | 16 Chaplin Road SUCCESS | 52708 |
| 27 | Christmas Tree Park | 47163R Serenity Parkway HAMMOND PARK | 47163 |
| 28 | Classon Park | 25 Casserly Drive LEEMING | 40548 |
| 29 | Clementine Park | 6 Clementine Boulevard TREEBY | 52927 |
| 30 | | 6 Clementine Boulevard TREEBY | 52833 |
| 31 | | 6 Clementine Boulevard TREEBY | 53280 |
| 32 | Cocos Park | 88 Cocos Drive BIBRA LAKE | 45113 |
| 33 | Coogee Beach Reserve | 4 Powell Road COOGEE | 24306 |
| 34 | | 502L Cockburn Road COOGEE | 54359 |
| 35 | Coojong Park | 49384R Modong Nook SUCCESS | 49384 |
| 36 | | 49384R Coojong Link SUCCESS | 49384 |
| 37 | Cooper Reserve | 45447R Cooper Road COCKBURN CENTRAL | 45447 |
| 38 | Corsia Park | 41 Corsia Crescent HAMMOND PARK | 53698 |
| 39 | C.Y. O'Connor Reserve | 24787R McTaggart Cove NORTH COOGEE | 24787 |
| 40 | Denis De Young Reserve | 41 Oxley Road BANJUP | 33002 |
| 41 | | 31653R Gibbs Road BANJUP | 31653 |
| 42 | Djidi Djidi Reserve | 27L Progress Drive BIBRA LAKE | 51121 |
| 43 | Doherty Reserve | 30989R Doherty Road COOLBELLUP | 30989 |
| 44 | Eco Park | 32 Aurora Drive ATWELL | 48368 |
| 45 | Emma Treeby Reserve | 66 Murdoch Way BANJUP | 37816 |
| 46 | Frankland Park | 250 Frankland Avenue HAMMOND PARK | 27057 |
| 47 | Fred and Emily Smith Park | 5 Marwood Circuit SUCCESS | 51979 |
| 48 | Freshwater Reserve | 1 Paradise Grove ATWELL | 44932 |
| 49 | Gaebler Park | 149 Gaebler Road AUBIN GROVE | 50801 |

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| 50 | Genoa Park | 5 Genoa Parkway HAMMOND PARK | 52421 |
| 51 | Gibbs Park | 28 Gibbs Road AUBIN GROVE | 51136 |
| 52 | Gil Chalwell Reserve | 62 Boronia Road BANJUP | 40983 |
| 53 | Guava Reserve | 1 Guava Way TREEBY | 53786 |
| 54 | Heatherlea Reserve | 37 Heatherlea Parkway LEEMING | 42378 |
| 55 | Holdsworth Reserve | 24484R Mortimer Street WATTLEUP | 24484 |
| 56 | Ingrilli Park | 21 Ingrilli Court LAKE COOGEE | 50534 |
| 57 | Jamy Park | 16 Jamy Place HAMILTON HILL | N/A |
| 58 | Jubilee Park | 5 Jubilee Avenue SUCCESS | 53183 |
| 59 | | 5 Jubilee Avenue SUCCESS | 53184 |
| 60 | Karda Park | 21 Karda Way HAMILTON HILL | 54222 |
| 61 | Katsura Reserve | 10 Katsura Gardens LAKE COOGEE | 48791 |
| 62 | Kraemer Reserve | 36412R Bartram Road BANJUP | 36412 |
| 63 | Kurrajong Park | 47241R Kurrajong Approach ATWELL | 47241 |
| 64 | Lake Coogee Reserve | 30861R Fawcett Road LAKE COOGEE | 30861 |
| 65 | | 19 McGrath Road HENDERSON | 51415 |
| 66 | L'Aquila Park | 10 L'Aquila Circle BEELIAR | 49872 |
| 67 | Levi Park | 97 Plover Drive YANGEBUP | 39774 |
| 68 | Little Rush Lake Reserve | 39839R Grassbird Loop YANGEBUP | 39839 |
| 69 | Lukin Swamp Reserve | 50617R Merrit Loop JANDAKOT | 50617 |
| 70 | Macrozamia Park | 1 Randazzo Way YANGEBUP | 48352 |
| 71 | Manning Park Reserve | 2 Azelia Road HAMILTON HILL | 26870 |
| 72 | Market Garden Park | 22227R Garden Road SPEARWOOD | 22227 |
| 73 | Marshwood Park | 3 Paddington Court BIBRA LAKE | 43662 |
| 74 | Mather Reserve | 36599R Bartram Road BANJUP | 36599 |
| 75 | McGrath Park | 26 McGrath Road HENDERSON | 51316 |
| 76 | McNeil Field | 44789R Mayor Road COOGEE | 44789 |
| 77 | Meve Park | 109L Spearwood Avenue BEELIAR | 51113 |
| 78 | Mohan Park | 50075R Mohan Loop HAMMOND PARK | 50075 |
| 79 | Montclair Park | 8004L Montclair Crescent SUCCESS | 54123 |
| 80 | Monticola Park | 21 Monticola Gardens AUBIN GROVE | 50916 |
| 81 | Nola Waters Reserve | 10 Beedelup Loop BIBRA LAKE | 46392 |
| 82 | Omodeo Park | 15 Omodeo Vista HAMMOND PARK | 53980 |
| 83 | Owgen Reserve | 45017R Nasturtium Gardens BEELIAR | 45017 |
| 84 | Parco Park | 2 Parco Glade HAMMOND PARK | 52420 |
| 85 | Redemptora Reserve | 41214R Redemptora Road HENDERSON | 41214 |
| 86 | Roper Reserve | 47976R Roper Boulevard HAMMOND PARK | 47976 |
| 87 | Rose Shanks Reserve | 870 Warton Road TREEBY | 1820 |
| 88 | | 886 Warton Road TREEBY | 8129 |
| 89 | Russel Road South Powerline Bushland | 70 Baler Court HAMMOND PARK | N/A |
| 90 | Santorini Park | 50 Santorini Boulevard COOGEE | 52205 |
| 91 | Sherbrooke Reserve | 60 Deller Drive BIBRA LAKE | 42608 |
| 92 | Shoreline Park | 7 Shoreline Gardens YANGEBUP | 48568 |
| 93 | Skaife Park | 26750R Holmes Road MUNSTER | 26750 |
| 94 | Success Reserve Bushland | 359 Hammond Road SUCCESS | 7756 |
| 95 | Triandra Reserve | 47651R Triandra Court BANJUP | 47651 |
| 96 | | 48671R Stromboli Way BANJUP | 48671 |
| 97 | Twin Bartram Park | 212 Wentworth Parade SUCCESS | 51980 |
| 8 | Ulidia Park | 27 Gardiner Avenue HENDERSON | 51316 |
| 99 | Verde Reserve | 95 Verde Drive JANDAKOT | 47577 |
| 100 | Warthwyke Park | 1 Magnolia Gardens YANGEBUP | 40263 |
| 101 | Westwood Park | 20 Westwood Crescent HAMMOND PARK | 53418 |
| 102 | Whadjuk Park | 34 Whadjuk Drive HAMMOND PARK | 53692 |
| 103 | Yaakan Park | 800L Gwilliam Drive BIBRA LAKE | 53696 |

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|---|---|---|---|
| 104 | | 508L Progress Drive BIBRA LAKE | 46787 |
| 105 | | 27488R Progress Drive NORTH LAKE | 27488 |
| 106 | Yandi Park | 15 Midgegooroo Avenue COCKBURN CENTRAL | 52980 |
| 107 | Yandjet Park | 342 Yangebup Road YANGEBUP | 53369 |
| 108 | Yangebup Lake Reserve | 49078R Tamara Drive COCKBURN CENTRAL | 49078 |
| 109 | | 48313R Beeliar Drive BEELIAR | 48313 |

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Dated this of 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

**Item 8.2.5 Attachment 3 - City of Cockburn Keeping of Animals Local Law 2026 GOVCO 21/04/2026**

**Online and hard copy submissions**

| # | Date received | Name | Are you aware of the current local laws regarding the keeping of animals within the City? | After viewing the proposed Keeping of Animals Local Law 2026, what is your level of support? | Please list which Part or Clause your feedback is related to | What is your feedback? | If suggesting changes to the local law, please specify how these changes will impact the operation of the local law, or be beneficial for the wider community? | Officer response |
|---|---|---|---|---|---|---|---|---|
| 1 | Jan 12 | Name withheld by request | Yes | Support with concerns | Cats | Surely the cat law needs to incorporate something about cats being contained, especially at night? I am sick of roaming cats on my property. I've trapped several - half the time the owners don't care and don't do anything to stop it happening. Trapping a cat a second time is much more difficult. They are disruptive and kill so many birds, lizards, etc. I know when I have a cat around - the birds in my garden disappear! Dogs must be contained - why not cats - there are many ways to (simply) manage to contain cats today. | People like me have to deal with cats fighting at night in their garden (disrupting sleep, other pets etc.) and killing local wildlife (in local gardens but also at the lake etc.) on a regular basis. When we live in a such a rich wildlife area, this has to be well regulated - at the moment it is not and these laws don't seem to indicate that much will (actually) change. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat |

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| | | | | | | | | Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 2 | Jan 12 | Name withheld by request | Yes | Support with concerns | Part 3 – Division 2 – Control of cats | Part 3, Division 2 contains no provisions relating to the confinement or effective control of cats. Under the current framework, cats are permitted to roam unrestricted, resulting in documented and ongoing impacts including predation of native Australian wildlife, damage to neighbouring properties, fouling of gardens, and unauthorised entry into private land. | Introducing cat containment provisions would align regulatory treatment across companion animals, reduce environmental harm, minimise neighbourhood impacts, and support broader wildlife conservation outcomes. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries. |

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| | | | | | | This omission contrasts with the detailed containment and fencing requirements imposed on dogs, despite substantial evidence that free-roaming domestic cats pose a significantly higher risk to biodiversity and environmental values. Numerous studies have identified cats as a major contributor to the decline of native bird, reptile, and small mammal populations.<br><br>The absence of mandatory containment measures represents a regulatory inconsistency and undermines the objectives of responsible pet ownership and environmental protection. It is recommended that Division 2 be amended to include enforceable cat containment requirements, such as confinement to the owner's dwelling or property through appropriate cat-proof fencing or enclosures. | | The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 3 | Jan 12 | Name withheld by request | Unsure | Support with concerns | PUPPY FACTORIES and CHAINED/CAGED creatures [dogs, cats, birds, etc] instead of referring to ineffectual RSPCA who rarely DO anything | Any keeping of animals/birds/reptiles needs to be monitored despite ANY Nationality with no exceptions. There | Council Rangers must be allowed to view the creatures & the premises/housing arrangement with recourse to the | Feedback noted.<br><br>The Department of Primary |

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| | | | | | | are breeding 'families' that are flouting the 'Laws'. | inadequate & useless RSPCA. | Industries and Regional Development (DPIRD) are responsible for enforcing the Animal Welfare Act 2002, which regulates animal welfare matters. They work closely with the RSPCA. We encourage you to report your concerns directly to DPIRD or the RSPCA. |
| 4 | Jan 12 | Name withheld by request | No | Support | Cat Nuisance | This in no way is strong enough for residents keeping cats. Increased cat restrictions, such as cat containment laws are required as well as increased enforcement and repercussions for non compliance. | I have constant issues with cats causing nuisance weekly in my front and back yard (noise issues like screaming throughout the night, destroying plants, faeces left behind constantly and the onus is on the property owner to catch the cat and hand it to the council, where even if that happens, there is no consequence. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill |

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| | | | | | | | We know they hunt the endangered turtles in the wetlands, I've found dead birds caught by them in my yard and that's just the ones we know about. They cause incredible problems and wildlife destruction but many resident lets them roam as there is no disincentive and its easier for them to deal with. Even if you have exclusion zones, you have no way of enforcing this! Cats can roam kilometres every night.<br><br>Please adopt cat containment laws to save the sanity of those who want to live in peace with the wildlife. | that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 5 | Jan 13 | Name withheld by request | Yes | Support | Cats | Needs to be more restrictive around Cats. These animals predominantly kill our wildlife and should be highly restricted, especially concerning nighttime activities. | provided above | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat |

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| | | | | | | | | owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 6 | Jan 15 | Name withheld by request | Yes | Support | Part 4 | Should there be some guidelines on the keeping of animals other than those mentions; eg; parrots, or other native animals? | Provide more clarity | Feedback noted.<br><br>The proposed Keeping of |

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|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Animals Local Law primarily regulates animals which have a greater potential to create nuisances or public health or community safety concerns.<br><br>Cats and dogs are also regulated as the City is empowered under the Cat Act 2011 and Dog Act 1976 to regulate these animals.<br><br>Native animals are also protected already under the Biodiversity Conservation Act 2016. The City's proposed Public Places Local Law also provides some protection in respect of native animals in public |

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| | | | | | | | | reserves, parks etc. |
| 7 | Jan 15 | Name withheld by request | Unsure | Support | Cat prohibited areas | Not restrictive enough. There are many animals such as Quendas that can be seen outside. Cats should be banned from being outdoors except in a secure cat run | | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it |

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| | | | | | | | | passes, will consider whether to introduce cat containment requirements in the future. |
| 8 | Jan 15 | Name withheld by request | Yes | Support with concerns | About cats | We need stricter reinforcement on cats being contained within owner's properties. I regularly see cats hunting in the nature reserves in success. We are all aware of the impact on native wildlife. Please strongly enforce cat containment in cockburn with powers to humanely trap and fine owners of cats who stray. | The will benefit the community via preventing cats entering others property (we have 2 cats of unknown owner who fit in our back yard at night. It will help slow Australian native animal biodiversity loss. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat |

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| | | | | | | | | curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 9 | Jan 15 | Leigh Chatt | Yes | Support with concerns | My feedback relates to Part 2: Dogs, specifically the provisions allowing applications or exemptions to keep more than two dogs at a property.<br>It also relates to Part 3: Cats, including clauses that permit the keeping of cats and the permit framework for higher numbers.<br>Further feedback relates to Part 4: Other Animals, where nuisance, containment, and cleanliness obligations are addressed. | While the proposed local law improves structure and enforcement clarity, it is too permissive in allowing exemptions to keep more than two dogs at a residential property.<br>Allowing increased dog numbers can negatively impact noise, amenity, and neighbour wellbeing, even where permit conditions apply.<br>Similarly, cats should only be permitted where they are strictly contained on the property, as roaming cats create ongoing impacts on wildlife, neighbouring properties, and public amenity. | Retaining a firm limit of no more than two dogs per property, with exemptions only in exceptional circumstances, would better protect residential amenity and reduce noise and nuisance complaints.<br>Stronger requirements for mandatory containment of cats, including enclosure or curfew-style controls, would significantly reduce roaming, wildlife harm, and neighbour disputes.<br>These changes would simplify enforcement, reduce ongoing complaints, and better align the local law with community expectations around | Feedback noted.<br><br>Unfortunately, the Dog Act 1976 does not allow the City to firmly limit dogs in such a way.<br><br>The City also, at this time, does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries. |

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| | | | | | | | amenity, safety, and responsible animal ownership. | |
| 10 | Jan 15 | Name withheld by request | Yes | Support with concerns | | The definition of "nuisance" includes activities that are "annoying" or an "unreasonable interference" with enjoyment of land. This subjectivity may lead to inconsistent enforcement based on individual neighbor complaints rather than objective standards. | | Feedback noted.<br><br>The definition of 'nuisance' contained in the proposed Keeping of Animals Local Law is the definition approved by the State Government, and the City cannot amend it.<br><br>While a complaint might prompt the City to look into an issue, a complaint on its own is not enough for the City to take enforcement action. There must be objective evidence, such as photos, observations etc. to provide that there is a |

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| | | | | | | | | breach of the local law.<br><br>Further, the City uses a graduated approach to compliance, starting with education and warnings and escalating only where necessary to infringements or prosecution. This ensures any action taken is fair and proportionate to the issue. |
| 11 | Jan 15 | Matthew Hall | Yes | Support with concerns | 3.2 | I have lived near Lake Yangebup for 20 years and have seen a marked decline in native wildlife in this time, especially Quendas. I strongly believe that cats should be confined to the owners property and there should be fines for non-compliance. This should not be a stretch as it is already in place in the Dog Act. Cockburn has many native lakes and bushland and to see peoples cats regularly wandering around at night is very concerning. | It will protect native wildlife. The current 'nuisance' laws for cats are extremely soft. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has |

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| | | | | | | | | introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 12 | Jan 24 | Jason Pearson | Yes | Object | All the parts related to Number of animals kept, and the restrictive behavior the Council is pushing. | Changes to the number of animals that can be kept shouldn't be changed, its becoming a point of government overreach, a lot of people have these animals for many various reasons and a change like this is just unwarranted and unnecessary. The likelyhood is people lives could be severly affected, in mental health, | why do we need change. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The |

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| | | | | | | businesses that rely on this, or some other factor. | | current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development |

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| | | | | | | | | Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements |

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| | | | | | | | | specified in these laws. |
| 13 | Jan 24 | Name withheld by request | Yes | Object | | | | Feedback noted. |
| 14 | Jan 24 | Name withheld by request | Yes | Support with concerns | Dogs and Cats | Dogs remain on lead in designated areas at all times.<br><br>Cat owner wishing to let there cat go outside must have a suitably secured cat run to prevent the destruction of native Fauna. | Having less off leads dogs will make it safer for those doing the right thing ti enjoy taking on lead dogs for a stroll.<br><br>Cat destroy native wildlife and poo in other people yards, (which my dogs eat). Keep your cats on your property. | Feedback noted.<br><br>Dog exercise areas (i.e., places where dogs are allowed off-lead) are regulated by the Dog Act 1976. Any review of these areas is outside the scope of this engagement, which is on the proposed Keeping of Animals Local Law.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within |

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| | | | | | | | | property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 15 | Jan 24 | Name withheld by request | Yes | Object | Part 4 - Other Animals | The ruling has not been looked into accurately and fairly. There are many rural property owners who have lived in the COC for a large majority of their lives and invested significant amounts of money into | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current |

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| | | | | | | developing their properties to house and hold livestock. Reducing the amount down to a maximum of 2 is ridiculous. Why do these 'other' animals also not get a permit section yet cats and dogs do? We have 3 stables built here and with this new 'law', 1 will become a storage stable despite the costs to have this all built.<br><br>Majority of livestock owners do the right thing and so why are we punished and made to reduce numbers. It should be those that do not have ample paddocks, feed, shelter, water that are made to reduce numbers. Not those of us that do the right thing.<br><br>Also it is quite common amongst horse owners to have a minimum of 3 horses on a property. This ensures that if 1 horse needs to go to the vets/competition/away for a reason, then the other 2 have company at home together. It is not always possible to take 2 away together(if we use this law as an example) and they | | local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep any number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming |

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| | | | | | | can get very stressed and upset being alone. This puts added stress(financially and mentally) on property owners if we have to factor to take 2 animals together everywhere we go rather than having a friend at home for them. If properties have adequate facilities than there should be no restrictions unless the property cannot handle the amount of livestock. | | purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local |

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| | | | | | | | | Law and all persons need to comply with any requirements specified in these laws. |
| 16 | Jan 24 | Renee Sutton | Yes | Object | The proposed clauses provide that livestock (including miniature horses, goats, sheep, cows etc.) can only be kept in accordance with the requirements of the local law or in accordance with a development approval (DA):<br>To keep livestock for domestic purposes/ as pets, the following requirements must be met:<br>• Only allowed in resource, rural and rural living zones<br>• No more than 2<br>• 9m setback from adjoining premises, throughfare or public place (this in effect replaces the minimum lot sizes)<br>• For miniature animals (goats, cows, horses, sheep) – only specific | Unreasonable. Livestock are herd animals, 2 animals are not a herd. Are you expecting residents to get rid of current animals?<br>9m set back is unreasonable, sheep and goats are often used as an environmentaly friendly way to maintain fire breaks | The wider community is not impacted by rural properties having rural animals on them. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep any number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, |

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| | | | | | breeds permitted.<br>To improve clarity, reduce duplication of approvals required, and make it easier to comply.<br>The proposed clauses do not require | | | provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development |

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| | | | | | | | | Approval will still be valid.<br><br>In respect of setbacks, the City considers these are important to reduce any amenity impact on neighbouring properties or persons using public places. The 9m setback only applies in respect of any pen or paddock or other enclosure constructed for a large animal, which is ordinarily used for their containment. In response to feedback, the City has however removed the proposed clause 4.9, which required a person to ensure a large animal does not approach within |

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| | | | | | | | | 10 metres of another premises. This should allow for goats and sheep to be used in the way specified in the submission.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 17 | Jan 25 | Name withheld by request | Yes | Support | Poultry - chickens | I think this is a great improvement. I have been wanting to keep chickens as pets for years but the current regulations are too restrictive, even for a decent sized 400m2 block with ample room for chooks. The new | | Feedback noted. |

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| | | | | | | regulations are much more flexible yet still promote responsible chicken ownership. | | |
| 18 | Jan 25 | Name withheld by request | Yes | Object | Poultry, livestock and other animals | Too restrictive to the community. Keeping animals is not a privilege in this country. You are controlling the keeping of animals too closely. Cockburn and surrounding areas is and was built of many farmlands and hobby farms. Do better | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in |

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| | | | | | | | | a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>The same applies to poultry, in that while the proposed Keeping of Animals Local Law specifies poultry limits, a person can apply for a |

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| | | | | | | | | permit to keep more than that limit.<br><br>For those who already have a Development Approval or permit, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 19 | Jan 25 | Name withheld by request | Yes | Object | Number of animals we are allowed to keep on average. | Totally against these laws as we have chosen to live here for the past 18 years | As long as animals are being cared for and registered through DPIRD there | Feedback noted. |

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| | | | | | | because of our interest in animals. | should be no reason for the council to be involved. | The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 |

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| 20 | Jan 26 | Troy Compton | Yes | Object | Amount of poultry allowed | The restrictions from 12 poultry to 4 is a dramatic drop for a household especially with increase of egg prices constantly going up and eggs are a staple commodity of any house hold. Restricting the amount of chicken to 4 on a residential property especially when there is more people living in | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law introduces poultry limits (without approval) based on lot size. This |

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| | | | | | | shared rentals as of house shortages is not viable . Also we are told by our local governments to recycle,compost,and restrict on fertilizers in our homes . As a chook owner I'm always receiving egg cartons to store eggs and will give full cartons away to family members and friends which is (RECYCLING) and saving land fill<br>Chicken manure is a natural fertilizer which again stops the purchase of fertilizer and stops packaging landfill<br>Also chickens will eat food scraps which yet again stops landfill and smelly bins<br>So to me this restriction to 4 chickens is going the wrong direction that we should actually be going and the number of poultry should be the same as the law now if there is a restriction maybe to 6 thanks Troy | | means for large lots, a person may keep more than 12 poultry without approval. It does mean for smaller lots, less than 12 poultry may be permitted without approval.<br><br>However, it is important to note that the current local laws allowing 12 poultry in residential areas, also require the poultry to be kept at least 9m away from other homes, and 18m away from streets. This means most small lots likely wouldn't have been able to legally keep poultry under the current local laws. |

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| | | | | | | | | If a person wishes to keep more than the limit specified, they can apply for a permit. If a person already has an approval issued by the City, nothing will change and that approval will still be valid. |
| 21 | Jan 26 | Name withheld by request | Yes | Object | Restricting properties to maximum of 2 horses on 5 acres of land. | People have spent thousands if not millions of dollars around this area establishing equine facilities, sheep and alpacas. developing there own titled land for be equiped for horses placing restrictions will not be fixing anything, if anything be causing more problems. | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep |

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| | | | | | | | | up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development |

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| 22 | Jan 26 | Name withheld by request | Yes | Object | Large & rural properties should not be restricted on animals kept on their property. Especially livestock and poultry<br><br>I think current laws are sufficient regarding all animals | Large & rural properties should not be restricted on animals kept on their property. Especially livestock and poultry<br><br>I think current laws are sufficient regarding all animals and restrictions do not need to be put in place. Why are we trying to fix | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large |

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| | | | | | | something that is not an issue | | animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be |

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| | | | | | | | | It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 23 | Jan 26 | Name withheld by request | Yes | Object | Telling people who won land how many animals they can have on it. This is not America it's unastralian to tell people how many animals they can own when majority of the country is farm land | Worry more about the housing crisis. | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* |

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| | | | | | | | | number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals |

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| 24 | Jan 27 | Name withheld by request | Yes | Object | | | | Feedback noted. |

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| 25 | Jan 28 | Kerry | Yes | Object | Number of livestock on rural property | Stop interfering and trying to get rid of rural property so you can mass build homes | People who already have rural property shouldn't be told what or number of animals they can have | Feedback noted.<br><br>The City is not proposing any zoning amendments which would remove the rural designation of properties.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet |

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| 26 | Jan 28 | Name withheld by request | Yes | Support with concerns | Animal Laws | We have 3 horse which we have a licence for, including a management plan approved by the city. Our daughter competes competitively in dressage and competes on the east coast.<br>We have received grants from city of cockburn when she was younger supporting her in her equestrian sport when she was chosen for state teams | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local |

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| | | | | | | . We hope these new laws do not affect our rights to compete and represent our state | | laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This |

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| 27 | Jan 29 | Name withheld by request | Yes | Support with concerns | Owning “farm animals” | Should be able to keep more than 2 farm animals as pets if you own a large property | Allows people to have pets/ animals if they have a larger property. Adoption and rehoming should be encouraged however if the restrictions are 2 pets, this will drop significantly | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City’s current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain |

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| | | | | | | | | note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 28 | Jan 29 | Name withheld by request | Yes | Object | Keeping of livestock and poultry. | If the person or persons has the land, they should be able to keep as many livestock/poultry as they like! As long as the property is not overcrowded. Leave it to the farmer/hobby farmer, I'm sure they won't overcrowded their land and most have probably been doing it for years with no problems till now, when the city of Cockburn want to dictate what they can and can't have on their property | Allow people to continue/start farming, there is nothing better than growing your own food, please do not take it away. Stop trying to Control Everything!!! | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The |

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| | | | | | | | | the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 29 | Jan 29 | Name withheld by request | Yes | Support | Cats, cats a huge problem everywhere. I think its great that your making changes but they aren't strict enough. | Ban cats from roaming, larger banned cat areas. Larger fines and rego fees for cats.<br>Set traps in suburbs and catch roaming pet cats and fine owners. | Self explanatory. Native animals can comeback into the areas.<br>Why is it okay for peoples animals to roam at night and kill animals its terrible. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats |

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| | | | | | | | | from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 30 | Jan 29 | Name withheld by request | Unsure | Object | Cats, dogs, livestock, bees | Significant overreach by council to mandate numbers before approvals must be gained. The resourcing for this will be outrageous and for what benefit to the community? There are far more important things for the council to expend time and money on. | Absolutely no need to introduce new regulations. | Feedback noted.<br><br>It is common practice for local governments to put in place approvals processes for the keeping of dogs and cats over a specified number.<br><br>In respect of large animals, the proposed Keeping of Animals Local Law relaxes the City's current local laws. The current local |

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| | | | | | | | | Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>The same applies to poultry, in that while the proposed Keeping of Animals Local Law specifies poultry limits, a person can apply for a permit to keep more than that limit.<br><br>In respect of bees, the proposed Keeping of Animals Local Law also relaxes the City's current local laws, in that approval is not required to keep up to 2 hives, provided the land is zoned a |

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| | | | | | | | | specified in these laws. |
| 31 | Feb 03 | Andrew Eastick | Yes | Support with concerns | Bloody Pigeons!! | In common with most other Perth Metropolitan Councils, the keeping of pigeons in residential areas should not be permitted. Having lived with pigeons on an adjoining property for many years the impact of those pigeons on our property and the enjoyment of our property was profound. Pigeons, unless permanently caged cannot be prevented from impacting on adjoining and neighboring properties, and unless the husbandry of the pigeons is maintained to a very high standard at all times (was not the case in our situation) rats and mice are a constant, significant additional problem. | The keeping of pigeons in a residential area will be a constant source of complaint to Council officers. We had to complain on many occasions over a number of years with any improvements minimal and for just a short period before reverting back to experiencing severe nuisance. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law is intended to ensure that animals are kept in a manner that will not adversely affect the amenity of surrounding properties.<br><br>Where pigeons are kept in a manner that cause a nuisance, this may be dealt with under clause 4.15(c) of the local law. |
| 32 | Feb 05 | Name withheld by request | Yes | Object | Keeping of large animals | There is a lot of rural properties around and we are here for the ability to have animals, and for children to grow up with animals, we do not want to loose our right to keep any animals at all which seems to be what is happening, we feel the council is trying to push all rural owners out | Keep them the same | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large |

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| | | | | | | and want industrial, sand pits and hard stands only which is creating more damage to the land than any animal ever would | | animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be |

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| | | | | | | | | any requirements specified in these laws. |
| 33 | Feb 05 | Louise Troy | Yes | Object | The restriction on the number of animals allowed on a property. | When did City of Cockburn become a dictatorship on how many companion animals or otherwise are allowed on a property. The proposed changes regarding all domestic animals and livestock is not taking into consideration the larger and rural properties in the City of Cockburn. The proposed amendments are ludicrous. | I think City of Cockburn are beyond ridiculous. Who is sitting at a desk coming up with this nonsense, their salary being paid for by our rates? Take a good long hard look at yourselves. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way |

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| | | | | | | | | and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development Approval will still be valid. |

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| 34 | Feb 06 | Penny Carlisle | Yes | Object | Number of livestock on rural properties | We have three sheep and six goats, all of whom are beloved pets who were either born on our property or whom we acquired when they were very young. My husband and I bought our property in 1987 for the purposes of living on a hobby farm with farm animal pets including horses, sheep and goats. We greatly love our pets (they are not nameless "livestock" to us but pets who bring us a lot of joy). We cannot think of any reason why limiting our animals to two would | I can think of no reason why implementing this law would benefit the community. There are very few hobby farms in my area and the farm animals are doing no harm to anyone on the properties they live on. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* |

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| | | | | | | benefit anyone in our community. We could not possibly willingly part with any of our “livestock”. I hope you will take this into consideration because to lose any of our pets before they pass away from old age would cause us intolerable pain. | | number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals |

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| 35 | Feb 07 | Name withheld by request | Yes | Object | pretty much the whole thing, except the cat laws. | the council appears to have written a proposal, no considering the fact, people within the rural zones of | just leave it alone, its fine how it is. no one complains within the community. or have | Feedback noted. |

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| | | | | | | cockburn wish to live in a way that has animals around them, the option to breed and slaughter the animals and keep enough hens to supply family and friends.<br><br>your current laws/guidelines suit the rural area fine, they cover the health and nuisance of animals on a property without limiting a landowners ability to live as they intended in such areas.<br>it sounds like the council wants to restrict the lifestyle of Wattleup and other rural areas, make it less appealing and move out, so you can welcome 400 houses on a lot that currently has 1, and get more money for rates. | more specific laws based on land size, no just the zoning. 50 hens on 1000m2 is fine, even 500m2. you can have 5-10 sheep on a hectare if you manage the land well. and if you bring feed in? even more. Most horses have food brought in, you can have 6 on a hectare, no problem.<br><br>The council actually has no idea what they're talking about when it comes to managing animals on land, you've just grabbed random numbers out of thin air. | The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 |

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| | | | | | | | | permit, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 36 | Feb 09 | Name withheld by request | Unsure | Object | | | | Feedback noted. |
| 37 | Feb 10 | Kajsa Janson | Yes | Support | Dogs and cats. | It sounds very reasonable. I've got dogs and cats, but I also know how annoying and hard it is to live next to neighbours who don't comply with the rules. Common sense looks different to everyone so we do need some rules. | | Feedback noted. |

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| 38 | Feb 10 | Neville Manno | Yes | Support with concerns | | | | Feedback noted. |
| 39 | Feb 10 | Name withheld by request | Yes | Support with concerns | | | | Feedback noted. |
| 40 | Feb 10 | Name withheld by request | Yes | Support | Cats should be restricted to two per household and tougher penalties for people who let their cats roam. | | | Feedback noted.<br><br>The current local laws allow up to 3 cats without approval, and the proposed Keeping of Animals Local keeps this number.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, |

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| | | | | | | | | enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 41 | Feb 10 | Ella Hamilton | Yes | Support | | | | Feedback noted. |
| 42 | Feb 10 | Name withheld by request | No | Support with concerns | Keeping cats & dogs | Should be allowed more, providing the pets are looked after properly | | Feedback noted. |
| 43 | Feb 10 | Name withheld by request | Yes | Object | Fenced enclosures and no go areas for cats. | Do you not think we have enough nanny culture? Bad timing in a time when we have to do this. Can't say that. Cats have to have satalite navigation and having a dog means you have to be in your own compound. So to have a pet you have to have enough money to fence around your house? | | Feedback noted.<br><br>The current local laws already have fencing requirements in respect of the keeping of dogs. |

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| | | | | | | What's next?<br>What if I identify as a dog?<br>Should I cage myself behind a wall? | | The introduction of cat prohibited areas is an action from the City's Animal Management and Exercise Plan, which was adopted by Council in 2020. |
| 44 | Feb 10 | Name withheld by request | Yes | Support with concern | With dogs, the owners should be taken more responsibility to keep the dog calm. As my neighbours dog is slamming my fence and bark a lot, because of that my kids stay inside the house. They don't want to go and spend time in the backyard. | Owners should provide non-objection letters from neighbours. After 6 months the dogs been in their premises. If the dog starts annoying neighbours, it will give the owners a chance to train their dog to behave. If the neighbours are happy then they could sign the non-objection letter. (It's all should be applied to dogs which rom outside the house.) Hope my concerns makes sense. | | Feedback noted.<br><br>Under the Dog Act 1976, City officers can investigate nuisance dog behaviours. The City does not have the power to mandate non-objection letters for dogs which fall within the maximum permitted without approval.<br><br>As part of the application process to keep dogs over that number, the City may |

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| | | | | | | | | request the applicant to consult with nearby owners/occupier. This will provide an opportunity for these persons to express any concerns they have with that person keeping dogs. |
| 45 | Feb 10 | Annalea Peart | Yes | Object | The number of each livestock allowed. | The specification of a limit of two (2 sheep, 2 horses, 2 goats etc) per property is a simplistic, "pen pusher" measure which does not take into account size of rural properties nor the realities of keeping these animals. The limits on animals should be scientific, proportionate to the species, and proportionate to the size of the land on which they are kept, whilst keeping in mind and appreciating the abilities of landowners to understand and manage good land care practice on their own land. Rural properties are just that. Rural, and should be allowed to be run as such. If a suburban type limit is placed on rural owners | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a |

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| | | | | | | limiting their ability to pursue hobbies which are rural based, what is the point of even owning such a property? Given that many of the rural zoned properties that will be affected by this rule change in Cockburn are 5 acres, the limit of two has been, at best, poorly thought out and without sound justification. | | person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a |

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| 46 | Feb 10 | Name withheld by request | Yes | Support with concerns | CatsDogs | I believe limiting dogs to three is appropriate and sufficient<br><br>I believe cats should be required to be on Leash if on any public area. This effectively means cats owners should have fence protection so cats can't | | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat |

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| | | | | | | escape yards, or a cat run. If they are out wandering the neighbourhood they should be on a Leash like dogs | | owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 47 | Feb 10 | Name withheld by request | No | Support with concerns | | Animals in residential areas should be limited to traditional pets. Chickens and livestock do not belong. | Removal of potential nuisance. | Feedback noted.<br><br>The proposed Keeping of |

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| | | | | | | | | Animals Local Law has clauses prohibiting large animals and poultry from creating a nuisance. The City feels this strikes the right balance of protecting amenity, while allowing residents to keep animals on their land. |
| 48 | Feb 10 | Name withheld by request | Yes | Support with concerns | cats need to be kept on property, there is alot of nature, not listed in the schedules that gets destroyed by cats, we have a small area of bushland near us that used to have a large amount of quendas, they are far and few between due to the cats seen in the bushland. they need to be restricted to premises. | As above | | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, |

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| | | | | | | | | enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 49 | Feb 10 | Annabel Le Fanu | Yes | Support with concerns | Cats in prohibited areas. | How about cats being kept on the premises or if outside within the yard but as we all know cats are very agile and roam everywhere<br>How is this going to be policed when cats are everywhere now .<br>Start trapping the domestic cats I see everyday in the bush that runs along Southend rd Ham Hill,coming from their respective houses opposite<br>Why can't City of Cockburn take a harder line as other | No cats outside of property,benefits the native wildlife and birdlife | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries. |

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| | | | | | | councils have. My dog doesn't roam the neighbourhood or climbing into my neighbours yard to use as toilet | | The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 50 | Feb 10 | Brenton Maxwell | Yes | Support | | | | Feedback noted. |
| 51 | Feb 10 | Sebastian Liffers | Yes | Support with concerns | Schedule 6 - Cat prohibited areas | The following parks be considered for addition to schedule 6 due to their proximity to the Harry Waring Marsupial Reserve:<br>Dickerson Park<br>McPhee Park<br>Sayers Park | I am a resident that lives within the corridor of new development, between the Harry Waring Marsupial Reserve and Wattleup road. Every | Feedback noted.<br><br>The parks and reserves included in Schedule 6 are drawn from the |

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| | | | | | | Hammond West Estate Park<br>And any future parks that are developed in the corridor between the marsupial reserve and Wattleup road<br><br>Or if possible, the entire region bound between Wattleup road, and the marsupial reserve be a cat prohibited area. | day, I take my dog out for a walk, going through the parks in the area, such as the ones I have listed above. I often am able to spot Quenda in the area, both in parks and even just inside verge side bushes that are within the right of way, but not explicitly within a council park.<br><br>As development continues, more and more household cats are being allowed outside at many times during the day and night. I am concerned this increase in the presence of neighborhood outdoor cats will impact the both presence and numbers of the local Quenda population. This would overall be a net loss to what feels like part of the identity of the local area, especially if it is a consequence of allowing some cats in the area to be entertained. | Council-endorsed Animal Management and Exercise Plan, which lists the reserves and parks to be designated as cat prohibited areas in stage 1 of a future local law. These areas are limited to City-managed conservation reserves, bushland reserves and regional parks.<br><br>Stage 2 of a future local law provides that the City will, after Stage 1 is implemented, look to introduce local laws that require cat containment. At present, such an action is not permitted under the Cat Act 2011. |

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| | | | | | | | I am also a firm believer that it is the council's responsibility to take on the mantle of caretakers of country from the traditional custodians of the land, and do what it can to take care of country, even if it means making a decision that is unpopular; the health of the local Quenda population should be a higher priority than the satisfaction of some local cat owners. | However, the City is aware that the State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. This would replace the need for list of cat prohibited areas. |
| 52 | Feb 10 | Name withheld by request | Yes | Support with concerns | 4.19 Bee keeping requirements | The requirement that bee hives be set back 5m from adjoining dwellings and 9m | | Feedback noted. |

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| | | | | | | from public spaces is unreasonably restrictive. In many cases there will be no location on a lot that meets these requirements. It is unclear where these numbers come from - why is it worse to have a bee hive near a bush reserve, for instance, than a neighbour's house? A bee hive that is only a couple of metres from the boundary but placed so that the flight path is directed upwards, rather than horizontally, would be a better solution. The requirements that flight paths do not affect adjoining premises and that bees do not cause a nuisance should be sufficient. | | The setbacks proposed in the Proposed Keeping of Animals Local Law are a reduced when compared to the current local laws. If a person cannot achieve the setback, they can apply for a permit to keep bees with a reduced setback. Each application will then be assessed on a case by case basis. |
| 53 | Feb 10 | Name withheld by request | Yes | Support | Keeping of poultry<br>Keeping of cats | Good enough! | | Feedback noted. |
| 54 | Feb 10 | Name withheld by request | Yes | Object | occupiers in rural zone not being able to keep more than 2 large animals or maximum of 30 poultry | restrictions should apply mainly to residential properties and not rural properties. rural property owners spend alot of money, time and effort to upkeep their surroundings and also provide more than adequate husbandry for their animals. it has been working well all this while. why do we want to restrict more? | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The |

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| | | | | | | | | Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>The same applies to poultry, in that while the proposed Keeping of Animals Local Law specifies poultry limits, a person can apply for a permit to keep more than that limit.<br><br>For those who already have a Development Approval or a permit, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there |

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| | | | | | | | | are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 55 | Feb 10 | Name withheld by request | Yes | Support with concerns | keeping cats | the only way to keep cats being a nuisance and ensure they are not found in prohibited areas is for council to enact laws requiring cats to be kept on the property of their owner, whether that be indoors, a cat run or with specialised fencing to keep cats within their property. the safety of the special native wildlife is too important to continue to jeopardise. I see between 5-10 different cats roaming my own block regularly. if this is true for every block in the council area that is a lot of cats! | owners will be responsible for ensuring their cat remains on their property, reducing nuisance for neighbours and offering further protection to our local wildlife. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, |

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| | | | | | | | | enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 56 | Feb 10 | Name withheld by request | Unsure | Support with concerns | Cats | Cats should have to be kept inside like dogs, they go to the toilet everywhere, fight at night, bounce around on roofs and are always killing other animals | | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries. |

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| | | | | | | | | The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 57 | Feb 10 | John McLellan | No | Object | Putting a number on how may you can keep on your own property. | On a Rural property it should be Govender by the following;<br>Size of the property.<br>Size of the available pasture you have.<br>And the welfare of the aminals. | If this law is change it will a effected the land owner in the following way;<br>De-value the property.<br>Make it hard to sell your block.<br>You will be un able to make a income of your block to help you | The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local |

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| | | | | | | | pay the rates. There will be land that will be no used | laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This |

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| | | | | | | | | Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements |

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| | | | | | | | | specified in these laws. |
| 58 | Feb 11 | Name withheld by request | Yes | Support | The change from one dog per premie unless you make a special application. | I totally agree only one dog per residnece in built up areas. | Already we have an influx of dogs in the local area and this can managed without extra dogs in apartments, townhouses or free standing houses. | Feedback noted – however the proposed Keeping of Animals Local Law allows up to 2 dogs without approval, not one. |
| 59 | Feb 11 | Nick Atwell | Yes | Support with concerns | Part 2 - Dogs | (Nuisance Barking & Fair Enforcement)<br>Issue statement<br>Persistent dog barking left unaddressed places the burden on affected neighbours to gather evidence and initiate legal action. Requiring a victim to declare readiness to go to court before the City acts is procedurally unfair and counter-productive. It discourages reporting, escalates neighbourhood conflict, and delays relief.<br>Requested change: Amend Part 2 (Dogs) to require the City to proactively investigate credible nuisance-barking complaints and, where appropriate, use its infringement notice powers without making the complainant commit to | Rationale: Fairness & accessibility<br>Not all residents have the time, confidence, or resources to brief lawyers or appear in court. Placing initial enforcement on Council—rather than the complainant—creates a fair and balanced process.<br>Faster resolution; less conflict<br>Early, officer-led interventions (education, warnings, directions) frequently resolve matters without litigation, keeping relations civil and reducing cumulative distress for both households.<br>Consistent, evidence-based | Feedback noted.<br><br>The City's approach to compliance and enforcement is outside the scope of this engagement, which is about the proposed Keeping of Animals Local Law. Your comments will be passed onto the relevant team for their information. |

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| | | | | | | court action as a precondition.<br>Proposed enforcement model (practical and proportionate)<br>A. Intake & triage (1–3 business days)<br>Accept complaints via phone/online, allowing anonymous witness confidentiality (identity withheld from the dog owner).<br>Require a brief description (dates/times/duration/patterns) and contact details for officer follow-up.<br>Issue a reference number and outline the next steps/timeframes.<br><br>B. Officer investigation (within 10 business days, weather and resourcing permitting)<br>Unannounced site attendance during reported nuisance periods to observe/record barking.<br>Noise logging: Officer sound-level notes and time-stamped audio (body-worn or calibrated device where available).<br>Owner engagement: Educate on responsibilities; check welfare (water, shade, enrichment); issue written advisory with | decisions<br>Clear officer protocols (site visits, recordings, logs) support consistent outcomes and protect both the complainant and the dog owner from subjective or vexatious claims. | |

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| | | | | | | improvement steps and a re-check date.<br><br>C. Graduated compliance<br><br>Advisory (education, resources, compliance tips; 14–21 days to remedy).<br>Written Direction/Warning if nuisance persists (sets compliance outcomes—e.g., training, containment, enrichment, vet/behavioural assessment).<br>Infringement Notice for non-compliance or repeated nuisance (without requiring complainant to commit to court).<br>Escalation to prosecution only for sustained non-compliance or egregious cases, based on officer-gathered evidence. | | |
| 60 | Feb 11 | Name withheld by request | No | Object | Cats - should be indoor only with the exception of cat pens. We have at least five cats out on the streets at night and I am seeing way to many dead birds as a result, particularly baby birds. I recognise this is extreme action however I don't see another way if we have any desire to keep our native birds safe. I isn't a simple case of one house on the street being | As above | - Protection of native birds<br>- no cat fights at night | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within |

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| | | | | | irresponsible - we need a cultural shift in taking responsible to an animal that is causing death. | | | property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 61 | Feb 11 | Name withheld by request | No | Support | | | | Feedback noted. |
| 62 | Feb 11 | Name withheld by request | Yes | Support with concern | I don't agree with not allowing cats in certain areas. Housing is hard enough, I don't want to make it harder for people if | Have no exclusion areas for cats, just strict laws on keeping them contained. | As stated above, housing is hard to find. It would be sad if someone finds a suitable home and | Feedback noted.<br><br>The cat prohibited |

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| | | | | | they find a home and then have to get rid of their cat because it's in an exclusion area.<br>I agree with keeping them indoors for the safety of wild life and themselves. | | then is told that their family cat can't live there. | areas proposed by the Keeping of Animals Local Law are reserves and parks. They do not cover private properties.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat |

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| | | | | | | | | curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 63 | Feb 11 | Ali Fonseka | Yes | Support | Cats | Appreciate tighter control of cats being kept on owner's property. | Keep nuisance cats contained. Win for neighbours and wildlife! | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' |

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| | | | | | | | | properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 64 | Feb 11 | Name withheld by request | Unsure | Support | | Not specifically related to the proposed laws, but can a fully fenced off/enclosed dog park be created in Atwell? There is already perimeter fences at the Atwell Primary School park, opposite the Stargate Shopping Centre, but the gates don't lock/close at all, so dogs are able to run out. If these gates can be closed that would be great for dogs to be able to run around freely without the worry of them going onto the roads. | This would allow a safe place for dogs to run around in, exercise and play with other dogs without the danger of them running onto the roads with traffic. | Feedback noted.<br><br>Your request is outside the scope of this engagement, which is about the proposed Keeping of Animals Local Law. Your comments will be passed onto the relevant team for their information. |
| 65 | Feb 11 | Robyn Walsh | Yes | Support | The cat laws are a step in the right direction, they need to be stronger when state laws change. | | | Feedback noted.<br><br>Unfortunately, at this time, the |

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| | | | | | | | | City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |

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| 66 | Feb 11 | Name withheld by request | Yes | Support | | | | Feedback noted. |
| 67 | Feb 11 | Name withheld by request | Yes | Support with concerns | | | | Feedback noted. |
| 68 | Feb 11 | Name withheld by request | Yes | Support with concern | Cat ownership. | Cat ownership regulations need to be to be much tighter on owners. Presently cats are allowed to roam free especially at night causing harm and destruction to native wildlife. I have a cat that enters my back yard and has attacked a blue tongue lizard that frequents our garden. I have tried to scare the cat off but still comes back. Cats have also killed birds in my back yard in recent times. Dog owners have specific regulations that do not allow dogs to roam free and Rangers will attend if a roaming dog is reported. Cat owners do not have similar regulatory responsibilities. | Restricting roaming cats will have a positive impact on declining native wildlife numbers. Gardeners will also have less hidden surprises left hidden in ground by straying cats. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The |

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| | | | | | | | | City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 69 | Feb 11 | Name withheld by request | Yes | Support with concerns | 3.2 Cats not to cause a nuisance | I believe there should be a clause noting that cats MUST to be kept inside, particularly at night. Cockburn Council currently notes that owners should "consider keeping them inside", which is grossly inadequate. We currently have 5 cats not owned by us, who utilise our front garden and fight regularly during the night. This keeps us awake/wakes us up most nights. | Proposed Change: Include a clause requiring domestic cats to be kept contained to their owner's property at all times, or at a minimum during night-time hours (e.g., from dusk to dawn). How This Change Will Improve the Operation of the Local Law and Benefit the Community: Reduces nuisance behaviour and sleep disturbance Free-roaming cats often fight, spray, and vocalise loudly, particularly at night. This creates significant noise disruption for residents. In my case, five uncontained cats | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, |

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| | | | | | | | regularly enter our front yard and fight during the night, waking us up on multiple occasions each week. A containment requirement would directly reduce these disturbances, improving community wellbeing and neighbourhood amenity.<br>Provides clarity and enforceability for council officers<br>Without a clear containment requirement, it is difficult for the council to act on complaints about roaming cats. Introducing a specific clause gives the local law clearer authority, making it easier for rangers to respond to nuisance complaints and for residents to understand their responsibilities.<br>Improves public safety and reduces property damage<br>Roaming cats can damage gardens, disturb pets, and create hygiene issues | prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |

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| | | | | | | | (e.g., defecating in gardens or sandpits).<br>Cat containment prevents these behaviours and reduces conflict between neighbours.<br>Protects native wildlife<br>Even owned, well-fed cats hunt instinctively. Night-time containment significantly reduces predation on native wildlife, contributing to environmental protection and biodiversity goals.<br>Aligns the City with best practice in animal management<br>Many councils across Australia have already adopted full or partial cat confinement requirements because they reduce nuisance issues, improve animal welfare, and support environmental sustainability. Implementing a similar measure will modernise the City of Cockburn's local law and align it with | |

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| | | | | | | | evolving community expectations.<br>Enhances animal welfare<br>Contained cats are less likely to be injured in fights, hit by cars, contract disease, or become lost. This reduces emotional and financial stress for owners and lessens the burden on local veterinary and ranger services. | |
| 70 | Feb 11 | Name withheld by request | Yes | Support with concern | 1 Keeping cats out of certain areas<br>2 Responsible pet ownership | 1 Cats are hard to contain to a certain area. I think it would be smarter to look at the commitment of the owners in looking after their cat, including having them desexed for a start, not allowing roaming at nighttime, and in general be better with enforcing rules.<br>2 A lot of dog owners especially do not integrate their dogs into everyday life, have little understanding of behaviour and even less input into their dog's training or being aware of their dog's behaviour out in public. I would welcome a dog license required for owning a dog and stricter | Stricter laws and more follow up in terms of animal neglect and abuse will hopefully change the attitude with time. Introducing a dog license may make people more aware of the responsibilities owning dogs. | Feedback noted.<br><br>The Cat Act 2011 already requires that cats be desexed.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries. |

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| | | | | | | regulations. It should be a privilege to own a dog, not a given. | | The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future.<br><br>The Dog Act 1976 already requires that dogs be registered with the local government. |
| 71 | Feb 11 | Name withheld by request | Unsure | Support with concern | Clause 3.2 and all other | Referring to nuisance without a proper definition makes the clauses too | Include a clear and concise definition of | Feedback noted. |

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| | | | | | | subjective and difficult to police and enforce. It also makes it impossible to comply with if people do not have a clear understanding of what nuisance means. | what constitutes a nuisance. | The definition of 'nuisance' contained in the proposed Keeping of Animals Local Law is the definition approved by the State Government, and the City cannot amend it. |
| 72 | Feb 11 | Jaymes Ball | Yes | Support | Limits on number of animals (without approval) | Support the limits | | Feedback noted. |
| 73 | Feb 12 | Rob Paton | Yes | Object | Legislation to force an owner to provide and enclosure for a dog. | Not all dogs ( or their owners) and dangerous or antisocial.<br>Introducing more restrictive laws will not prevent irresponsible people or their dogs from not complying with expected standards.<br>Maybe council should consider the temperament and compliance to commands of a particular dog and the attitude of their owners before broard brushing all owners as a threat to society.<br>I have travelled to many different countries, and none of these societies treat dogs or owners as bad as in Australia. | How about council encouraging dog owners to select a social and trainable breed ,, and for said owner to train their dogs to obey commands and abide by societies expectations. | Feedback noted. |

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| 74 | Feb 12 | Name withheld by request | Yes | Support | Mostly the new cat laws | Outdoor cats should be banned. The label of "nuisance" creates a grey area. All outdoor cats are a nuisance. | | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider |

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| | | | | | | | | whether to introduce cat containment requirements in the future. |
| 75 | Feb 12 | Dean Knowles | Yes | Support | | Being in a Strata, it's more around the obligations within Strata for Owners to also comply with CoC obligations given also that the Strata Act is not explicit on pet rules. One big issue is owns in Strata think they are exempt and/or when bylaws don't address this it becomes difficult to manage. The other issue comes with Owners renting, as then under tenancy act Agents can't say no to pets, but again here often the Strata is not advised then Tenants bring in several pets also over the limit of 2. So it would be good that this is address more given the increase in the number of Strata complexes. | Make Council Laws refer more to both Tenancy and Strata Acts, so then Owners and Tenants have a single reference as the pet registration is via the Council. | Feedback noted.<br><br>Pet owners have an obligation to know any laws that apply to them when it comes to the keeping of pets. |
| 76 | Feb 12 | Name withheld by request | Yes | Support with concern | | Clause 4.8 re number of large animals. Suggest that there should be a temporary exemption in the resource zone of say for a period of two months without having to seek permission to accommodate a maximum total of four large animals. | Please see above comments | Feedback noted.<br><br>Officers responsible for enforcing local laws have discretion in how those laws are applied. If a |

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| | | | | | | Purpose is to allow neighbours or associates to leave animals in cases of emergency or domestic reasons on a non commercial basis. For example, someone could have problems looking after their animals because of sudden illness or loss of property due to fires. Also a close relative may need to travel overseas and need to rehouse the animals for a few weeks. Or a property owner may need a few sheep to assist with keeping grass in check. | | person is temporarily keeping additional large animals due to an emergency or other genuine extenuating circumstance, then it is likely that enforcement action would not be taken. |
| 77 | Feb 12 | MATT | Yes | Object | | Survey Response – City of Cockburn Keeping of Animals Local Law 2026<br><br>I wish to express concern regarding the consultation document for the proposed Keeping of Animals Local Law 2026. While the summary repeatedly refers to “changes,” “standardisation,” “review,” “adding clauses,” and “improving clarity,” it provides insufficient detail to allow residents to meaningfully assess the impact of these changes.<br><br>Specifically: | See above | Feedback noted.<br><br>Local laws are detailed legislative documents that contain important technical, legal, and operational information.<br><br>To fully understand the impacts of any proposed changes, the community were encouraged to |

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| | | | | | | Lack of Specifics: The summary does not provide the exact wording of the new clauses, removal of previous clauses, or concrete examples of how the law will operate in practice. Without this, it is impossible to assess proportionality, fairness, or compliance requirements.<br><br>Shift from Prescriptive Standards to Nuisance-Based Enforcement: Several provisions remove detailed construction and enclosure standards for kennels, catteries, poultry, stables, and other animals, replacing them with broad "nuisance" clauses. This increases discretionary enforcement and creates uncertainty for responsible owners.<br><br>Expansion of Enforcement and Penalty Powers: Powers to direct enclosure improvements, issue larger fines, and implement three-tier penalties are noted, but procedural safeguards, objective criteria, and appeal rights are not explained. | | review the complete draft local laws. This requirement was also highlighted in the fact sheets provided on each local law with hyperlinks to the proposed new local law available in the relevant fact sheet, and all documents available on Comment on Cockburn.<br><br>The City encouraged residents to consider each of the full proposed local laws when forming their views or submitting feedback, which was also reinforced in the survey questions.<br><br>While the fact sheets were designed to |

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| | | | | | | Potential Substantive Policy Changes: The introduction of zoning restrictions, breed-specific livestock rules, and prohibited cat areas may constitute substantive policy changes rather than mere administrative standardisation. Justification and impact analysis are not provided.<br><br>Transparency and Community Engagement: Without a clause-by-clause comparison of the existing and proposed law, the community cannot provide informed feedback.<br><br>Recommendation: A detailed, clause-by-clause draft should be made available to allow residents to properly assess the changes, ensure proportionality, and confirm compliance with the requirements of fairness, reasonableness, and necessity under the Local Government Act 1995. | | support community understanding, they offer only a brief overview of key elements. They cannot capture the full scope, detail, or legislative intent contained within the complete draft documents, with a clause-by-clause breakdown of the changes not possible due to the extensive nature of a local law.<br><br>In respect of the shift to a more nuisance-based enforcement regime, this provides a more effective and balanced approach. Outcome-based requirements address the underlying problem |

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| | | | | | | | | directly, allowing flexibility in how the result is achieved. This reduces unnecessary compliance burden on the community while still ensuring that the core objectives – protection of amenity, public health and community safety.<br><br>The City's compliance and enforcement approach is underpinned by the concept of procedural fairness. Appeal rights are contained within the proposed Keeping of Animals Local Law.<br><br>Justification for the significant changes can be |

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| | | | | | | | | found in the Council report and the fact sheet. They centre around the concept of right-touch regulation, which is explained in the Council report.<br><br>It is important to note that the City's current suite of local laws is extremely old and outdated. Some of the local laws date back to 2000. They are not written in Plain English and contain lots of obsolete rules and clauses. As they were all introduced in different years, and drafted by different people, they all read differently. This is why the City has chosen to draft a new suite of local |

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| | | | | | | | | laws. These local laws are written in plain English, are written consistently, and have been completely reviewed and updated so that they strike the right balance of regulation. |
| 78 | Feb 13 | Name withheld by request | Yes | Support | | | | Feedback noted. |
| 79 | Feb 13 | Name withheld by request | Yes | Support | | | | Feedback noted. |
| 80 | Feb 13 | Name withheld by request | Unsure | Support with concerns | 3.2 Cat not to cause a nuisance | I am concerned about the impact of free-roaming cats on local wildlife and residential amenity. Under the proposed Clause 3.2 (Cat not to cause a nuisance), roaming into neighbor's yards is an 'unreasonable interference.' I believe the City should strengthen the law by requiring all cat owners to confine their animals to their own property (similar to the requirements for dogs in Clause 2.4) to prevent them from killing wildlife and causing a nuisance on private land. Furthermore, | Noted in the feedback | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would |

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| | | | | | | I am concerned that while dogs must be effectively confined to their premises at all times (Clause 2.4), there is no such requirement for cats. Free-roaming cats, especially at night, are a major threat to local wildlife and cause significant nuisance to neighbours (Clause 3.2). I would like to see the City introduce a mandatory night-time curfew in Part 3 of the Local Law, requiring all cats to be kept indoors or in a secure enclosure from dusk until dawn | | amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 81 | Feb 14 | Name withheld by request | Unsure | Support with concerns | | Bee keeping. Flight paths can be encouraged but not controlled. The council requires education. Dogs - what is listed as a dangerous dog breed is ridiculous. Owners are responsible for a dog being dangerous. If a person keeping bees requires a licence then so does a person keeping dogs. Cat's - what will the council be doing to keep cat-free zones inaccessible to cats? | | Feedback noted.<br><br>The Dog Act 1976 already requires that dogs be registered with the local government.<br><br>The designation of dangerous dog breeds is done by the |

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| | | | | | | Will the council provide rebates on required perimeter/enclosure measures for existing owners of Dogs & Cats? | | State Government, not local governments, and is contained in the Dog Act 1976.<br><br>It is ultimately up to the dog or cat owner to ensure they will comply with the proposed Keeping of Animals Local Law, including keeping their cats out of cat prohibited areas.<br><br>The current local laws already have fencing requirements in respect of the keeping of dogs. This has not changed.<br><br>The City will consider whether a rebate should be offered for cat containment measures as |

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| | | | | | | | | part of its review of the Animal Management and Exercise Plan. |
| 82 | Feb 15 | Name withheld by request | Yes | Support with concerns | | | | Feedback noted. |
| 83 | Feb 16 | Name withheld by request | No | Support | | | | Feedback noted. |
| 84 | Feb 16 | Name withheld by request | Unsure | Object | there is a local stable near dixon reserve that has multiple livestock animals, the owners are very friendly and informative and it's wonderful for children and adults alike to see 'farm type' animals on a daily basis and give them some grass, learn what they do etc<br>limiting the number and then requiring written approval for more is adding bureaucratic steps that shouldn't be required especially when the animals are contained and kept healthy and the property is tidy | something great about the city of cockburn and hamilton hill in particular is the variety of animals around - it's marvellous for a diverse community, nobody wants built up areas with no variety. driving 10 mintes from my house and seeing a flock of geese, llamas, sheep, horses, goats, pigs etc is wonderful. it's why we purchased a house here, it's stays in it's cultural roots of market gardens and it's not abused. | i'm not suggesting changes, i'm suggesting to leave it. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large |

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| | | | | | | | | animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, |

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| | | | | | | | | nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 85 | Feb 16 | Name withheld by request | Yes | Support with concerns | dog limits | to help with the animal shelter crisis i reckon city of cockburn should up the limit of dogs kept on the premis to three without application for a third dog as it will help mor dogs get adopted and allow adult children own there own dog if there parents already own two | it will allow people to own more than two dogs and it will help with the amount of dogs being adopted from shetler and allow adult children to own there own dogs | Feedback noted.<br><br>The City's current local laws require approval to be sought to keep more than 2 dogs, nothing has changed in that respect. |

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| 86 | Feb 16 | Name withheld by request | Yes | Support with concerns | The keeping of bees. Locations. | Bee keeping should be encouraged and not so limited. The 5m distance from neighbours and the 9m distance from public thoroughfares could be a little less in some circumstances. These distances could be exempted depending upon where the proposed hive would be set up. Rather than an outright NO when reading the form submitted, someone qualified should go out to the location and see exactly where the proposed hive could be placed. | I do not know how to answer this question. I can not predict the future. | Feedback noted.<br><br>The setbacks proposed in the Proposed Keeping of Animals Local Law are a reduced when compared to the current local laws. If a person cannot achieve the setback, they can apply for a permit to keep bees with a reduced setback. Each application will then be assessed on a case by case basis. |
| 87 | Feb 18 | Gary Richardson | Yes | Object | CATS | Cats need to be kept indoors ALL THE TIME. Cat runs may be constructed but no cats should wander the suburbs.<br>There are too many in the suburbs. We have 11 frequenting our house in south lake eating out frogs, birds and bandicoots | Cats need to be kept indoors and not allowed to roam. Cats dedicate in gardens, eat local wildlife and fight at night disturbing community sleep patterns | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within |

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| | | | | | | | | property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 88 | Feb 19 | Name withheld by request | Unsure | Object | | Cats should not be allowed in CoC. Sick of seeing dead birds/ bandicoot because cat owners are self entitled idiots who can't follow laws.<br>Sick of having cats in my yard. A dog owner would | Hopefully our native species survive and pet owners actually take some responsibility especially cat owners. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat |

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| | | | | | | be fined.<br><br>Large dog breeds should not be on small blocks (less than 500m2) especially more than one. Its cruel. Same goes for apartments | Living on the beeliar regional Park boarder its ridiculous to see how many cats roam the stress.<br>Will never forget the sound of a frog shrieking because the neighbours cat caught it and killed it | Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future.<br><br>The City does not have the |

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| | | | | | | | | power to ban absolutely persons keeping dogs on small block sizes or in apartments. |
| 89 | Feb 19 | Name withheld by request | Yes | Support with concern | 9m from adjoining properties | Living in a modern lot where houses are very close together and backyards are small, it is very difficult to house a couple of chickens and fit within the law. The kids would love to have a couple of egg laying chickens but to fit the chickens beyond the 9m is extremely difficult and unsure where on the property they can be kept (if they are allowed in the first place). | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law does not have poultry set-back requirements. |
| 90 | Feb 19 | Name withheld by request | Yes | Object | Keeping of poultry | I would like to raise concern about how the proposed changes will affect residents who are currently complying with the existing local law. At present, households are permitted to keep up to twelve poultry without needing to obtain a permit, provided they meet the prescribed conditions. Many residents have relied on this long-standing allowance and therefore do not hold any form of written | | Feedback noted.<br><br>The proposed Keeping of Animals Local Law introduces poultry limits (without approval) based on lot size. This means for large lots, a person may keep more than 12 poultry |

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| | | | | | | approval because none has been required.<br><br>It has been stated that “if a person already has a permit or approval issued under the current law, then nothing will change.” However, for the majority of compliant residents this would represent a change, as they may now be required to seek permission or potentially incur costs simply to continue an activity that has always been lawful without a permit.<br><br>I encourage the City to clearly outline transitional arrangements, confirm whether existing compliant residents will be exempt from new permit requirements, and ensure that no new administrative or financial burden is placed on households who have acted in good faith under the current rules. Clarity and fairness during any transition will be important to maintain community confidence in the proposed local law changes. | | without approval. It does mean for smaller lots, less than 12 poultry may be permitted without approval.<br><br>However, it is important to note that the current local laws allowing 12 poultry in residential areas, also require the poultry to be kept at least 9m away from other homes, and 18m away from streets. This means most small lots in residential areas likely wouldn’t have been able to legally keep poultry under the current local laws.<br><br>If a person wishes to keep more than the |

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| | | | | | | | | limit specified, they can apply for a permit. If a person already has an approval issued by the City, nothing will change and that approval will still be valid. |
| 91 | Feb 19 | Name withheld by request | Yes | Support with concerns | It relates to how this will affect individuals who are avoiding under current laws but will have to get rid of pets with new laws. | I think there needs to be both a waiver of fee and automatic pass for exceptions and permits for individuals who have a number of animals or pets which are allowed under current law but would not be anymore under the proposed one such as chicken numbers. | It feels unfair and against the residents to start charging fees to apply for permits for pets that were allowed under current law. | Feedback noted.<br><br>Fees and charges are yet to be determined for the proposed local laws. These will, in due course, be considered by Council. |
| 92 | Feb 19 | Kim Van Der Steen | Yes | Object | Regarding removing rules about how far poultry can be from fence lines and other dwellings.<br>Please reconsider. That is a bad move. | Regarding removing rules about how far poultry can be from fence lines and other dwellings.<br><br>There should be no chickens under 600sqm block. And the rule to keep them 9m away from neighbouring dwellings needs to be upheld.<br>We never had a rat problem until our back neighbour got chickens and had them right up against | | Feedback noted. |

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| | | | | | | our fence line.<br><br>I called the council and had them told that they couldn't have them within 9 metres of our fence so they moved them to a different property.<br><br>No rats since!<br><br>The vermin are already out of control. Please reconsider. They bring rats and mice immediately. I have traps, poison set up everywhere and they still died in my wall space which then caused a very very traumatising fly problem for months.<br><br>This is irresponsible if it's passed. The council need to have standards or people will let loose with no recourse. It doesn't affect the people that keep the chickens on their property because it's away from their house! They make sure they put these chicken enclosures as far away as their own house and right up against the fence of their neighbour who suffers. | | |
| 93 | Feb 20 | Name withheld by request | Yes | Support with concerns | The proposed clauses remove any requirements to do with the construction | Removing any requirement to do with the construction and size of an enclosure | If a requirement is in place in the local law in regards to | Feedback noted. |

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| | | | | | and size of any enclosure as the city believes these are prescriptive and not something it wants to regulate via a local law. | for animals, disregards the welfare of the animals. Enclosures need to be of specific sizes depending on the specific animal and the number of those animals within the enclosure. Removing this requirement allows people with a lack of knowledge or care to keep animals within confined spaces- which is animal abuse. No where does this law promote the health and well-being of animals. | enclosure size and construction, it will restrict the number of poultry people will keep due to the space needed for any more than 2 chickens. It might not be beneficial for the community as such, but it is very beneficial for the animals - who's welfare needs to be considered | Animal welfare is already regulated by the Animal Welfare Act 2002. As such, it does not need to be regulated via a local law. |
| 94 | Feb 23 | Joyce V Gadalon | Yes | Support | Cat restrictions. | Across Australia, domestic cats—whether owned, semi-owned, or unowned—cause enormous harm to native wildlife. Even well-fed pet cats instinctively hunt, and the cumulative impact is significant: birds, frogs, reptiles, and small mammals are all vulnerable. In my own garden, I regularly have cats fighting outside my bedroom window at night, and this is deeply concerning given the presence of quendas and frogs on my property. These species are already under pressure, and | | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat |

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| | | | | | | roaming cats add unnecessary predation and stress to local wildlife populations.<br><br>Keeping cats indoors is not only better for wildlife—it is also safer for the cats themselves. Indoor cats live longer, healthier lives, with reduced risk of vehicle strikes, dog attacks, disease transmission, and injuries from fights with other cats. Roaming cats can also become a nuisance to neighbours, entering yards, defecating in gardens, spraying, fighting, and disturbing residents at night.<br><br>Given that dogs are already required to be contained and controlled in public spaces, it is reasonable and consistent for Council to apply similar expectations to cats. A move toward responsible containment would support biodiversity protection, reduce community conflict, and improve animal welfare outcomes.<br><br>For these reasons, I believe Council should strongly consider | | Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |

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| | | | | | | supporting a ban on free-roaming cats and encourage responsible pet ownership practices that protect both wildlife and the cats themselves. | | |
| 95 | 24 Feb | Sofie De Meyer | Yes | Object | Division poultry and bees | With residential blocks getting smaller it is important to enable residents to still keep chickens and bees. Particularly chickens are a great way to reduce landfill and enable families to be more self sufficient. Particularly your clause 4.12.5 doesn't make sense, why would an Appartment Block not be allowed to have a backyard with chickens. In high density living it is even more important to make use of the green space and allow people an escape outdoors. For section 4.19.d there are not going to be many properties left in the future that can fullfill these distance requirements. Friendly bees should be allowed closer to dwellings and on verges. | Enabling high density living to coincide with keeping animals will provide residents opportunities to reduce waist and be more sustainable and self sufficient. | Feedback noted.<br><br>If an owner or occupier wants to keep poultry on land where there is an apartment block or other multiple or grouped dwelling, the Strata Company/Council could apply for development approval. |
| 96 | 25 Feb | Name withheld by request | Yes | Support | 3.2 Cat not to cause a nuisance<br>3.3 Cat prohibited areas | Cats should not be allowed to roam free through the neighbourhoods. They kill too many native animals and they enter other | If I understand properly what the new laws are meant to allow local governments to do in | Feedback noted.<br><br>Unfortunately, at this time, the |

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| | | | | | | people's properties and defecate there potentially spreading diseases. As animals they do not belong in any Australian environment to begin with. The way issues with cats are being handled is currently too soft because local government lacks the legal basis to take appropriate action. | order to prevent more damage, death and injury to native wildlife, then restricting cats from having access to the neighbourhoods and public places cannot be strict enough. In my view, cats should gradually be phased out of Australia altogether. | City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |

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| 97 | 26 Feb | Name withheld by request | Yes | Support with concerns | As a father raising two young daughters in Cockburn, I want animal-keeping rules that protect neighbourhood peace, health and safety (e.g., preventing excessive noise, smells, roaming pets, or pest issues from too many animals) while allowing families reasonable freedom to keep common pets like a dog, cat, a few chickens for eggs, or bees in their backyards without heavy bureaucracy or costs.<br>My feedback relates primarily to the following Parts/Divisions/Clauses in the proposed Keeping of Animals Local Law 2026 (based on the table of contents, fact sheet changes, and key amendments):<br><br>Part 1 - Preliminary (Clauses 1.1–1.5): General support for updated title, commencement, application, and interpretation/definitions — clearer terms help families understand expectations.<br>Part 2 - Dogs (Divisions 1–5, especially Clauses 2.4 Dogs to be confined, 2.5 Direction to provide a | As a husband and father raising two young daughters in Cockburn, I want sensible animal-keeping rules that protect neighbourhood peace, health and safety, stopping excessive noise, smells, roaming pets or pests that could affect kids playing outside or neighbours, while letting families enjoy common backyard pets (a dog, cat, a few chickens for fresh eggs, or bees) without heavy costs, paperwork or overreach into private property.<br>Here is my detailed feedback on each point I listed:<br>Part 1 - Preliminary (Clauses 1.1–1.5)<br>Support. Updated definitions, application and interpretation make the law clearer and easier for families to understand and follow. Removing outdated references from the old Consolidated Local Laws is a good clean-up.<br>Part 2 - Dogs (Divisions 1–5, especially Clauses 2.4 Dogs to be confined, 2.5 Direction to provide a suitable enclosure, 2.6–2.14 Limitation on number of dogs and exemption | As a husband and father raising two young daughters in Cockburn, I want animal-keeping rules that protect neighbourhood amenity and safety (no excessive noise, smells, roaming pets or pests affecting kids or neighbours) while giving families reasonable freedom to enjoy common backyard pets like a dog, cat, a few chickens for fresh eggs, or bees, without high costs, complicated approvals or overreach into private yards.<br>The proposed Keeping of Animals Local Law 2026 is a good modernisation overall, clearer processes, stronger nuisance controls, removal of redundant clauses, and better safety measures (e.g., suitable dog enclosures). I support the direction.<br>Here are my specific suggested changes, | Feedback noted.<br><br>The City intends for any application process to keep pets to be low cost and quick.<br><br>The proposed Keeping of Animals Local Law does not require cats to be contained to premises of property boundaries.<br>The proposed cat prohibited areas are City-managed conservation reserves, bushland reserves and regional parks, in line with the Council-endorsed Animal Management and Exercise Plan.<br><br>The issue with a self-certification or |

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| | | | | | suitable enclosure, 2.6–2.14 Limitation on number of dogs/exemptions/applications): Support the new power to direct suitable enclosures (fenced yards) for safety of dogs, owners, and neighbours/kids. Welcome standardised application process for >2 dogs for clarity/transparency. Concern on limits/exemption process adding steps/costs for families wanting an extra dog — ensure low-fee, quick approvals and education-first approach. Part 3 - Cats (likely new or expanded, including cat nuisance/containment, no-cats zones in parks/reserves): Support rules against cat nuisances and no-cats areas in certain public spaces to protect amenity and wildlife. Concern if containment is too strict on private property — responsible owners should have flexibility for short outdoor time without heavy enforcement. Part 4 - Other Animals / Livestock (likely including poultry, pigeons, bees, etc.): Support limits on numbers without approval | process) Strong support for the new power to direct a suitable enclosure (properly fenced yard) this improves safety for dogs, children and neighbours. Standardised application process for keeping more than 2 dogs is clearer and more consistent. Concern: The limit of only 2 dogs without approval (and exemption process up to 4 extra) adds steps, fees and potential delays for families who responsibly want an extra family dog. The enclosure direction power is good in principle but must be used proportionately with clear examples and education first, not immediate fines. Suggest low-fee/fast-track exemptions for responsible owners and graduated enforcement (warning before penalty). Part 3 - Cats (new nuisance ban, cat prohibited areas in parks/reserves, separate approvals for >3 cats vs catteries) Support banning cat nuisances and no-cats zones in conservation areas, bushland and | with their impact on the law's operation and benefits to the wider community:<br><br>Part 2 – Dogs (Clauses 2.5 Direction to provide a suitable enclosure and 2.7–2.14 Limitation on number of dogs / exemption process): Make the exemption process for >2 dogs faster and lower-cost (e.g., online self-declaration with basic safety checklist for responsible owners) and require the enclosure direction to include practical examples and a 28-day compliance period with support offered first. Impact on operation / Benefit to community: Reduces administrative workload on the City (fewer full applications for common family situations) and speeds up approvals. Families get quicker, cheaper access to | notification process after-the-fact is that if the City has significant concerns with any proposed additional pets and they need to be re-homed, this may cause significant distress to the family, and/or may cause the family to be significantly out-of-pocket depending on how much the pet and/or pet accessories cost. The City considers it is better that approval is sought beforehand to avoid this unfortunate outcome.<br><br>The City has reviewed the poultry limits specified in the table and consider the numbers to be |

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| | | | | | to prevent overcrowding, smells, noise, or pests affecting neighbours.<br>Concern on specific limits (e.g., poultry/chickens restricted on smaller lots | regional parks — this protects public amenity, wildlife and families using those spaces. Separating multiple-cat approvals from cattery licensing improves clarity.<br>Concern: Cat containment or nuisance rules should not be too heavy-handed on private backyards. Responsible owners should have reasonable flexibility for supervised outdoor time without constant enforcement. Ensure prohibited areas are clearly signposted and limited to high-sensitivity zones only.<br>Part 4 - Other Animals / Livestock / Poultry / Pigeons / Bees (new nuisance ban, scaled limits, enclosures/setbacks, drainage/slaughter/dead animals changes, removal of prescriptive clauses)<br>Support the overall re-think: clearer nuisance ban for any animals, removal of very prescriptive old clauses (e.g., stables, manure receptacles), and focus on real issues like drainage and dead animal disposal.<br>Concern on specific limits and requirements: | keep an extra dog responsibly, while safety is still protected through clear standards. This improves voluntary compliance, cuts unnecessary fines/disputes, and makes the law more user-friendly for everyday households.<br>Part 3 – Cats (nuisance ban, cat prohibited areas, and multiple-cat approvals): Add a clear exemption or grace period for short supervised outdoor time on private property and limit “no-cats” zones to only high-conservation/signposted areas with strong evidence of need.<br>Impact on operation / Benefit to community: Prevents over-enforcement on responsible owners while still stopping genuine nuisances. Fewer trivial complaints and infringement notices mean the City can focus resources on | reasonable and appropriate. If a person wishes to keep more than the limit specified, they can apply for a permit. If a person already has an approval issued by the City, nothing will change and that approval will still be valid.<br><br>The pigeons approval process would only apply to residential properties if that person wants to keep more than 20 pigeons. This should hopefully exempt most family pigeon keepers. Further, residential property can keep up to 2 beehives which should also hopefully exempt most |

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| | | | | | | Poultry (chickens): Limits based on lot size (e.g., only 4 on smaller lots) and enclosure/setback rules could make backyard chickens difficult or expensive for families wanting fresh eggs and teaching kids responsibility. Suggest scaled flexibility for small numbers (e.g., up to 6 on typical suburban blocks) with basic management conditions instead of strict approvals.<br>Pigeons: Permit required for >20 and membership requirement for racing fanciers is reasonable for large numbers, but keep it simple for small hobby setups.<br>Bees: Restricting to European honey bees and requiring registration, water supply and setbacks is sensible for safety, but ensure low-cost compliance options for small family hives.<br>These changes should prioritise education, low-cost solutions and neighbour mediation over approvals/fines for responsible family-scale keeping.<br><br>Approved kennel/cattery | real problems. Families retain flexibility for kids to interact safely with pets, improving community satisfaction and trust in the rules.<br>Part 4 – Other Animals (poultry limits in 4.12, pigeon limits in 4.14, bees in 4.18–4.19, and general nuisance/enclosure rules): Scale poultry limits more flexibly for typical suburban lots (e.g., allow up to 6–8 chickens on blocks 400–600m² with basic management conditions instead of strict 4 or full approval) and make enclosure/setback requirements low-cost/DIY friendly or allow existing structures. For bees, keep the two-hive limit but add simple compliance checklists.<br>Impact on operation / Benefit to community: Makes compliance realistic and affordable for families wanting backyard | family beekeeping activities.<br><br>While the City's compliance and enforcement approach is outside the scope of this engagement, the City does use a graduated approach to compliance, starting with education and warnings and escalating only where necessary to infringements or prosecution. This ensures any action taken is fair and proportionate to the issue. Your comments however will be passed onto the relevant team for their information. |

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| | | | | | | establishments (licensing/applications, removal of explicit construction clauses)<br>Support standardising licensing for clarity and safety. Removing prescriptive construction details (now handled via building approvals) reduces duplication and red tape, excellent.<br>General enforcement / penalties / redundant clauses removed<br>Support standardising enforcement rules, three-tier penalties for serious/repeat offences, and removing redundant clauses already covered by the Dog Act, Cat Act or general powers. This simplifies the law.<br>Concern: For minor or first-time issues (especially subjective nuisances or small-scale keeping), start with education, warnings and neighbour discussion before fines or notices. This encourages compliance through understanding rather than fear and reduces unnecessary burden on families.<br>Overall, the proposed Keeping of Animals Local | chickens or small beehives (great for teaching kids responsibility and sustainability).<br>Reduces the need for formal permits on low-impact keeping, freeing City staff for higher-risk cases.<br>Neighbourhoods stay cleaner and quieter through practical rules, while supporting local food production and biodiversity without compromising amenity.<br>General enforcement across the law (modified penalties, notices, etc.):<br>Explicitly require graduated enforcement, education, warning or neighbour mediation first for minor/first-time breaches before infringement notices or directions.<br>Impact on operation / Benefit to community:<br>Shifts the focus from punishment to prevention, reducing the volume of formal enforcement actions | |

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| | | | | | | Law 2026 is a solid modernisation that better protects community amenity and safety compared to the old rules. The focus on nuisance prevention and clearer processes is positive for families. With the adjustments above, more flexibility/scaling for small family lots, low-cost options, clear guidance and graduated enforcement, it would strike an even better balance: cleaner, safer neighbourhoods without unnecessary intrusion into private backyard life. Thank you for the opportunity to provide this feedback. | and appeals. Families are more likely to fix issues quickly and cooperatively, building goodwill between residents and the City. This makes the law more effective long-term at maintaining amenity while being seen as fair and supportive.<br><br>These small, practical adjustments keep all the strong safety and nuisance protections in the proposed law but make it significantly more proportionate and family-friendly. The law would operate more efficiently (less paperwork, fewer disputes), encourage higher voluntary compliance, reduce costs for residents, and strengthen community trust, helping Cockburn remain a great place for families to enjoy pets responsibly while protecting everyone's amenity and health.<br>Thank you for the | |

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| | | | | | | | opportunity to provide this feedback, these laws work best when they balance protection with everyday family life. | |
| 98 | 2 March | Name withheld by request | Unsure | Object | I don't think every house should only have 2 pets. | I don't think every house should only have 2 pets. Pets are our family and family should not be restricted. | | Feedback noted.<br><br>The proposed Keeping of Animals Local law does not prohibit a family from having more than 2 pets. |
| 99 | 2 March | Name withheld by request | Yes | Support with concerns | 3.2 and 3.3 I agree that cat should not be allowed to roam and cause a nuisance. Furthermore cats should not be allowed in any public spaces, unless controlled by a leash with their owner, or in a suitable carriage (clear backpack, cat pram). Yes, there are cats and owners who enjoy the outdoors, and these owners recognise the requirement to also keep their cats safe, as well as the wildlife.<br><br>3.6 (2)(a)(b)(c) - This should not be retrospective. Residents who already have more than the | As above<br><br>Also, nuisance cats in my neighbourhood are cats who are allowed to roam by owners, who defecate, urinate and vomit in my gardens (front and back yards). These roaming cats have often caused a disturbance in the night by fighting viciously, leaving blood trails on my driveway and paving. How is this all safe for humans and dogs? | My feedback above regarding dispensing with seeking neighbour feedback for already registered breeders with permits - would assist the mental health of already registered breeders. The 'wider' community being the street I assume - would not even know that a breeder exists in their street as registered breeders do NOT allow their precious cats to roam. Registered breeders keep their cats safe in their | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat |

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| | | | | | prescribed number, who have previously (and currently) been granted a permit to have these cats, should not have Council seek feedback from their neighbours. If their cats had caused a nuisance as to elicit a negative neighbour response, this would already have been provided to council in previous years. Seeking neighbour feedback should only apply to brand new permit applications. E.g. new registered breeder; not retrospective to those who have complied with permits for several years.<br><br>3.15 Boarding Cattery - I agree with the proposed. | | homes AT ALL TIMES, in enriched environments for their well being. The only cats I EVER hear are the ones allowed outside at all times - moggies/domestic cats - owned by people who seem to think their pet is safe outside. These are the cats who destroy garden beds, who yowl at night and fight viciously...causing the most terrible disturbance. These are the cats who kill birds - yes I've seen this occur in the street.<br><br>My neighbours would not even know that I have cats (all registered), because they are all house cats and not allowed outside, and yes, I am a registered breeder with the City of Cockburn and have been for several years.<br><br>Seeking neighbour feedback is NOT necessary for | Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future.<br><br>Persons who already have an approval to keep additional cats will not have to re-apply if the proposed Keeping of Animals Local Law is adopted by Council. |

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| | | | | | | | registered permitted breeders who have already been such for years. This should not be made retrospective but for new applicants only. | |
| 100 | 3 March | Name withheld by request | Yes | Support with concerns | Part 2 and Clause 3.2-3.2(2) | 1. Lack of Clear Definition of “Nuisance” (Clause 3.2)<br>Clause 3.2 states that “An owner must not allow a cat to cause a nuisance.” While the term “nuisance” is defined in Part 1 of the Local Law, the definition is broad and rooted in general legal principles. In the context of everyday pet ownership, this creates uncertainty as to what specific behaviours would constitute a nuisance. Without clear, objective examples (such as repeated trespass, damage to property, persistent noise, or verified health risks), the provision risks being interpreted inconsistently. This may lead to uncertainty for residents and uneven enforcement.<br>2. Ambiguity Regarding “Authorised Person” (Clause 3.2(2))<br>Clause 3.2(2) provides that if, “in the opinion of an authorised person,” a cat is | 1. I suggest that clearer guidance or examples of what constitute a "nuisance" be incorporated to provide certainty to both cat owners and enforcement officers.<br>2. Given that enforcement action may follow solely from the opinion of an authorised person, it would be preferable for the Local Law to outline:<br>• The standard of evidence required before issuing a notice;<br>• Whether complaints must be substantiated;<br>• Whether the owner will be provided with evidence supporting the allegation; and<br>• Whether an inspection or investigation must occur prior to issuing | Feedback noted.<br><br>The definition of ‘nuisance’ contained in the proposed Keeping of Animals Local Law is the definition approved by the State Government, and the City cannot amend it.<br><br>While the City’s compliance and enforcement approach is outside the scope of this engagement, the City does use a graduated approach to compliance, starting with education and |

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| | | | | | | causing a nuisance, written notice may be given requiring the owner to abate the nuisance.<br>While “authorised person” is defined in Part 1 as a person appointed by the CEO under the Local Government Act 1995, there is no further clarification as to qualifications, substantiating evidence, or procedural safeguards guiding the formation of that opinion.<br>3. Lack of Procedural Fairness and Evidentiary Safeguards<br>The current drafting appears to allow enforcement action based solely on the opinion of an authorized person, without explicit provision for the cat owner to respond to, challenge, or review the underlying allegation before compliance is required.<br>While review rights exist under Clause 3.26 for certain decisions (such as refusal of permits or revocation), there does not appear to be a clearly articulated process for disputing a nuisance allegation itself before | a notice.<br>Clear procedural safeguards would improve transparency, fairness, and community confidence in enforcement processes.<br>3.Given the potential penalties (including fines under Clause 3.28), it would be appropriate to expressly include:<br>• A requirement that allegations be supported by objective evidence;<br>• An opportunity for the owner to respond before further action is taken;<br>• A clear internal review or appeal pathway specific to nuisance notices.<br>4. For reasons of fairness and regulatory consistency, I would suggest that:<br>• Either equivalent nuisance provisions be included in Part 2 (Dogs); or<br>• The nuisance clause in Part 3 | warnings and escalating only where necessary to infringements or prosecution. This ensures any action taken is fair and proportionate to the issue. Your comments however will be passed onto the relevant team for their information.<br><br>Nuisance dogs are already covered by in the Dog Act 1976. This is why no nuisance clause is proposed in the Keeping of Animals Local Law. |

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| | | | | | | enforcement consequences arise.<br>4. Inconsistency Between Cat and Dog Provisions<br>It is notable that Part 2 (Dogs) does not contain an equivalent general clause stating that an owner must not allow a dog to cause a nuisance. Dogs are capable of behaviours that may reasonably be considered nuisances, such as persistent barking (particularly at night), aggressive approaches toward members of the public, or repeated disturbance.<br>The inclusion of a general nuisance clause for cats, but not for dogs, creates an apparent inconsistency in regulatory approach. This may give rise to a perception that cats are being singled out for broader discretionary enforcement. | (Cats) be refined to provide clearer, objective thresholds for enforcement. | |
| 101 | 5 March | Name withheld by request | Unsure | Support with concerns | Allowing the amount of chickens to stay the same not lower than 12 including chooks and ducks as stated and allow people to keep 12 until there pets become deceased | As above | Why change the law when it's working fine | Feedback noted.<br><br>The proposed Keeping of Animals Local Law introduces poultry limits (without approval) |

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| | | | | | | | | based on lot size. This means for large lots, a person may keep more than 12 poultry without approval. It does mean for smaller lots, less than 12 poultry may be permitted without approval.<br><br>However, it is important to note that the current local laws allowing 12 poultry in residential areas, also require the poultry to be kept at least 9m away from other homes, and 18m away from streets. This means most small lots likely wouldn't have been able to legally keep poultry under the current local laws. |

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| 102 | 5 March | Name withheld by request | Unsure | Support with concerns | | Cat owners need to keep their cats from roaming.<br><br>Dog owners need to keep their dogs on leashed. More patrols. On the spot fines. NO 2nd chances. They know the rules. Stop rewording then with more off leash parks (they have enough) | The wider community has a RIGHT to feel safe & live in peace. Every park/playground/oval is treated as an off leash park. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider |

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| | | | | | | | | whether to introduce cat containment requirements in the future.<br><br>Dog exercise areas (i.e., places where dogs are allowed off-lead) are regulated by the Dog Act 1976. Any review of these areas is outside the scope of this engagement, which is on the proposed Keeping of Animals Local Law. Your comments will be passed onto the relevant team for their information. |
| 103 | 5 March | Mary Irwin | Yes | Support with concerns | Part 4 - Other animals<br>Division 4 - Keeping of poultry and pigeons<br>4.12 Limits on numbers of poultry | I very much agree with the proposed removal of clauses to remove any requirements to do with the construction and size of any enclosure.<br><br>This was very restrictive for many animal lovers. | Many poultry keepers (including myself) are keeping rescue chickens to save them from an untimely slaughter, and to give them a retirement out of small cages. | The proposed Keeping of Animals Local Law introduces poultry limits (without approval) based on lot size. This |

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| | | | | | | Likewise with the proposed requirements for the enclosures to be properly constructed and kept in a clean and sanitary condition etc., the feed to be stored in vermin proof containers and for the poultry not to cause a nuisance.<br><br>What I, and others, feel is that the proposed poultry number limits are too restrictive.<br>Currently the limit is 12.<br><br>I think that up to 600m2 could be 6 (proposed 4)<br>601 - 800m2 could be 10 (proposed 6)<br>801 - 1,000m2 could be 12 (proposed 10) | The (limited) eggs are a bonus.<br>We keep them until they die naturally, so as they get older we can replace them with more hens and save a few more lives.<br>It's an environmentally friendly way of reducing food miles (eggs), and saving some animals' lives.<br>Basically they are pets that give us pleasure and some food to share with neighbours. | means for large lots, a person may keep more than 12 poultry without approval. It does mean for smaller lots, less than 12 poultry may be permitted without approval.<br><br>However, it is important to note that the current local laws allowing 12 poultry in residential areas, also require the poultry to be kept at least 9m away from other homes, and 18m away from streets. This means most small lots likely wouldn't have been able to legally keep poultry under the current local laws. |

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| | | | | | | | | If a person wishes to keep more than the limit specified, they can apply for a permit. If a person already has an approval issued by the City, nothing will change and that approval will still be valid.<br><br>The City has reviewed the poultry limits specified in the table and consider the numbers to be reasonable and appropriate. |
| 104 | 5 March | Alan Hall | Yes | Support with concerns | Part 4 - Other animals<br>Division 4 - Keeping of poultry and pigeons<br>4.12 Limits on numbers of poultry | I agree with the removal of prescriptive regulations covering the construction of animal enclosures. I also agree with the idea that animal enclosures need to be kept in a clean and sanitary condition with vermin proof feed storage. But I think that the proposed stocking levels are too low for practical purposes. I suggest the following: | People I know that keep chickens (including myself) typically have rescue chickens from commercial operations that would have killed the chickens because they no longer lay enough eggs. But these chickens have plenty of life left - they're just not commercially viable . If the stocking rate | The proposed Keeping of Animals Local Law introduces poultry limits (without approval) based on lot size. This means for large lots, a person may keep more than 12 poultry without approval. It does mean for |

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| | | | | | | | were implemented in the way I suggest, it will have little to no effect on the law but will make it more viable for people in Cockburn to get a useful number of eggs as they provide a haven for one of the most exploited animals we farm. | smaller lots, less than 12 poultry may be permitted without approval.<br><br>However, it is important to note that the current local laws allowing 12 poultry in residential areas, also require the poultry to be kept at least 9m away from other homes, and 18m away from streets. This means most small lots likely wouldn't have been able to legally keep poultry under the current local laws.<br><br>If a person wishes to keep more than the limit specified, they can apply for a permit. If a person already has an approval |

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| 105 | 6 March | REDACTED | Yes | Support with concerns | Multiple – see Appendix A | See Appendix A | Beneficial to operation of Local Law and beneficial to the cat community | Feedback noted.<br><br>Parliament scrutinise all local laws, and if they are inconsistent, may disallow a local law or require it to be amended. The City believes the proposed Keeping of Animals Local Law is consistent with the Cat Act 2011.<br><br>In accordance with the Cat (Uniform Local Provisions) Regulations 2013, a member of a cat organisation may have keep 3 times the 'standard number of cats', with the |

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| | | | | | | | | 'standard number of cats' being defined as the number of cats that could be kept at the premises under a local law that applies to the premises. Therefore, breeders who are a member of a cat organisation will not need to apply for a permit unless they intend on keeping 10 cats or more. Breeders who are not a member of a cat organisation will need to apply for a permit if they want to keep 4 cats or more.<br><br>Rules and restrictions around cat breeding and cat registrations are provided for in the Cat Act 2011 and are |

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| | | | | | | | | properly a matter for the State Government.<br><br>Issues or concerns with the implementation of the Cat Act 2011 by the City is not within the scope of this project. Your comments have been passed on to the relevant team for review. |
| 106 | 6 March | Name withheld by request | Unsure | Object | Part 3 cats | The clearing in the area to make way for "latitude 32', hardstanding, aswell as build up of suburbs, trees bulldozed for development has been the cause of loss of wildlife habitat. Instead this decrease in wildlife gets overly blamed on foxes and cats. Hardly anyone's gardens are native based so there is hardly any native wildlife around, so I would expect in all fairness to cats that 'cat prohibited areas' based on intact natural wildlife areas should be few and far between. Restricting cats indoors will also | Less restriction on cats outside | Feedback noted.<br><br>The proposed Keeping of Animals Local Law does not require cats to be contained to premises of property boundaries.<br><br>The proposed cat prohibited areas are City-managed conservation reserves, bushland |

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| | | | | | | increase obesity and health problems of cats as well as general unhappiness. I havent seen any projects put on by the council to help people have access to affordable cat containment options at their home or any information sessions for this like presented in other councils. I think it will just make foster carers and people caring for multiple cats or thinking of adopting harder with more restriction. | | reserves and regional parks, in line with the Council-endorsed Animal Management and Exercise Plan. |

**Appendix A**

***Submission by [redacted], Cat Breeder - Written in Response to the Invitation by City of Cockburn to Provide Feedback on DRAFT Dog and Cat Laws That it would like to Formalise***

**Contact:** [redacted]

1. ***Background:***

***I am a passionate breeder of Siamese cats and have known and owned cats for as long as I can remember. I have also rehomed a number of cats – both Pedigree cats and Companion cats***

*In order to establish my Bona Fides, I would like to provide some information on my background – see* ***Attachment 1***

*I am a pragmatic person and I am able to balance the matters needing Regulation through Legislation and associated Regulations with the welfare of cats and their ethical treatment. I firmly believe that the vast majority of the public of WA recognize the need for Legislation relating to Cats but that this must tempered with due regard for the physical and behavioral needs of cats in order to optimize their welfare.*

*I believe that the current WA Cat Act (2011) requires an overhaul in order to achieve its original goals and acknowledge the requirements of cat lovers and legitimate, ethical registered breeders.*

***Attachment 2*** *Illustrates an atrocious situation that a colleague experienced with City of Cockburn some years ago.*

*Given the commitment by the WA State Government for identifying and closing down puppy farms, one would expect council rangers would be fully aware of what defines a backyard breeder and that identifying and closing them down should be their priority. This is not the case with the many*

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*councils and their rangers, instead they have seized the easy, lazy option of pursuing registered cat owners and breeders instead. If we are going to make any progress at all in achieving the goals of the Act – there will have to be major training for Rangers and educational campaigns aimed at the public – to 'dob-in a BYB'. This will require major changes in attitude by rangers – in order to locate BYB's and potentially eradicate them.*

*I believe that the appropriate implementation of the Cat Act can only be achieved by legislating/regulating what is specifically required by councils and their rangers. Delegating to councils and rangers the ability to write their own Local Laws (often inconsistent with the goals of the Act) has led to a myriad of inconsistencies and entirely incorrect interpretations - leading to disharmony among all those affected.*

## *2. Preamble:*

*This Document aims to identify some deficiencies and current problems currently applying to the Act itself and its implementation by Local Governments.*

*I provide for the City of Cockburn's consideration - some suggestions for relevant information that should be used to underpin the goals of Cat Legislation, Regulations and Guidelines in Western Australia, some suggestions for additional material for inclusion in the revised Act and some suggestions for resolving the identified deficiencies.*

The WA Cat Act (2011) - as per page 1 of the Act - is

'An Act to –

- Provide for the control and management of cats; and
- Promote and encourage the responsible ownership of cats, and for related matters.

As stated in the 'Pause for Paws' document requesting feedback from stakeholders, the main purposes the Cat Act 2011 (and Dog Act 1976) are to

- Encourage responsible pet ownership
- Safely return lost animals to their homes
- Keep the community and other animals safe

- Reduce the numbers of animals admitted to pounds and shelters
- Reduce the number of animals that are euthanized

Whilst I totally agree that these original goals are admirable – the current legislation and associated guidance documents written by Local Governments show that Local Laws are deficient in many areas making them 'unfit for purpose' and hence the proposed goals will never be able to be achieved. This is evidenced by data illustrating the increasing number of cats being seized and the number of cats being euthanized. **The intention of the Act was to reduce these numbers**.

Unfortunately there is no consistency of interpretation between the Local Government areas and that has resulted in a plethora of Local Laws. The majority of these local laws are inconsistent with the Act and its Regulations and appear to have been written without consulting the **SPECIFIC REQUIREMENTS PROVIDED by the Minister of Local Government to enable Council's to draft Local Acts that are consistent with the Cat Act and the Guidelines provided, but not to modify or duplicate its Contents when it CLASHES .**

I consider that is what has happened in this Document as it hasn't addressed the **TRUE REASONS for FAILURE to comply with the goals of the CAT ACT.** Some Local Governments have introduced draconian measures that preclude any possibility of achieving the intentions of the Act – as they totally ignore the issue of Backyard Breeders, those who allow their cats free access to wander, and kind-hearted individuals who feed stray cats – these are the people who need education and are the major source of the problem. Clearly the Councils have placed these people into the "too hard basket' and are the major reason for the failure of the Act to achieve its purpose and no consideration at all has been given to the welfare of these poor cats to International Best Practice or to the Welfare of Cats in the Community.

REGISTERED Cat Breeders who fully abide by the Cat Act – and who are easier targets to find seem to be the major target for monitoring Compliance . Whilst breeders like me welcome annual inspections of our homes as fit for purpose and are proud of the care we provide for the welfare of our cats – its INCREDIBLY DISAPPOINTING to see the true perpetrators of non-compliance ignored and allowed to keep contributing to the increases in the number of non-compliant owners and CAUSING MAJOR FAILURES TO MAKE POSITIVE CONTRIBUTIONS TO THE GOALS OF THE CAT ACT

### 3. International Standards for Animals:

In developed countries - Animal welfare is widely acknowledged as inextricably linked with Animal Control. Current best practice for the care and management of cats is critical to the success of regulatory measures. It is widely acknowledged that animals – including cats are sentient beings. Scientific evidence shows that many species experience emotions ranging from joy and happiness to deep sadness, grief, PTSD (post traumatic stress disorder) along with empathy, jealousy and resentment. Cat owners already know this and the majority (especially breeders) seek to optimize the environment of their cats in order to limit any stress. Stress is known to lead to numerous illnesses – some terminal. Sentience should be acknowledged by council rangers and referred to in their Website information for cat owners.

Across the western world – the 5 Freedoms for Animals underpin the treatment of all animal species. Both the WA RSPCA and The Cat Haven fully endorse the 5 Freedoms for Animals which are:

1. FREEDOM FROM HUNGER AND THIRST, by ready access to fresh water and diet to maintain health and vigour.

1. FREEDOM FROM DISCOMFORT, by providing an appropriate environment including shelter and a comfortable resting area.

2. FREEDOM FROM PAIN, INJURY AND DISEASE

3. FREEDOM TO EXPRESS NORMAL BEHAVIOUR

4. FREEDOM FROM FEAR AND DISTRESS

Some Organisations have added to these 5 freedoms to make them more specific to cats, e.g. American Association of Feline Practitioners – Veterinary Professionals Passionate About the Care of Cats' (catvets.com). This organization has numerous Position Statements: - see list.

https://catvets.com/guidelines/position-statements

This is the type of information all cat owners, breeders, council rangers and authorities should be aware of and implement to ensure the welfare of all cats

they interact with. We cannot expect the average pet owner to be aware of these 5 Freedoms but we should have confidence that all Rangers are fully conversant with the information and pass it on to members of their constituency. It would also be helpful to have it on the Council websites.

## 4 Matters of Concern to breeders

### A. The number of Cats Permitted to be kept by Cat Owners and Cat Breeders.

- The current Cat Act refers only to the registration of cats owned by cat owners and cat breeders. I would like to see this expanded to up to 6 categories of cat owners.
    - **Cat owners (de-sexed cats only) and only if they comply fully with the Cat Act- with exceptions for the elderly under certain circumstances.**
    - **Minor Breeders - with a maximum of 12 cats – sometimes additional cats that have reached the end of their breeding lives and rehoming would be contrary to their welfare eg they are tightly bonded to their owners or other cats in their households. This would be cruel.**
    - **Major breeders with more than 12 cats. The number allowed should be considered as 'horses for courses. Sufficient appropriate space, clean sanitary accommodation, warmth and cooling, loving care etc.**
    - **Boarding Catteries – who may also be pedigree cat breeders**
    -

I believe it would be beneficial for cat owners and for councils to adopt these categories and judge the maximum numbers of cats to be kept by a particular group according to the facilities they have for their cats and their husbandry practices. In other words, if all other requirements are met for Registration – then the assessment for each category should be 'horses for courses' i.e. facilities must be planned, built, maintained and managed at a level consistent with best practice for health and welfare of the number of cats kept at those premises and be consistent with both the letter and the spirit of the Cat Act. All facilities to be inspected as per Council requirements.

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Allowing Local Councils to make their own Local Cat Laws has resulted in huge anomalies in the treatment of cat owners and their cats. It has had the opposite effect that one assumes was intended by the Cat Bill - it does NOT provide uniform, fair and appropriate regulation. In fact the situation is arguably worse than it was prior to the Cat Act , because now some local Councils exploit the Act and use draconian measures to enforce their interpretation of it, concentrating on breeders registering their cats. Others are happy to take the fees but do absolutely nothing to regulate the backyard breeders. For the BYB's there is no inspection, no regulation nor concern for the cats and no income for the council.

The current Cat Act **does not provide limits on the number of cats that be kept on premises either for cat owners or breeders.** The Act does however empower local councils to create their own Local Laws – guidance documents to councils require councils to consider their goals and objectives in creating a Local Law and what such a law would achieve in addition to the WA Cat Act and associated Regulations. Should a council not have its own local cat law then the Uniform Local Provisions apply. **Prescribed premises** means premises to which a local law applies that limits the number of cats that may be kept at those premises.

- Regulation 4(1) additional number of cats in relation to prescribed premises means a number of cats that is in addition to the standard number of cats for the premises.

  *Regulation 6(1) a person who is ordinarily resident at prescribed premises must ensure that the number of cats ordinarily kept at the premises is not more than the standard number of cats for the premise*

*Regulation 6(2-) It is a defence to a charge under subregulation (1) to prove that*

1. *approval for an additional number of cats is in effect in respect of the premises; and*

2. *the total number of cats ordinarily kept at the premises is less than or equal to the sum of –*

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*(I) the standard number of cats for the premises*
*(ii) the additional number of cats referred to in the approval*

5. Applications for Breeders Licenses

Applying for and receiving a Breeders License should be a simple and streamlined process that is described in detail on the Council websites using a flow chart and description of the process.

Under the Cat Act Regulations (2013) Section 23 states:

Person who may not be refused approval to breed cats (s.37 (5)).

A local government is not to refuse an application for the grant or renewal of an approval to breed cats if the applicant —

(a) has attained the age of 18 years; and
(b) has not been convicted within the previous 3 years of an offence against —
(i) the Cat Act 2011; or
(ii) the Dog Act 1976; or
(iii) the Animal Welfare Act 2002;
and
(c) is a current member of one of the following organisations and associations —
(i) the Cat Owners Association of Western Australia (COAWA);
(ii) the Feline Control Council of Western Australia (FCCWA);
(iii) the Australian National Cats (ANCATS).

Despite these Regulations some Local Councils are refusing to provide Licences to breeders who are fully compliant with the requirements above. The State Administrative Tribunal has been receiving complaints from both owners and breeders who are identifying Councils and their Rangers as being incorrect as to their interpretation of their role and have a poor understanding of the Cat Act and its associated Regulations.

In one particular municipality this has happened to several breeders – with no reasons given. Such behaviour is inconsistent with the Act

**I believe that minor cat breeders should be able to keep at least 12 breeding cats. Breeders require this number of cats to enable them to breed their cats in an ethical way by ensuring they avoid inbreeding, minimize line breeding and using out-crossing wherever possible.**

In order to continue to outcross (inbreeding is discouraged) – minor cat breeders are required to purchase completely unrelated cats (either from Australia or overseas). Once a breeding cat can no longer be bred (to avoid inbreeding or due to age) the goal is to de-sex them and rehome. There are some occasions when the minor cat breeder is forced to retain a de-sexed cat. Examples being that the cat cannot settle into its new **pet home** and is returned to the breeder or the cat may be so bonded to its breeder or another cat – that to rehome it would be cruel and contrary to its welfare. Having said that – the majority of retired breeders are able to be rehomed. Should a de-sexed ex-breeding cat not be suitable for rehoming – then the breeder must be able to retain it – but it should not count toward the number of 12 breeding cats.

Facilities used to house the cats should be consistent with the 5 freedoms, keeping in mind the needs of cats to have access to vertical space.

With regard to Major Cat Breeders and Boarding Cattery Owners who also breed – the same principles should apply. The facilities should be assessed according to the 5 Freedoms as well as being consistent with Local Planning Guidelines and Registration requirements. There are currently dedicated kennel zones within several local government areas. These areas are predominantly occupied by dog breeders who have separate fees and conditions to the dog owner in suburbia. Cat breeders, particularly those breeding more than one breed, are also moving into these areas. I believe this should be encouraged and registered cat breeders also be offered reduced fees and increased cat numbers, but costs of purchase who preclude this option for many.

I cannot speak on behalf of informal cat owners (e.g. stray cats usually living in industrial areas and often fed by workers in the vicinity) – but there is information and guidelines available as to how best to manage these situations.

I realize that it is both difficult and expensive for Local Councils to develop their own Guidelines for assessing individual applications for Registration however I

**strongly recommend that for the sake of uniformity and simplicity – the Review Committee liaises with other Local Councils.**

## 6. Problems with the Implementation of the Act by Local Councils

The implementation and administration of the Act has been delegated to Local Councils – they were provided with guidance documents to enable them to understand what is required of them and to produce relevant forms and guidance to cat owners and breeders in their constituency. They are also authorized to monitor compliance, take appropriate actions in the cases of non-compliance and educate the residents in their constituency as to their responsibilities under the Act. The absence in the Act of a number of key principles – relating to animal welfare and the behavioral and physical needs of cats must be addressed as ignorance by council rangers has led to many of them considering themselves as 'enforcers' rather than monitors, educators enablers'.

The 2011 Act has been interpreted by Local Councils and their council rangers from a number of districts as giving them the role of enforcers without due deference as to how they conduct that role. Respect and common courtesy for rate payers has been ignored. It appears that the Act as interpreted by some rangers is actually discouraging them from becoming cognizant of current best practice relating to cats i.e. The 5 Freedoms etc. Without identifying the specific requirements of cats and providing training to rangers, they will continue to focus on enforcement – which has not contributed towards the goals of the Cat Act.

Some council rangers see their role as monitoring the ongoing compliance of those owners who have already registered their de-sexed, micro chipped and vaccinated cats. Even worse, some owners have had their cats seized if they have exceeded what some councils believe to be an appropriate number of cats – in some cases a maximum of 3 (personal communication). One family was not advised that they could apply for a 4$^{th}$ cat resulting in the 4$^{th}$ cat being sent to The Cat Haven for rehoming leaving the devastated owner and children bereft.

In the guidance documents the intent of the Act has been made extremely clear. Section 79 of the Act provides local councils with the power to make local laws when they are seen as necessary within their constituency. The Cat Local Law Guidance under Section titled *Overview* notes:

- A Cat Local Law does not operate outside the district of the local government for which it is made and is inoperative to the extent it is inconsistent with the Act or any written law. This guidance is being ignored by a number of suburban councils.

**Clearly the delegation of the Cat Law to the Local Councils and individual rangers is in some councils – aggressive, intimidatory and bullying and hence 100% unacceptable.**

The Cat Local Law Guidance Notes for local governments, Section 2.8. states:

- **Point 1 The Act does not provide limits on the number of cats that can be kept on premises'.**

- **Point 2 'Limits for the keeping of cats may therefore be determined by the local government and will need to be a compromise between what is seen to be acceptable to the public to prevent nuisance whilst still being feasible for cat fanciers and breeders. The local government should also consider what would be achieved by limiting cat numbers.**

Under Section headed 'the need for Local Law', the Guidance notes state:

- A local Government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

  - The Act, Cat Regulations2012, the Cat (Uniform Local Provisions) Regulations2013 or any other written law do not already cover that matter: and
  - There appears a sufficient need for additional regulation in that area.

Under Section headed 'Current Cat Local Laws' the Guidance notes state:

- A local law should not reproduce any provision already covered in the Act or Cat Regulations 2012 either within the content of the local law or within boxed notes.

It has become very clear to us – having learned from members of the Society of their experiences with rangers from various councils - that many rangers have a

very poor understanding of the Cat Act and their responsibilities under the Cat Act.

In our view all council rangers and their management should undergo training in all aspects of the Act to enable them to perform the roles required of them to achieve the goals of the Cat Act

## 7. Some Facts About Cat Breeders.

The vast majority of cat breeders are devoted to their cats. The health and welfare of their cats is their primary concern. It is inevitable that there are those within the WA community who do not approve of breeding pedigree cats or who hate cats in general. However, we believe that the ethical, licensed cat breeders fully comply with the WA Cat Act and associated Regulations and this should give reassurance to the public

Members of cat clubs named in the Act are required to strictly adhere to the Constitution, Code of Conduct for Members (**which includes the Breeders Code of Ethics)**, Code of Conduct for Governing Council, Show Rules, Grievance Policies and all documentation enabling them to comply with the National Governing Body – the Australian Cat Federation. Clubs are not afraid to implement necessary actions in the case of non-compliance and members have been expelled for non-compliance.

- Cat breeders incur major costs when they are breeding kittens. Breeders insist on feeding their cats on high quality foods to ensure their cats are in the best possible physical condition for breeding and showing.

- Kittens are usually born inside their homes in heated, safe environments e.g. bedrooms. From birth the kittens are socialized to ensure they will grow into affectionate and confident companions for kitten adopters
- Both mother and kittens are wormed regularly with safe (and expensive) products
- Kittens start the weaning process from approx. 4 weeks and are fed on high quality food to ensure physical and psychological health.

- At approx. 8 weeks kittens are vet-checked and receive their first vaccinations
- Soon after vaccination the kittens are micro chipped
- At approx. 12 weeks kittens receive another vet-check and their second vaccination.
- Once the kittens reach 1.2kg or more in weight both males and females are de-sexed. Some breeds reach this weight earlier than others.
- When kittens have recovered from de-sexing they are adopted out to their new owners.
- Profit margins are very small - and in many circumstances the breeder actually incurs a deficit, especially if veterinary and capital costs are accounted for.
- Ethical, legitimate, registered breeders are breeders for love not money.
- Clubs welcome members of the public to their shows where they can view the beautiful pedigree cats and the equally beautiful companion cats.
- Some breeds require expensive heart scanning annually for every breeding cats as well as DNA testing for heritable diseases.
- Registered breeders use DNA tests for their foundation cats checking for hereditary diseases such as PRA. PKD, HK. Not all diseases can be tested for but with more tests becoming available each year the list grows and this is an increasing expense.

**For registered breeders it is IMPERATIVE to make a specific point. Breeder's cats are either housed indoors with secure outside exercise areas or in secure outdoor pens. Breeding cats cannot be allowed to roam as breeders must be able to verify pedigrees that are recognized worldwide.** The only times they are outside is when they are fully confined in their play areas (catios) or in their mating areas. Some breeders without access to enclosed play areas use harnesses and leads to enable their cats to experience the outside world.

**Free roaming cats are just as big a nuisance to registered breeders as the general population and it is clear that the Cat Act as it stands has not addressed this problem. It concentrates on those that become registered breeders or registered cat owners.**

The Philosophies and commitment of ethical, legitimate, registered breeders means that they should never contribute to the existing 'cat problem' in WA. This is because their cats are too valuable to be allowed to leave the security of their homes or play areas or breeding accommodation.

## 8. Backyard Breeders (BYBs)

**BYBs are those breeders who 'fly under the radar' and give legitimate breeders a bad name.**

**BYB's are the cat equivalent of puppy farms. The current WA government is making major progress in the reforms required to close down puppy farms and the revised Cat Act MUST address this problem as it is one of the MAJOR causes of the Cat problem in WA, i.e. the ever increasing numbers of cats being impounded and euthanized.**
**The Cat Act is effectively reducing the number of bona fide pedigree cat breeders, registered with their member body and the councils, but doing nothing to address the BYB problem.**

**This is drastically reducing the availability of genuine, quality, healthy pedigree cats and decimating the genuine cat fancy in WA.**

BYBs have many or all of the following characteristics:

- Their breeding cats are bred too frequently leaving them in poor condition
- Their breeding cats are bred to the point where they are no longer able to breed
- The cats and kittens are confined in small shelters – often with inadequate shelter
- Kittens are sold at a very young age
    - They are not de-sexed
    - They are not micro chipped
    - They are not vaccinated
    - They are not free of worms or fleas
    - They are malnourished and underweight
    - They are sold via pet shops still or from the back of a car
    - They are often fluffy breeds e.g. Ragdolls and Persians - the fluff disguises their condition
    - They are no longer sold on GumTree but advertise by word of mouth, through other BYBs and currently use the local suburban selling sites

- The new owners do not perform any of the Cat Act requirements (registration, desexing, proper housing and confinement etc) often because they cannot afford to. The kittens often die from disease or accident. Also many kittens are purchased from BYBs by parents for their children. The children enjoy the kittens whilst they are young – but when they become less interesting and playful – they are left to fend for themselves and become strays and add to the feral cat popularion.

- The strays then become nuisance cats and breed more and more strays

- **BYBs are major contributors to the WA Cat problem and their eradication should be the primary focus of council rangers.**

- We acknowledge there will be difficulties for rangers in locating and identifying BYBs and we recommend rangers liaise with their counterparts who have been involved with locating puppy farms.

- We note that under the Local Government that councils can be authorized to use various types of surveillance e.g. drones and consideration of surveillance should be considered as an option for locating BYBs.

## 9 Conclusion

Some breeders are frightened to register their cats because they fear being over regulated and the COST. Most breeders will have at least 6-10 cats which is a high annual cost for registrations compared to dogs. The costs of breeding have increased, particularly vet fees, and the profit from selling kittens is low for most breeds. More testing for heritable diseases s available and required for registered breeders. Most BYB do not test their breeding cats.

**There is way too much disparity in the charges put upon 'Approved Breeding Establishments' by the various councils, ranging from the Cat Act 2011 mentioned $100.00 per each entire cat per year, to a 'package charge'. This must be addressed as it is unfair. The situation is worse than it was prior to the Cat Act. All Councils should seriously consider a Package Charge.**

I support sterilisation of pedigree kittens at point of sale rather than the current six months. Where kittens cannot be sterilised for health reason a vet can provide a letter to exempt sterilisation and nominate the age for this to be undertaken for each affected kitten.

I fully support cats being restricted to their own properties and owners encouraged to build secure enclosures for their pets. Total confinement will need to be gradually introduced as cats used to free roaming will often not adapt easily to being confined, which will lead to an increased surrender rate if enforced immediately. Breeders encourage new owners to keep their kitten and cats confined. Councils could consider subsidizing the cost of outdoor accommodation and there is a company in O'Connor that sells all the components needed for building their own enclosures.

I am concerned at the use of cat traps by the general public. These traps are often loaned or hired from the local government. There seems to be no control over what happens to cats trapped and anecdotal evidence is that pet cats are 'disappearing' with no trace.

The Cat Alliance has published excellent guidance on trapping cats and these should be adopted immediately by rangers who can provide them to members of the public who hire traps.

There are also reports of violence towards cats by juveniles as well as adults. Distressed pet owners find their pets obviously tortured before death and report that local rangers, police and RSPCA say there is nothing that can be done, even when there is evidence as to who the perpetrators are. This apparent lack of concern for the welfare of cats is worrying. As I have stated earlier, cats are sentient beings. They feel pain and as a humane society we must encourage respects for the welfare of all animals.

I also deplore the use of 1080 to control feral cats. This is inhumane and causes suffering

**Page 1,**
Include comment such as
'Ensure the welfare of all cats is paramount at all times'

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**Page 2, Clause 3(1)**
Include (d) ' local governments to ensure operating guidelines for their cat management facilities are available on their website and facilities are available for inspection by the general public and RSPCA inspectors

**Page 10, Division 2 - micro chipping Clause 2(b)**
Must be retained

**Page 16, Clause 28 (b) Disposing of seized cats**
Add words ' for a minimum of 14 days'
Include (c) Seized cats must be advertised in local papers and Social Media pages such as 'Lost Pets of Perth' to optimise return to owner.

**Page 18, Clause 33(b)**
Local Government rangers must make every effort to contact the owner to ensure that the cat is not exempt, not sufficient to act on 'has no reason to believe that the cat is exempt'. Most rangers transfer these cats almost immediately to The Cat Haven without appropriate effort to locate the owner (? Letter drop in location, notice on ' lost pets of Perth). The Cat Haven is then forced into making a financial decision to use limited financial resources on which to base their decision to either 'microchip and sterilise' or euthanize.

**Page 19 Division 4 - Breeding of Cats, Section 35(1)**
'Approved Cat Breeder' is an ambiguous terminology. Does it mean approved through an authorised Cat Society, through Local Government or both?

A Clause should be inserted which specifically refers to 'backyard breeders (equivalent to puppy farmers) and 'hoarders of cats'

**Page 20 Subdivision 2 - Becoming an approved cat breeder, Section 36 (2)(a).**
An efficient, cost-effective solution for acquiring the relevant information would be for all Local Governments to use the same Application Form for use by Breeders. The City of Joondalup has produced an excellent form suitable for all Local Governments within the Metropolitan area. Country municipalities may need to modify it to suit their specific circumstances.

**Page 29, Section page 52 General powers of authorised persons**
After point a should be b, stating that using traps should be conducted

according to specific guidelines. The Cat Alliance has published excellent guidelines for use by authorised persons and members of the public.

**Page 34 Section 69(2) Objection may be lodged.**
Numerous Local Government Websites do not provide forms or details of what is required. Instead they request the person lodging the objection to contact rangers by phone. This is inappropriate as there is then no written record.

**Page 34 Section 70 Dealing with objection Point (!)**
There is at least one Local Government where decisions are made by rangers alone. This is completely inappropriate. All Local Governments should ensure that Committees are in place as prescribed in the Act and that the Policies, Processes and Procedures used by Committees/rangers are published on the website.

**Page 40 Division 2 – Local laws Section 79 (1)**
There is an urgency to ensure some consistency between Local Governments with regard to the management of Local Laws.

**Page 41 Section 79 (3) Subsections (a) through (k).**
Addition of 2 further subsections:

(l) compliance of cat facilities with minimal standards

(m) identification and regulation of Backyard breeders.

All Local Governments should be consulting the following 2 documents.

***(a) The Guidance Document titled 'Cat Act 2011 – A Guide for Local Governments'.***

This guidance provides 43 pages of simple explanatory advice on how Local Governments can best achieve the key features of the WA Cat Act 2011.

Many members of CatsWA can attest to the fact that rangers from their Local Governments are either unaware or ignoring this guidance document. Website information on Policies, Processes and Procedures is absent from the majority of Local Government websites – leaving members of their constituencies with no knowledge or understanding of what is required of them to comply with the Act.

They are then subjected to unreasonable behaviour by local rangers who see themselves as 'enforcers' - rather than educators - who can enable the public to become compliant. Instead rangers are metring out punishment.

Local Governments should be collaborative with their constituents and ensure adequate public consultations apply to Section 79(3) Subsections (a) through (k). Once gazetted the Local Law must be available on all Local Governments' websites – and must include the Policies, Processes and Procedures used by rangers in enacting their responsibilities.

**(b)** ***The Guidance Document titled 'Cat Local Law – Guidance Notes'***

A sensible and comprehensive guidance document of 18 pages has been produced to assist Local Governments in designing the layout and potential contents of a Local Law. This document suggests that some Local Governments will find it unnecessary to create a Local Law, as the Act, Regulations and Uniform Local Provisions are sufficient for ensuring compliance.

The document warns that Local Laws should not reproduce anything already included in the existing Cat Act etc. The guidance also gives a suggested layout of a Local Law and provides suggestions as to **what could be included** – however **it does NOT prescribe what MUST be included,** as this will depend on the specific circumstances pertaining to individual Local Governments.

Unfortunately it is clear that many Local Governments have selectively interpreted the content of this guidance. Many of these new Local Laws have been written so as to impose unreasonable restrictions on the ownership of cats by the public e.g. the number of cats able to be kept. It appears that an **example** written on page 15 of the Guidance notes has been literally interpreted as a requirement of what should go into a Local Law – whereas it is simply one of 2 examples.

However – in contrast - there is very little included in Local Laws concerning the 'establishment, maintenance, licensing, regulation, construction, use, record-keeping and inspection' of Local Governments' Cat Management Facilities and whether they meet minimum standards (Page 16). The guidance provides comprehensive details of the type of information required to assess these facilities.

This guidance asks Local Governments to pose the question 'what would be achieved by limiting cat numbers?' Cat breeders are happy to be visited and have their facilities and standards of husbandry assessed. However breeders completely reject the power currently being exerted by Local Government rangers to restrict the number of cats allowed when they are being maintained to standards of best practice.

Local Governments need to understand and accept that cats owned by breeders are **NEVER ALLOWED FREE ACCESS TO THE OUTSIDE** – it therefore follows that in no way can breeder's cats contribute to the Cat Problem in WA. Local Government rangers and their management who are enforcing draconian rules on breeders – when the Act itself does not place a limit on cat numbers – urgently require training in all aspects of cat Legislation. This includes addressing the real causes of the Cat Problem and improving their Public Relations skills.

Local Governments appear to have no strategies in place to identify and pursue Backyard breeders – major contributors to the Cat Problem.

**Western Australia Cat Act Regulations 2012**

Page 16, Section 16,
Include basic details of housing and husbandry. Page 21, Section 21,
propose cat breeders should be divided into sub-categories.

Minimal housing and husbandry standards should be available on The Local Government website to enable different categories of breeders to understand the minimal acceptable standards for the number of breeding cats they own

Page 11, Section 23, subsections (a), (b), (c)
This entire Section should be retained to enable ethical, registered cat breeders to continue to breed to the standards of the WA Cat Legislation, their WA Society and their National Association.
It must be emphasised that ethical, registered Cat breeders keep all their cats either in their homes and/or external, high quality, secure enclosures. Breeding cats are NEVER permitted free outside access. Therefore it follows that ethical, registered **breeders DO NOT in any way contribute to the WA cat problem.**

A new section will need to be added addressing the issues of identification and potential eradication of Backyard breeders (akin to puppy farms). The State Government gave a pre-election commitment to the eradication of puppy farms

and that strategy has commenced. Local rangers should be adapting these strategies to the backyard breeders who are directly contributing to the Cat Problem in WA. Potential funding should be sought for this.

The CEO of the Cat Haven fully endorses Government support for ethical, registered cat and dog breeders. Ros is adamantly opposed to allowing backyard breeders to continue their practices unabated, she has direct experience of the pitiful, physical conditions of the cats which have reached the end of their breeding lives - they are dumped at The Cat Haven.

We request that all Local Governments have the Cat Act (2011), Cat Regulations (2012), Cat Uniform Local Provisions) Regulations 2013 and all modifications as approved. on their websites. We commend those who wrote the 2 Guidance documents for Local Governments - which will need to be modified according to changes in the Act etc.

Oversight and compliance with the Cat Act by Local Governments and their rangers must become more consistent and could be greatly improved by the following proposal. Once the revised Cat Act has been gazetted - formal training should be arranged for training of senior rangers potentially through the Rangers Association.

Once senior rangers have been assessed as fully conversant with the WA Cat Act etc., they can take that knowledge back to their Departments for the training of their staff. Alternatively on-line training and quizzes could be produced which could form compulsory training for the entire ranger population.

**Cat (Uniform Local Provisions) Regulations 2013.**

I hope that our suggestion of expanding the number of categories of cat owners will be adopted. This could then be fully explained either within the Regulations or modifications to the Uniform Local Provisions.

1. *Matters of Concern*

***A. The number of Cats Permitted to be kept by Cat Owners and Cat Breeders.***

***B. Applications for Breeders Licenses***

*C. Problems with the Implementation of the Act by Local Councils*
*D. Some Facts About Cat Breeders.*
*E. Backyard Breeders (BYBs)*
*F. Conclusion*

*1. Comments on Western Australia Cat Act 2011, Version 00f0-00*

*8. Comments on Western Australian Cat Act 2011, Regulations 2012*

***ATTACHMENT 1***

[redacted]

[redacted]

***ATTACHMENT 2***

*Major changes need to be made to the management and implementation of the Cat Act by City of Cockburn and their rangers. Hopefully this has already occurred.*

*Having spoken to rangers some years ago from City of Cockburn I was aghast at their lack of awareness and understanding of the WA Cat Act (2011) especially the refusal by their Line Manager (sorry I cannot remember his name) and the Lawyer he took with him to the initial hearing of the State Administrative Tribunal. They asked to speak with me as we were leaving and the Lawyer asked me if there was in fact a State Cat Act, I found this to be an amazingly ignorant comment by those supposedly knowledgeable of their own and the City of Cockburn's responsibilities.*

*This attitude extended to their Rangers who displayed the most overbearing, bullying tactics the irresponsible methods they use to implement the Act. The utter disregard by City of Cockburn's Council's Rangers for the welfare of cats, their disrespect for their constituents and their sheer ignorance of the Legislation – both the WA Cat Act was horrifying. I have personally observed their behavior – as they bullied and lied about the Cat Act to a cat breeder who was in the midst of a nervous breakdown. This breeder had an autistic daughter who slashed the secure, outside cat exercise area that had allowed a mother cat and her babies to escape – a neighbour contacted the council and rangers were sent to remove the kittens to the inside pound area. I intervened to explain that these kittens were still feeding from their mother and finally they collected her to be with her kittens. They subsequently confiscated others of her cats, took them to the pound and then sent some of them to the Cat Haven for rehoming. At no time did they explain that she*

*could apply for additional cats. She wanted to give up breeding and was willing to desex her cats – I think maybe 5/6 in all – but they refused to allow this and she was not permitted to visit this cat – her favourite. She wrote a lovely letter to the adopters – but rangers refused to pass it on. During this time I was working with a lawyer to try and persuade the Line Manager to return her favourite cat but he ignored our pleas and refused to take our phonecalls. The totally callous and lack of humanity to the cat owner and the rest of us trying to help her was treated with utter disregard – somewhat similar to Trump's ICE patrols in the USA, it can only be described as DESPICABLE and SHAMEFUL and probably an embarrassment to the Mayor, CEO and Members of Council. I look forward to hearing that there has been reform and appropriate training in Matters of the WA Cat Act (2011) and the Animal Welfare Act.*

23

**Email and letter submissions**

| # | Date received | Name | Feedback | Officer response |
|---|---|---|---|---|
| 1 | 15 Jan | REDACTED | See Appendix B. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 2 | 2 Feb | REDACTED | See Appendix C. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 3 | 5 Feb | REDACTED | See Appendix D. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met. |

| | | | | |
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| | | | | For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 4 | 6 Feb | REDACTED | See Appendix E. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law relaxes the City's current local laws with respect to the keeping of large animals within the City. The current local laws require a person to seek Development Approval to keep *any* number of large animals. The proposed Keeping of Animals Local Law allows a person to keep up to two large animals for domestic/pet reasons without needing approval, provided the land is zoned in a particular way and certain conditions are met.<br><br>For those who wish to keep more than 2 large animals, or are keeping large animals for commercial or farming purposes, a person simply needs to be apply for Development Approval. This Development Approval will specify the limit (if any) of any large animals that may be kept on the land.<br><br>For those who already have a Development Approval, nothing will change and that Development Approval will still be valid.<br><br>It is also important to note that there are other State laws that regulate the keeping of large animals. These laws are unaffected by the proposed Keeping of Animals Local Law and all persons need to comply with any requirements specified in these laws. |
| 5 | 10 Feb | REDACTED | See Appendix F. | Feedback noted.<br><br>The City acknowledges that it would be logical to align the maximum numbers of dogs and cats. City officers have no concerns with reducing the maximum number of cats to two, as this limit is common across many local governments. However, officers do not support increasing the maximum number of dogs to three, as this would be inconsistent with standard practice across the State. More dogs increase the likelihood of noise, roaming and behavioural issues, which can impact neighbourhood amenity - particularly as lot sizes continue to shrink - and higher dog numbers typically generate more complaints and follow-up work, requiring greater City resources to manage. |

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|---|---|---|---|---|
| | | | | The proposed Keeping of Animals Local Law primarily regulates animals which have a greater potential to create nuisances or public health or community safety concerns. It is not clear from the submission why regulation of snakes is required in a local law. If further information can be provided, the Council can consider whether regulation is required.<br><br>Further, State legislation already requires that a person have a licence to keep reptiles and amphibians as pets. These are issued and managed by the Department of Biodiversity, Conservation and Attractions. |
| 6 | 10 Feb | REDACTED | See Appendix G. | Feedback noted.<br><br>The Cat Act 2011 and Dog Act 1976 already require that cats and dogs be registered.<br><br>Any expansion of pet registration requirements is likely to result in the need for more staff to manage the registration and enforcement process, which would be reflected in increased rates.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries. The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future.<br><br>The Dog Act 1976 already prohibits dogs from wandering at large, and generally requires dogs to be securely confined to their property and under effective control in public. |
| 7 | 10 Feb | REDACTED | See Appendix H. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future. |
| 8 | 11 Feb | REDACTED | See Appendix I. | Feedback noted.<br><br>A person may submit an application to keep more than 3 cats, prior to that person acquiring the cat, provided that person knows the necessary details to complete the form. These details are important for City officers to consider the request.<br><br>Where an applicant has a demonstrated history of responsibly managing and caring for their cats, there is a strong likelihood that the application will be approved. |

| | | | | |
|---|---|---|---|---|
| 9 | 11 Feb | REDACTED | See Appendix J. | Feedback noted. |
| 10 | 14 Feb | REDACTED | See Appendix K. | Feedback noted.<br><br>Any direction given by an authorised officer would be reasonable in the circumstances. A suitable enclosure may not require a Council building or other type of permit. In any case, the relevant officer would seek to work with the person to ensure any direction could reasonably be carried out within a 14-day period. |
| 11 | 18 Feb | REDACTED | See Appendix L. | Feedback noted.<br><br>The Dog Act 1976 already requires that dogs be registered, and that dogs be under effective control at all times. Penalties in respect of breaches of these requirements are contained within the Dog Act 1976. |
| 12 | 20 Feb | REDACTED | See Appendix M. | Feedback noted.<br><br>It is the City's view that ducks have the potential to cause the same or if not greater amenity impact then chickens, due to differences in waste, water use, noise and maintenance needs.<br><br>Chickens produce drier, lower-odour droppings, while ducks generate wet, high-moisture waste and require water for swimming and preening, often creating muddy or stagnant areas that attract pests, including mosquitoes that breed in standing water. Hens are generally quieter than many duck breeds. Because duck enclosures are more prone to wet conditions, they can cause pests and odour nuisance.<br><br>Notwithstanding the above, the City has given further consideration to the separate limits imposed on ducks and has removed this separate limit, so that ducks would simply be captured as part of the broader poultry limit. Keeping numbers above this limit, whether ducks or not, will require a permit, with each application assessed on a case-by-case basis. |
| 13 | 23 Feb | REDACTED | See Appendix N. | Feedback noted.<br><br>Unfortunately, at this time, the City does not have the power under the Cat Act 2011 to require cat owners to keep their cats inside or within property boundaries.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat containment requirements in the future.<br><br>Whether or not the City offers discounted pet training or socialisation classes is outside the scope of this engagement, which is about the proposed Keeping of Animals Local Law. Your comments will be passed onto the relevant team for their information. |

| | | | | |
|---|---|---|---|---|
| 14 | 23 Feb | REDACTED | See Appendix O. | Feedback noted.<br><br>Dog prohibited areas or dog exercise areas are regulated by the Dog Act 1976. Any review of these areas is outside the scope of this engagement, which is on the proposed Keeping of Animals Local Law. Your comments will be passed onto the relevant team for their information. |
| 15 | 24 Feb | CatsWA | See Appendix P. | Feedback noted.<br><br>The proposed Keeping of Animals Local Law does not require cats to be contained to premises of property boundaries. It does however introduce cat prohibited areas, which are City-managed conservation reserves, bushland reserves and regional parks, in line with the Council-endorsed Animal Management and Exercise Plan.<br><br>In accordance with the Cat (Uniform Local Provisions) Regulations 2013, a member of a cat organisation may have keep 3 times the 'standard number of cats', with the 'standard number of cats' being defined as the number of cats that could be kept at the premises under a local law that applies to the premises. Therefore, breeders who are a member of a cat organisation will not need to apply for a permit unless they intend on keeping 10 cats or more. |
| 16 | 6 March | REDACTED | See Appendix Q. | Feedback noted.<br><br>Dog exercise areas (i.e., places where dogs are allowed off-lead) are regulated by the Dog Act 1976. Any review of these areas is outside the scope of this engagement, which is on the proposed Keeping of Animals Local Law.<br><br>City officers are active in addressing illegal camping within the City. If you would like more information on how we manage illegal camping, we encourage you to contact us directly so we can discuss our approach and your concerns with you. |
| 17 | 6 March | REDACTED | See Appendix R. | Feedback noted.<br><br>To keep a large animal, a person needs to comply with both clauses 4.8 and 4.9, not just clause 4.8.<br><br>The City does not intend on issuing permits for the keeping of large animals. Either a person complies with the Division, or they need to seek development approval.<br><br>The City notes your submissions on the other proposed local laws. |

**Appendix B**

**Sent:** Thursday, 15 January 2026 10:21 AM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Keeping animal bylaws.

Dear Cockburn staff,

Why is it not part of the bylaws to have cats kept on their property or on lead off the property.
It should be equal rights foe dogs and cats.

Yours in Cockburn

Item 8.2.5 Attachment 3 - City of Cockburn Keeping of Animals Local Law 2026

**Appendix C**

**Submission – Proposed City of Cockburn Keeping of Animals Local Law 2026**

*Livestock provisions (permit pathway + transitional arrangements requested)*

To: Governance / Local Laws Team, City of Cockburn

Via: Comment on Cockburn – Proposed Keeping of Animals Local Law 2026

From: [redacted]

Property address: [redacted]

Email: [redacted]

Date: 2nd February 2026

Subject: Submission on Proposed Keeping of Animals Local Law 2026 – Livestock provisions

**1) Summary of my submission**

I request that the City amend the proposed livestock provisions in the Keeping of Animals Local Law 2026 to replace the blanket cap ("no more than 2") with a proportionate, risk-based framework that includes:

- a permit pathway for keeping more than the baseline number of livestock for domestic/pet purposes; and
- objective criteria for assessment (e.g. lot size/carrying capacity, setbacks, secure containment, waste/drainage controls, animal welfare standards, and nuisance history).

I currently keep 20+ miniature goats for domestic/pet purposes. These animals are managed to high standards of welfare, containment and hygiene. I have never received any complaints from neighbours or the City regarding noise, odour, flies, wandering animals, waste, or any other nuisance.

**2) The proposed "no more than 2" cap is a major policy shift**

The City's summary materials describe a "complete re-think" of livestock provisions. As outlined, the proposed approach would limit livestock (including miniature goats) kept for domestic purposes/pets to a maximum of two animals, subject to zone restrictions, setbacks and breed limitations.

A blanket cap of two animals for Resource/Rural properties is not a minor update. It is a major policy shift that would abruptly make responsible, established keepers non-compliant, without a clear permit pathway to recognise compliant, well-managed situations.

**3) A permit pathway is the proportionate solution**

The risks that livestock provisions are intended to manage (amenity impacts and public health) are best addressed through:

- enforceable nuisance provisions (noise/odour/flies/wandering);
- minimum standards for containment, waste management and drainage; and
- a permit process to assess higher numbers against objective criteria.

A permit pathway supports clarity and compliance while enabling the City to address genuine problem cases. It also avoids indiscriminately penalising responsible keepers with no history of nuisance.

**4) Unintended impacts of an indiscriminate cap**

A blanket cap of two livestock would create serious unintended consequences, including:

- forced rehoming or reduction of animals even where there has been no nuisance or welfare issue;
- pressure for rushed disposals, which can undermine animal welfare; and
- loss of established, responsible animal keeping in Resource/Rural areas despite compliance and community amenity being maintained.

These outcomes are avoidable if the City adopts a permit pathway and transitional arrangements.

**5) My compliance history and regulated status (strongly relevant)**

I keep registered [redacted]

I hold a Property Identification Code (PIC): [redacted]

I am registered with Integrity Systems and compliant with National Vendor Declaration (NVD) requirements.

These registrations and integrity systems exist to manage traceability, biosecurity and responsible husbandry. In addition, I have never had any complaint from neighbours or the City regarding my goats (including noise, odour, flies, wandering animals or waste management).

In my case, the proposed blanket limit of two livestock would penalise a long-standing, compliant, professionally managed operation that has demonstrated no amenity impact on the surrounding community.

**6) Requested amendments (specific and practical)**

I respectfully request the City amend the draft Local Law as follows:

A) Introduce a Domestic Livestock Permit pathway
Create a permit system for domestic/pet livestock above a baseline number in Resource/Rural/Rural Living zones. Applications should be assessed against objective criteria, including: property size/configuration, setbacks and siting of shelters/yards, secure fencing and containment, waste management/drainage/fly control, welfare/husbandry practices, and complaint/compliance history.

B) Include transitional/grandfathering provisions
Include a transitional clause so existing lawful livestock keepers can apply for a permit to keep their current animals within a reasonable period (e.g. 6–12 months), and allow existing animals to remain while an application is determined (provided there is no substantiated nuisance).

C) Use lot-size or capacity-based benchmarks (not arbitrary caps)
Adopt a lot-size/carrying-capacity benchmark for goats as a starting point, with Council discretion via the permit process to adjust up or down based on site conditions and management practices.

**7) Willingness to provide evidence**

I am willing to provide evidence to support my permit application (if implemented), including: PIC and Integrity Systems registration confirmation, stud/registry documentation, veterinary records, photographs of fencing/yards/shelters, and a brief livestock management plan covering containment, hygiene, drainage, and welfare measures.

**8) Conclusion**

I support the City's aim to protect community health and amenity and to modernise local laws. However, the proposed blanket cap of "no more than 2" livestock is disproportionate for Resource/Rural properties and would capture compliant, well-managed situations with no history of nuisance.

I respectfully request the City amend the livestock provisions to include a permit pathway, transitional arrangements, and objective, risk-based criteria.

Thank you for considering my submission.

Sincerely,

[redacted]

**Annex A – Suggested clause wording (permit + transitional)**

Proposed new clause — Domestic Livestock Permit (Resource/Rural/Rural Living zones)

(1) A person may keep livestock for domestic purposes on land zoned Resource, Rural or Rural Living where:
(a) the keeping of livestock does not create a nuisance; and
(b) livestock are contained within a secure enclosure; and
(c) waste, drainage and hygiene are managed so as not to create odour, flies or runoff impacts.

(2) A person who seeks to keep more than the baseline number of livestock prescribed in this Local Law must obtain a Domestic Livestock Permit.

(3) In determining an application under (2), the City is to have regard to:
(a) the area, configuration and land capability of the premises;
(b) setbacks and siting of yards/shelters;
(c) fencing and containment standards;
(d) waste management, drainage and fly control measures;
(e) demonstrated husbandry and welfare standards; and
(f) any substantiated complaint history and compliance record.

(4) Transitional provision:
Existing keepers who lawfully keep livestock at the time this Local Law takes effect may apply for a Domestic Livestock Permit within 6–12 months. Until the application is determined, existing livestock may remain provided there is no substantiated nuisance.

## Item 8.2.5 Attachment 3 - City of Cockburn Keeping of Animals Local Law 2026 GOVCO 21/04/2026

### Appendix D

**Sent:** Thursday, 5 February 2026 3:28 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Proposed Keeping of Animals Local Law 2026 - Feedback

To whom it may concern,

I am writing to provide feedback on the proposed changes to the City of Cockburn's livestock--keeping regulations, specifically the suggested limit of two livestock animals per property.

These changes are not suitable for many residents, particularly those living on acreage and those classified as special rural blocks. Properties of this size are intentionally zoned to accommodate larger animals, including horses, sheep and cattle, in numbers that reflect both the land capacity and the welfare needs of the animals. Applying a blanket limit of two livestock animals fails to recognise the size, purpose, and capacity of these properties

The proposed limit of two livestock animals is especially inappropriate for herd based animals such as horses. It is widely recognised — including by equine welfare organisations and animal--behaviour experts — that horses are herd animals who rely on social interaction for their physical and psychological wellbeing. Keeping horses in groups is considered best practice, as it supports healthy behaviour, reduces stress, and allows them to express natural social patterns.

Restricting livestock numbers to two animals directly undermines these welfare principles. Such a limit would force many responsible owners into non--compliant situations or require them to separate bonded animals, both of which are detrimental to horse welfare. It also fails to acknowledge the significant differences between suburban residential lots and larger rural or semi--rural properties that are fully capable of supporting more than two animals without adverse impact on neighbours or the environment.

I strongly urge the City to reconsider this proposal and adopt a more practical, welfare--aligned approach that reflects the realities of rural living and the needs of the animals affected.

Thank you for considering this feedback.

Kind regards,

### Appendix E

**Sent:** Friday, 6 February 2026 1:01 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Proposed Keeping of Animals Local Law 2026

**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

To whom it may concern,

I am writing to provide feedback on the proposed changes to the City of Cockburn's livestock--keeping regulations, specifically the suggested limit of two livestock animals per property. This is specially a concern on the bigger Rural blocks in areas like Wattleup.

These changes are not suitable for many residents, particularly those living on acreage and those classified as special rural blocks. Properties of this size are intentionally zoned to accommodate larger animals, including horses, sheep and cattle, in numbers that reflect both the land capacity and the welfare needs of the animals. Applying a blanket limit of two livestock animals fails to recognise the size, purpose, and capacity of these properties

The proposed limit of two livestock animals is especially inappropriate for herd based animals such as horses. It is widely recognised — including by equine welfare organisations and animal--behaviour experts — that horses are herd animals who rely on social interaction for their physical and psychological wellbeing. Keeping horses in groups is considered best practice, as it supports healthy behaviour, reduces stress, and allows them to express natural social patterns.

Restricting livestock numbers to two animals directly undermines these welfare principles. Such a limit would force many responsible owners into non--compliant situations or require them to separate bonded animals, both of which are detrimental to horse welfare. It also fails to acknowledge the significant differences between suburban residential lots and larger rural or semi--rural properties that are fully capable of supporting more than two animals without adverse impact on neighbours or the environment.

I strongly urge the City to reconsider this proposal and adopt a more practical, welfare--aligned approach that reflects the realities of rural living and the needs of the animals affected.

Thank you for considering this feedback.

Kind regards,

## Appendix F

**Sent:** Tuesday, 10 February 2026 6:43 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** New law pets

Hello

I want to provide feedback on proposed local laws for pets. I don't want to sign up which is required to complete the survey.

Feedback
1. Applications are required if intend to own more than 2 dogs but for cats this applies if more than 3 cats. Yet it's the cats that are often a nuisance attacking local wildlife. Should apply the rule where more than 2 cats same as dogs.

2. Should include rules on ownership of snakes.

Kind regards

## Appendix G

**Sent:** Tuesday, 10 February 2026 8:50 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** keeping pets

All pets need to be registered with the city. If a pet is not registered then the owner needs to fined or the pet confiscated.
Any dog or cat seen roaming the streets or parks needs to be reported and the pet captured. The owner needs to be fined if the pet is registered or the pet needs to be sent to a shelter.

Keep up the good work City of Cockburn

## Appendix H



I am disappointed that there is no law restricting cats to the boundaries of their property. The damage cats do to the environment is indisputable and significant. This type of confinement is a trend in many areas, and represents an opportunity for the Council to be environmentally proactive. I would invite the Council to consider this option in the revised legislation.

Kind regards,

**Appendix I**

**Sent:** Wednesday, 11 February 2026 8:27 AM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Proposed Keeping of Animals

Hi

Just with regard to the changes to the number of animals permit can it be included that the permit can be applied for and approved provisionally prior to obtaining the animal.

I do not want to commit to and pay for a kitten and then have the permit denied and be forced to rehome home it or return it to the breeder.

Regards

## Item 8.2.5 Attachment 3 - City of Cockburn Keeping of Animals Local Law 2026 GOVCO 21/04/2026

### Appendix J

**Sent:** Wednesday, 11 February 2026 2:06 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Local Laws

Dog Laws, - Where pathways are shared by pedestrians and cyclist's signs are required restricting cyclists speed, and nominating that "pedestrians and dogs have right of way" This is important in view of the increasing number of electric bikes and scooters.

### Appendix K

**Sent:** Saturday, 14 February 2026 6:46 AM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** New keeping of animals local laws

Firstly, I am a fan of continuous improvement

In this case, a quick looks shows the proposed laws do not reflect reality. A quick review stopped me from continuing early on as assumptions are well outside the realms of possibility and are creating conditions where compliance would be impossible

E.g. expecting an enclosure to be built for a dog within 14 days - on which part of this country would that be a fair and reasonable expectation?

Council approvals for such an enclosure would take longer than 14 days, as would finding and engaging a builder to create such a construction.

I would much prefer the council tackle issues like ensuring street lighting was intact (it is always deficient - every single day) and maybe training garbage truck drivers to not distribute bins outside garage days on collection days. Parking issues are also not addressed - my local street parking is always congested reducing to single lanes - especially but not limited to school drop off and collection times - this is a genuine hazard to pedestrians and road users alike, often causing people to park on sidewalks or close to corners, and two way traffic brings streets to complete stand stills. Maybe 'local resident' parking might be a resolution?

Ensuring current expectations are met should be taking priority of developing new requirements, especially when compliance with same would be met with further resource issues, and imposing impossibe compliance expectations.

I suggest a full review, against compliance and implementation, be sort prior to progression. It should be structured in such a way to assist the community, not create failure.

If the council feels we really need new laws, becuase there aren't sufficient regulations in our life, then the law makers have, IMO, a duty to ensure that the same can be complied with in reasonable circumstances. The law amendments are not reasonable.

### Appendix L

**Sent:** Wednesday, 18 February 2026 10:08 AM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Keeping of Animals Local Laws 2026.

One thing I would like to see happeni, in regards to the keeping of Animals Local Laws 2026, is for there to be severe penalties for people w2ho don't have their dog (or cat) registered. And also, constantly have their dog out the front, unrestrained.

In regards to the above, there are 2 women (mother and daughter) who live up the road from us. And they have a dog. Unsure of breed. However, it's White, with a bit of Brown. It's Male. And his name is [redacted] We know that he is unregistered. (As he doesn't wear a collar or tags).

He is also constantly out the front, unrestrained. (Usually when the daughter is watering the garden). And on more than one occasion, we have witnessed Patch go out onto the road. Nearly being hit by cars. (One of which, was a friend, leaving our house).

Please feel free to contact me on [redacted] or [redacted].

Yours sincerely

## Item 8.2.5 Attachment 3 - City of Cockburn Keeping of Animals Local Law 2026 GOVCO 21/04/2026

### Appendix M

**Sent:** Friday, 20 February 2026 3:19 PM
**To:** Public Health <health@cockburn.wa.gov.au>
**Subject:** Feedback on Proposed Poultry & Livestock Limits. Ducks should be reasonably included.

Dear City of Cockburn Council,

I am writing to provide feedback on the proposed changes to the City's Poultry and Livestock Local Law.

I support the City's intention to manage poultry and livestock in a way that protects neighbour amenity and animal welfare. However, I am concerned that the current proposal treats **ducks too restrictively** and does not reflect the practical needs of residents who keep a small number of poultry for personal use.

Under the current law, I understand that residents may keep up to **12 chickens and ducks in any combination**. This allows flexibility, for example, to have 4 chickens and 8 ducks if desired. The proposed changes appear to limit poultry in a way that unfairly disadvantages duck keepers, despite ducks generally being quieter and easier to manage than larger poultry.

I respectfully request that the Council reconsider the limits for properties **above 700 m²** to include a reasonable number of ducks. Specifically, I propose that:

- Properties **above 700 m²** be permitted to keep **up to 4 chickens and 2 ducks or any combination of chicken and ducks upto 6 in total**.
- Ducks be explicitly recognised in the policy and treated similarly to other small poultry, reflecting their lower noise and amenity impact.

This approach will maintain the objectives of the Local Law while offering a fairer balance for hobby poultry keepers. Many residents value the ability to keep a small number of birds for education, sustainability, and personal enjoyment, and the policy should support this without compromising community standards.

I appreciate the Council's work on this matter and thank you for considering my feedback. I would be happy to discuss this further or provide additional information if required.

Kind regards,

### Appendix N

**Sent:** Monday, 23 February 2026 6:54 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Changes to pet laws

I agree that relevant changes should be made regarding the number of pets. Also, keeping cats in at night and have trackers where possible so limit going out of the residence etc, requiring registration and desexing. I have a cat and dog, both are registered with the council and microchipped and desexed. I fully support being a responsible pet owner and enjoying having the opportunity to keep a pet and reap the benefits of pet ownership. I appreciate the effort that the council goes to in providing bins and doggy bags for pets and water basins for pets in parks. Unfortunately, from time to time, I have noticed that children fill the pet water basins with sand in some of the parks near Colorado Park. I've had to rinse out the basin several times to get rid of the dirt and sand so my pet can have a drink. Perhaps a sign can be placed near the water fountain that it is for pet use only, not children to make sand pies. LOL.

I would also welcome the support of the council for FREE or low cost pet training and socialisation for visiting parks and interacting with other pet owners etc with my pet.

Regards

## Item 8.2.5 Attachment 3 - City of Cockburn Keeping of Animals Local Law 2026 GOVCO 21/04/2026

### Appendix O

**Sent:** Monday, 23 February 2026 4:46 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Re: City of Cockburn Local Laws - Proposed Keeping of Animals Local Law 2026

I strongly support clearer and stronger protections for bushland areas within the **City of Cockburn**, including mandatory leash requirements and physical fencing where appropriate.

Parks near my home include areas of remnant bushland that provide important habitat for local wildlife such as quendas, bobtails and a wide range of bird species. These animals are increasingly vulnerable as bushland across the City continues to be cleared and fragmented. I frequently observe dogs, including hunting breeds, being allowed to roam off-leash into bushland areas. Even when dogs do not physically harm wildlife, their presence alone can cause stress, disrupt feeding and nesting, and displace native species. I have also seen a number attacked and killed by dogs and cats.

Bushland reserves are not dog parks. They are conservation spaces, and their primary purpose should be the protection of fragile ecosystems and wildlife that already face significant pressure.

Mandatory leashing in bushland areas is a reasonable and responsible measure. It also protects dogs themselves from risks such as snakes, injury and becoming lost. Clear rules support responsible pet ownership and reduce conflict between different users of public spaces.

I would also strongly support fencing around sensitive bushland areas, consistent with approaches taken by other local governments. Fencing, clear signage and well-communicated rules are proven to be effective in protecting habitat while providing certainty for the community.

Education should be paired with fair and consistent enforcement. Clear expectations, supported by visible signage and follow-through, will help protect what little bushland remains and ensure these areas continue to support native wildlife into the future. Even in areas that say a dog must be on a lead are rarely noticed and there is so much dog waste in parks not picked up.

I encourage the City to take a firm but balanced approach that prioritises habitat protection, supports responsible dog ownership, and recognises bushland as a shared environmental asset that deserves active protection.

Thank you so much for all the work you are doing.

**Appendix P**

# CatsWA

FELINE CONTROL COUNCIL OF WA (INC)

UNIT 4/17 WELSHPOOL ROAD, ST JAMES, WA, 6102

PO Box 915, Cannington, WA, 6107
0433 807 964
catswa01@gmail.com

24 February 2026

The Mayor
City of Cockburn
9 Coleville Crescent
SPEARWOOD WA 6163

customer@cockburn.wa.gov.au

Dear Sirs

We are writing in response to your Proposed Keeping of Animals Local Law 2026.

Feline Control Council of Western Australia Inc is one of the recognised bodies within the Cat Act 2011 and Cat Act Regulations 2012 where our members may have more cats than prescribed, breeding or otherwise.

We find no problem with your proposed cat containment laws. Our members would be the first to agree that ALL cats should be kept indoors or in a suitable external cat enclosure.

The issue with containment is that initially there could be an influx of more cat surrendered or unclaimed in Council pounds due to people not having the money to build enclosures. It is difficult to contain a cat that is already used to going outside and cat enclosures can be costly to build. We would support Councils providing funds/grants to its ratpayers to enable such enclosures to be built.

Your separation of applications for the owning of multiple cats so that cattery style business applications are different to a person who would like to own say 4 desexed cats or a person who is a registered breeder of a prescribed organisation – do not seem to pose any particular concern. Although it must be said that while Council rules are rigid there should be some flexibility in respect to breeders and your rangers made aware of this. Our members breeder numbers are fluid, for a short time they may be over their numbers while they are trying to rehome desexed breeding queens and studs and have brought in new cats to replace these. It isn't a permanent increase in numbers just due to a crossover period.

Pedigree cats are not the major problem here as the breeders and the people who purchase the cats/kittens as loving pets, are not going to be letting these valuable animals wander the streets.

The future of pedigreed cats is becoming harder and harder to secure, due to so many restrictions being placed on breeders in general. With reduced numbers that they are allowed to keep, it makes it very difficult to be able to have robust breeding programmes. Breeding requires being able to breed to outcross stock, having reduced numbers increases the inbreeding co-efficient.

We would welcome any invitation for consultation at any time to enable us to work with your Council. We may even have suggestions that Council has not yet considered.

Yours sincerely

*J Sterry*

Jan Sterry
President

# Item 8.2.5 Attachment 3 - City of Cockburn Keeping of Animals Local Law 2026 GOVCO 21/04/2026

## Appendix Q

**Sent:** Friday, 6 March 2026 5:00 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Comment RE Local Laws

Keeping of Animals
Dogs at Power Station Beach North Coogee - Make it dog free again - not everyone likes dogs or likes swimming with them. This was the only dog free beach north of Port Coogee before South Freo. Now dogs are allowed and supposed to be on lead but everytime I go there which is frequently many dogs are off leash and it is not monitored. Locals should have some dog free beach to enjoy.

Public Places
Illegal camping and parking - council seem to be turning a blind eye to illegal camping in car parks and roads especially at John Graham reserve and Woodman Point. We have observed cars/vans setting up permanent camp and camping in the dunes. Rate payers are footing the bill for cleaning up after they use public facilities and dump rubbish. Why is this being allowed. It affects the enjoyment of the area for residents who pay high rates when these campers are living in a highly desirable area and getting off scot-free. Maintaining the area must be an expensive commitment for Cockburn. Allowing this illegal camping will no doubt lead to increased crime in the area. Penalties should apply and local laws should allow rangers to have more power to stop illegal camping. Council should consider introducing paid parking around the beach and Port Coogee with free permits for rate payers/residents. Whatever is happening at the moment is not stopping illegal camping.

Thank you

## Appendix R

My few concerns about the proposed Local Laws are these:

**Health and Nuisances Local Law 2026**

| Proposed Law | Comment |
|---|---|
| 2.6 Removal of unsightly growth or vegetation<br>(1) The owner or occupier of a lot must not permit to remain on a lot any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that part of the district. | Unsightly and untidy are subjective terms – what are the thresholds?<br>Consider publishing example photographs of what might breach the thresholds for each type of district. |
| 4.1 Mosquitoes<br>(1) An owner or occupier of land must -<br>(a) ensure that the land is kept free of water located so as to be, or to be liable to become, a breeding place for mosquitoes; and<br>(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for mosquitoes. | The rural localities have many areas of standing water and wetlands whose owners would not be able to comply with this law.<br><br>Consider "(1) An owner or occupier of *drained* land ..." |
| 4.2 Flies<br>(1) An owner or occupier of land must –<br>(b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for flies. | For owners who keep chickens or large animals this might be impractical.<br><br>Consider publishing examples of adequate and reasonable measures for such animals. |
| 4.3 Rodents<br>(1) If there are indications of the presence of rodents on land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the rodents, keep the land free from rodents and prevent rodent breeding.<br>(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate rodents or undertake control measures to prevent rodent breeding. | Rodents are endemic to rural areas. Eradication is almost impossible, as with rabbits and foxes.<br><br>Consider:<br>"(1) If there are indications of the presence of rodents on *urban* land," |

**Fencing Local Law 2026**

| Proposed Law | Comment |
|---|---|
| Schedule 4 - Requirements for a sufficient fence on a rural lot<br>The requirements for a sufficient fence on a rural lot are that it must be -<br>(a) at least 1.2m high; and<br>(b) of a posts and wire construction. | Does a "more than sufficient fence" need defining?<br>In rural areas, wildlife corridors are essential.<br><br>Consider:<br>(a) *between 1.2m and 1.5m high*; and<br>(b) of a posts and wire construction, *with any mesh being at least 100mm wide*. |

**Keeping of Animals Local Law 2026**

| Proposed Law | Comment |
|---|---|
| Division 3 – Keeping of large animals<br>4.7 General restrictions<br>A person must not keep a large animal on any premises within the district unless it is kept –<br>(a) in accordance with this Division; or<br>(b) under and in accordance with a planning approval under the local government's local planning scheme. | The wording of this section has caused considerable confusion in the rural community.<br><br>To make the wording clearer for the average person, consider:<br><br>(a) in accordance with *section 4.6 of* this Division; or<br>(b) under and in accordance with a *permit issued* under the local government's local planning scheme. |

Department of Local Government, Industry Regulation and Safety
GOVERNMENT OF WESTERN AUSTRALIA

Our ref A105025872
Enquiries Statutory Approvals
Phone 6552 1530
Email legislation@lgirs.wa.gov.au

Julian Juhas
Courts and Legal Process Coordinator
City of Cockburn

Email: governance@cockburn.wa.gov.au

Dear Mr Juhas

**CITY OF COCKBURN – PROPOSED LOCAL LAWS**

Thank you for your email dated 15 January 2026 regarding the City's proposed local laws.

Copies of the draft local laws have been forwarded to the Statutory Approvals team at the Department of Local Government, Industry Regulation and Safety (LGIRS).

If there are any comments or concerns regarding the local laws, these comments will be provided by the close of the public submission period so that they can be taken into consideration alongside any other public submissions.

If you have any queries in the meantime, please contact the Statutory Approvals Team at 6552 1530 or by email to legislation@lgirs.wa.gov.au.

Yours sincerely

Lanie Chopping
**DIRECTOR GENERAL**
13 February 2026

Gordon Stephenson House, 140 William Street Perth WA 6000
Locked Bag 14 Cloisters Square Perth WA 6850
Telephone (08) 9222 3333
Email odg@lgirs.wa.gov.au
Web www.lgirs.wa.gov.au

Document Set ID: 12626432
Version: 1, Version Date: 24/02/2026

**From:** ELLIOTT, Steven
**To:** Governance
**Subject:** RE: City of Cockburn"s Proposed local laws
**Date:** Friday, 27 February 2026 4:07:20 PM
**Attachments:** image009.png
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**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

This email is regarding the City's proposed local laws.

The Department did not have any significant comments to make regarding the drafts, however, some minor comments relating to each local law is provided below. In addition, the City should ensure that all references and cross references are comprehensively checked to ensure their accuracy – particularly if any additional changes are made to the final draft.

## Waste Amendment Local Law

### 1. Local law review

LGIRS does not normally review waste local laws, as it lacks the subject specific knowledge to advise on waste management issues.

Accordingly, the City should take careful consideration of any advice provided by DWER in relation to the document.

### 2. Copy of local law to be provided to DWER

This local law is made under the Waste Avoidance and Resource Recovery Act 2007 in addition to the Local Government Act 1995.

Accordingly, a copy of the local law will need to be provided to the Minister for Environment and DWER, presuming this has not already occurred.

## Parking Local Law

### 1. Amendments to Taxi legislation

The Department is aware that amendments have recently occurred toTaxi legislation to account for ride-share services.

The City should double check all references to Taxi legislation and ensure that these references still achieve the desired outcomes.

## Fencing Local Law

### 1. Reference to Australian Standards

The local law makes reference to Australian Standards. The Delegated Legislation Committee has typically opposed the use of standards as they may not necessarily be publicly available. However, the Committee has been willing to allow standards provided that:

(a) The full title of the Standard is used at least once, either in the applicable clause or in a suitable definition;

(b) The local law makes it clear whether the Standard should be complied with as of a certain version or otherwise "as amended from time to time" and

(c) The Shire's website should provide information as to where the public can access these standards.

### 2. Minor issues:

- It is suggested that each Schedule should have a bracket reference under the title referring to the applicable clause in the local law.

## Keeping of Animals Local Law

### 1. Penalty for excrement

As the local law is currently drafted, a person who seeks to dispute a modified penalty for clause 2.26 will potentially be liable for a $5000 penalty.

The City may wish to add an additional subclause in clause 2.26 specifying a lower unmodified penalty for that offence.

### 2. Cats causing nuisance

As the local law is currently written, Clause 3.2 implies that an authorised person may issue a fine in a situation where a cat is not causing a nuisance, provided that the authorised person is of the opinion that the cat is causing a nuisance.

The City may wish to delete the words "in the opinion of an authorised person" to avoid any confusion.

### 3. Minor issues

- Schedule 6 – After the title, include a bracket reference to the applicable clause.

## Public Places Local Law

### 1. Potential application outside of district

Several of the clauses in the City's local law refer to waterways and jetties.

As a general rule, the district of a local government is defined as ending at the edge of coastal water, meaning that local laws will not typically have any legal effect beyond that

point (and be void to the extent that it purports to do so).

If the City merely wishes to enforce the local law in river waterways and inland areas this is unlikely to be an issue.

However, if the City wishes to enforce the law in relation to coastal water and jetties located beyond the low-water mark, it will need to obtain the prior approval of the Governor to extend the local law's effect to these coastal waters. The City should contact the Department if it requires any further information in this regard.

2. **Clause 7.9 – reversing onus of proof**

The Parliament's Delegated Legislation Committee has expressed doubts that clauses such as clause 7.9 are legally enforceable, as they effectively reverse the onus of proof in relation to proving guilt of an offence.

The Committee has concluded that the clause is of limited burden and accordingly, have never sought the clause's removal. However, the City should keep in mind that there may be enforceability issues if the clause is ever challenged in court.

3. **Multiple modified penalties**

It is unusual for a local law to contain multiple modified penalties for first and subsequent offences.

There is no available commentary on the subject and it is uncertain how the Delegated Legislation Committee will react to the clause. The City should prepare for the possibility that the Committee may request only a single set of penalties.

**Health and Nuisances Local Law**

The Department did not have any observations or comments regarding this local law, though the City may wish to consult with the Department of Health to identify if any health-specific considerations need to be taken into account.

I hope these comments assist you. Please keep in mind that they are provided in good faith and are not intended to constitute legal advice.

Kind regards

Steven Elliott
Principal Strategy Officer
Department of Local Government, Industry Regulation and Safety
140 William Street, Perth WA 6000
Locked Bag 14, Cloisters Square, Peth WA 6850

## 1.2.XX Keeping of Animals Local Law 2026

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Keeping of Animals Local Law 2026* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the *City of Cockburn Keeping of Animals Local Law 2026*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This delegation excludes:<br>a. any functions that must be exercised by resolution of Council.<br>b. Applications to keep more than two dogs are dealt with under delegated authority '5.1.4 Grant Exemption as to Number of Dogs Kept at Premises.<br>c. Applications for kennel establishments are dealt with under delegated authority '5.1.5 Kennel Establishments'. |
| **Express Power to Sub-Delegate:** | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **As per CEO determination.** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 12 May 2026 |

### 5.1.4 Grant Exemption as to Number of Dogs Kept at Premises

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.26(3) Limitation as to numbers<br><br>*City of Cockburn ~~(Local Government Act)~~Keeping of Animals Local Law 2026~~s~~:*<br>~~cl 2.9 Number of Dogs~~Division 4 |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to ~~approve~~determine applications, refuse to determine applications, determine and impose conditions, and revoke exemptions, in respect of ~~and determine conditions that apply to, an~~ exemption~~s~~ as to the limit of number of dogs that can be kept at a premises [s.26(3)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)].~~a. The premises complying in all respects with the provisions of the Act and Local Law.~~<br>~~b. The applicant provides approval for the City's Officers to request community feedback:~~<br>~~1. In residential area – within 50 metres of the applicant's premises; and~~<br>~~2. in rural areas – within 100 metres of the applicant's premises.~~<br>~~Any approval issued is subject to the relevant dog or dogs being registered.~~<br>~~The number of dogs is limited to six over the age of three months and the young of those dogs under that age.~~ |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:** *Appointed by CEO* | **As per CEO determination.** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | If any objection is received, this sub-delegation may not be exercised and must be referred to Council for decision.<br>~~The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)].~~ |
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |
| 6 | Modified 12 May 2026 |

### 5.1.5 Kennel Establishments

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.27 Licensing of approved kennel establishments<br><br>*City of Cockburn Keeping of Animals Local Law 2026:*<br>Division 5 |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to grant, refuse to grant or cancel a kennel licence and impose conditions on the grant of a licence [s.27(3), (4) and (6)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **As per CEO determination.** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |
| 6 | Modified 12 May 2026 |

| Name/Type of Interest | Nature of Interest |
|---|---|
| Mr Jamie Blanchard declared an Impartiality Interest, pursuant to Regulation 19AD of the Local Government (Administration) Regulations 1996 for Item 8.2.6. | I am a member of the Risk, Audit and Governance Committee of the National Heart Foundation of Australia which has a stated policy position on the regulation of smoking in public areas. |

## 8.2.6 (2026/MINUTE NO 0031) Proposed City of Cockburn Public Places Local Law 2026

**Responsible Executive** Chief Executive Officer

**Author(s)** Service Lead Governance and Council Support and Courts and Legal Process Coordinator

**Attachments**
1. City of Cockburn Public Places Local Law 2026
2. City of Cockburn Public Places Local Law 2026 (Tracked Changes)
3. Community Submissions - City of Cockburn Public Places Local Law 2026
4. Combined Department of Local Government, Industry Regulation and Safety Correspondence

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) CONSIDERS the submissions received on the City of Cockburn Public Places Local Law 2026, as required by section 3.14(4) of the Local Government Act 1995;

(2) ENDORSES the City of Cockburn Public Places Local Law 2026, as attached to this report as Attachment 1, incorporating the minor changes as shown by Attachment 2, but excluding the cover page, table of contents and page numbers;

(3) RESOLVES for the proposed new City of Cockburn Public Places Local Law 2026 to apply beyond the district boundary, to an area which adjoins the district and extends for a distance of 200 metres seaward from the low water mark at ordinary spring tides;

(4) REQUESTS the CEO to write to the Governor seeking approval for the proposed City of Cockburn Public Places Local Law 2026 to apply beyond the City's district boundaries, to the extent as outlined above;

(5) AUTHORISES the CEO to do all things necessary to give effect to this resolution; and

(6) DIRECTS the CEO, once Governor approval is obtained, to bring the City of Cockburn Public Places Local Law 2026 back to Council for final adoption.

**CARRIED 5/0**

## Background

At the 9 December 2025 Ordinary Meeting of Council, Council resolved to commence the lawmaking process for the proposed City of Cockburn Public Places Local Law 2026.

In accordance with this resolution, the City provided a copy of the proposed City of Cockburn Public Places Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety, and invited submissions from the community between 12 January and 6 March 2026.

This report presents to Council the submissions and feedback received, as well as an amended City of Cockburn Public Places Local Law 2026, for consideration and referral by Council to the Governor.

## Submission

Community submissions are attached to this report as Attachment 3. Feedback received from the Department of Local Government is attached to this report as Attachment 4.

Commentary on re-occurring themes raised in the submissions, as well addressing the feedback provided by the Department of Local Government, Industry Regulation and Safety is provided in the detail of this report.

## Report

In accordance with section 3.12(3)(a) of the Local Government Act 1995, local governments are required to give local public notice of their intention to make a local law and then invite submissions from the community for a period of not less than 6 weeks.

In accordance with established processes, the proposed City of Cockburn Public Places Local Law 2026 was uploaded to a dedicated community engagement page on the City's website. The City then communicated the opportunity to provide feedback via:

- an alert on the City's website
- direct emails to the City of Cockburn 'Comment on Cockburn' newsletter mailing list
- a notice on the noticeboard at the City of Cockburn Administration Building as well as all City of Cockburn libraries
- posts on the City of Cockburn's Facebook and Instagram page
- an article in the electronic and hardcopy Cockburn Soundings newsletter; and
- newspaper advertising in the Perth Now Cockburn newspaper.

The City also sent emails to local supermarkets, trolley tracker, restaurants with alfresco dining, local public traders, commercial and residential property developers, planning and civil consultants, and letters to Coogee Marina property owners.

The City received 13 valid community submissions during the six-week public consultation period, which are included in Attachment 3.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, the City also sent a copy of the proposed City of Cockburn Public Places Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety. The Department of Local Government, Industry Regulation and Safety provided feedback, which is attached to this report as Attachment 4. Specifically, the Department advised:

- That the clauses dealing with waterways and jetties would require Governor approval, as the district of the City generally ends at the low water mark. The City is aware of this requirement, and will, if Council so resolves, request Governor approval for the local law to apply beyond the City's boundary, to an area which adjoins the City and extends for a distance of 200 metres seaward from the low water mark
- That clause 7.9 shifting the onus of proof when it comes to the ownership of shopping trolleys may not be legally enforceable, however the JSCDL has never sought similar clauses to be removed from a local law. The City notes the Department's concern, but considers the risk to be low. The City also expect such concerns would also apply to clause 8.8, which does the same but in respect of advertising signs
- That it is unusual for a local law to contain multiple modified penalties for first and subsequent offences, and as such, the City should be prepared for the possibility that the Committee may request only a single set of penalties. The City acknowledges that this approach is not commonplace, but it is not unprecedented and other local governments have successfully adopted such an approach.

To address some of the issues raised by the community, and to further improve the local law, the City has made some changes to the proposed City of Cockburn Public Places Local Law 2026. These changes are:

- Amendment to clause 1.3 to reflect the City's intent to have the proposed Public Places Local Law apply outside the district into the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides
- Amendment to clause 7.8 to do with notifying retailers of abandoned shopping trolleys so that notice can only be given in writing
- Other minor editorial changes to align the local law with wording used in other local laws, and to ensure all required defined words are included. These changes aren't intended to change the operation of the local law.

The City now presents the final City of Cockburn Public Places Local Law 2026 to Council for endorsement, so that Governor approval for it to apply outside the City's district boundaries may be obtained.

For context, a local law only has effect within a local governments' district boundaries. When it comes to the coast, this boundary generally ends at the shallow water mark, meaning the local law will not apply in the ocean, beach, coastal waterways or any local government property which extends past this point.

The proposed City of Cockburn Public Places Local Law 2026 seeks to regulate activities and behaviours on or in local government property, including beaches, foreshores and coastal waterways.

Examples of activities or behaviours regulated include:

- Damage to local government property (which is prohibited)
- Entry to local government property
- Bathing, fishing and cleaning of vessels in waterways
- Mooring or berthing of vessels in waterways
- Activities on beaches and the waters immediately adjacent to the beaches
- Use of and behaviour on jetties.

As it stands, these clauses would only apply to persons, items or local government property situated before the shallow water mark. This limits their effectiveness as the City has a need to regulate these activities or behaviours in the ocean or tidal waters immediately outside the City's district boundaries, and additionally the City has property situated outside these boundaries, examples being the Coogee Jetty, Coogee Maritime Trial, North Coogee Engineered Fringing Reef and Coogee Beach Eco Shark Barrier.

The City is able to seek Governor approval for the local law to extend beyond the City's district boundaries. The Governor does, as matter of course, grant these approvals. The district boundaries are generally extended by 200m seaward, as this is usually far enough to capture most modern jetties.

In order to seek Governor approval, a Council resolution is required to satisfy the Governor that Council intends for the proposed City of Cockburn Public Places Local Law 2026 to apply beyond the district boundary. A resolution also signals clear intention to the Governor that Council is happy to take on the additional responsibility of applying the local law in such a manner.

Governor approval must be granted prior to Council making the local law. If Council makes the local law prior to gaining the Governor's approval, the local law will not apply past the City's district boundaries. There is no way for the Governor to retrospectively change this. The approval process generally takes a month.

Following approval by the Governor, the City will bring the proposed City of Cockburn Public Places Local Law 2026 back to Council for adoption.

**Strategic Plans/Policy Implications**

<u>Our Governance</u>
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

## Budget/Financial Implications

There are no significant budget implications arising from the recommendations of this report.

Costs associated with the procedural aspects of making the local law are included in the City's budget.

## Legal Implications

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation.

While local governments have broad powers to make local laws under section 3.12 of the Act, this power is not plenary. The power must be exercised "reasonably and proportionately".

Local laws must also be "necessary or convenient" for the "good government of the district". They must not go "beyond the accepted notions of local government". They must not be inconsistent with State legislation, nor should they seek to introduce significant new policy or fundamental changes to policy, which is properly a matter for the State.

Local laws infringing on these principles will likely be disallowed by the JSCDL.

Further, if Governor approval for the proposed new City of Cockburn Public Places Local Law 2026 is not obtained, then it will not apply outside the City's district boundaries. This approval must be granted prior to Council making the local law.

## Community Consultation

As detailed above, the City invited submissions for a period of 6 weeks.

The City also provided a copy of the proposed City of City of Cockburn Public Places Local Law 2026 to the to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety.

In total, 13 valid community submissions were received from the community. Of the submissions received via the Comment on Cockburn page or hardcopy survey:

- 8 (80%) provided unqualified or conditional support for the local law
- 2 (20%) objected to the local law
- 0 (0%) neither supported or objected to the local law.

Overall, the submissions suggest broad support for the proposed City of Cockburn Public Places Local Law 2026. In view of this, the City recommends that Council makes the City of Cockburn Public Places Local Law 2026, as attached to this report (Attachment 1).

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. The City has engaged external legal advisors to largely draft the proposed City of Cockburn Public Places Local Law 2026, to ensure it is reasonable, proportionate and within power.

There will be a moderate to substantial level of risk if Council were to amend the proposed City of Cockburn Public Places Local Law 2026 in such a way that it is no longer reasonable, proportionate or within power. This is because the JSCDL will likely disallow it.

This will result in sunk costs and time associated with the lawmaking process to date, as well as additional costs to re-commence the lawmaking process with a compliant local law. It will also delay the implementation of a modern public places local law which responds to the needs of the community and the City.

There is also a moderate to substantial level of risk if Council were to defer consideration of the recommendations in this report. As previously reported to Council at the 8 July 2025 Ordinary Meeting of Council, the Consolidated Local Law and the City of Cockburn Jetties, Waterways and Marina Local Law 2012 will lapse on 7 December 2026, meaning they cannot be enforced.

The project plan presented at that same meeting provides a strict timetable to ensure the lawmaking process for the proposed City of Cockburn Public Places Local Law 2026 will be completed by this date. Any delay runs the risk the process will not be completed by this date, meaning the City will not have a local law regulating the activities and behaviour on or in local government property, thoroughfares, waterways and marinas for a period of time.

There is also a moderate to substantial level of risk if Council were to not seek Governor approval prior to adopting the City of Cockburn Public Places Local Law 2026. This is because, as outlined in this report, the local law will not apply outside the City's district boundaries. This means the City will not be able to regulate behaviours or activities on the beach, ocean, coastal waterways or local government property located or extending past the low water mark.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposed City of Cockburn Public Places Local Law 2026 have been advised that this report is to being considered at the 21 April 2026 Governance Committee and 12 May 2026 Ordinary Council meetings.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

# Public Places Local Law 2026

City of Cockburn

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Public Places Local Law 2026

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**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Public Places Local Law 2026

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

## Part 1 - Preliminary

### 1.1 Title

This is the *City of Cockburn Public Places Local Law 2026*.

### 1.2 Commencement

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

### 1.3 Application

This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides.

### 1.4 Amendments and repeal

(1) The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting —

(a) Part III – Reserves, Foreshores and Beaches;

(b) Part VI – Hawkers, Stallholders and Street Traders;

(c) Part VII – Management and Control of the Local Government Property;

(d) Part VIII – Signs, Hoardings, Bill Posting;

(e) Part IX – Streets and Public Places; and

(f) Part XI – Law, Order and Security.

(2) The *City of Cockburn Jetties, Waterways and Marina Local Laws 2012*, published in the *Government Gazette* on 23 February 2012 and amended from time to time, is repealed.

### 1.5 Interpretation

(1) In this local law —

**Act** means the *Local Government Act 1995*;

***alfresco dining area*** means an area in which tables, chairs and other temporary structures are provided for the purpose of the supply or consumption of food or beverages to or by the public;

***approved*** means approved by the local government;

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

***bathing*** includes entry into the sea or any body of water and/or emerging therefrom and includes the use of bathing appliances;

***bathing appliance*** means a float of any material, surf ski, surfboard, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

***berth*** means —

(a) to lie alongside a jetty in a vessel; or

(b) to be connected or tied to a vessel lying alongside a jetty;

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

***bulk rubbish container*** means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a receptacle;

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

***CEO*** means the Chief Executive Officer of the local government;

***Committee*** means a committee of the Council;

***commencement day*** means the day on which this local law commences under clause 1.2;

***Council*** means the council of the local government;

***crossing***, or ***crossover***, means a crossing giving access from a public thoroughfare to —

(a) private land; or

(b) a private thoroughfare serving private land;

***district*** means the district of the local government;

***e-cigarette*** means a device that is designed to generate or release smoke, vapour or other aerosol (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product;

***electric rideable device*** has the meaning in the *Road Traffic Code 2000* and is taken to include motorised scooters;

***entertainment*** means the action of providing or being provided with amusement or enjoyment, an event, performance, or activity designed to entertain others, and is taken to include busking;

***fauna*** has the meaning in the *Biodiversity Conservation Act 2016*;

***fish*** has the meaning in the *Fish Resources Management Act 1994;*

***fishing*** has the meaning in the *Fish Resources Management Act 1994;*

***food business*** has the meaning in the *Food Act 2008*;

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

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

***jetty*** has the meaning in *Jetties Act 1926* and is taken to include pontoons;

***kerb*** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

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

***liquor*** has meaning in the *Liquor Control Act 1988*;

***Liquor Control Act*** means the *Liquor Control Act 1988*;

***local government*** means the City of Cockburn;

***local government property*** means anything, except a thoroughfare —

(a) which belongs to, is owned by or is under the care, control and management of the local government;

(b) which is an otherwise unvested facility within section 3.53 of the Act; or

(c) of which the local government is the management body under the *Land Administration Act 1997*;

***local public notice*** has the meaning in the Act;

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

***marina*** means a complex of interconnecting pens, and all jetties and walkways, together with any adjoining waterways, which are under the care, control or management of the local government;

***market*** means a collection of stalls, standards or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

***moor*** means to secure a vessel to a mooring;

***mooring*** means a thing to which a vessel may be moored and includes an anchor, stake or mooring pile;

***mooring envelope*** means the area of a waterway lot designated for the mooring of vessels;

***mooring pile*** means any pile used or capable of being used to secure a vessel;

***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) interference which causes material damage to land or other property on the land affected by the interference;

***occupier*** has the meaning in the Act, but does not include the local government;

***owner*** has the meaning in the Act;

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

***pen*** means a specific area within a marina for the mooring of a vessel and does not include any adjacent jetty or walkway;

***permissible verge treatment*** means a treatment described in clause 6.3, and includes any associated reticulation pipes, sprinklers and other equipment;

***permit*** means a permit issued under this local law;

***permit holder*** means a person to whom a permit is granted;

***person*** does not include the local government;

***pontoon*** means a floating platform or similar structure providing landing, docking or mooring facilities;

***prescribed offence*** has the meaning in clause 11.11;

***private jetty*** has the meaning in the *Jetties Act 1926;*

***promotional activity*** means the advertising or promotion of, or raising of funds for, a particular group, product or service;

***public jetty*** means a jetty which belongs to, is owned by or is under the care, control and management of the local government;

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

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

(b) local government property;

***receptacle*** has the meaning in the *City of Cockburn Waste Local Law 2020*;

***registered food business*** has the meaning in the *Food Act 2008* and applies to a food business that is registered by the local government in accordance with the *Food Act 2008*;

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

***Schedule*** means a schedule to this local law;

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

***smoke*** and/or ***smoking*** means to —

(a) smoke, hold or otherwise have control over an ignited tobacco product;

(b) light a tobacco product; or

(c) use an e-cigarette;

***stall*** means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

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

***tobacco product*** has the meaning in the *Tobacco Products Control Act 2006*;

***trading*** means —

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

(b) displaying goods for the purpose of —

(i) offering them for sale or hire;

(ii) inviting offers for their sale or hire;

(iii) soliciting orders for them; or

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

and includes the setting up of a stall or the conducting of a business at a stall;

***thoroughfare*** has the meaning in the Act;

***vehicle*** includes —

(a) each conveyance and each object capable of being propelled or drawn on wheels, tracks or otherwise, including an off-road vehicle and an electric rideable device; and

(b) an animal being ridden or driven,

but excludes —

(c) a wheelchair or any device designed for use by a physically impaired person on a path;

(d) a pram, stroller or similar device;

(e) a bicycle or wheeled recreational device;

(f) a shopping trolley; and

(g) a vessel;

***vessel*** has the meaning in the *Western Australian Marine Act 1982*;

***verge*** means that part of a thoroughfare that is between the carriageway and a lot which abuts the thoroughfare and include a nature strip but does not include a footpath; and

***waterway*** —

(a) means an area of water under the care, control and management of the local government; and

(b) includes an area of water within a marina but not a mooring envelope,

but excludes —

(c) a lake, river or estuary.

***waterway lot*** means any privately owned land or lot adjoining a waterway; and

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

(2) A term that is used in this local law and is not defined has the meaning in the Act.

(3) 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.

(4) 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.

(5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by the local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.

(6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

**1.6 Meaning of 'on'**

In this local law —

(a) a reference to 'on local government property' or to 'in local government property' includes 'on or in local government property';

(b) a reference to 'on a public place' or to 'in a public place' includes 'on or in a public place'; and

(c) a reference to 'on a thoroughfare' or to 'in a throughfare' includes 'on or in a thoroughfare'.

**1.7 Transitional**

A permit, licence, consent, approval, authorisation or exemption issued in accordance with a local law that is repealed under clause 1.4 —

(a) is taken to be a permit, approval or authorisation granted under this local law, as the case may be;

(b) is to be valid for the period specified in the permit, licence, consent, approval, authorisation or exemption; and

(c) may be earlier cancelled or suspended in accordance with this local law.

**1.8 Application to assistance animals**

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

**1.9 Overriding power to hire and agree**

Despite anything to the contrary in this local law, the CEO, on behalf of the local government, may —

(a) hire local government property to any person; or

(b) enter into an agreement with any person regarding the use of any local government property.

## Part 2 - Determinations in respect of local government property

**2.1 Determinations as to use of local government property**

(1) 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 on specified local government property;

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

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

(2) The determinations in Schedule 2 —

(a) are to be taken to have been made in accordance with clause 2.2;

(b) may be amended or revoked in accordance with clause 2.6; and

(c) have effect on the commencement day.

**2.2 Procedure for making a determination**

(1) The CEO is to give local public notice of the local government's 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 Council may decide —

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

(b) to amend the proposed determination, in which case subclause (4) is to apply; or

(c) not to continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c), the Council —

(a) is to consider those submissions; and

(b) may decide —

(i) whether or not to amend the proposed determination; or

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

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

(a) of the effect of the amendments; and

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

(6) If the Council decides not to amend the proposed determination, the CEO 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 CEO 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 CEO 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 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 a determination**

(1) The Council 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 Council revokes a determination, the CEO is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

**2.7 Activities that 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) take, ride or drive a vehicle, or a particular class of vehicle;

(b) bring, ride or drive an animal;

(c) using a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device;

(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, moor or leave a vessel;

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

(g) play or practise —

(i) golf or archery;

(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 2024*; 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;

(h) ride a bicycle, wheeled recreational device, a sandboard or a similar device;

(i) wear no clothing;

(j) using ropes or other similar equipment with anchor points for the purpose of engaging in slacklining or similar activities; and

(k) bathing or using bathing appliances or a particular class of bathing appliance.

(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, equipment or things, or may extend it to all vehicles, 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 that may be prohibited on specified local government property**

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

(a) taking, riding or driving a vehicle or a particular class of vehicle;

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

(c) using a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device;

(d) launching, beaching, mooring or leaving a vessel or a particular class or size of vessel;

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

(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) riding a bicycle, wheeled recreational device, a sandboard or a similar device;

(h) using ropes or other similar equipment with anchor points for the purpose of engaging in slacklining or similar activities;

(i) smoking in or on a building, stadium or similar structure that is local government property but not an open space such as a park or a playing field;

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

(k) the traversing of sand dunes or land that, in the opinion of the local government, has environmental value warranting such protection, either absolutely or except by paths provided for that purpose; and

(l) bathing or using bathing appliances or a particular class of bathing appliance.

(2) 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 (1) 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) may distinguish between different classes of the activity.

**2.9 Sign under repealed local law taken to be determination**

(1) Where an approved sign erected on local government property has been erected under a local law that is repealed under clause 1.4, 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 a provision of this local law or a determination made under this Part.

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

## Part 3 - Behaviour on local government property

**3.1 Behaviour that interferes with others**

A person must not, on local government property, behave in a way that —

(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.

**3.2 Behaviour detrimental to property**

(1) In this clause —

***detrimental to the property***, in relation to local government property, includes –

(a) removing any thing from the local government property such as a rock, plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person;

(b) destroying, defacing or damaging local government property, or a building or any thing on the local government property, such as a plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person; and

(c) causing environmental harm or nuisance to or on the local government property.

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

**3.3 Taking or injuring fauna**

A person must not take, injure or kill any fauna that is on or above any local government property unless the person is authorised to do so under a written law or has the prior written approval of the local government.

**3.4 Removing or damaging flora**

(1) In this clause —

***flora*** means all vascular plants, seeds and other flora, whether living or dead.

(2) A person must not remove or damage any flora that is on or above any local government property unless the person is authorised to do so under a written law or has the prior written approval of the local government.

**3.5 No unauthorised entry to function**

(1) A person must not enter local government property on a day or at a time when the property is 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).

**3.6 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.

**Part 4 - Activities on local government property**

**4.1 Activities requiring a permit**

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

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

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

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

(d) teach, coach or train, for profit, a person or animal on 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 permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or

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

(g) conduct or set up a market on local government property;

(h) unless an employee of the local government in the course of her or his 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;

(i) conduct a function, public event, or undertake any promotional activity, on local government property;

(j) charge any person for entry to local government property;

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

(l) except in an emergency, land or touch-down an aircraft or helicopter;

(m) parachute, hang glide, abseil or base jump from or on to local government property;

(n) erect a building or a refuelling site on local government property;

(o) make any excavation on or erect or remove any fence on local government property;

(p) erect or install any structure above or below ground of local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

(q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property;

(r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property;

(s) conduct an entertainment event on local government property;

(t) use a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device on local government property;

(u) film or make a recording as part of or for commercial gain on local government property;

(v) deposit or store any thing on local government property; or

(w) keep or berth a vessel at or in a marina.

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

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

**4.2 Umbrellas and temporary shade structures**

A person must not, on local government property, erect an umbrella or temporary shade structure, or a combination of, unless it —

(a) is erected for protection from the sun or other elements;

(b) is adequately secured;

(c) has an area of $9m^2$ or less;

(d) has a height of 2.5m or less;

(e) is not enclosed;

(f) is removed by that person immediately on leaving the local government property; and

(g) is for private use.

**4.3 Consumption of food or drink may be prohibited**

A person must not consume any food or drink in an area where consumption is prohibited by a sign.

**4.4 Conditions of use**

(1) The local government may erect a sign on local government property specifying any conditions of use which apply 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) —

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

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

(4) A sign erected on local government property under a local law that is repealed under clause 1.4 is taken, on and from the commencement day, to be a sign erected under this clause if the sign is not inconsistent with any provision of this local law.

## Part 5 - Marine

*Division 1 – Interpretation*

### 5.1 Interpretation

In this Part —

***dry docking system*** means any equipment used to create a dry barrier between a vessel and the water;

***fishing net*** means a fishing net other than —

(a) a hand scoop or hand dip net;

(b) a prawn hand trawl net; or

(c) a complying drop or hand thrown net;

***beach or foreshore*** includes —

(a) tidal and non–tidal waters in or outside but adjoining the district;

(b) the area which adjoins the district and extends for a distance of 200 metres seawards from the low water mark at ordinary spring tides; and

(c) any other public place or reserve adjoining the places mentioned in (a) or (b); and

***waterway edge wall*** means a revetment wall separating the land filled part of a lot adjoining a waterway from the submerged part of that lot, together with any associated retaining wall.

*Division 2 – Activities in or affecting waterways*

### 5.2 Bathing in a waterway

(1) Except in accordance with this clause, a person must not bathe in a waterway without having first obtained the written approval of the local government.

(2) A person may bathe in —

(a) that portion of a waterway that is within 25 meters of a beach or foreshore if the beach or foreshore has not been designated or set aside by the local government, by a sign or otherwise, as a locality where swimming or bathing is prohibited; or

(b) an area of a waterway that has been designated or set aside by the local government, by a sign or otherwise, as a swimming or bathing area.

### 5.3 Fishing in waterways

(1) Except in accordance with this clause, a person must not fish in a waterway.

(2) A person may fish in a waterway from an area that has been designated or set aside by the local government, by a sign or otherwise, as a fishing area.

**5.4 Cleaning of vessels**

A person must not, in a waterway or mooring envelope, clean the hull of a vessel below the waterline.

**5.5 Restrictions on anti-fouling paint**

A person must not cause or enable a vessel to be within a waterway or mooring envelope if the vessel is coated with any paint containing tributyltin (TBT).

**5.6 Storage of fuels**

A person must not, within a waterway or on adjacent land or water, store fuel —

(a) on a jetty;

(b) on any other structure built on or over the water and that is attached to the land; or

(c) onboard a vessel (apart from a small amount required for an auxiliary engine),

except in a fuel storage facility approved by the local government.

**5.7 Maintenance of waterway edge walls**

(1) An owner or occupier of a waterway lot must maintain any waterway edge wall within their lot in good condition so as to prevent it becoming unsightly, dilapidated or dangerous.

(2) An owner or occupier of a waterway lot containing a waterway edge wall must maintain a depression on the dry side of their lot behind the top of the retaining wall edge for drainage purposes.

*Division 3 – Mooring of vessels*

**5.8 Application of Division**

This Division applies to the mooring of a vessel in a waterway or mooring envelope.

**5.9 Mooring lines**

(1) The owner of a vessel must provide, use and adequately maintain mooring lines sufficient to ensure the safe mooring of the vessel, and which must not be less than the sizes listed below —

| Length of vessel | Mooring line diameter |
|---|---|
| Up to 8m | Not less than 12mm |
| 8m to 12m | Not less than 18mm |
| 12m to 15m | Not less than 20mm |
| Over 15m | Not less than 24mm |

(2) The owner of a vessel must periodically inspect the mooring lines and replace any mooring lines which are unfit for their intended purpose to ensure compliance with this clause.

**5.10 Non-complying mooring lines**

If in the opinion of an authorised person, a mooring line of a vessel does not comply with clause 5.9, the authorised person may issue a written direction to the owner of the vessel requiring the owner, within a time specified in the direction, to replace the mooring line.

**5.11 No obstruction of waterways**

A person in control of a vessel must not moor a vessel in a waterway so as to cause an obstruction.

*Division 4 – Beaches and foreshore*

**5.12 Application of Division**

This Division applies to the area which adjoins the district and extends for a distance of 200 metres seawards from low water mark at ordinary spring tides.

**5.13 Powers of authorised persons or surf life saving club members**

(1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach —

(a) patrol the beach;

(b) carry out any activities on the beach;

(c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of the beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with a sign;

(d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and

(e) direct persons to leave the water adjacent to the beach during suspected or actual dangerous conditions or if a shark is suspected of being in the vicinity of the beach.

(2) Subject to subclause (3), the CEO may authorise, under section 9.10(2) of the Act, one or more members of a surf life saving club to perform all or any of the functions listed in subclause (1).

(3) Members authorised by the CEO under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.

(4) Under subclause (2), the CEO may authorise members generally, or in relation to particular times, days or months.

**5.14 Authority of local government employee to prevail**

If the local government has authorised a person under clause 5.13(1) and a member of a surf life saving club under clause 5.13(2) in relation to the same beach, where they could perform a function referred to in clause 5.13(1) contemporaneously, the authority of an authorised person employed by the local government under clause 5.13(1) is to prevail.

**5.15 Persons to comply with signs and directions**

A person must —

(a) not act in contravention of a sign erected on a beach under clause 5.13(1)(c);

(b) not enter an area that has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless the person is a member of the club or has obtained permission to enter from the club;

(c) comply with any direction given under clause 5.13(1)(e); and

(d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

*Division 5 – Public jetties and bridges*

**5.16 Interpretation**

In this Division —

***bulk cargo*** means bulk produce, such as grain, coal, oil or mineral ore, that is not packaged.

**5.17 Application for approval under this Division**

(1) A person who is required to obtain the approval of the local government under this Division must apply for approval in the manner required by the local government.

(2) The local government may require an application for approval to be accompanied by a fee.

(3) Before determining an application, the local government may require the applicant —

(a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(4) The local government may refuse to consider an application that is not in accordance with subclauses (1) and (2) or where a requirement of subclause (3) has not been satisfied.

(5) A person must not make a false or misleading statement in connection with an application in respect of an approval.

**5.18 Determining an application under this Division**

(1) The local government may —

(a) approve the application unconditionally or subject to conditions; or

(b) refuse to approve the application.

(2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clauses 5.17(1)-(2) and any request made under clause 5.17(3).

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 5.17(2) is to be refunded to the applicant.

(4) If an application is approved, the local government is to give the applicant a written approval in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

**5.19 Local government may close public jetties or regulate activities**

(1) The local government may —

(a) close or cause to be closed any public jetty or part of a public jetty; and

(b) regulate, prohibit or restrict access to a public jetty or part of a public jetty.

(2) An authorised person may direct a person to leave a public jetty or part of the public jetty for the purposes of —

(a) a function or public convenience at or on the public jetty;

(b) repair, maintenance or construction of the public jetty;

(c) public safety; or

(d) any other operational reason.

**5.20 When use of public jetty is prohibited**

A person must not land at, use or go on any part of a public jetty that is —

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the approval of the local government.

**5.21 Method of mooring vessel**

A person in control of a vessel must not moor or make fast the vessel to a public jetty, or to any part of the public jetty, except to the berthing piles, ring bolts or other fastenings that are provided.

**5.22 When vessel may remain moored**

A person in control of a vessel must not berth, moor or make fast the vessel to a public jetty unless —

(a) the vessel is in distress and then only to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;

(b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior approval of the local government;

(c) the loading or discharging of cargo or other goods is in progress in accordance with this Division;

(d) where the vessel is used at that time for commercial purposes, the person has first paid to the local government the fee (if any) for the berthing or making fast; or

(e) to facilitate a sea trial for a newly launched vessel for a period that is specified and approved by an authorised person.

**5.23 Mooring of oversized vessels**

A person in control of a vessel must not moor a vessel against a public jetty where the vessel exceeds —

(a) the maximum size permitted to be moored to that jetty, as indicated by a sign erected on that jetty by the local government; or

(b) if no maximum size is indicated on a sign on that jetty, the length of the jetty.

**5.24 Authorised person may direct removal of vessel**

Despite anything to the contrary in this Division, a person in control of a vessel moored to or alongside a public jetty must remove it immediately on being directed to do so by an authorised person.

**5.25 Restrictions on launching**

A person must not launch a vessel from or over a public jetty (other than a boat ramp) unless the person has first obtained the approval of the local government.

**5.26 Loading and discharging**

A person in control of a vessel must not allow the vessel to come alongside or be berthed or made fast to a public jetty for the purpose of loading or discharging cargo or other goods —

(a) until the cargo or other goods are ready to be loaded or discharged; or

(b) without the approval of the local government —

(i) between the hours of 6.00pm to 6.00am on the next day; or

(ii) for longer than 2 consecutive hours.

**5.27 Outgoing cargo not to be stored**

A person in control of cargo or other goods intended for loading on to a vessel must —

(a) not allow them to be stored or placed on a public jetty unless and until the vessel is berthed or fastened to or alongside the public jetty; and

(b) load them on to the vessel as soon as practicable after the vessel is berthed or fastened to or alongside the public jetty.

**5.28 Removal of incoming cargo**

A person unloading cargo or other goods from a vessel on to a public jetty must remove them, or cause them to be removed, from the public jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

**5.29 Authorised person may direct removal**

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods that remain on a public jetty contrary to a provision of this Division to remove them from the public jetty.

**5.30 Handling of bulk cargo**

Except with the prior approval of the local government, a person must not place or deposit bulk cargo from a vehicle, vessel or container on to a public jetty.

**5.31 Limitations on fishing**

A person must not —

(a) fish from a public jetty other than a public jetty that has been designated or set aside by the local government, by a sign or otherwise, as a fishing jetty;

(b) fish from a public jetty so as to obstruct or interfere with the free movement of a vessel approaching or leaving the public jetty or so as to unreasonably interfere with the use of the public jetty by any other person; or

(c) hang or spread a fishing net from, on or over any part of a public jetty.

*Division 6 – Private jetties and waterway lots*

**5.32 Maintenance of private jetties**

An owner or occupier of a waterway lot on which a private jetty is constructed must maintain the jetty in good condition so as to prevent it from becoming unsightly, dilapidated or dangerous.

**5.33 Mooring of vessels or dry docking systems**

A person must not moor or permit the mooring of a vessel or a dry docking system between a jetty and a waterway edge wall so as to compromise the integrity of the rock revetment or waterway edge wall.

**5.34 Vessels moored within mooring envelope**

An owner or occupier of a waterway lot must not moor a vessel within a mooring envelope unless the vessel is fully contained within that mooring envelope.

*Division 7 – Enforcement*

**5.35 Notice to owner or occupier**

(1) If the local government is satisfied that an owner or occupier of land has not complied with clauses 5.7(1) or 5.32, the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such actions as specified in the notice for the purpose of remedying the breach.

(2) An owner or occupier of land to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

**5.36 Impounding**

A vessel that contravenes a provision of this Part may be removed, impounded and disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

## Part 6 - Activities in thoroughfares

*Division 1 – General*

**6.1 General prohibitions**

A person must not —

(a) plant, or allow to remain, in a thoroughfare a plant that —

(i) causes a hazard to any person using the thoroughfare; or

(ii) obstructs a line of sight for a driver or other person using the throughfare or a crossing on the throughfare;

(b) damage a lawn or garden, or remove a plant from a lawn or garden, in a thoroughfare unless —

(i) the person is the owner or occupier of the lot abutting that portion of the thoroughfare, and the lawn, garden or 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, remove, prune, fell or poison a tree on a throughfare, irrespective of whether it was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government, unless —

(i) the person has the prior written approval of the local government; or

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

(d) place or install, or allow to be placed, installed or remain, on a thoroughfare any thing (except water) that —

(i) obstructs the thoroughfare; or

(ii) results in a hazard for any person using the thoroughfare;

(e) unless at the direction of the local government, damage, remove or interfere with any part of a thoroughfare, or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law; or

(f) use anything or do anything so as to create a nuisance on a thoroughfare.

**6.2 Activities allowed with a permit**

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

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

(b) subject to Division 2 of this Part, throw, place or deposit any thing on a verge or thoroughfare except for removal by the local government under a verge waste collection, and then only in accordance with the terms and conditions and during the period of time advertised or arranged in connection with that collection by the local government;

(c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;

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

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

(f) damage a thoroughfare;

(g) fell any tree onto a thoroughfare;

(h) light any fire or burn any thing on 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, on any part of a thoroughfare, any thing such as 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) place or cause to be placed on a thoroughfare a bulk rubbish container;

(l) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;

(m) conduct any trading on a thoroughfare;

(n) conduct or set up a market on a thoroughfare;

(o) conduct an entertainment event on a thoroughfare;

(p) film or make a recording as part of or for commercial gain on a thoroughfare;

(q) establish or operate an alfresco dining area, otherwise than in accordance with a permit or in accordance with clause 7.3.

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

*Division 2 – Permissible verge treatments*

**6.3 Permissible verge treatments**

(1) An owner or occupier of a lot which abuts a verge may, on that part of the verge directly in front of the lot, install a permissible verge treatment.

(2) A permissible verge treatment is —

(a) the planting and maintenance of a lawn;

(b) the planting and maintenance of a garden provided that —

(i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

(ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 1.5m along that part of the verge immediately adjacent to the kerb;

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

(iv) it is not of a thorny, poisonous or hazardous nature.

(c) the installation over no more than 1/4 of the area of the verge (excluding any approved vehicle crossing and/or footpath) of an acceptable material and, on the balance of a verge, the installation of mulch or a permissible verge treatment in accordance with paragraph (a) or (b) of subclause (2).

(3) In this clause ***acceptable material*** means any material which would create a hard surface, and which has been approved by the local government.

**6.4 Only permissible verge treatments to be installed**

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

(2) The owner and occupier of land 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 6.3.

**6.5 Obligations of owner or occupier**

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 are not obstructed by the verge treatment;

(b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a thoroughfare, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

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

(d) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government.

**6.6 Power to carry out public works on verge**

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

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

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

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

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

(ii) sprinklers, pipes or other reticulation equipment.

**6.7 Transitional provisions**

(1) In this clause –

***former provisions*** means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government; and

***repealed local laws*** means the local laws that are repealed by clause 1.4.

(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.

*Division 3 – Vehicle crossings*

**6.8 Temporary crossings**

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a permit 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.

(2) The person responsible for the works in subclause (1) is to be taken to be —

(a) the builder named on the approved permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or

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

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the person to whom the permit is given 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.

**6.9 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 them 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.

*Division 4 – Street numbers*

**6.10 Assignment of numbers**

The local government may assign a street number to a property in the district and may assign another street number to the property instead of that previously assigned.

**6.11 Street number to be displayed**

(1) The owner or occupier of a property must display and maintain the current street number assigned by the local government to the property in a conspicuous place on the front of the building, letterbox, fence or gate adjacent to the thoroughfare fronting the property.

(2) A sign painted on the kerb adjacent to a property depicting the street number is satisfactory for the purposes of subclause (1).

*Division 5 – Driving on a closed thoroughfare*

**6.12 No driving on closed thoroughfare**

(1) A person must not drive or take a vehicle on a closed thoroughfare unless —

(a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or

(b) the person has first obtained a permit.

(2) In this clause —

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

*Division 6 – Notices*

**6.13 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 a person using a thoroughfare, the local government may give a written notice to the owner or the occupier of the lot abutting the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

**6.14 Notice to remove a garden hazard**

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

(2) Subclause (1) does not apply where the plant was planted, or the other thing was placed, by the local government.

**6.15 Notice to rectify breach**

(1) An authorised person may give a notice in writing to the owner or occupier of the lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Part.

(2) An owner or occupier of the lot to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

**Part 7 - Activities in public places**

*Division 1 – Animals*

**7.1 Leaving animal in public place**

(1) A person must not leave an animal in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit 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.

**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, other than a cat, 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 the animal, if it 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 the horse on a thoroughfare, unless that person does so under a permit or under the authority of a written law.

*Division 2 – Alfresco dining*

**7.3 Alfresco dining without a permit**

(1) Without a permit, a person may establish an alfresco dining area on a public place only if —

(a) the person is the proprietor of a registered food business; and

(b) the alfresco dining area is placed directly outside the registered food business and otherwise complies with the requirements of subclause (2).

(2) A person, when operating an alfresco dining area established under subclause (1), must —

(a) ensure that there is a relevant current public liability insurance policy, in relation to all liability arising from the use or occupation of the alfresco dining area, containing indemnity provisions noting the interests of the local government, for an amount of not less than $10 million;

(b) maintain a clear pedestrian access area of 2 metres in width adjacent to the building frontage, to provide for consistent unobstructed pedestrian access;

(c) place the alfresco dining area directly outside of the registered food business conducting the alfresco dining;

(d) maintain an area which is at least 0.6 metres in width adjacent to any kerb, free of alfresco dining furniture and structures;

(e) ensure that the alfresco dining area is no closer at any point than 2 metres away from a truncation, crossover or street corner;

(f) provide for access to sufficient sanitary and ablutionary conveniences as specified in the Building Code of Australia;

(g) operate the alfresco dining area only during the operating hours of the food business;

(h) ensure that the alfresco dining area is kept in a clean and tidy condition, including by maintaining the chairs, tables and other structures or equipment in the alfresco dining area in a good, clean and serviceable condition at all times;

(i) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the alfresco dining area; and

(j) temporarily remove the alfresco dining area when requested to do so on reasonable grounds by an authorised person.

(3) An authorised person may give a notice in writing to a person operating an alfresco dining area established under subclause (1), requiring them to make good, within the time specified in the notice, any breach of subclause (2).

**7.4 No smoking areas**

If an alfresco dining area is established under clause 7.3 or if a permit is granted under this local law in respect of an alfresco dining area —

(a) the alfresco dining area is taken to be a no smoking area; and

(b) the permit holder must take reasonable steps to prevent the smoking of tobacco products or e-cigarettes in the alfresco dining area.

**7.5 Removal of an unlawful alfresco dining area**

(1) If an alfresco dining area is established or operated contrary to clause 7.3 or in contravention of the conditions of a permit —

(a) an authorised person may direct the proprietor or the permit holder (as the case may be) or any other person who appears to be involved in the operation of the alfresco dining area, to remove any tables, chairs, umbrellas or other structures or equipment; and

(b) if a direction given under paragraph (a) is not complied with, or if it is not practicable to give a direction under paragraph (a), any tables, chairs, umbrellas or other structures or equipment may be removed by an authorised person and impounded and disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

(2) A person who is given a direction under subclause (1)(a) must comply with the direction.

*Division 3 – Shopping trolleys*

**7.6 Shopping trolley to be marked**

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

**7.7 Person not to leave trolley in unauthorised area**

A person must not leave a shopping trolley on local government property or in a public place other than in an area set aside for the storage of shopping trolleys.

**7.8 Retailer to remove abandoned trolley**

(1) If a shopping trolley is found on local government property or in a public place, other than in an area set aside for the storage of shopping trolleys, an authorised person may advise, in writing, a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

**7.9 Retailer taken to own trolley**

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

*Division 4 – Fencing*

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

A public place, as that term is defined in clause 1.5, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

**Part 8 - Advertising signs**

**8.1 Interpretation**

In this Part —

***advertising sign*** means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes a garage sale sign or home open sign, but does not include a direction sign or an election sign;

***direction sign*** means a sign that indicates the direction of a place, activity or event, but does not include a sign of the type erected or affixed by the local government or the Commissioner of Main Roads;

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

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

***election sign*** means a sign that advertises any aspect of a forthcoming Federal, State or local government election; and

***portable direction sign*** means a portable freestanding direction sign.

**8.2 General prohibitions**

(1) A person must not, on a thoroughfare, erect or place an advertising sign, direction sign or election sign —

(a) on a footpath;

(b) over a footpath where the resulting vertical clearance between a sign and a footpath is less than 2.5m;

(c) on or within 2m of a carriageway;

(d) in any other location where, in the opinion of an authorised person, the sign is likely to obstruct a line of sight along a throughfare or cause danger to a driver or other person using the thoroughfare; or

(e) on any natural feature, including a rock or tree on a throughfare, or on a bridge or a structural approach to a bridge.

(2) A person must not, without the approval of the local government, erect or place a sign purporting to be or resembling a sign erected or placed by the local government.

**8.3 Signs requiring a permit**

Subject to this Part, a person must not, without a permit —

(a) erect or place an advertising sign, direction sign or election sign on a throughfare; or

(b) post any bill or print, place or affix any advertisement on a thoroughfare.

**8.4 Matters to be considered in determining a permit**

In determining an application for a permit for the purposes of clause 8.3, the local government is to have regard to —

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

(b) the dimensions of the sign or advertisement;

(c) whether or not the sign or advertisement may create a hazard to a person using a throughfare;

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

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

(f) any other matter it considers to be relevant in the circumstances of the application.

**8.5 Signs not requiring a permit**

An advertising sign, direction sign or election sign does not require a permit if it is —

(a) a sign erected on a thoroughfare by the local government or under the direction of the local government;

(b) a sign erected by an authority lawfully empowered to do so;

(c) a portable direction sign placed on a verge if the sign —

(i) does not exceed 0.5m in height or 0.5m$^2$ in area;

(ii) is placed or erected on the verge only on an infrequent or occasional basis; and

(iii) is placed or erected on a verge only during the hours of the activity or event to which it relates;

(d) an advertisement sign for a business, placed on a verge, if —

(i) the sign does not exceed 0.5m in height or 0.5m$^2$ in area;

(ii) the sign is erected or placed only on the verge immediately adjacent to a building from which the advertised business operates;

(iii) the sign is removed each day at the close of trading and is not erected until the business next opens for trading; and

(iv) no more than one sign is erected or placed on a verge to advertise any one business;

(e) a home open sign or garage sale sign, placed on a verge, if —

(i) the sign does not exceed 0.5m in height or 0.5m$^2$ in area;

(ii) the sign is placed or erected on the verge on the day of the garage sale or home open and is removed from the verge by no later than 7:30pm on the day of the garage sale or home open;

(iii) in the case of a home open sign only, the sign is placed with the name of the real estate agency and property address of the home open; and

(iv) no more than 3 signs are erected or placed on verges or for any individual home open or garage sale;

(f) an election sign, placed on a verge, if the sign —

(i) complies with the requirements of item 9, clause 61, Part 7, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*;

(ii) is no greater than 4m$^2$ in area;

(iii) the sign is placed or erected at least 30m away from an intersection;

(iv) the sign is placed or erected at least 100m away from any works on the throughfare;

(v) the sign is freestanding and not affixed to any existing sign, post, power, light pole or other similar structure; and

(vi) it is capable of being read on its own and does not display only part of a message that must be read with other signs in order to obtain the whole message.

**8.6 Conditions where permit not required**

An advertising sign, direction sign or election sign that does not require a permit —

(a) must be securely installed and not readily moveable by wind;

(b) must not be illuminated or incorporate reflective or fluorescent materials; and

(c) must be maintained in good condition.

**8.7 Signs to be marked**

An advertising sign, direction sign or election sign that is placed or erected in or on a throughfare must be clearly marked with the name of the person, organisation or business that erected or placed the advertising sign.

**8.8 Deemed ownership**

In the absence of proof to the contrary, an advertising sign, direction sign or election sign is to be taken to belong to the person, organisation or business whose name is marked on the advertising sign.

**8.9 Impounding**

An advertising sign, direction sign or election sign that contravenes a provision of this Part may be removed, impounded and disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

## Part 9 - Permits

*Division 1 – Applying for a permit*

**9.1 Application for permit**

(1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit must —

(a) be in the form determined by the CEO;

(b) be signed by the applicant;

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

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

(3) Before determining an application for a permit, the local government may require the applicant —

(a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (3) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

**9.2 Determining an application**

(1) The local government may —

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

(b) refuse to approve an application.

(2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 9.1(2) and any request made under clause 9.1(3).

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 9.1(2)(d) is to be refunded to the applicant.

(4) If an application is approved, the local government is to issue to the applicant a permit in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decision.

(6) Where a clause of this local law refers to conditions that may be imposed on a permit, the clause does not limit the power of the local government to impose other conditions of the permit under subclause (1)(a) or Division 2 of this Part.

**9.3 General restrictions on grant of permit**

(1) The local government must not grant a permit if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.

(2) The local government must not grant a permit unless the local government is satisfied that —

(a) the applicant is capable of carrying on the activity in accordance with this local law and the conditions of the permit;

(b) the local government property or thoroughfare at which the activity is to be carried on is suitable for that purpose;

(c) a permit or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and

(d) the applicant is a fit and proper person to carry on the activity.

**9.4 Relevant considerations**

(1) In determining an application for a permit, the local government is to have regard to —

(a) the reasons and justification provided in the application;

(b) the desirability of the proposed activity;

(c) the likelihood of the activity causing a nuisance, inconvenience or annoyance to an occupier or nearby premises;

(d) the location of the proposed activity, including safety and health requirements, and the character and function of the location;

(e) any relevant local government policies;

(f) the Competition Principles Agreement;

(g) any submission received under clause 9.1(3)(b) within the time specified; and

(h) any other factor that the local government considers relevant in the circumstances of the particular application.

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

(a) the application is inconsistent with a local government policy or would result in an activity being carried out contrary to this local law or any other written law;

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

(c) the applicant is not a fit and proper person to hold the permit;

(d) the applicant is insolvent or under administration;

(e) the activity may result in traffic or pedestrian safety being adversely impacted;

(f) the activity is not in keeping with the surrounding land uses; or

(g) any other ground that the local government considers relevant.

*Division 2 – Conditions*

**9.5 Examples of conditions – generally**

Examples of the conditions that the local government may impose on a permit are conditions relating to —

(a) the payment of a fee;

(b) compliance with a local government standard or a policy;

(c) the commencement and duration of the permit;

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

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

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

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

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

(i) the obtaining of public risk insurance, in the names of both the local government and the permit holder, for an amount and on terms reasonably required by the local government; and

(j) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to a person or any damage to any property that may occur in connection with the use of the local government property or thoroughfare in carrying out the activity to which the permit relates.

**9.6 Examples of hiring conditions**

Examples of the conditions that the local government may impose on a permit to hire local government property are conditions relating to —

(a) when fees and charges are to be paid;

(b) payment of a bond against possible damage or cleaning expenses or both;

(c) restrictions on the erection of material or external decorations;

(d) rules about the use of furniture, plant and effects;

(e) limitations on the number of persons who may attend a function in or on local government property;

(f) the duration of the hire;

(g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;

(h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;

(i) whether or not the hire is for the exclusive use of the local government property; and

(j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

**9.7 Examples of trading conditions**

Examples of the conditions that the local government may impose on a permit to conduct trading, conduct or set up a market, to conduct a function, public event or undertake promotional activity, or to conduct an entertainment event, on local government property or a thoroughfare are conditions relating to —

(a) the days and hours during which the permit holder may do the activity;

(b) the nomination of assistants, nominees or substitutes for the permit holder;

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

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

(e) the number of persons and the names of persons permitted to conduct the activity;

(f) any prohibitions or restrictions concerning —

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

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

(iii) the use of dangerous implementations and materials;

(iv) the use of signs; and

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

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

(h) the care, maintenance and cleansing of any structure used in connection with the activity, and the placement of any structure;

(i) the vacating of the place of the activity when the activity is not being carried on; and

(j) the designation of a place where the activity is wholly, or from time to time, prohibited by the local government.

**9.8 Examples of advertising conditions**

Examples of the conditions that the local government may impose on a permit to advertise on local government property, or to erect or place an advertising sign, direction sign or election sign on a throughfare, are conditions relating to —

(a) the location, number, size, type, form or construction, of the advertisement or sign;

(b) the days and hours during which the advertisement or sign might be placed, erected or displayed;

(c) securing the sign in position in accordance with any requirements of the local government;

(d) placing the sign so as not to obstruct or impede —

(i) the reasonable use of a thoroughfare;

(ii) the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing; or

(iii) access to a place by any person; and

(e) a requirement to maintain the advertisement or sign in good condition.

**9.9 Imposing conditions under a policy**

(1) In this clause —

***policy*** means a local government policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a permit may be approved under clause 9.2.

(2) Under clause 9.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government must give to the permit holder a copy of the policy or, at the discretion of the local government, the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 9.2(4).

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

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

**9.10 Compliance with and variance of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(3) A permit holder who does not comply with a condition of the permit commits an offence.

*Division 3 – General*

**9.11 Duration of a permit**

Unless otherwise specified as a condition of the permit, a permit commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the permit;

(b) the date that the permit is cancelled under this Division; or

(c) the date that the permit is surrendered under this Division.

**9.12 Renewal of permit**

(1) A permit holder may apply to the local government for the renewal of the permit.

(2) An application for renewal must —

(a) be in the form determined by the CEO;

(b) be signed by the permit holder;

(c) provide the information required by the form;

(d) be forwarded to the local government no later than 28 days before the expiry of the permit, or within a shorter period that the local government in a particular case permits; and

(e) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

(3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

**9.13 Transfer of a permit**

(1) An application for the transfer of a permit from the permit holder to another person (**transfer application**) must be —

(a) made in the form determined by the CEO;

(b) made by the person applying to have the permit transferred to them;

(c) made with the written consent of the permit holder; and

(d) lodged with the local government together with the fee for the transfer application.

(2) Before determining a transfer application, the local government may request the applicant, within a specified period of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.

(3) The local government may refuse to consider a transfer application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

(4) The local government may, in respect of a transfer application —

(a) approve the transfer application subject to any conditions it considers appropriate; or

(b) refuse to approve the transfer application.

(5) A decision under clause subclause (4) must be made within 90 days of the applicant satisfying the requirements of subclause (1) and any request made under subclause (2).

(6) If a decision under subclause (4) is not made within that period of 90 days, the transfer application is taken to have been refused and any fee payable under subclause (1)(d) is to be refunded to the applicant.

(7) If the local government approves a transfer application —

(a) it must give the applicant a permit in the form determined by the CEO;

(b) the applicant becomes the permit holder —

(i) on the date as specified on the permit; or

(ii) if no date is specified on the permit, on the date that the permit was given to the applicant under subclause (7)(a); and

(c) the local government is not required to refund any part of any fee paid by the former permit holder.

(8) If the local government refuses to approve a transfer application, it must give the applicant written notice of its decision and of the reasons for its decision.

**9.14 Suspension of a permit**

(1) The local government may, by written notice given to the permit holder (**suspension notice**), suspend a permit if the local government has reasonable grounds to believe that —

(a) the permit holder has contravened a term or condition of the permit;

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

(c) the continued carrying on of the activity authorised by the permit 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 permit; and

(c) where appropriate, indicate what steps need to be taken, and when those 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).

**9.15 Revocation of suspension**

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

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

**9.16 Period of suspension**

The suspension of a permit 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 9.15;

(b) the permit is cancelled under clause 9.17 or expires; or

(c) the permit is surrendered under clause 9.18.

**9.17 Cancellation of permit**

(1) The local government may, by a written notice given to the permit holder (**cancellation notice**), cancel a permit if the local government has reasonable grounds to believe that —

(a) the permit was obtained improperly by including false or misleading information;

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

(c) the permit has been suspended and the time specified in the suspension notice for taking the required steps has expired;

(d) the permit holder has not complied with a written law which relates to the activity to which the permit applies;

(e) the permit holder has attempted or purported to transfer or assign the permit without the approval of the local government;

(f) a law is amended or repealed in a manner that is inconsistent with the conditions of the permit and which renders the permit invalid, effective or contrary to law; or

(g) there are reasonable grounds for believing that the continued carrying on of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the permit has been suspended on the grounds of that risk.

(2) The cancellation notice must —

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

(b) state the reasons for the local government's decision to cancel the permit.

(3) If a permit is cancelled, no part of the fee paid for the permit is refundable.

**9.18 Surrender of permit**

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

*Division 4 – Responsibilities of permit holders and others*

**9.19 Production of permit**

A permit holder must produce to an authorised person their permit immediately after being required to do so by that authorised person.

**9.20 Other responsibilities of permit holder**

A permit holder must, in respect of local government property or a thoroughfare to which the permit relates —

(a) ensure that an authorised person has unobstructed access to the local government property or thoroughfare for the purpose of inspecting the property or enforcing a provision of this local law;

(b) comply with a direction from an authorised person to take the action specified in the direction for the purpose of maintaining public safety;

(c) leave the local government property or thoroughfare in a clean and tidy condition after its use;

(d) report any damage or defacement of the local government property or thoroughfare to the local government; and

(e) take reasonable action to prevent the consumption of any liquor on the local government property or thoroughfare unless the permit allows it and a licence has been obtained under the Liquor Control Act for that purpose.

**9.21 Return or destruction of permit document if permit no longer in effect**

If a permit —

(a) has expired or has not been renewed;

(b) has been suspended or cancelled; or

(c) has been surrendered,

the person who was the permit holder must, as soon as practicable after the expiry, suspension, cancellation or surrender —

(d) return the permit document to the local government; or

(e) except where the permit has been suspended, destroy the permit document.

## Part 10 - Objection and review

**10.1 Objection and review rights**

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval, permit or exemption;

(b) to vary, suspend or cancel an approval, permit or exemption;

(c) to impose or amend a condition of an approval, permit or exemption; and

(d) to refuse to renew or transfer a permit.

## Part 11 - Enforcement

*Division 1 – General powers*

**11.1 Authorised person to be obeyed**

A person on local government property or a thoroughfare —

(a) must obey a lawful direction of an authorised person; and

(b) must not obstruct or hinder the authorised person in the execution of their functions.

**11.2 Refusal of entry**

(1) An authorised person may refuse to allow entry, or suspend admission, to any local government property to any person whom the authorised person reasonably suspects has behaved in a manner contrary to the provisions of this local law.

(2) A refusal or suspension under subclause (1) can be for any period of up to 12 months as determined by an authorised person.

(3) Subclause (1) does not apply to a venue where meetings of the Council or a Committee are held.

**11.3 Direction to leave**

An authorised person who reasonably suspects that a person has contravened a written law in respect of local government property or a public place, may direct the person to leave the local government property or public place.

**11.4 Disposal of lost property**

An article left on local government property or a thoroughfare that is not claimed within a period of 3 months may be disposed of by the local government in any manner it thinks fit.

*Division 2 – Notices*

**11.5 Notice to reinstate or replace property or thoroughfare which is damaged**

If a person unlawfully damages local government property or a thoroughfare, the local government may, by notice in writing to the person, require the person within the time specified in the notice to, at the option of the local government, pay the costs of —

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

(b) replacing that property or part of the thoroughfare.

**11.7 Notice to repair damage to thoroughfare**

If a portion of a thoroughfare has been damaged, the local government may, by notice in writing to the person, within the time specified in the notice, require the person to repair or replace that portion of the thoroughfare.

**11.8 Notice to remove thing placed on thoroughfare**

If any thing is placed on a thoroughfare contrary to this local law, the local government may give a notice in writing to —

(a) the owner or the occupier of the lot which abuts that portion of the thoroughfare where the thing has been placed; or

(b) such other person who may be responsible for the thing being so placed,

requiring the relevant person, within the time specified in the notice, to remove the thing.

**11.9 Local government undertaking work required by a notice**

(1) This clause applies in respect of notice given under this Division or clause 5.35(2) of this local law.

(2) If a person fails to comply with a notice referred to in subclause (1), the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

*Division 3 – Offences*

**11.10 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with a notice or direction issued or given to the person under this local law; or

(c) 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 $10,000; 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.

*Division 4 – Prescribed offences*

**11.11 Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.

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

(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.

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

**11.12 Form of infringement notices**

For the purposes of this local law —

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

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

_____

## Schedule 1 - Prescribed offences

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 2.4 | Failure to comply with a determination | $250 | $500 |
| 2. | 3.1 | Behaving in a way that interferes with others | $250 | $500 |
| 3. | 3.2 | Behaving in a way that is detrimental to local government property | $500 | $750 |
| 4. | 3.3 | Taking or injuring fauna on local government property | $250 | $500 |
| 5. | 3.4 | Removing or damaging flora on local government property | $250 | $500 |
| 6. | 3.5 | Unauthorised entry during function on local government property | $250 | $500 |
| 7. | 3.6 | Unauthorised entry to fenced or closed local government property | $250 | $500 |
| 8. | 4.1 | Failure to obtain a permit | $250 | $500 |
| 9. | 4.2 | Unauthorised use of umbrella or temporary shade structure on local government property | $250 | $500 |
| 10. | 4.3 | Consuming food or drink in prohibited area | $250 | $500 |
| 11. | 4.4(2) | Failure to comply with a sign specifying condition of use | $250 | $500 |
| 12. | 5.2 | Unlawful bathing in waterway | $250 | $500 |
| 13. | 5.3 | Unlawful fishing in waterway | $250 | $500 |
| 14. | 5.4 | Cleaning of vessel below waterline | $250 | $500 |
| 15. | 5.5 | Bringing vessel with tributyltin into waterway or mooring envelope | $500 | $750 |
| 16. | 5.6 | Unlawful storage of fuel | $250 | $500 |
| 17. | 5.7(1) | Failure to maintain waterway edge wall | $500 | $750 |
| 18. | 5.7(2) | Failure to maintain depression | $250 | $500 |
| 19. | 5.9 | Failure to use and maintain mooring lines sufficient for vessel | $250 | $500 |
| 20. | 5.10 | Failure to comply with written direction to replace mooring lines | $250 | $500 |
| 21. | 5.11 | Mooring a vessel so as to cause an obstruction | $500 | $750 |
| 22. | 5.15(a) | Contravening a direction on a sign | $250 | $500 |
| 23. | 5.15(b) | Entering temporarily closed area | $250 | $500 |
| 24. | 5.15(c) | Failure to comply with a direction | $250 | $500 |
| 25. | 5.15(d) | Unlawful interference with life saving equipment | $250 | $500 |
| 26. | 5.17(5) | Providing false or misleading statement in connection with approval application | $250 | $500 |
| 27. | 5.19(2) | Failure to comply with direction | $250 | $500 |
| 28. | 5.20 | Unlawful landing, entering or use of jetty | $250 | $500 |
| 29. | 5.21 | Improper mooring to public jetty | $250 | $500 |
| 30. | 5.22 | Unlawful mooring to public jetty | $250 | $500 |
| 31. | 5.23 | Mooring of oversized vessel to public jetty | $250 | $500 |
| 32. | 5.24 | Failure to remove moored vessel from public jetty on direction of authorised person | $250 | $500 |
| 33. | 5.25 | Launching of vessel without approval | $250 | $500 |
| 34. | 5.26 | Unlawful loading or discharging of cargo | $250 | $500 |
| 35. | 5.27 | Unlawful storing of cargo on public jetty | $250 | $500 |
| 36. | 5.28 | Failure to remove cargo from public jetty | $250 | $500 |

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 37. | 5.29 | Failure to remove cargo on direction of authorised person | $250 | $500 |
| 38. | 5.30 | Depositing bulk cargo on a public jetty without consent | $250 | $500 |
| 39. | 5.31 | Unlawful fishing from jetty | $250 | $500 |
| 40. | 5.32 | Failure to maintain private jetty | $500 | $750 |
| 41. | 5.33 | Unlawful mooring or dry docking between jetty and waterway edge wall | $500 | $750 |
| 42. | 5.34 | Mooring a vessel in a waterway lot other than wholly within a mooring envelope | $250 | $500 |
| 43. | 6.1(a)(i) | Planting in a thoroughfare a plant that causes a hazard | $250 | $500 |
| 44. | 6.1(a)(ii) | Planting in a thoroughfare a plant that obstructs a line of sight | $250 | $500 |
| 45. | 6.1(b) | Unlawful damage or interference with a lawn or garden on a thoroughfare | $250 | $500 |
| 46. | 6.1(c) | Unlawful damage, removal, poisoning or other interference with tree on throughfare | $250 | $500 |
| 47. | 6.1(d) | Obstructing or causing a hazard on a thoroughfare | $250 | $500 |
| 48. | 6.1(e) | Unlawful damage, removal or other interference with a thoroughfare | $250 | $500 |
| 49. | 6.1(f) | Creating a nuisance on a thoroughfare | $250 | $500 |
| 50. | 6.2(1) | Failure to obtain a permit | $250 | $500 |
| 51. | 6.4(1) | Installation of verge treatment other than permissible verge treatment | $250 | $500 |
| 52. | 6.5 | Failure to comply with obligations in respect of permissible verge treatment | $250 | $500 |
| 53. | 6.8(1) | Failure to obtain permit for temporary crossing | $250 | $500 |
| 54. | 6.8(3) | Failure to maintain temporary crossing | $250 | $500 |
| 55. | 6.9(1) | Failure to remove redundant crossing and reinstate area | $250 | $500 |
| 56. | 6.11(1) | Failure to display and maintain street number | $250 | $500 |
| 57. | 6.12(1) | Driving or taking a vehicle on a closed thoroughfare | $250 | $500 |
| 58. | 6.15 | Failure to comply with notice to rectify breach | $250 | $500 |
| 59. | 7.1(1) | Leaving an animal in a public place so as to cause an obstruction | $250 | $500 |
| 60. | 7.2(2)(a) | Allowing animal on public place when not led, ridden or driven | $250 | $500 |
| 61. | 7.2(2)(b) | Allowing animal with contagious or infectious disease to be led, ridden or driven in public place | $250 | $500 |
| 62. | 7.2(2)(c) | Training or racing animal in a public place | $250 | $500 |
| 63. | 7.2(3) | Unlawful leading, driving or riding of horse on a thoroughfare | $250 | $500 |
| 64. | 7.3(1) | Unlawful establishment of alfresco dining area | $500 | $750 |
| 65. | 7.3(2) | Operating an alfresco dining area otherwise than in accordance with requirements | $500 | $750 |
| 66. | 7.4(b) | Failure to take reasonable steps to prevent the smoking of tobacco products or e-cigarettes in alfresco dining area | $250 | $500i |
| 67. | 7.5(2) | Failure to comply with a direction | $250 | $500 |

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 68. | 7.6 | Failure to mark name on shopping trolley | $250 | $500 |
| 69. | 7.7 | Leaving a shopping trolley in an unauthorised area | $250 | $500 |
| 70. | 7.8(2) | Failure to remove a shopping trolley within 24 hours | $500 | $750 |
| 71. | 8.2 | Erecting or placing sign contrary to requirements | $250 | $500 |
| 72. | 8.3(a) | Erecting or placing a sign on a thoroughfare without a permit | $250 | $500 |
| 73. | 8.3(b) | Posting, placing or affixing an advertisement on a thoroughfare without a permit | $250 | $500 |
| 74. | 8.6 | Failure to comply with conditions to erect sign without a permit | $250 | $500 |
| 75. | 8.7 | Failure to mark name on sign | $250 | $500 |
| 76. | 9.1(5) | Providing false or misleading statement in connection with permit application | $250 | $500 |
| 77. | 9.10 | Failure to comply with permit conditions | $250 | $500 |
| 78. | 9.20 | Failure to comply with responsibilities of permit holder | $250 | $500 |
| 79. | 11.1(a) | Failure to comply with a direction | $250 | $500 |
| 80. | 11.1(b) | Obstruction of authorised person | $250 | $500 |
| 81. | 11.3 | Failure to comply with direction to leave | $250 | $500 |
| 82. | | Each other offence not specified | $250 | $500 |

_____

## Schedule 2 - Determinations

[Clause 2.1]

The following determinations are to be taken to have been made by the local government under clause 2.1.

### Part 1 – Preliminary

**1.1 Definition**

In these determinations —

***local law*** means the *City of Cockburn Public Places Local Law 2025* made by the local government.

**1.2 Interpretation**

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given in this local law.

### Part 2 – Activities that may be pursued on specified local government property

**2.1 Horse exercise area**

Horses may be led, ridden or exercised on Reserve 24787, known as CY O'Connor Reserve, from 4:00am to 8:00am any day of the week.

**2.2 Children's playgrounds**

(1) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.

(2) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.

(3) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

### Part 3 – Activities prohibited on specified local government property

**3.1 Animals**

Unless authorised by a written law, or by a permit or determination, a person must not tether an animal to a tree, shrub, tree guard, wall or fence or permit an animal to enter on local government property.

**3.2 Vehicles**

(1) Unless authorised by a permit or determination, a person must not take a vehicle, or cause a vehicle to be taken, onto or driven on local government property unless —

(a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;

(b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in —

(i) providing a service or making a delivery in connection with the local government property; or

(ii) maintaining the local government property;

(c) the person is driving an emergency vehicle in the course of the person's duties; or

(e) the vehicle is a motorised wheelchair, and the driver of the vehicle is a disabled person.

(2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.

(3) Other than in accordance with paragraphs (b), (c) or (e) of subclause (1), a person must not drive a vehicle on local government property that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

**3.3 Motorised model aeroplanes, vessels or drones**

A person must not use, launch or fly a motorised model aeroplane, helicopter, toy, ship, glider, rocket or drone that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except in accordance with a permit or determination that specifies that particular local government property.

**3.4 Launching and retrieval of vessels**

A person must not take a vessel onto, launch a vessel from, or retrieve a vessel on, local government property except in accordance with a permit or determination that specifies that particular local government property unless —

(a) the person is —

(i) a local government employee or authorised person; or

(ii) a contractor engaged by the local government and who is engaged in —

(A) providing a service or making a delivery in connection with the local government property; or

(B) maintaining the local government property;

(b) the person is in charge of a vessel engaged in rescue services or dealing with an emergency; or

(c) the local government property is a vessel ramp that is delineated by a sign to that effect.

**3.5 Golf**

A person must not play or practise golf on local government property except on a reserve set aside by the local government as a golf course.

**3.6 Archery, pistol or rifle shooting**

A person must not play or practise archery or pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise permitted by a permit or determination.

**3.7 Other projectiles**

A person must not use on, or take on to, local government property, a spear gun, hand spear, gidgie or similar device unless permitted by a permit or determination.

**3.8 Bicycles and wheeled recreational devices etc.**

A person must not, on local government property, use or ride a bicycle or wheeled recreational device, or sand board —

(a) inside, or on the curtilage to, a building;

(b) on a golf course, except to the extent permitted by a permit or determination;

(c) in or on a lakebed or waterway; or

(d) on a public jetty.

**3.9 Smoking**

(1) In this clause —

***premises*** means a building, stadium or similar structure but not an open space such as a park or playing field.

(2) Unless authorised by a written law, a person must not —

(a) smoke in, or within 5m of, an entrance, exit or aperture to premises on local government property; or

(b) smoke within 10m of an air intake for air conditioning equipment that is in or on premises on local government property.

**3.10 Sand dunes**

A person must not traverse sand dunes except along a pathway designated by a sign or fence for the purpose.

———

Dated this of 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

# Public Places Local Law 2026

City of Cockburn

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Public Places Local Law 2026

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**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Public Places Local Law 2026

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

## Part 1 - Preliminary

### 1.1 Title

This is the *City of Cockburn Public Places Local Law 2026*.

### 1.2 Commencement

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

### 1.3 Application

This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides.

~~This local law applies throughout the district.~~

### 1.4 Amendments and repeal

(1) The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting —

(a) Part III – Reserves, Foreshores and Beaches;

(b) Part VI – Hawkers, Stallholders and Street Traders;

(c) Part VII – Management and Control of the Local Government Property;

(d) Part VIII – Signs, Hoardings, Bill Posting;

(e) Part IX – Streets and Public Places; and

(f) Part XI – Law, Order and Security.

(2) The *City of Cockburn Jetties, Waterways and Marina Local Laws 2012*, published in the *Government Gazette* on 23 February 2012 and amended from time to time, is repealed.

### 1.5 Interpretation

(1) In this local law —

**Act** means the *Local Government Act 1995*;

***alfresco dining area*** means an area in which tables, chairs and other temporary structures are provided for the purpose of the supply or consumption of food or beverages to or by the public;

***approved*** means approved by the local government;

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

***bathing*** includes entry into the sea or any body of water and/or emerging therefrom and includes the use of bathing appliances;

***bathing appliance*** means a float of any material, surf ski, surfboard, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

***berth*** means —

(a) to lie alongside a jetty in a vessel; or

(b) to be connected or tied to a vessel lying alongside a jetty;

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

***bulk rubbish container*** means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a receptacle;

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

***CEO*** means the Cehief Eexecutive Oefficer of the local government;

***Committee*** means a committee of the Council;

***commencement day*** means the day on which this local law commences under clause 1.2;

***Council*** means the council of the local government;

***crossing***, or ***crossover***, means a crossing giving access from a public thoroughfare to —

(a) private land; or

(b) a private thoroughfare serving private land;

***district*** means the district of the local government;

***e-cigarette*** means a device that is designed to generate or release smoke, vapour or other aerosol (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product;

***electric rideable device*** has the meaning in the *Road Traffic Code 2000* and is taken to include motorised scooters;

***entertainment*** means the action of providing or being provided with amusement or enjoyment, an event, performance, or activity designed to entertain others, and is taken to include busking;

***fauna*** has the meaning in the *Biodiversity Conservation Act 2016*;

***fish*** has the meaning in the *Fish Resources Management Act 1994;*

***fishing*** has the meaning in the *Fish Resources Management Act 1994;*

***food business*** has the meaning in the *Food Act 2008*;

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

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

***jetty*** has the meaning in *Jetties Act 1926* and is taken to include pontoons;

***kerb*** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

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

***liquor*** has meaning in the *Liquor Control Act 1988*;

***Liquor Control Act*** means the *Liquor Control Act 1988*;

***local government*** means the City of Cockburn;

***local government property*** means anything, except a thoroughfare —

(a) which belongs to, is owned by or is under the care, control and management of the local government;

(b) which is an otherwise unvested facility within section 3.53 of the Act; or

(c) of which the local government is the management body under the *Land Administration Act 1997*;

***local public notice*** has the meaning in the Act;

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

***marina*** means a complex of interconnecting pens, and all jetties and walkways, together with any adjoining waterways, which are under the care, control or management of the local government;

***market*** means a collection of stalls, standards or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

***moor*** means to secure a vessel to a mooring;

***mooring*** means a thing to which a vessel may be moored and includes an anchor, stake or mooring pile;

***mooring envelope*** means the area of a waterway lot designated for the mooring of vessels;

***mooring pile*** means any pile used or capable of being used to secure a vessel;

***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) interference which causes material damage to land or other property on the land affected by the interference;

***occupier*** has the meaning in the Act, but does not include the local government;

***owner*** has the meaning in the Act;

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

***pen*** means a specific area within a marina for the mooring of a vessel and does not include any adjacent jetty or walkway;

***permissible verge treatment*** means a treatment described in clause 6.3, and includes any associated reticulation pipes, sprinklers and other equipment;

***permit*** means a permit issued under this local law;

***permit holder*** means a person to whom a permit is granted;

***person*** does not include the local government;

***pontoon*** means a floating platform or similar structure providing landing, docking or mooring facilities;

***prescribed offence*** has the meaning in clause 11.11;

***private jetty*** has the meaning in the *Jetties Act 1926;*

***promotional activity*** means the advertising or promotion of, or raising of funds for, a particular group, product or service;

***public jetty*** means a jetty which belongs to, is owned by or is under the care, control and management of the local government;

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

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

(b) local government property;

***receptacle*** has the meaning in the *City of Cockburn Waste Local Law 2020*;

***registered food business*** has the meaning in the *Food Act 2008* and applies to a food business that is registered by the local government in accordance with the *Food Act 2008*;

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

***Schedule*** means a schedule to this local law;

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

***smoke*** and/or ***smoking*** means to —

(a) smoke, hold or otherwise have control over an ignited tobacco product;

(b) light a tobacco product; or

(c) use an e-cigarette;

***stall*** means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

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

***tobacco product*** has the meaning in the *Tobacco Products Control Act 2006*;

~~***thoroughfare*** has the meaning in the Act;~~

***trading*** means —

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

(b) displaying goods for the purpose of —

(i) offering them for sale or hire;

(ii) inviting offers for their sale or hire;

(iii) soliciting orders for them; or

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

and includes the setting up of a stall or the conducting of a business at a stall;

***thoroughfare*** has the meaning in the Act;

***vehicle*** includes —

(a) each conveyance and each object capable of being propelled or drawn on wheels, tracks or otherwise, including an off-road vehicle and an electric rideable device; and

(b) an animal being ridden or driven,

but excludes —

(c) a wheelchair or any device designed for use by a physically impaired person on a path;

(d) a pram, stroller or similar device;

(e) a bicycle or wheeled recreational device;

(f) a shopping trolley; and

(g) a vessel;

***vessel*** has the meaning in the *Western Australian Marine Act 1982*;

***verge*** means that part of a thoroughfare that is between the carriageway and a lot which abuts the thoroughfare and include a nature strip but does not include a footpath; and

***waterway*** —

(a) means an area of water under the care, control and management of the local government; and

(b) includes an area of water within a marina but not a mooring envelope,

but excludes —

(c) a lake, river or estuary.

***waterway lot*** means any privately owned land or lot adjoining a waterway; and

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

(2) A term that is used in this local law and is not defined has the meaning in the Act.

(3) 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.

(4) 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.

(5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by the local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.

(6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

**1.6 Meaning of 'on'**

In this local law —

(a) a reference to 'on local government property' or to 'in local government property' includes 'on or in local government property';

(b) a reference to 'on a public place' or to 'in a public place' includes 'on or in a public place'; and

(c) a reference to 'on a thoroughfare' or to 'in a throughfare' includes 'on or in a thoroughfare'.

**1.7 Transitional**

A permit, licence, consent, approval, ~~or~~ authorisation or exemption issued in accordance with a local law that is repealed under clause 1.4 —

(a) is taken to be a permit, approval or authorisation granted under this local law, as the case may be;

(b) is to be valid for the period specified in the permit, licence, consent, approval, ~~or~~ authorisation or exemption; and

(c) may be earlier cancelled or suspended in accordance with this local law.

**1.8 Application to assistance animals**

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

**1.9 Overriding power to hire and agree**

Despite anything to the contrary in this local law, the CEO, on behalf of the local government, may —

(a) hire local government property to any person; or

(b) enter into an agreement with any person regarding the use of any local government property.

**Part 2 - Determinations in respect of local government property**

**2.1 Determinations as to use of local government property**

(1) 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 on specified local government property;

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

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

(2) The determinations in Schedule 2 —

(a) are to be taken to have been made in accordance with clause 2.2;

(b) may be amended or revoked in accordance with clause 2.6; and

(c) have effect on the commencement day.

**2.2 Procedure for making a determination**

(1) The CEO is to give local public notice of the local government's 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 Council may decide —

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

(b) to amend the proposed determination, in which case subclause (4) is to apply; or

(c) not to continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c), the Council —

(a) is to consider those submissions; and

(b) may decide —

(i) whether or not to amend the proposed determination; or

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

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

(a) of the effect of the amendments; and

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

(6) If the Council decides not to amend the proposed determination, the CEO 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 CEO 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 CEO 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 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 a determination**

(1) The Council 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 Council revokes a determination, the CEO is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

**2.7 Activities that 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) take, ride or drive a vehicle, or a particular class of vehicle;

(b) bring, ride or drive an animal;

(c) using a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device;

(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, moor or leave a vessel;

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

(g) play or practise —

(i) golf or archery;

(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 2024*; 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;

(h) ride a bicycle, wheeled recreational device, ~~a skateboard, roller skates, rollerblades,~~ a sandboard or a similar device;

(i) wear no clothing; ~~or~~

(j) using ropes or other similar equipment with anchor points for the purpose of engaging in slacklining or similar activities; and

~~(j)~~(k) bathing or using bathing appliances or a particular class of bathing appliance.~~.~~

(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, equipment or things, or may extend it to all vehicles, 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 that may be prohibited on specified local government property**

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

(a) taking, riding or driving a vehicle or a particular class of vehicle;

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

(c) using a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device;

(d) launching, beaching, mooring or leaving a vessel or a particular class or size of vessel;

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

(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) riding a bicycle, ~~a skateboard, roller skates, rollerblades~~wheeled recreational device, a sandboard or a similar device;

(h) using ropes or other similar equipment with anchor points for the purpose of engaging in slacklining or similar activities;

(i) smoking in or on a building, stadium or similar structure that is local government property but not an open space such as a park or a playing field;

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

(k) the traversing of sand dunes or land that, in the opinion of the local government, has environmental value warranting such protection, either absolutely or except by paths provided for that purpose; and

(l) bathing or using bathing appliances or a particular class of bathing appliance.

(2) 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 (1) 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) may distinguish between different classes of the activity.

**2.9 Sign under repealed local law taken to be determination**

(1) Where an approved sign erected on local government property has been erected under a local law that is repealed under clause 1.4, 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 a provision of this local law or a determination made under this Part.

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

## Part 3 - Behaviour on local government property

**3.1 Behaviour that interferes with others**

A person must not, on local government property, behave in a way that —

(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.

**3.2 Behaviour detrimental to property**

(1) In this clause —

***detrimental to the property***, in relation to local government property, includes –

(a) removing any thing from the local government property such as a rock, plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person;

(b) destroying, defacing or damaging local government property, or a building or any thing on the local government property, such as a plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person; and

(c) causing environmental harm or nuisance to or on the local government property.

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

**3.3 Taking or injuring fauna**

A person must not take, injure or kill any fauna that is on or above any local government property unless the person is authorised to do so under a written law or has the prior written approval of the local government.

**3.4 Removing or damaging flora**

(1) In this clause —

***flora*** means all vascular plants, seeds and other flora, whether living or dead.

(2) A person must not remove or damage any flora that is on or above any local government property unless the person is authorised to do so under a written law or has the prior written approval of the local government.

**3.5 No unauthorised entry to function**

(1) A person must not enter local government property on a day or at a time when the property is 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).

**3.6 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.

**Part 4 - Activities on local government property**

**4.1 Activities requiring a permit**

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

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

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

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

(d) teach, coach or train, for profit, a person or animal on 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 permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or

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

(g) conduct or set up a market on local government property;

(h) unless an employee of the local government in the course of her or his 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;

(i) conduct a function, public event, or undertake any promotional activity, on local government property;

(j) charge any person for entry to local government property;

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

(l) except in an emergency, land or touch-down an aircraft or helicopter;

(m) parachute, hang glide, abseil or base jump from or on to local government property;

(n) erect a building or a refuelling site on local government property;

(o) make any excavation on or erect or remove any fence on local government property;

(p) erect or install any structure above or below ground of local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

(q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property;

(r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property;

(s) conduct an entertainment event on local government property;

(t) use a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device on local government property;

(u) film or make a recording as part of or for commercial gain on local government property;

(v) deposit or store any thing on local government property; or

(w) keep or berth a vessel at or in a marina.

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

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

**4.2 Umbrellas and temporary shade structures**

A person must not, on local government property, erect an umbrella or temporary shade structure, or a combination of, unless it —

(a) is erected for protection from the sun or other elements;

(b) is adequately secured;

(c) has an area of $9m^2$ or less;

(d) has a height of 2.5m or less;

(e) is not enclosed;

(f) is removed by that person immediately on leaving the local government property; and

(g) is for private use.

**4.3 Consumption of food or drink may be prohibited**

A person must not consume any food or drink in an area where consumption is prohibited by a sign.

**4.4 Conditions of use**

(1) The local government may erect a sign on local government property specifying any conditions of use which apply 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) —

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

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

(4) A sign erected on local government property under a local law that is repealed under clause 1.4 is taken, on and from the commencement day, to be a sign erected under this clause if the sign is not inconsistent with any provision of this local law.

## Part 5 - Marine

*Division 1 – Interpretation*

### 5.1 Interpretation

In this Part —

***dry docking system*** means any equipment used to create a dry barrier between a vessel and the water;

***fishing net*** means a fishing net other than —

(a) a hand scoop or hand dip net;

(b) a prawn hand trawl net; or

(c) a complying drop or hand thrown net;

***beach or foreshore*** includes —

(a) tidal and non–tidal waters in or outside but adjoining the district;

(b) the area which adjoins the district and extends for a distance of 200 metres seawards from the low water mark at ordinary spring tides; and

(c) any other public place or reserve adjoining the places mentioned in (a) or (b); and

***waterway edge wall*** means a revetment wall separating the land filled part of a lot adjoining a waterway from the submerged part of that lot, together with any associated retaining wall.

*Division 2 – Activities in or affecting waterways*

### 5.2 Bathing in a waterway

(1) Except in accordance with this clause, a person must not bathe in a waterway without having first obtained the written approval of the local government.

(2) A person may bathe in —

(a) that portion of a waterway that is within 25 meters of a beach or foreshore if the beach or foreshore has not been designated or set aside by the local government, by a sign or otherwise, as a locality where swimming or bathing is prohibited; or

(b) an area of a waterway that has been designated or set aside by the local government, by a sign or otherwise, as a swimming or bathing area.

### 5.3 Fishing in waterways

(1) Except in accordance with this clause, a person must not fish in a waterway.

(2) A person may fish in a waterway from an area that has been designated or set aside by the local government, by a sign or otherwise, as a fishing area.

**5.4 Cleaning of vessels**

A person must not, in a waterway or mooring envelope, clean the hull of a vessel below the waterline.

**5.5 Restrictions on anti-fouling paint**

A person must not cause or enable a vessel to be within a waterway or mooring envelope if the vessel is coated with any paint containing tributyltin (TBT).

**5.6 Storage of fuels**

A person must not, within a waterway or on adjacent land or water, store fuel —

(a) on a jetty;

(b) on any other structure built on or over the water and that is attached to the land; or

(c) onboard a vessel (apart from a small amount required for an auxiliary engine),

except in a fuel storage facility approved by the local government.

**5.7 Maintenance of waterway edge walls**

(1) An owner or occupier of a waterway lot must maintain any waterway edge wall within their lot in good condition so as to prevent it becoming unsightly, dilapidated or dangerous.

(2) An owner or occupier of a waterway lot containing a waterway edge wall must maintain a depression on the dry side of their lot behind the top of the retaining wall edge for drainage purposes.

*Division 3 – Mooring of vessels ~~within waterways~~*

**5.8 Application of Division**

This Division applies to the mooring of a vessel in a waterway or mooring envelope.

**5.9 Mooring lines**

(1) The owner of a vessel must provide, use and adequately maintain mooring lines sufficient to ensure the safe mooring of the vessel, and which must not be less than the sizes listed below —

| Length of vessel | Mooring line diameter |
|---|---|
| Up to 8m | Not less than 12mm |
| 8m to 12m | Not less than 18mm |
| 12m to 15m | Not less than 20mm |
| Over 15m | Not less than 24mm |

(2) The owner of a vessel must periodically inspect the mooring lines and replace any mooring lines which are unfit for their intended purpose to ensure compliance with this clause.

**5.10 Non-complying mooring lines**

If in the opinion of an authorised person, a mooring line of a vessel does not comply with clause 5.9, the authorised person may issue a written direction to the owner of the vessel requiring the owner, within a time specified in the direction, to replace the mooring line.

**5.11 No obstruction of waterways**

A person in control of a vessel must not moor a vessel in a waterway so as to cause an obstruction.

*Division 4 – Beaches and foreshore*

**5.12 Application of Division**

This Division applies to the area which adjoins the district and extends for a distance of 200 metres seawards from low water mark at ordinary spring tides.

**5.13 Powers of authorised persons or surf life saving club members**

(1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach —

(a) patrol the beach;

(b) carry out any activities on the beach;

(c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of the beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with a sign;

(d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and

(e) direct persons to leave the water adjacent to the beach during suspected or actual dangerous conditions or if a shark is suspected of being in the vicinity of the beach.

(2) Subject to subclause (3), the CEO may authorise, under section 9.10(2) of the Act, one or more members of a surf life saving club to perform all or any of the functions listed in subclause (1).

(3) Members authorised by the CEO under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.

(4) Under subclause (2), the CEO may authorise members generally, or in relation to particular times, days or months.

**5.14 Authority of local government employee to prevail**

If the local government has authorised a person under clause 5.13(1) and a member of a surf life saving club under clause 5.13(2) in relation to the same beach, where they could perform a function referred to in clause 5.13(1) contemporaneously, the authority of an authorised person employed by the local government under clause 5.13(1) is to prevail.

**5.15 Persons to comply with signs and directions**

A person must —

(a) not act in contravention of a sign erected on a beach under clause 5.13(1)(c);

(b) not enter an area that has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless the person is a member of the club or has obtained permission to enter from the club;

(c) comply with any direction given under clause 5.13(1)(e); and

(d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

*Division 5 – Public jetties and bridges*

**5.16 Interpretation**

In this Division —

***bulk cargo*** means bulk produce, such as grain, coal, oil or mineral ore, that is not packaged.

**5.17 Application for approval under this Division**

(1) A person who is required to obtain the approval of the local government under this Division must apply for approval in the manner required by the local government.

(2) The local government may require an application for approval to be accompanied by a fee.

(3) Before determining an application, the local government may require the applicant —

(a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(4) The local government may refuse to consider an application that is not in accordance with subclauses (1) and (2) or where a requirement of subclause (3) has not been satisfied.

(5) A person must not make a false or misleading statement in connection with an application in respect of an approval.

**5.18 Determining an application under this Division**

(1) The local government may —

(a) approve the application unconditionally or subject to conditions; or

(b) refuse to approve the application.

(2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clauses 5.178(1)-(2) and any request made under clause 5.178(3).

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 5.178(2) is to be refunded to the applicant.

(4) If an application is approved, the local government is to give the applicant a written approval in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

**5.19 Local government may close public jetties or regulate activities**

(1) The local government may —

(a) close or cause to be closed any public jetty or part of a public jetty; and

(b) regulate, prohibit or restrict access to a public jetty or part of a public jetty.

(2) An authorised person may direct a person to leave a public jetty or part of the public jetty for the purposes of —

(a) a function or public convenience at or on the public jetty;

(b) repair, maintenance or construction of the public jetty;

(c) public safety; or

(d) any other operational reason.

~~5.19~~5.20 **When use of public jetty is prohibited**

A person must not land at, use or go on any part of a public jetty that is —

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the approval of the local government.

~~**5.201.1 Local government may close public jetties or regulate activities**~~

~~(1) The local government may –~~

~~(a) close or cause to be closed any public jetty or part of a public jetty; and~~

~~(b)(a) regulate, prohibit or restrict access to a public jetty or part of a public jetty.~~

~~(2)(1) An authorised person may direct a person to leave a public jetty or part of the public jetty for the purposes of –~~

~~(a) a function or public convenience at or on the public jetty;~~

~~(b)(a) repair, maintenance or construction of the public jetty;~~

~~(c)(a) public safety; or~~

~~(d)(a) any other operational reason.~~

**5.21 Method of mooring vessel**

A person in control of a vessel must not moor or make fast the vessel to a public jetty, or to any part of the public jetty, except to the berthing piles, ring bolts or other fastenings that are provided.

**5.22 When vessel may remain moored**

A person in control of a vessel must not berth, moor or make fast the vessel to a public jetty unless —

(a) the vessel is in distress and then only to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;

(b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior approval of the local government;

(c) the loading or discharging of cargo or other goods is in progress in accordance with this Division;

(d) where the vessel is used at that time for commercial purposes, the person has first paid to the local government the fee (if any) for the berthing or making fast; or

(e) to facilitate a sea trial for a newly launched vessel for a period that is specified and approved by an authorised person.

**5.23 Mooring of oversized vessels**

A person in control of a vessel must not moor a vessel against a public jetty where the vessel exceeds —

(a) the maximum size permitted to be moored to that jetty, as indicated by a sign erected on that jetty by the local government; or

(b) if no maximum size is indicated on a sign on that jetty, the length of the jetty.

**5.24 Authorised person may direct removal of vessel**

Despite anything to the contrary in this Division, a person in control of a vessel moored to or alongside a public jetty must remove it immediately on being directed to do so by an authorised person.

**5.25 Restrictions on launching**

A person must not launch a vessel from or over a public jetty (other than a boat ramp) unless the person has first obtained the approval of the local government.

**5.26 Loading and discharging**

A person in control of a vessel must not allow the vessel to come alongside or be berthed or made fast to a public jetty for the purpose of loading or discharging cargo or other goods —

(a) until the cargo or other goods are ready to be loaded or discharged; or

(b) without the approval of the local government —

(i) between the hours of 6.00pm to 6.00am on the next day; or

(ii) for longer than 2 consecutive hours.

**5.27 Outgoing cargo not to be stored**

A person in control of cargo or other goods intended for loading on to a vessel must —

(a) not allow them to be stored or placed on a public jetty unless and until the vessel is berthed or fastened to or alongside the public jetty; and

(b) load them on to the vessel as soon as practicable after the vessel is berthed or fastened to or alongside the public jetty.

**5.28 Removal of incoming cargo**

A person unloading cargo or other goods from a vessel on to a public jetty must remove them, or cause them to be removed, from the public jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

**5.29 Authorised person may direct removal**

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods that remain on a public jetty contrary to a provision of this Division to remove them from the public jetty.

**5.30 Handling of bulk cargo**

Except with the prior approval of the local government, a person must not place or deposit bulk cargo from a vehicle, vessel or container on to a public jetty.

**5.31 Limitations on fishing**

A person must not —

(a) fish from a public jetty other than a public jetty that has been designated or set aside by the local government, by a sign or otherwise, as a fishing jetty;

(b) fish from a public jetty so as to obstruct or interfere with the free movement of a vessel approaching or leaving the public jetty or so as to unreasonably interfere with the use of the public jetty by any other person; or

(c) hang or spread a fishing net from, on or over any part of a public jetty.

*Division 6 – Private jetties and waterway lots*

**5.32 Maintenance of private jetties**

An owner or occupier of a waterway lot on which a private jetty is constructed must maintain the jetty in good condition so as to prevent it from becoming unsightly, dilapidated or dangerous.

**5.33 Mooring of vessels or dry docking systems**

A person must not moor or permit the mooring of a vessel or a dry docking system between ~~the~~ a jetty and ~~the~~ a waterway edge wall so as to compromise the integrity of the rock revetment or waterway edge wall.

**5.34 Vessels moored within mooring envelope**

An owner or occupier of a waterway lot must not moor a vessel within a mooring envelope unless the vessel is fully contained within that mooring envelope.

*Division 7 – Enforcement*

**5.35 Notice to owner or occupier**

(1) If the local government is satisfied that an owner or occupier of land has not complied with clauses 5.7(1) or 5.3~~2~~3, the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such actions as specified in the notice for the purpose of remedying the breach.

(2) An owner or occupier of land to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

**5.36 Impounding**

A vessel that contravenes a provision of this Part may be removed, impounded ~~or~~ and disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

**Part 6 - Activities in thoroughfares**

*Division 1 – General*

**6.1 General prohibitions**

A person must not —

(a) plant, or allow to remain, in a thoroughfare a plant that —

(i) causes a hazard to any person using the thoroughfare; or

(ii) obstructs a line of sight for a driver or other person using the throughfare or a crossing on the throughfare;

(b) damage a lawn or garden, or remove a plant from a lawn or garden, in a thoroughfare unless —

(i) the person is the owner or occupier of the lot abutting that portion of the thoroughfare, and the lawn, garden or 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, remove, prune, fell or poison a tree on a throughfare, irrespective of whether it was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government, unless —

(i) the person has the prior written approval of the local government; or

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

(d) place or install, or allow to be placed, installed or remain, on a thoroughfare any thing (except water) that —

(i) obstructs the thoroughfare; or

(ii) results in a hazard for any person using the thoroughfare;

(e) unless at the direction of the local government, damage, remove or interfere with any part of a thoroughfare, or any structure erected on a thoroughfare, by the local government or a person acting under the authority of a written law; or

(f) use anything or do anything so as to create a nuisance on a thoroughfare.

**6.2 Activities allowed with a permit**

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

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

(b) subject to Division 2 of this Part, throw, place or deposit any thing on a verge or thoroughfare except for removal by the local government under a verge waste collection, and then only in accordance with the terms and conditions and during the period of time advertised or arranged in connection with that collection by the local government;

(c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;

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

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

(f) damage a thoroughfare;

(g) fell any tree onto a thoroughfare;

(h) light any fire or burn any thing on 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, on any part of a thoroughfare, any thing such as 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) place or cause to be placed on a thoroughfare a bulk rubbish container;

(l) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;

(m) conduct any trading on a thoroughfare;

(n) conduct or set up a market ~~or stall~~ on a thoroughfare;

(o) conduct an entertainment event on a thoroughfare;

(p) film or make a recording as part of or for commercial gain on a thoroughfare;

(q) establish or operate an alfresco dining area, otherwise than in accordance with a permit or in accordance with clause 7.3.

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

*Division 2 – Permissible verge treatments*

**6.3 Permissible verge treatments**

(1) An owner or occupier of a lot which abuts a verge may, on that part of the verge directly in front of the lot, install a permissible verge treatment.

(2) A permissible verge treatment is —

(a) the planting and maintenance of a lawn;

(b) the planting and maintenance of a garden provided that —

(i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

(ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 1.5m along that part of the verge immediately adjacent to the kerb;

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

(iv) it is not of a thorny, poisonous or hazardous nature.

(c) the installation over no more than 1/4 of the area of the verge (excluding any approved vehicle crossing and/or footpath) of an acceptable material and, on the balance of a verge, the installation of mulch or a permissible verge treatment in accordance with paragraph (a) or (b) of subclause (2).

(3) In this clause ***acceptable material*** means any material which would create a hard surface, and which has been approved by the local government.

**6.4 Only permissible verge treatments to be installed**

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

(2) The owner and occupier of land 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 6.3.

**6.5 Obligations of owner or occupier**

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 are not obstructed by the verge treatment;

(b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a thoroughfare, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

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

(d) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government.

**6.6 Power to carry out public works on verge**

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

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

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

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

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

(ii) sprinklers, pipes or other reticulation equipment.

**6.7 Transitional provisions**

(1) In this clause –

***former provisions*** means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government; and

***repealed local laws*** means the local laws that are repealed by clause 1.4.

(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.

*Division 3 – Vehicle crossings*

**6.8 Temporary crossings**

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a permit 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.

(2) The person responsible for the works in subclause (1) is to be taken to be —

(a) the builder named on the approved permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or

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

(3) If the local government approves an application for a permit for the purpose of subclause (1)~~If the permit authority for the purpose of subclause (1) is the local government~~, the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the person to whom the permit is given 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.

**6.9 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 them 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.

*Division 4 – Street numbers*

**6.10 Assignment of numbers**

The local government may assign a street number to a property in the district and may assign another street number to the property instead of that previously assigned.

**6.11 Street number to be displayed**

(1) The owner or occupier of a property must display and maintain the current street number assigned by the local government to the property in a conspicuous place on the front of the building, letterbox, fence or gate adjacent to the thoroughfare fronting the property.

(2) A sign painted on the kerb adjacent to a property depicting the street number is satisfactory for the purposes of subclause (1).

*Division 5 – Driving on a closed thoroughfare*

**6.12 No driving on closed thoroughfare**

(1) A person must not drive or take a vehicle on a closed thoroughfare unless —

(a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or

(b) the person has first obtained a permit.

(2) In this clause —

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

*Division 6 – Notices*

**6.13 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 a person using a thoroughfare, the local government may give a written notice to the owner or the occupier of the lot abutting the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

**6.14 Notice to remove a garden hazard**

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

(2) Subclause (1) does not apply where the plant was planted, or the other thing was placed, by the local government.

**6.15 Notice to rectify breach**

(1) An authorised person may give a notice in writing to the owner or occupier of the lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Part.

(2) An owner or occupier of the lot to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

## Part 7 - Activities in public places

*Division 1 – Animals*

### 7.1 Leaving animal in public place

(1) A person must not leave an animal in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit 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.

### 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, other than a cat, 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 the animal, if it 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 the horse on a thoroughfare, unless that person does so under a permit or under the authority of a written law.

*Division 2 – Alfresco dining*

### 7.3 Alfresco dining without a permit

(1) Without a permit, a person may establish an alfresco dining area on a public place only if —

(a) the person is the proprietor of a registered food business; and

(b) the alfresco dining area is placed directly outside the registered food business and otherwise complies with the requirements of subclause (2).

(2) A person, when operating an alfresco dining area established under subclause (1), must —

(a) ensure that there is a relevant current public liability insurance policy, in relation to all liability arising from the use or occupation of the alfresco dining area,

containing indemnity provisions noting the interests of the local government, for an amount of not less than $10 million;

(b) maintain a clear pedestrian access area of 2 metres in width adjacent to the building frontage, to provide for consistent unobstructed pedestrian access;

(c) place the alfresco dining area directly outside of the registered food business conducting the alfresco dining;

(d) maintain an area which is at least 0.6 metres in width adjacent to any kerb, free of alfresco dining furniture and structures;

(e) ensure that the alfresco dining area is no closer at any point than 2 metres away from a truncation, crossover or street corner;

(f) provide for access to sufficient sanitary and ablutionary conveniences as specified in the Building Code of Australia;

(g) operate the alfresco dining area only during the operating hours of the food business;

(h) ensure that the alfresco dining area is kept in a clean and tidy condition, including by maintaining the chairs, tables and other structures or equipment in the alfresco dining area in a good, clean and serviceable condition at all times;

(i) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the alfresco dining area; and

(j) temporarily remove the alfresco dining area when requested to do so on reasonable grounds by an authorised person.

(3) An authorised person may give a notice in writing to a person operating an alfresco dining area established under subclause (1), requiring them to make good, within the time specified in the notice, any breach of subclause (2).

**7.4 No smoking areas**

If an alfresco dining area is established under clause 7.3 or if a permit is granted under this local law in respect of an alfresco dining area —

(a) the alfresco dining area is taken to be a no smoking area; and

(b) the permit holder must take reasonable steps to prevent the smoking of tobacco products or e-cigarettes in the alfresco dining area.

**7.5 Removal of an unlawful alfresco dining area**

(1) If an alfresco dining area is established or operated contrary to clause 7.3 or in contravention of the conditions of a permit —

(a) an authorised person may direct the proprietor or the permit holder (as the case may be) or any other person who appears to be involved in the operation of the alfresco dining area, to remove any tables, chairs, umbrellas or other structures or equipment; and

(b) if a direction given under paragraph (a) is not complied with, or if it is not practicable to give a direction under paragraph (a), any tables, chairs, umbrellas or other structures or equipment may be removed by an authorised person and impounded ~~in accordance with the Act.~~and disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

(2) A person who is given a direction under subclause (1)(a) must comply with the direction.

*Division 3 – Shopping trolleys*

**7.6 Shopping trolley to be marked**

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

**7.7 Person not to leave trolley in unauthorised area**

A person must not leave a shopping trolley on local government property or in a public place other than in an area set aside for the storage of shopping trolleys.

**7.8 Retailer to remove abandoned trolley**

(1) If a shopping trolley is found on local government property or in a public place, other than in an area set aside for the storage of shopping trolleys, an authorised person may advise, ~~(verbally or~~ in writing,~~)~~ a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

**7.9 Retailer taken to own trolley**

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

*Division 4 – Fencing*

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

A public place, as that term is defined in clause 1.5, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

**Part 8 - Advertising signs**

**8.1 Interpretation**

In this Part —

***advertising sign*** means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes a garage sale sign or home open sign, but does not include a direction sign or an election sign;

***direction sign*** means a sign that indicates the direction of a place, activity or event, but does not include a sign of the type erected or affixed by the local government or the Commissioner of Main Roads;

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

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

***election sign*** means a sign that advertises any aspect of a forthcoming Federal, State or local government election; and

***portable direction sign*** means a portable freestanding direction sign.

**8.2 General prohibitions**

(1) A person must not, on a thoroughfare, erect or place an advertising sign, direction sign or election sign —

(a) on a footpath;

(b) over a footpath where the resulting vertical clearance between a sign and a footpath is less than 2.5m;

(c) on or within 2m of a carriageway;

(d) in any other location where, in the opinion of an authorised person, the sign is likely to obstruct a line of sight along a throughfare or cause danger to a driver or other person using the thoroughfare; or

(e) on any natural feature, including a rock or tree on a throughfare, or on a bridge or a structural approach to a bridge.

(2) A person must not, without the approval of the local government, erect or place a sign purporting to be or resembling a sign erected or placed by the local government.

**8.3 Signs requiring a permit**

Subject to this Part, a person must not, without a permit —

(a) erect or place an advertising sign, direction sign or election sign on a throughfare; or

(b) post any bill or print, place or affix any advertisement on a thoroughfare.

**8.4 Matters to be considered in determining a permit**

In determining an application for a permit for the purposes of clause 8.3, the local government is to have regard to —

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

(b) the dimensions of the sign or advertisement;

(c) whether or not the sign or advertisement may create a hazard to a person using a throughfare;

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

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

(f) any other matter it considers to be relevant in the circumstances of the application.

**8.5 Signs not requiring a permit**

An advertising sign, direction sign or election sign does not require a permit if it is —

(a) a sign erected on a thoroughfare by the local government or under the direction of the local government;

(b) a sign erected by an authority lawfully empowered to do so;

(c) a portable direction sign placed on a verge if the sign —

(i) does not exceed 0.5m in height or 0.5m$^2$ in area;

(ii) is placed or erected on the verge only on an infrequent or occasional basis; and

(iii) is placed or erected on a verge only during the hours of the activity or event to which it relates;

(d) an advertisement sign for a business, placed on a verge, if —

(i) the sign does not exceed 0.5m in height or 0.5m$^2$ in area;

(ii) the sign is erected or placed only on the verge immediately adjacent to a building from which the advertised business operates;

(iii) the sign is removed each day at the close of trading and is not erected until the business next opens for trading; and

(iv) no more than one sign is erected or placed on a verge to advertise any one business;

(e) a home open sign or garage sale sign, placed on a verge, if —

(i) the sign does not exceed 0.5m in height or 0.5m$^2$ in area;

(ii) the sign is placed or erected on the verge on the day of the garage sale or home open and is removed from the verge by no later than 7:30pm on the day of the garage sale or home open;

(iii) in the case of a home open sign only, the sign is placed with the name of the real estate agency and property address of the home open; and

(iv) no more than 3 signs are erected or placed on verges or for any individual home open or garage sale;

(f) an election sign, placed on a verge, if the sign —

(i) complies with the requirements of item 9, clause 61, Part 7, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*;

(ii) is no greater than 4m$^2$ in area;

(iii) the sign is placed or erected at least 30m away from an intersection;

(iv) the sign is placed or erected at least 100m away from any works on the throughfare;

(v) the sign is freestanding and not affixed to any existing sign, post, power, light pole or other similar structure; and

(vi) it is capable of being read on its own~~,~~ and does not display only part of ~~the~~ a message that ~~is to~~must be read with other signs in order to obtain the whole message.

**8.6 Conditions where permit not required**

An advertising sign, direction sign or election sign that does not require a permit ~~—~~—

(a) must be securely installed and not readily moveable by wind;

(b) must not be illuminated or incorporate ~~reflected~~ reflective or fluorescent materials; and

(c) must be maintained in ~~a~~ good condition.

**8.7 Signs to be marked**

An advertising sign, direction sign or election sign that is placed or erected in or on a throughfare must be clearly marked with the name of the person, organisation or business that erected or placed the advertising sign.

**8.8 Deemed ownership**

In the absence of proof to the contrary, an advertising sign, direction sign or election sign is to be taken to belong to the person, organisation or business whose name is marked on the advertising sign.

**8.9 Impounding**

An advertising sign, direction sign or election sign that contravenes a provision of this Part may be removed, impounded and ~~or~~ disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

## Part 9 - Permits

*Division 1 – Applying for a permit*

**9.1 Application for permit**

(1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit ~~under this local law~~ must ~~—~~—

(a) be in the form determined by the CEO;

(b) be signed by the applicant;

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

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

(3) Before determining an application for a permit, the local government may require the applicant —

(a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or

(b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.

(4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (32) within the prescribed time.

(5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

**9.2 Determining an application**

(1) The local government may —

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

(b) refuse to approve an application.

(2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 9.1(2) and any request made under clause 9.1(3).

(3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 9.1(2)(d) is to be refunded to the applicant.

(4) If an application is approved, the local government is to issue to the applicant a permit in the form determined by the CEO.

(5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decision.

(6) Where a clause of this local law refers to conditions that may be imposed on a permit, the clause does not limit the power of the local government to impose other conditions of the permit under subclause (1)(a) or Division 2 of this Part.

**9.3 General restrictions on grant of permit**

(1) The local government must not grant a permit if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.

(2) The local government must not grant a permit unless the local government is satisfied that —

(a) the applicant is capable of carrying on the activity in accordance with this local law and the conditions of the permit;

(b) the local government property or thoroughfare at which the activity is to be carried on is suitable for that purpose;

(c) a permit or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and

(d) the applicant is a fit and proper person to carry on the activity.

**9.4 Relevant considerations**

(1) In determining an application for a permit, the local government is to have regard to —

(a) the reasons and justification provided in the application;

(b) the desirability of the proposed activity;

(c) the likelihood of the activity causing a nuisance, inconvenience or annoyance to an occupier or nearby premises;

(d) the location of the proposed activity, including safety and health requirements, and the character and function of the location;

(e) any relevant local government policies;

(f) the Competition Principles Agreement;

(g) any submission received under clause 9.1(3)(b) within the time specified; and

(h) any other factor that the local government considers relevant in the circumstances of the particular application.

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

(a) the application is inconsistent with a local government policy or would result in an activity being carried out contrary to this local law or any other written law;

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

(c) the applicant is not a fit and proper person to hold the permit;

(d) the applicant is insolvent or under administration;

(e) the activity may result in traffic or pedestrian safety being adversely impacted;

(f) the activity is not in keeping with the surrounding land uses; or

(g) any other ground that the local government considers relevant.

*Division 2 – Conditions*

**9.5 Examples of conditions – generally**

Examples of the conditions that the local government may impose on a permit are conditions relating to —

(a) the payment of a fee;

(b) compliance with a local government standard or a policy;

(c) the commencement and duration of the permit;

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

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

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

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

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

(i) the obtaining of public risk insurance, in the names of both the local government and the permit holder, for an amount and on terms reasonably required by the local government; and

(j) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to a person or any damage to any property that may occur in connection with the use of the local government property or thoroughfare in carrying out the activity to which the permit relates.

**9.6 Examples of hiring conditions**

Examples of the conditions that the local government may impose on a permit to hire local government property are conditions relating to —

(a) when fees and charges are to be paid;

(b) payment of a bond against possible damage or cleaning expenses or both;

(c) restrictions on the erection of material or external decorations;

(d) rules about the use of furniture, plant and effects;

(e) limitations on the number of persons who may attend a function in or on local government property;

(f) the duration of the hire;

(g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;

(h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;

(i) whether or not the hire is for the exclusive use of the local government property; and

(j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

**9.7 Examples of trading conditions**

Examples of the conditions that the local government may impose on a permit to conduct trading, conduct or set up a market, to conduct a function, public event or undertake promotional activity, or to conduct an entertainment event, on local government property or a thoroughfare are conditions relating to —

(a) the days and hours during which the permit holder may do the activity;

(b) the nomination of assistants, nominees or substitutes for the permit holder;

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

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

(e) the number of persons and the names of persons permitted to conduct the activity;

(f) any prohibitions or restrictions concerning —

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

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

(iii) the use of dangerous implementations and materials;

(iv) the use of signs; and

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

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

(h) the care, maintenance and cleansing of any structure used in connection with the activity, and the placement of any structure;

(i) the vacating of the place of the activity when the activity is not being carried on; and

(j) the designation of a place where the activity is wholly, or from time to time, prohibited by the local government.

**9.8 Examples of advertising conditions**

Examples of the conditions that the local government may impose on a permit to advertise on local government property, or to erect or place an advertising sign, direction sign or election sign on a throughfare, are conditions relating to —

(a) the location, number, size, type, form or construction, of the advertisement or sign;

(b) the days and hours during which the advertisement or sign might be placed, erected or displayed;

(c) securing the sign in position in accordance with any requirements of the local government;

(d) placing the sign so as not to obstruct or impede —

(i) the reasonable use of a thoroughfare;

(ii) the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing; or

(iii) access to a place by any person; and

(e) a requirement to maintain the advertisement or sign in good condition.

**9.9 Imposing conditions under a policy**

(1) In this clause —

***policy*** means a local government policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a permit may be approved under clause 9.2.

(2) Under clause 9.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government must give to the permit holder a copy of the policy or, at the discretion of the local government, the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 9.2(4).

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

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

**9.10 Compliance with and variance of conditions**

(1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The local government may, at any time, amend a condition of a permit and the amended condition takes effect —

(a) 14 days after written notice of it is given to the permit holder; or

(b) if a later date is specified in the written notice, on the later date.

(3) A permit holder who does not comply with a condition of the permit commits an offence.

*Division 3 – General*

**9.11 Duration of a permit**

Unless otherwise specified as a condition of the permit, a permit commences on the date of issue until the earlier of —

(a) the expiry date, if any, specified in the permit;

(b) the date that the permit is cancelled under this Division; or

(c) the date that the permit is surrendered under this Division.

**9.12 Renewal of permit**

(1) A permit holder may apply to the local government for the renewal of the permit.

(2) An application for renewal must —

(a) be in the form determined by the CEO;

(b) be signed by the permit holder;

(c) provide the information required by the form;

(d) be forwarded to the local government no later than 28 days before the expiry of the permit, or within a shorter period that the local government in a particular case permits; and

(e) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

(3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

**9.13 Transfer of a permit**

(1) An application for the transfer of a permit from the permit holder to another person (**transfer application**) must be —

(a) made in the form determined by the CEO;

(b) made by the person applying to have the permit transferred to them;

(c) made with the written consent of the permit holder; and

(d) lodged with the local government together with the fee for the transfer application.

(2) Before determining a transfer application, the local government may request the applicant, within a specified period of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.

(3) The local government may refuse to consider a transfer application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.

(4) The local government may, in respect of a transfer application —

(a) approve the transfer application subject to any conditions it considers appropriate; or

(b) refuse to approve the transfer application.

(5) A decision under clause subclause (4) must be made within 90 days of the applicant satisfying the requirements of subclause (1) and any request made under subclause (2).

(6) If a decision under subclause (4) is not made within that period of 90 days, the transfer application is taken to have been refused and any fee payable under subclause (1)(d) is to be refunded to the applicant.

(7) If the local government approves a transfer application —

(a) it must give the applicant a ~~licence~~ permit in the form determined by the CEO;

(b) the applicant becomes the ~~licensee~~ permit holder —

(i) on the date as specified on the permit~~licence~~; or

(ii) if no date is specified on the permit~~licence~~, on the date that the permit~~licence~~ was given to the applicant under subclause (7)(a); and~~.~~

(c) the local government is not required to refund any part of any fee paid by the former permit holder.

(8) If the local government refuses to approve a transfer application, it must give the applicant written notice of its decision and of the reasons for its decision.

**9.14 Suspension of a permit**

(1) The local government may, by written notice given to the permit holder (**suspension notice**), suspend a permit if the local government has reasonable grounds to believe that —

(a) the permit holder has contravened a term or condition of the permit;

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

(c) the continued carrying on of the activity authorised by the permit 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 permit; and

(c) where appropriate, indicate what steps need to be taken, and when those 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).

**9.15 Revocation of suspension**

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

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

**9.16 Period of suspension**

The suspension of a permit 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 9.15;

(b) the permit is cancelled under clause 9.17 or expires; or

(c) the permit is surrendered under clause 9.18.

**9.17 Cancellation of permit**

(1) The local government may, by a written notice given to the permit holder (**cancellation notice**), cancel a permit if the local government has reasonable grounds to believe that —

(a) the permit was obtained improperly by including false or misleading information;

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

(c) the permit has been suspended and the time specified in the suspension notice for taking the required steps has expired;

(d) the permit holder has not complied with a written law which relates to the activity to which the permit applies;

(e) the permit holder has attempted or purported to transfer or assign the permit without the approval of the local government;

(f) a law is amended or repealed in a manner that is inconsistent with the conditions of the permit and which renders the permit invalid, effective or contrary to law; or

(g) there are reasonable grounds for believing that the continued carrying on of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the permit has been suspended on the grounds of that risk.

(2) The cancellation notice must —

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

(b) state the reasons for the local government's decision to cancel the permit.

(3) If a permit is cancelled, no part of the fee paid for the permit is refundable.

**9.18 Surrender of permit**

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

*Division 4 – Responsibilities of permit holders and others*

**9.19 Production of permit**

A permit holder must produce to an authorised person their permit immediately after being required to do so by that authorised person.

**9.20 Other responsibilities of permit holder**

A permit holder must, in respect of local government property or a thoroughfare to which the permit relates —

(a) ensure that an authorised person has unobstructed access to the local government property or thoroughfare for the purpose of inspecting the property or enforcing a provision of this local law;

(b) comply with a direction from an authorised person to take the action specified in the direction for the purpose of maintaining public safety;

(c) leave the local government property or thoroughfare in a clean and tidy condition after its use;

(d) report any damage or defacement of the local government property or thoroughfare to the local government; and

(e) take reasonable action to prevent the consumption of any liquor on the local government property or thoroughfare unless the permit allows it and a licence has been obtained under the Liquor Control Act for that purpose.

**9.21 Return or destruction of permit document if permit no longer in effect**

If a permit —

(a) has expired or has not been renewed;

(b) has been suspended or cancelled; or

(c) has been surrendered,

the person who was the permit holder must, as soon as practicable after the expiry, suspension, cancellation or surrender —

(d) return the permit document to the local government; or

(e) except where the permit has been suspended, destroy the permit document.

## Part 10 - Objection and review

### 10.1 Objection and review rights

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

(a) to refuse to grant an approval, permit or exemption;

(b) to vary, suspend or cancel an approval, permit or exemption;

(c) to impose or amend a condition of an approval, permit or exemption; and

(d) to refuse to renew or transfer a permit.

## Part 11 - Enforcement

*Division 1 – General powers*

### 11.1 Authorised person to be obeyed

A person on local government property or a thoroughfare —

(a) must obey a lawful direction of an authorised person; and

(b) must not obstruct or hinder the authorised person in the execution of their functions.

### 11.2 Refusal of entry

(1) An authorised person may refuse to allow entry, or suspend admission, to any local government property to any person whom the authorised person reasonably suspects has behaved in a manner contrary to the provisions of this local law.

(2) A refusal or suspension under subclause (1) can be for any period of up to 12 months as determined by an authorised person.

(3) Subclause (1) does not apply to a venue where meetings of the Council or a Committee are held.

### 11.3 Direction to leave

An authorised person who reasonably suspects that a person has contravened a written law in respect of local government property or a public place, may direct the person to leave the local government property or public place.

### 11.4 Disposal of lost property

An article left on local government property or a thoroughfare that is not claimed within a period of 3 months may be disposed of by the local government in any manner it thinks fit.

*Division 2 – Notices*

**11.5 Notice to reinstate or replace property or thoroughfare which is damaged**

If a person unlawfully damages local government property or a thoroughfare, the local government may, by notice in writing to the person, require the person within the time specified in the notice to, at the option of the local government, pay the costs of —

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

(b) replacing that property or part of the thoroughfare.

**11.7 Notice to repair damage to thoroughfare**

If a portion of a thoroughfare has been damaged, the local government may, by notice in writing to the person, within the time specified in the notice, require the person to repair or replace that portion of the thoroughfare.

**11.8 Notice to remove thing placed on thoroughfare**

If any thing is placed on a thoroughfare contrary to this local law, the local government may give a notice in writing to —

(a) the owner or the occupier of the lot which abuts that portion of the thoroughfare where the thing has been placed; or

(b) such other person who may be responsible for the thing being so placed,

requiring the relevant person, within the time specified in the notice, to remove the thing.

**11.9 Local government undertaking work required by a notice**

(1) This clause applies in respect of notice given under this Division or ~~sub~~clause 5.3~~5~~6(2) of this local law.

(2) If a person fails to comply with a notice referred to in subclause (1), the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

*Division 3 – Offences*

**11.10 Offences and general penalty**

(1) A person who —

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with a notice or direction issued or given to the person under this local law; or

(c) 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 $10,000; 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.

*Division 4 – Prescribed offences*

**11.11 Prescribed offences and modified penalties**

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

(2) In accordance with section 9.16 of the 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 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 Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.

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

(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.

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

**11.12 Form of infringement notices**

For the purposes of this local law —

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

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

———

## Schedule 1 - Prescribed offences

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| 1. | 2.4 | Failure to comply with a determination | $250 | $500 |
| 2. | 3.1 | Behaving in a way that interferes with others | $250 | $500 |
| 3. | 3.2 | Behaving in a way that is detrimental to local government property | $500 | $750 |
| 4. | 3.3 | Taking or injuring fauna on local government property | $250 | $500 |
| 5. | 3.4 | Removing or damaging flora on local government property | $250 | $500 |
| 6. | 3.5 | Unauthorised entry during function on local government property | $250 | $500 |
| 7. | 3.6 | Unauthorised entry to fenced or closed local government property | $250 | $500 |
| 8. | 4.1 | Failure to obtain a permit | $250 | $500 |
| 9. | 4.2 | Unauthorised use of umbrella or temporary shade structure on local government property | $250 | $500 |
| 10. | 4.3 | Consuming food or drink in prohibited area | $250 | $500 |
| 11. | 4.4(2) | Failure to comply with a sign specifying condition of use | $250 | $500 |
| 12. | 5.2 | Unlawful bathing in waterway | $250 | $500 |
| 13. | 5.3 | Unlawful fishing in waterway | $250 | $500 |
| 14. | 5.4 | Cleaning of vessel below waterline | $250 | $500 |
| 15. | 5.5 | Bringing vessel with tributyltin into waterway or mooring envelope | $500 | $750 |
| 16. | 5.6 | Unlawful storage of fuel | $250 | $500 |
| 17. | 5.7(13) | Failure to maintain waterway edge wall | $500 | $750 |
| 18. | 5.7(24) | Failure to maintain depression | $250 | $500 |
| 19. | 5.9 | Failure to use and maintain mooring lines sufficient for vessel | $250 | $500 |
| 20. | 5.10 | Failure to comply with written direction to replace mooring lines | $250 | $500 |
| 21. | 5.11 | Mooring a vessel so as to cause an obstruction | $500 | $750 |
| 22. | 5.15(a) | Contravening a direction on a sign | $250 | $500 |
| 23. | 5.15(b) | Entering temporarily closed area | $250 | $500 |
| 24. | 5.15(c) | Failure to comply with a direction | $250 | $500 |
| 25. | 5.15(d) | Unlawful interference with life saving equipment | $250 | $500 |
| 26. | 5.17(5) | Providing false or misleading statement in connection with approval application | $250 | $500 |
| 27. | 5.19(2) | Failure to comply with direction | $250 | $500 |
| ~~26.~~28 | 5.2019 | Unlawful landing, entering or use of jetty | $250 | $500 |
| ~~27.~~ | ~~5.20(2)~~ | ~~Failure to comply with direction~~ | ~~$250~~ | ~~$500~~ |
| ~~28.~~29 | 5.21 | Improper mooring to public jetty | $250 | $500 |
| ~~29.~~30 | 5.22 | Unlawful mooring to public jetty | $250 | $500 |
| ~~30.~~31 | 5.23 | Mooring of oversized vessel to public jetty | $250 | $500 |
| ~~31.~~32 | 5.24 | Failure to remove moored vessel from public jetty on direction of authorised person | $250 | $500 |
| ~~32.~~33 | 5.25 | Launching of vessel without approval | $250 | $500 |
| ~~33.~~34 | 5.26 | Unlawful loading or discharging of cargo | $250 | $500 |
| ~~34.~~35 | 5.27 | Unlawful storing of cargo on public jetty | $250 | $500 |

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| ~~35.~~36 | 5.28 | Failure to remove cargo from public jetty | $250 | $500 |
| ~~36.~~37 | 5.29 | Failure to remove cargo on direction of authorised person | $250 | $500 |
| ~~37.~~38 | 5.30 | Depositing bulk cargo on a public jetty without consent | $250 | $500 |
| ~~38.~~39 | 5.31 | Unlawful fishing from jetty | $250 | $500 |
| ~~39.~~40 | 5.32 | Failure to maintain private jetty | $500 | $750 |
| ~~40.~~41 | 5.33 | Unlawful mooring or dry docking between jetty and waterway edge wall | $500 | $750 |
| 42. | 5.34 | Mooring a vessel in a waterway lot other than wholly within a mooring envelope | $250 | $500 |
| ~~41.~~43 | 6.1(a)(i) | Planting in a thoroughfare a plant that causes a hazard | $250 | $500 |
| ~~42.~~44 | 6.1(a)(ii) | Planting in a thoroughfare a plant that obstructs a line of sight | $250 | $500 |
| ~~43.~~45 | 6.1(b) | Unlawful damage or interference with a lawn or garden on a thoroughfare | $250 | $500 |
| ~~44.~~46 | 6.1(c) | Unlawful damage, removal, poisoning or other interference with tree on throughfare | $250 | $500 |
| ~~45.~~47 | 6.1(d) | Obstructing or causing a hazard on a thoroughfare | $250 | $500 |
| ~~46.~~48 | 6.1(e) | Unlawful damage, removal or other interference with a thoroughfare | $250 | $500 |
| ~~47.~~49 | 6.1(f) | Creating a nuisance on a thoroughfare | $250 | $500 |
| ~~48.~~50 | 6.2(1) | Failure to obtain a permit | $250 | $500 |
| ~~49.~~51 | 6.4(1) | Installation of verge treatment other than permissible verge treatment | $250 | $500 |
| ~~50.~~52 | 6.5 | Failure to comply with obligations in respect of permissible verge treatment | $250 | $500 |
| ~~51.~~53 | 6.8(1) | Failure to obtain permit for temporary crossing | $250 | $500 |
| ~~52.~~54 | 6.8(~~32~~) | Failure to maintain temporary crossing | $250 | $500 |
| ~~53.~~55 | 6.9(1) | Failure to remove redundant crossing and reinstate area | $250 | $500 |
| ~~54.~~56 | 6.11(1) | Failure to display and maintain street number | $250 | $500 |
| ~~55.~~57 | 6.12(1) | Driving or taking a vehicle on a closed thoroughfare | $250 | $500 |
| ~~56.~~58 | 6.15 | Failure to comply with notice to rectify breach | $250 | $500 |
| ~~57.~~59 | 7.1(1) | Leaving an animal in a public place so as to cause an obstruction | $250 | $500 |
| ~~58.~~60 | 7.2(2)(a) | Allowing animal on public place when not led, ridden or driven | $250 | $500 |
| ~~59.~~61 | 7.2(2)(b) | Allowing animal with contagious or infectious disease to be led, ridden or driven in public place | $250 | $500 |
| ~~60.~~62 | 7.2(2)(c) | Training or racing animal in a public place | $250 | $500 |
| ~~61.~~63 | 7.2(3) | Unlawful leading, driving or riding of horse on a thoroughfare | $250 | $500 |
| ~~62.~~64 | 7.3(1) | Unlawful establishment of alfresco dining area | $500 | $750 |
| ~~63.~~65 | 7.3(2) | Operating an alfresco dining area otherwise than in accordance with requirements | $500 | $750 |
| ~~64.~~66 | 7.4(b) | Failure to take reasonable steps to prevent the smoking of tobacco products or e-cigarettes in alfresco dining area | $250 | $500i |

| Item no. | Clause no. | Description | Modified penalty | Modified penalty – subsequent offence |
|---|---|---|---|---|
| ~~65.~~67 | 7.5(2) | Failure to comply with a direction | $250 | $500 |
| ~~66.~~68 | 7.6 | Failure to mark name on shopping trolley | $250 | $500 |
| ~~67.~~69 | 7.7 | Leaving a shopping trolley in an unauthorised area | $250 | $500 |
| ~~68.~~70 | 7.8(2) | Failure to remove a shopping trolley within 24 hours | $500 | $750 |
| ~~69.~~71 | 8.2 | Erecting or placing sign contrary to requirements | $250 | $500 |
| ~~70.~~72 | 8.3(a) | Erecting or placing a~~n~~ sign on a thoroughfare without a permit | $250 | $500 |
| ~~71.~~73 | 8.3(b) | Posting, placing or affixing an advertisement on a thoroughfare without a permit | $250 | $500 |
| ~~72.~~74 | 8.6 | Failure to comply with conditions to erect sign without a permit | $250 | $500 |
| ~~73.~~75 | 8.7 | Failure to mark name on sign | $250 | $500 |
| ~~74.~~76 | 9.1(5) | Providing false or misleading statement in connection with permit application | $250 | $500 |
| ~~75.~~77 | 9.10 | Failure to comply with permit conditions | $250 | $500 |
| ~~76.~~78 | 9.20 | Failure to comply with responsibilities of permit holder | $250 | $500 |
| ~~77.~~79 | 11.1(a) | Failure to comply with a direction | $250 | $500 |
| ~~78.~~80 | 11.1(b) | Obstruction of authorised person | $250 | $500 |
| ~~79.~~81 | 11.3 | Failure to comply with direction to leave | $250 | $500 |
| ~~80.~~82 | | Each other offence not specified | $250 | $500 |

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## Schedule 2 - Determinations

[Clause 2.1]

The following determinations are to be taken to have been made by the local government under clause 2.1.

### Part 1 – Preliminary

**1.1 Definition**

In these determinations —

***local law*** means the *City of Cockburn Public Places Local Law 2025* made by the local government.

**1.2 Interpretation**

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given in this local law.

### Part 2 – Activities that may be pursued on specified local government property

**2.1 Horse exercise area**

Horses may be led, ridden or exercised on Reserve 24787, known as CY O'Connor Reserve, from 4:00am to 8:00am any day of the week.

**2.2 Children's playgrounds**

(1) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.

(2) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.

(3) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

### Part 3 – Activities prohibited on specified local government property

**3.1 Animals**

Unless authorised by a written law, or by a permit or determination, a person must not tether an animal to a tree, shrub, tree guard, wall or fence or permit an animal to enter on local government property.

**3.2 Vehicles**

(1) Unless authorised by a permit or determination, a person must not take a vehicle, or cause a vehicle to be taken, onto or driven on local government property unless —

(a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;

(b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in —

(i) providing a service or making a delivery in connection with the local government property; or

(ii) maintaining the local government property;

(c) the person is driving an emergency vehicle in the course of the person's duties; or

(e) the vehicle is a motorised wheelchair, and the driver of the vehicle is a disabled person.

(2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.

(3) Other than in accordance with paragraphs (b), (c) or (e) of subclause (1), a person must not drive a vehicle on local government property that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

**3.3 Motorised model aeroplanes, vessels or drones**

A person must not use, launch or fly a motorised model aeroplane, helicopter, toy, ship, glider, rocket or drone that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except in accordance with a permit or determination that specifies that particular local government property.

**3.4 Launching and retrieval of vessels**

A person must not take a vessel onto, launch a vessel from, or retrieve a vessel on, local government property except in accordance with a permit or determination that specifies that particular local government property unless —

(a) the person is —

(i) a local government employee or authorised person; or

(ii) a contractor engaged by the local government and who is engaged in —

(A) providing a service or making a delivery in connection with the local government property; or

(B) maintaining the local government property;

(b) the person is in charge of a vessel engaged in rescue services or dealing with an emergency; or

(c) the local government property is a vessel ramp that is delineated by a sign to that effect.

**3.5 Golf**

A person must not play or practise golf on local government property except on a reserve set aside by the local government as a golf course.

**3.6 Archery, pistol or rifle shooting**

A person must not play or practise archery or pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise permitted by a permit or determination.

**3.7 Other projectiles**

A person must not use on, or take on to, local government property, a spear gun, hand spear, gidgie or similar device unless permitted by a permit or determination.

**3.8 Bicycles and wheeled recreational devices etc.**

A person must not, on local government property, use or ride a bicycle or wheeled recreational device, ~~skateboard,~~ or sand board —

(a) inside, or on the curtilage to, a building;

(b) on a golf course, except to the extent permitted by a permit or determination;

(c) in or on a lakebed or waterway; or

(d) on a public jetty.

**3.9 Smoking**

(1) In this clause —

***premises*** means a building, stadium or similar structure but not an open space such as a park or playing field.

(2) Unless authorised by a written law, a person must not —

(a) smoke ~~a tobacco product or e-cigarette~~ in, or within 5m of, an entrance, exit or aperture to premises on local government property; or

(b) smoke ~~a tobacco product or e-cigarette~~ within 10m of an air intake for air conditioning equipment that is in or on premises on local government property.

**3.10 Sand dunes**

A person must not traverse sand dunes except along a pathway designated by a sign or fence for the purpose.

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Dated this of 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

**Online and hard copy submissions**

| # | Date received | Name | Are you aware of the current local laws regarding public places in the City? | After viewing the proposed Public Places Local Law 2026, what is your level of support? | Please list which Part or Clause your feedback is related to | What is your feedback? | If suggesting changes to the local law, please specify how these changes will impact the operation of the local law, or be beneficial for the wider community? | Officer response |
|---|---|---|---|---|---|---|---|---|
| 1 | 12 Jan | Withheld by request | Unsure | Support with concerns | BUSH RESERVES: when are the ex-ROE8 rehabilitation areas, that CockBurn spends time & money on attempting to protect & encourage Native Speices, going to be ratified?<br>AND, due to the vandalism, will BBQs be PAID to recover costs? | BUSH RESERVES: ex-ROE8 rehabilitation areas, especially as CockBurn spends time & money in these Reserves...when will they be ratified as National Parks to preserve Native speices of Flora & Fauna?<br>BBQs free or paid in Len Packham. Enright Reserve & Jarvis Park to recover vandalism fees.??<br>Thank you for the Toilet facilities & the Cockitrough at McFaull park. | | Feedback noted.<br><br>The status of the Roe 8 rehabilitation reserves is outside the scope of this engagement, which is on the proposed Public Places Local Law. |
| 2 | 12 Jan | Nick Favazzo | Yes | Support with concerns | 7.2 Prohibitions relating to animals. | Cats should not be exempt.<br>Additionally, clause does not align to the | Cats cause mess, nuisance and smells, just as other animals do, whilst also impacting | Feedback noted.<br><br>Unfortunately, the City does not have |

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| | | | | | | use of parks etc where dogs are allowed off-leash. | wildlife and fighting. I have to actively avoid areas with cats whilst walking my dog, so why are cats treated any differently to dogs? | the power under the Cat Act 2011 to require cats to be on leashes in public places. This is in contrast to the Dog Act 1976, which gives the City this power.<br><br>The State Parliament has introduced a Bill that would amend the Cat Act 2011, enabling the City to make local laws that restrict cats to their owners' properties, prohibit cats from public areas, or establish cat curfews. The City is monitoring the Bill's progress and, if it passes, will consider whether to introduce cat-containment requirements in the future. |
| 3 | 15 Jan | Leigh Chatt | Yes | Support with concerns | My feedback relates to Part 2: Determinations, Part 3 – Behaviour on Local Government Property, and Part 4: Activities.<br>It also relates to Part 7: Activities in Public Places, including controls on animals, | The proposed local law provides a clearer, more modern framework for managing behaviour and activities in public places compared to the fragmented provisions in the older consolidated local | Providing clearer public-facing guidance or examples alongside the law (particularly around determinations, permitted activities, and when permits are required) would improve understanding and compliance. | Feedback noted.<br><br>The City will give further consideration to the development of guidance notes as part of the implementation of the local law. |

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| | | | | | alfresco dining, and use of public areas. Further feedback relates to Parts 9–11, covering permits, enforcement, and offences. | laws. Consolidating multiple topics into a single, stand-alone Public Places Local Law improves clarity, consistency, and enforceability. Overall, the balance between public safety, amenity, and reasonable use of public spaces appears appropriate and aligned with community expectations. | This would reduce confusion for residents, event organisers, and businesses, leading to fewer unintentional breaches and disputes. Improved clarity would support more consistent enforcement by the City and strengthen community confidence in how public spaces are managed. | |
| 4 | 15 Jan | Withheld by request | Yes | Support with concerns | | Strict "Permit" Culture: By requiring permits for activities like "promotional activity" or even "temporary shade structures" (umbrellas) in certain areas, the law is overly bureaucratic for minor public interactions.<br><br>Vague "Unsightly" and "Hazard" Rules: The City can order the removal of a "garden hazard" on a verge. Without specific definitions, this will lead to disputes over what constitutes an "aesthetic" hazard | | Feedback noted.<br><br>Permits are required to help protect community safety, amenity, and to make sure public places stay accessible for everyone.<br><br>Activities like promotional setups can become a nuisance or create obstructions, and temporary shade structures can create safety risks if they aren't properly secured. The permit process helps manage these |

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| | | | | | | versus a functional one. | | impacts so public places stay safe, enjoyable, and usable for all.<br><br>It is challenging to define terms like “unsightly” or “hazard” in a fixed, technical way because their impact depends heavily on the specific context. A rigid definition could never capture every real-world situation and would limit the City’s ability to address genuine safety issues simply because they fall outside narrow technical wording. |
| 5 | 29 Jan | Name withheld by request | Yes | Object | Too many changes on one.<br>Cats still allowed in public spaces, why? | | | Feedback noted.<br><br>The proposed Public Places Local law is a significant update on the City’s current Consolidated Local Laws, which was introduced in 2000. Due to the age of the local law, many changes were needed to bring it up to a modern standard. |

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| | | | | | | | | Unfortunately, the City does not have the power under the Cat Act 2011 to introduce blanket bans on cats in public places. |
| 6 | 02 Feb | Anton von Wielligh | Yes | Support with concerns | Fishing on public jetties | The public should be limited to not cast their fishing lines or nets toward private properties in close proximity to a public jetty where fishing is allowed. It is actually preposterous to allow public fishing of a jetty directly abutting the private properties in a dedicated residential waterway like the case in Chelydra Point, North Coogee. We as property owners with moored vessels are getting or vessels damaged because of fishing allowed from this jetty. It should be restricted to a public access jetty only with no fishing and certainly no swimming. The city of Cockburn have let the residents of Chelydra Point down by not considering the several safety | There are more than enough public fishing spots in and around the coastal waters of Cockburn WA. Please remove the rights for the public to fish in residential waterways or jetties close to or right next to private properties as it is completely unnecessary to have this nuisance and have owners paying enormous taxes and levies to live and have developed in these areas. A great example is the residents of Chelydra Point whom not one is happy with the current jetty and what is allowed to transpire on this jetty. | Feedback noted.<br><br>The Port Coogee Accessible Fishing Jetty is a purpose-built, accessible public fishing facility. It was installed before most homes along the Port Coogee waterways were developed and has always been the designated location for public fishing within the marina.<br><br>The Local Structure Plan for Port Coogee specifically anticipated a public fishing jetty in this area, and public spaces are intended to be accessible to the wider community.<br><br>To support safe and considerate use of the jetty, the City will give consideration to installing additional |

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| | | | | | | complaints raised over this particular jetty. | | signage encouraging users to be mindful of nearby properties when fishing from the jetty. |
| 7 | 06 Feb | Bradley Zarins | Yes | Support | | Changes that make it less restrictive for businesses with alfresco dining and communities to do verge improvements or similar activities are highly beneficial. | | Feedback noted. |
| 8 | Feb 09 | Name withheld by request | Unsure | Object | | | | Feedback noted. |
| 9 | Feb 19 | Name withheld by request | No | Support with concerns | There should be more incentive to plant community gardens (herbs,natives) etc on verges.<br><br>Make the supermarkets get trolley wheel locks on their trolleys so they cant leave the centre or you know help them fine the theives/junkies that take them in the first place.<br><br>Unless is safety related there shouldn't be any signage | See above | | Feedback noted.<br><br>A local law primary deals with what is not permitted, rather than what is permitted. The City will however give further consideration on how it could promote more community gardens on verges.<br><br>The City does not have the power to require supermarkets to install trolley wheel locks on trolleys. The City is hopeful the increased penalty for |

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| | | | | | | | | supermarkets not collecting trolleys left in public places will be a an adequate motivator to encourage supermarkets to be more responsive to collecting abandoned trolleys. Non-government entities do not have the legal power to issue infringements, and the city does not have the power to change this.<br><br>Temporary signage on thoroughfares is important to our community, as it allows community groups, sporting groups and other persons to temporarily promote something. It would also likely be an unreasonable exercise of power if the City were to introduce a blanket ban on signage in public places. |
| 10 | 26 Feb | Name withheld by request | Yes | Support with concerns | As a father raising two young daughters in Cockburn, I want public places rules that keep | As a husband and father raising two young daughters in Cockburn, I want | As a father raising two young daughters in Cockburn, I want public places rules that keep our | Feedback noted.<br><br>As required under the proposed Public |

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| | | | | | our parks, reserves, beaches, jetties, verges and council buildings safe, clean and enjoyable for families, while removing unnecessary bans and red tape so people can use these spaces freely and responsibly.<br>My feedback relates primarily to the following Parts/Clauses in the proposed Public Places Local Law 2026 (based on the table of contents and key changes in the fact sheet):<br><br>Part 1 - Preliminary (Clauses 1.1–1.9): Support the updated title, commencement, application, interpretation (including 'on' meaning), transitional provisions, assistance animals, and overriding hire/agreement powers. Clearer definitions make the law easier for families to understand.<br>Part 2 - Determinations in respect of local government property | public places rules that keep our parks, reserves, beaches, jetties, verges and council facilities safe, clean and welcoming for families, without outdated bans, unnecessary red tape or heavy-handed restrictions on everyday enjoyment.<br>Here is my detailed feedback on each point I listed:<br>Part 1 - Preliminary (Clauses 1.1–1.9) Strong support. The clear title, commencement, application throughout the district, updated interpretation (including the helpful “on” definition), transitional provisions, assistance animals exemption, and overriding power for the CEO to hire/agree are all sensible and modern. This makes the law easier for families to understand and apply in real life.<br>Part 2 - Determinations in respect of local government property | parks, reserves, beaches, jetties and verges safe, clean and truly accessible for families, without outdated bans or unnecessary red tape that limits everyday enjoyment.<br>The proposed Public Places Local Law 2026 is a strong, positive step forward. It removes a lot of heavy-handed, redundant prohibitions (e.g., public decency, liquor/drugs, begging, camping, impounding bathing appliances, now handled by state laws or police) and replaces rigid rules with flexible Council determinations. Verge gardens and compliant alfresco dining without approval are excellent family/community wins, and simplified advertising signs reduce bureaucracy for local businesses and events.<br>Here are my specific suggested changes (building on the parts/clauses I referenced earlier), with how they'd impact operation and benefit the wider community: | Places Local Law, the City will give local public notice of its intention to make a determination, as well as when Council does make a determination.<br><br>While the City’s compliance and enforcement approach is outside the scope of this engagement, the City does use a graduated approach to compliance, starting with education and warnings and escalating only where necessary to infringements or prosecution. This ensures any action taken is fair and proportionate to the issue. Your comments however will be passed onto the relevant team for their information. |

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| | | | | | (Clauses 2.1–2.9): Support the new broader determination power for Council to permit/prohibit activities flexibly on council property (2.1–2.2 procedure, 2.3 signs, 2.4 compliance, 2.5 register, 2.6 amendment/revocation, 2.7 permitted activities, 2.8 prohibited activities, 2.9 transitional signs). This is smarter than rigid blanket rules and allows tailored decisions (e.g., events, seasonal uses).<br>Concern: Ensure determinations involve public input/notice where significant and are used sparingly to avoid surprise restrictions.<br>Part 3 - Behaviour on local government property (Clauses 3.1–3.6): Strong support for behaviour rules like no interference with others (3.1), no damage to property (3.2), no taking/injuring fauna (3.3), no removing/damaging flora (3.4), no unauthorised entry to | (Clauses 2.1–2.9) Very strong support. The new broader determination power (2.1) allowing Council to flexibly permit or prohibit specific activities on council property — instead of blanket rules — is a smart, modern approach. The clear procedure (2.2 public notice, submissions, register in 2.5, amendment/revocation in 2.6, permitted/prohibited lists in 2.7–2.8, and transitional signs in 2.9) adds transparency. This replaces many old rigid bans with practical, location-specific decisions (e.g., events, seasonal uses).<br>Concern: To keep it fair, any significant new determination should include proper public notice and a short consultation period so families aren't surprised by sudden restrictions on popular parks or beaches. | Part 2 - Determinations (Clauses 2.1–2.9, especially procedure in 2.2, register in 2.5, and public notice requirements): Strengthen the determination-making process by requiring mandatory public consultation (e.g., 14–28 day notice period + online submission option) for any new or significant change to permitted/prohibited activities on council property, and publish reasons/decisions transparently on the City's website.<br>Impact on operation / Benefit to community: Adds a small upfront step for Council but prevents surprise restrictions that frustrate residents (e.g., sudden bans on popular park activities). It increases transparency and trust, reduces complaints/disputes after the fact, encourages higher community buy-in, and ensures determinations reflect family needs, making the flexible power more accountable and effective long-term without slowing | |

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| | | | | | functions (3.5), no entry to fenced/closed areas (3.6). These protect amenity and safety without overreach.<br>Part 4 - Activities on local government property (Clause 4.1 and subsequent activities requiring permit): Support the permit-required activities framework — it replaces many old bans with flexible permitting. Positive removals of redundant prohibitions (public decency, glass/litter — covered by Litter Act; liquor/drugs — state law/police; begging — decriminalised; camping — Caravan Act; impounding bathing appliances — potential infringement). This declutters the law significantly. | Part 3 - Behaviour on local government property (Clauses 3.1–3.6)<br>Strong support. The general rules against behaviour that interferes with others (3.1), damage to property (3.2), taking/injuring fauna (3.3), removing/damaging flora (3.4), unauthorised entry to functions (3.5), and entry to fenced/closed areas (3.6) are clear, reasonable and focused on protecting amenity and safety for everyone — especially kids using these spaces.<br>Part 4 - Activities on local government property (Clause 4.1 and activities requiring a permit)<br>Excellent support. Moving to a "permit-required only where necessary" framework is a big improvement. The major removals of outdated prohibitions (public decency, glass/litter — already covered by Litter Act; | routine decisions.<br>Part 3 - Behaviour (Clauses 3.1–3.6): Add explicit guidance that enforcement starts with education/warnings/verbal reminders for minor/first-time breaches (e.g., interfering behaviour from kids playing, accidental flora damage) before formal notices or fines.<br>Impact on operation / Benefit to community: Shifts resources from punishing low-level issues to prevention, reduces unnecessary infringement notices/appeals, and builds positive relations between families and rangers. This achieves better compliance through understanding (especially for children/families), lowers administrative costs, and keeps public spaces welcoming rather than overly policed, ultimately safer and more enjoyable for everyone.<br>General enforcement / penalties across the law (including any modified penalties in schedules): Prioritise graduated enforcement (warning → notice → penalty) for most behaviour/property | |

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| | | | | | | liquor/drugs — state law/police; begging — decriminalised; camping — Caravan Act; impounding bathing appliances) are very welcome and reduce unnecessary government interference. This makes public spaces more usable for families.<br>Overall, the proposed Public Places Local Law 2026 is one of the best updates in this review, it removes a huge amount of outdated red tape, simplifies rules, and shifts from blanket bans to flexible, practical determinations. These changes will make parks, beaches and verges more family-friendly and enjoyable while still protecting safety and assets. With the small safeguards noted above (public input on determinations and graduated enforcement), it would be even stronger. Thank you for the | issues, reserving higher fines for serious/repeat damage or deliberate harm.<br>Impact on operation / Benefit to community: Makes enforcement proportionate and fair, reducing the volume of formal actions against casual family use (e.g., a picnic going slightly over time). It lowers costs from disputes, fosters cooperation, and improves public perception of the City as reasonable rather than punitive, leading to cleaner, better-used public spaces with less conflict.<br><br>These refinements keep the law's excellent deregulatory core (massive removal of redundant rules, flexible determinations, no-approval verge gardens/alfresco) but make it even more family-friendly and trusted. The law would operate more efficiently (fewer escalations, better voluntary compliance), cost less to administer, minimise frustration for | |

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| | | | | | | opportunity to comment, this direction is genuinely appreciated by families like mine. | residents, and strengthen community ownership of public spaces, ensuring Cockburn's parks and reserves remain safe, vibrant places for families to thrive without unnecessary government hurdles.<br>Thank you for considering these suggestions, the overall reduction in red tape here is a real win for everyday families. | |

**Email and letter submissions**

| # | Date received | Name | Feedback | Officer response |
|---|---|---|---|---|
| 1 | 5 March | Cancer Council WA | See Appendix A. | Feedback noted.<br><br>The proposed Public Places Local Law as drafted does allow the Council to make a determination to prohibit smoking and e-cigarette use on local government property. This is evident in the current draft determination contained in Schedule 2.<br><br>The City has added in a definition of 'smoke' and 'smoking' to make it clearer that the determination power for smoking includes the use of e-cigarettes.<br><br>The proposed Public Places Local Law is not drafted to allow Council to prohibit smoking on thoroughfares. This is consistent with State smoking legislation which does not prohibit such activity. Any such change should be the subject of community consultation prior to any changes being made to the local law, to ensure there is broader support for such a concept. |
| 2 | 6 March | Woolworths Group | See Appendix B. | Feedback noted.<br><br>The City has given further consideration to this clause and has removed the word "verbally" so all notice must be given in writing. The City confirms that it does use Trolley Tracker to report abandoned trolleys. |
| 3 | 6 March | REDACTED | See Appendix C. | Feedback noted. |

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| | | | | Dog exercise areas (i.e., places where dogs are allowed off-lead) are regulated by the Dog Act 1976. Any review of these areas is outside the scope of this engagement, which is on the proposed Public Places Local Law.<br><br>City officers are active in addressing illegal camping within the City. If you would like more information on how we manage illegal camping, we encourage you to contact us directly so we can discuss our approach and your concerns with you. |

**Appendix A**

Cancer Council WA

5 March 2026

City of Cockburn
Whadjuk Boodja
9 Coleville Crescent
SPEARWOOD WA 6163

***By email: comment@cockburn.wa.gov.au***

Dear Community Engagement Team

**Submission – Proposed Public Places Local Law 2026**

We refer to the above matter.

As the peak non-government cancer control organisation in Western Australia, Cancer Council Western Australia (Inc) (**Cancer Council WA**) advises government and other bodies on practices and policies to help prevent, detect and treat cancer and support people with cancer. We develop, promote and contribute to policy and initiatives to reduce the incidence and impact of cancer on the Western Australian community.

In the spirit of deepening relationships, Cancer Council WA acknowledges all the Traditional Custodians of Country throughout Western Australia and recognises their continuing connection to land, waters, sky, and community. We also pay our respect to their Elders and extend that respect to all Aboriginal peoples living and working in this area.

Cancer Council WA is pleased to be given the opportunity to contribute to the above consultation regarding the City of Cockburn's proposed Public Places Local Law 2026 (**the Local Law**). We became are of this consultation through your website. Our submission is directed at smoke-free (and vape-free) public places, and our comments are limited to this discrete aspect of the Local Law. We do not require our details remain confidential.

**Background**

Background – health impacts of tobacco products

The use of tobacco products, such as tobacco cigarettes, are universally known to cause and contribute to significant risks of disease and death. Tobacco use is a leading cause of preventable death and disease in Australia. In 2018, nearly 20,500 deaths (13% of all deaths) were attributed to tobacco use[i]. These risks are magnified when tobacco is smoked socially because of the serious harms associated with second-hand smoke[ii].

Background – health impacts of e-cigarettes

The use of an e-cigarette device mimics the use of conventional cigarettes, and has been increasing in the community, and is most common among young people[iii]. E-cigarette use involves breathing in an aerosol, usually containing nicotine (amongst other ingredients)[iv].

The most up-to-date comprehensive systematic review of the global evidence, undertaken by The Australian National University (ANU), found[v]:

- identified risks of e-cigarettes include addiction, intentional and

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@CancerCouncilWestAus

unintentional poisoning; acute nicotine toxicity, including seizures; burns and injuries; lung injury;

- less direct evidence indicates adverse effects of e-cigarettes on cardiovascular health markers, including blood pressure and heart rate, lung function and adolescent brain development and function; and
- there is strong evidence that non-smokers who use e-cigarettes are three times as likely to go on to smoke combustible tobacco cigarettes as non-users, supportive of a gateway effect.

Research from September 2024 has shown that teenagers aged 12-17 who had vaped are five times more likely to start smoking in the future than those who had not[vi].

E-cigarettes do have the potential to produce environmental pollutants in sufficient quantities to potentially harm health[vii].

There is substantial evidence that exposure to nicotine during adolescence may have long-term consequences for brain development, impacting learning, memory and attention, and increasing the risk for rapid and lasting addiction and future use of other drugs[viii].

Background - Smoke-free environments

Evidence shows that increasing smoke-free environments results in many benefits including protecting non-smokers from exposure to second-hand smoke, supporting current smokers to quit and reduce relapse, and reducing the perception that smoking is 'normal' that reduces uptake among young people[ix]. There is also strong community support for smoke-free environments. An overwhelming majority of WA adults (87 per cent) support creating more smoke-free places in WA[x]. The WA community supports extending the prohibition of smoking in public places to vaping, with 81 per cent of WA adults of the view that vaping should not be permitted in public places where smoking is banned[xi].

Policy context

Reducing tobacco use is a key strategic priority of the State and Federal Governments[xii]. An important strategy for reducing tobacco use is increasing smoke-free environments where tobacco smoking and e-cigarette use are prohibited. We understand that the City of Cockburn is currently working on a new public health plan which may also address smoking and vaping.

Example of the City of Vincent

The City of Vincent has introduced a Smoke-Free Town Centres Initiative which began as an action in its public health plan and is underpinned by the City of Vincent's Local Government Property Local Law 2021. The City of Vincent's Local Government Property Local Law 2021 has enabled the creation of smoke-free town centres in five different locations. Smoking and e-cigarette use is not permitted in those locations. The City of Vincent's comprehensive approach, which is outlined on their website, includes extensive consultation and strong focus on communication and community education.

**Current situation in relation to smoking in the Local Law**

In relation to the Local Law, we note the following:

- Clause 2.8(i) of the Local Law allows a determination to be made prohibiting "smoking in or on a building, stadium or similar structure that is local government property but not an open space such as a park or a playing field".

- A determination has been made to prohibits smoking a tobacco product or e-cigarette:
  - "in, or within 5m of, an entrance, exit or aperture to premises on local government property", and
  - "within 10m of an air intake for air conditioning equipment that is in or on premises on local government property" (see Schedule 2, clause 3.9).

- Clause 7.4 of the Local Law requires permit holders to take reasonable steps to prevent the smoking of tobacco products or e-cigarettes in the alfresco dining area.

While we acknowledge that state law does prohibit smoking in certain areas, our view is it is still useful, especially from an enforcement perspective, to include the ability to make areas smoke-free (and vape-free) in the Local Law. We consider the Local Law should also have the ability to create smoke-free (and vape-free) areas that go beyond what state legislation has created.

**Changes proposed to the Local Law**

We request that the Local Law be updated to closely align with the local law changes by the City of Vincent in respect of smoke-free areas. The changes by the City of Vincent provide a flexible and modern framework to enable the local government to create smoke-free areas. In brief, the City of Vincent Local Government Property Local Law 2021 provides (amongst other matters):

- an extended definition of "smoke and/or smoking" which includes using an e-cigarette (clause 1.6);
- a determination may be made prohibiting smoking on specified local government property (clause 2.8);
- a new division (Division 6) on smoke-free areas that allows Council to prohibit smoking by way of determination (prescribing a local government property or thoroughfare, or any part thereof, as a smoke-free area). Areas for which a smoke-free area may be prescribed under the new division are limited to an activity centre; public open space and thoroughfares with limitations (see clause 5.16). The procedure for making determinations and the considerations to take into account are provided for in clauses 5.19 and 5.20 respectively. There is also provision for smoke-free signage (see clause 5.21).

In particular, we recommend that City of Vincent's Local Government Property Local Law 2021 form the basis of a review of the Local Law in relation to smoke-free areas in the City of Cockburn. This is because the City of Vincent's Local Government Property Local Law 2021:

- addresses both smoking and e-cigarette use;
- has appropriate areas that could be designated a smoke-free (including activity centres, public open space and thoroughfares); and
- the framework provides for local government to make determinations of smoke-free areas, rather than having smoke-free areas prescribed by the Local Law itself. This enables greater flexibility into the future, minimising the need for future amendment to the Local Law. Cancer Council WA supports the City of Cockburn using community engagement to assist in defining where the smoke-free areas should apply.

In addition to the changes instituted by the City of Vincent, we recommend the following in relation to the Local Law:

- clause 2.8(i) be broadened to ensure it is broad enough to capture determinations in relation to e-cigarette use;

- a determination be made to prohibit smoking (and e-cigarette use) in local government property.

Cancer Council WA would be pleased to support the City of Cockburn smoke-free (including vape-free) initiatives and has a range of resources such as posters, stickers, brochures and cessation resources that may be useful in this regard. Further Cancer Council WA is also well placed to support the City of Cockburn to meet other priorities and objectives that may be included in a local government public health plan such as creating healthy food and drink environments. Please let us know if we can assist.

Thank you for your consideration of the matters raised. Please contact Rebekah Light, Legal Policy Advisor on Rebekah.Light@cancerwa.asn.au should you wish to discuss or if you would like further information.

Yours sincerely

Melissa Ledger
**Cancer Prevention & Research Director**
**Cancer Council WA**

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[xi] Lizama N, Kameron C & Light R. 2023. Attitudes towards smoking and tobacco control among Western Australian adults: A community survey, 2022. Perth, WA: Cancer Council Western Australia.

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Australia: Objectives and Policy Priorities for 2019-2024 and the WA Cancer Plan 2020-2025 all identify the priority to reduce tobacco use and provide high-level strategic direction to achieve this end.
Further, reducing tobacco use and expanding smoke-free environments are key priorities at the Commonwealth level as demonstrated by the National Tobacco Strategy 2022-2030 and Australia's commitment to the World Health Organization Framework Convention on Tobacco Control (FCTC). Legislative change at the Commonwealth level in the *Public Health (Tobacco and Other Products) Act 2023*; together with vaping regulatory reform at the Commonwealth level show the Commonwealth leading the way in tobacco and vaping control. It is noted that the WA Government is in the process of implementing complementary legislative reform regarding tobacco and e-cigarettes.

**From:** Harry Coates <hcoates@woolworths.com.au>
**Sent:** Friday, 6 March 2026 10:24 AM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Submission on Proposed Public Places Local Law 2026

**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

To whom it may concern,

Woolworths Group welcomes the opportunity to provide feedback on the proposed Public Places Local Law 2026. Our comments specifically relate to Part 7, Division 3 (Shopping Trolleys).

Woolworths is committed to managing abandoned trolleys effectively to maintain the amenity of the City of Cockburn. However, we have concerns regarding the proposed notification process outlined in Clause 7.8(1).

**Notification Channels and Operational Efficiency**

The proposed Clause 7.8(1) states that an authorised person may advise a retailer "verbally or in writing" of a trolley's location. We request that this clause be amended to require notification through a formal, designated channel delegated by the retailer (e.g., the Trolley Tracker platform via email, webform, call centre, or mobile app).

Providing notifications "verbally or in writing" (such as a note left at a store) presents significant practical challenges:

- **Information Integrity**: Verbal messages or informal notes risk being lost, misdirected, or failing to reach the relevant collection teams promptly.
- **Data Accuracy**: Efficient collection requires precise data, including GPS coordinates and brand identification. Formal platforms like Trolley Tracker ensure this data is captured and transmitted directly to our contractors.
- **Compliance Risks**: Since Clause 7.8(2) mandates a 24-hour removal window , an informal notification system makes it difficult for both the City and the retailer to track the exact time of notification in the event of a dispute or potential fine.

**Proposed Amendment**

We suggest amending the local law to reflect that the City will notify retailers via their nominated digital reporting system. This ensures that the "clock" for the 24-hour removal period starts only when a formal, actionable report is logged. It also removes ambiguity for retailers and Council ensuring trolleys are collected and there is no argument around whether notification was given or not. Ultimately, the community will benefit from this as it will result in faster collection of abandoned trolleys.

We believe this change will foster a more collaborative and effective relationship between the City and retailers, leading to faster trolley recovery and cleaner public spaces.

If you would like further information on any of the matters raised in this submission, please don't hesitate to get in touch.

Yours sincerely,

Harry

--
**Harry Coates**
Manager, Government Relations and Industry Affairs

M 0404 604 487
E hcoates@woolworths.com.au

1 Woolworths Way Bella Vista, NSW 2153

**In May this year I am taking part in the Woolies Wheels Tour de Cure.** Riding from Forster to Bella Vista in May, raising vital funds to find a cure for cancer. You can support these efforts by making a donation here.

Woolworths Group

We acknowledge the many Traditional Owners of the lands on which we operate, and pay our respects to their Elders past, present and emerging as the custodians of the oldest continuing cultures on the planet. Woolworths Group remains committed to actively contributing to Australia's reconciliation journey.

**Make 'Flexibility' work; if you get an email from me outside normal hours, it's because I'm sending it at a time convenient to me. Please don't feel obliged to read or reply until normal business hours.**

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## Appendix C

**Sent:** Friday, 6 March 2026 5:00 PM
**To:** Comment on Cockburn <commentoncockburn@cockburn.wa.gov.au>
**Subject:** Comment RE Local Laws

Keeping of Animals
Dogs at Power Station Beach North Coogee - Make it dog free again - not everyone likes dogs or likes swimming with them. This was the only dog free beach north of Port Coogee before South Freo. Now dogs are allowed and supposed to be on lead but everytime I go there which is frequently many dogs are off leash and it is not monitored. Locals should have some dog free beach to enjoy.

Public Places
Illegal camping and parking - council seem to be turning a blind eye to illegal camping in car parks and roads especially at John Graham reserve and Woodman Point. We have observed cars/vans setting up permanent camp and camping in the dunes. Rate payers are footing the bill for cleaning up after they use public facilities and dump rubbish. Why is this being allowed. It affects the enjoyment of the area for residents who pay high rates when these campers are living in a highly desirable area and getting off scot-free. Maintaining the area must be an expensive commitment for Cockburn. Allowing this illegal camping will no doubt lead to increased crime in the area. Penalties should apply and local laws should allow rangers to have more power to stop illegal camping. Council should consider introducing paid parking around the beach and Port Coogee with free permits for rate payers/residents. Whatever is happening at the moment is not stopping illegal camping.

Thank you

Department of Local Government, Industry Regulation and Safety
GOVERNMENT OF WESTERN AUSTRALIA

Our ref A105025872
Enquiries Statutory Approvals
Phone 6552 1530
Email legislation@lgirs.wa.gov.au

Julian Juhas
Courts and Legal Process Coordinator
City of Cockburn

Email: governance@cockburn.wa.gov.au

Dear Mr Juhas

**CITY OF COCKBURN – PROPOSED LOCAL LAWS**

Thank you for your email dated 15 January 2026 regarding the City's proposed local laws.

Copies of the draft local laws have been forwarded to the Statutory Approvals team at the Department of Local Government, Industry Regulation and Safety (LGIRS).

If there are any comments or concerns regarding the local laws, these comments will be provided by the close of the public submission period so that they can be taken into consideration alongside any other public submissions.

If you have any queries in the meantime, please contact the Statutory Approvals Team at 6552 1530 or by email to legislation@lgirs.wa.gov.au.

Yours sincerely

Lanie Chopping
**DIRECTOR GENERAL**
13 February 2026

Gordon Stephenson House, 140 William Street Perth WA 6000
Locked Bag 14 Cloisters Square Perth WA 6850
Telephone (08) 9222 3333
Email odg@lgirs.wa.gov.au
Web www.lgirs.wa.gov.au

Document Set ID: 12626432
Version: 1, Version Date: 24/02/2026

**From:** ELLIOTT, Steven
**To:** Governance
**Subject:** RE: City of Cockburn"s Proposed local laws
**Date:** Friday, 27 February 2026 4:07:20 PM
**Attachments:** image009.png
image010.png
image011.png
image012.png
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image016.png
image017.png
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Good afternoon,

This email is regarding the City's proposed local laws.

The Department did not have any significant comments to make regarding the drafts, however, some minor comments relating to each local law is provided below. In addition, the City should ensure that all references and cross references are comprehensively checked to ensure their accuracy – particularly if any additional changes are made to the final draft.

## Waste Amendment Local Law

### 1. Local law review

LGIRS does not normally review waste local laws, as it lacks the subject specific knowledge to advise on waste management issues.

Accordingly, the City should take careful consideration of any advice provided by DWER in relation to the document.

### 2. Copy of local law to be provided to DWER

This local law is made under the Waste Avoidance and Resource Recovery Act 2007 in addition to the Local Government Act 1995.

Accordingly, a copy of the local law will need to be provided to the Minister for Environment and DWER, presuming this has not already occurred.

## Parking Local Law

### 1. Amendments to Taxi legislation

The Department is aware that amendments have recently occurred toTaxi legislation to account for ride-share services.

The City should double check all references to Taxi legislation and ensure that these references still achieve the desired outcomes.

## Fencing Local Law

### 1. Reference to Australian Standards

The local law makes reference to Australian Standards. The Delegated Legislation Committee has typically opposed the use of standards as they may not necessarily be publicly available. However, the Committee has been willing to allow standards provided that:

(a) The full title of the Standard is used at least once, either in the applicable clause or in a suitable definition;

(b) The local law makes it clear whether the Standard should be complied with as of a certain version or otherwise "as amended from time to time" and

(c) The Shire's website should provide information as to where the public can access these standards.

### 2. Minor issues:

- It is suggested that each Schedule should have a bracket reference under the title referring to the applicable clause in the local law.

## Keeping of Animals Local Law

### 1. Penalty for excrement

As the local law is currently drafted, a person who seeks to dispute a modified penalty for clause 2.26 will potentially be liable for a $5000 penalty.

The City may wish to add an additional subclause in clause 2.26 specifying a lower unmodified penalty for that offence.

### 2. Cats causing nuisance

As the local law is currently written, Clause 3.2 implies that an authorised person may issue a fine in a situation where a cat is not causing a nuisance, provided that the authorised person is of the opinion that the cat is causing a nuisance.

The City may wish to delete the words "in the opinion of an authorised person" to avoid any confusion.

### 3. Minor issues

- Schedule 6 – After the title, include a bracket reference to the applicable clause.

## Public Places Local Law

### 1. Potential application outside of district

Several of the clauses in the City's local law refer to waterways and jetties.

As a general rule, the district of a local government is defined as ending at the edge of coastal water, meaning that local laws will not typically have any legal effect beyond that

point (and be void to the extent that it purports to do so).

If the City merely wishes to enforce the local law in river waterways and inland areas this is unlikely to be an issue.

However, if the City wishes to enforce the law in relation to coastal water and jetties located beyond the low-water mark, it will need to obtain the prior approval of the Governor to extend the local law's effect to these coastal waters. The City should contact the Department if it requires any further information in this regard.

2. **Clause 7.9 – reversing onus of proof**

The Parliament's Delegated Legislation Committee has expressed doubts that clauses such as clause 7.9 are legally enforceable, as they effectively reverse the onus of proof in relation to proving guilt of an offence.

The Committee has concluded that the clause is of limited burden and accordingly, have never sought the clause's removal. However, the City should keep in mind that there may be enforceability issues if the clause is ever challenged in court.

3. **Multiple modified penalties**

It is unusual for a local law to contain multiple modified penalties for first and subsequent offences.

There is no available commentary on the subject and it is uncertain how the Delegated Legislation Committee will react to the clause. The City should prepare for the possibility that the Committee may request only a single set of penalties.

**Health and Nuisances Local Law**

The Department did not have any observations or comments regarding this local law, though the City may wish to consult with the Department of Health to identify if any health-specific considerations need to be taken into account.

I hope these comments assist you. Please keep in mind that they are provided in good faith and are not intended to constitute legal advice.

Kind regards

Steven Elliott
Principal Strategy Officer
Department of Local Government, Industry Regulation and Safety
140 William Street, Perth WA 6000
Locked Bag 14, Cloisters Square, Peth WA 6850

## 8.2.7 (2026/MINUTE NO 0032) Proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026

| | |
|---|---|
| **Responsible Executive** | Chief Executive Officer |
| **Author(s)** | Courts and Legal Process Coordinator |
| **Attachments** | 1. City of Cockburn Bush Fire Brigades Amendment Local Law 2026<br>2. City of Cockburn Bush Fire Brigades Local Law 2025 (Consolidated - tracked changes) |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) PROPOSES to make the City of Cockburn Bush Fire Brigades Amendment Local Law 2026, as shown in Attachment 1, with the following purpose and effect:
   1. the purpose of the proposed local law is to amend the principal local law so as to replace subclauses (1) and (2) of clause 3.5.
   2. the effect of the proposed local law is that the principal local law is amended.

(2) AUTHORISES the CEO to commence the procedure under section 3.12 of the Local Government Act 1995 (the Act) to make the City of Cockburn Bush Fire Brigades Amendment Local Law 2026 by:
   1. giving local public notice and inviting public submissions in accordance with section 3.12(3)(a) of the Act;
   2. giving a copy of the local public notice and the City of Cockburn Bush Fire Brigades Amendment Local Law 2026 to the Departmental CEO of the Department of Local Government and to the Departmental CEO of the Department of Fire and Emergency Services, in accordance with section 3.12(3)(b) of the Act; and
   3. after the last day of submissions, preparing and presenting a report for Council to consider and determine whether to make the City of Cockburn Bush Fire Brigade Amendment Local Law 2026, in accordance with section 3.12(4) of the Act.

**CARRIED 5/0**

### Background

At the 8 July 2025 Ordinary Meeting of Council, Council adopted the Bush Fire Brigades Local Law 2025.

As part of the lawmaking process under section 3.12 of the Local Government Act 1995 (the Act), the City, once it gazetted the local law, provided a copy of the local law to the Joint Standing Committee for Delegated Legislation (JSCDL).

The JSCDL scrutinised the local law and expressed concern that clause 3.5 – relating to the appointment of Bush Fire Control Officers - contained ambiguous language and sought clarification from the City on how that clause operates.

The City provided clarification, and subsequently, the JSCDL wrote to the Mayor requesting Council give undertakings to address the ambiguity within 12 months. The JSCDL also proposed wording for the local law to address the ambiguity.

Council subsequently resolved at the 9 December 2025 Ordinary Meeting of Council to give the undertakings requested, and to amend the Bush Fire Brigades Local Law 2025 to remove the ambiguity.

Following notification by the clerk to the JSCDL on 24 February 2025 that the JSCDL has accepted Council's undertakings, this report presents to Council the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026, for the purposes of commencing the lawmaking process under section 3.12 of the Act.

**Submission**

N/A

**Report**

The proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026 amends subclauses 3.5 (1) and (2) of the City of Cockburn Bush Fire Brigades Local Law 2025 so they read:

**Appointment of Bush Fire Control Officers**

(1) The local government may appoint, having regard to the qualifications and experience which may be required to fill each position, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

(2) A decision to suspend or terminate a person's appointment to a position under clause 3.5(1) must be made in accordance with the principles of procedural fairness.

To commence the lawmaking process, Council needs to give notice of the purpose and effect of the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026 at a Council meeting, which will initiate a 6-week public comment process.

Following consultation, the City will consider any submissions received, and then present the submissions and final proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026 to Council for consideration and adoption.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget implications arising from the recommendations of this report. Costs will be incurred in the advertising of the public submission period, but these costs can be met under the existing budget.

**Legal Implications**

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation (JSCDL).

**Community Consultation**

In accordance with section 3.12(3)(a) of the Act, the City will invite submissions from the community on the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026, as drafted, for a period of at least 42 clear days. These submissions will be reported to Council at a future council meeting.

**Risk Management Implications**
There is a low level of risk associated with adopting the officer recommendations as presented to Council.

There will be a moderate to substantial level of risk if Council were not to proceed with making the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026, as this would be a breach of the undertakings given to the JSCDL and constitute contempt of Parliament.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) *Local Government Act 1995***

Nil

BUSH FIRES ACT 1954

LOCAL GOVERNMENT ACT 1995

# CITY OF COCKBURN

# BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2026

**BUSH FIRES ACT 1954**
**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Bush Fire Brigades Amendment Local Law 2026

Under the powers conferred on it by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Cockburn resolved on …… to make the following local law.

## Part 1 - Preliminary

**1. Short title**

This is the *City of Cockburn Bush Fire Brigades 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. Terms used**

In this local law –

***Bush Fire Brigades Local Law*** means the *City of Cockburn Bush Fire Brigades Local Law 2025*, published in the Government Gazette on 12 September 2025.

## Part 2 - Bush Fire Brigades Local Law amended

**4. Local law amended**

This Part amends the Bush Fire Brigades Local Law.

**5. Clause 3.5(1) replaced**

Delete clause 3.5(1) and insert:

(1) The local government may appoint, having regard to the qualifications and experience which may be required to fill each position, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

**6. Clause 3.5(2) replaced**

Delete clause 3.5(2) and insert:

(2) A decision to suspend or terminate a person's appointment to a position under clause 3.5(1) must be made in accordance with the principles of procedural fairness.

———

Dated: 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

# Bush Fire Brigades Local Law 2025

City of Cockburn

July 2025

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**BUSH FIRES ACT 1954**

**CITY OF COCKBURN**

**BUSH FIRE BRIGADES LOCAL LAW 2025**

Pursuant to the powers under the *Bush Fires Act 1954, Local Government Act 1995,* and all other powers enabling it, the Council of the City of Cockburn resolved on the 8 July 2025 to make the following local law.

## PART 1 - PRELIMINARY

### 1.1 Citation and application

This local law may be cited as the *City of Cockburn Bush Fire Brigades Local Law 2025* and shall apply to the whole of the district.

### 1.2 Commencement

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

### 1.3 Content and intent

The purpose and effect of this local law is to provide for the regulation, control and management of Bush Fire Brigades within the district.

### 1.4 Repeal

The Bush Fire Brigade Local Law 2000 adopted by Council on the 21 November 2000 and published in the *Government Gazette* on 2 February 2001 is repealed.

### 1.5 Interpretation

(1) In this local law, unless the context otherwise requires -

***Act*** means the *Bush Fires Act 1954;*

***brigade area*** is defined in clause 2.2(1)(b);

***brigade member*** means a fire fighting member, probationary member, auxiliary member or cadet member of a bush fire brigade;

***brigade officer*** means a person holding a position referred to in clause 2.2(1)(c), whether or not they were appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

***bush fire brigade*** is defined in section 7 of the Act;

***Bush Fire Operating Procedures*** means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

***Bush Fire Control Officer*** means a person appointed under section 38 of the Act;

***CEO*** means the chief executive officer of the local government;

***Council*** means the Council of the local government;

***Department*** means the Department of Fire and Emergency Services of Western Australia;

***district*** means the district of the local government;

***local government*** means the City of Cockburn;

***Regulations*** means Regulations made under the Act; and

***Rules*** means the Rules Governing the Operation of Bush Fire Brigades set out in the First Schedule of this local law.

(2) In this local law, unless the context otherwise requires, a reference to -
(a) a Captain;
(b) a First Lieutenant;
(c) a Second Lieutenant;
(d) any additional Lieutenants;
(e) an Equipment Officer;
(f) a Training Officer;
(g) a Secretary;
(h) a Treasurer; or
(i) a Secretary/Treasurer combined,

means a person holding that position in a bush fire brigade.

## PART 2 - ESTABLISHMENT OF BUSH FIRE BRIGADES

### Division 1 – Establishment of a bush fire brigade

**2.1 Establishment of a bush fire brigade**

(1) The Council may by resolution establish a bush fire brigade for the purpose of carrying out normal brigade activities.
(2) A bush fire brigade is established on the date of the decision of the Council under sub-clause (1).

**2.2 Name and officers of bush fire brigade**

(1) On establishing a bush fire brigade under clause 2.1(1) the local government is to –
  (a) name the bush fire brigade;
  (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the ***brigade area***); and
  (c) appoint -
    (i) a Captain;
    (ii) a First Lieutenant;
    (iii) a Second Lieutenant;
    (iv) additional Lieutenants if the local government considers it necessary;
    (v) an Equipment Officer;
    (vi) a Training Officer;
    (vii) a Secretary; and
    (viii) a Treasurer; or
    (ix) a Secretary/Treasurer combined.

(2) When considering the appointment of persons to the positions in sub-clause (1)(c), the local government is to have regard to the qualifications and experience, which may be required to fill each position.
(3) A person appointed to a position mentioned in sub-clause (1)(c) is to be taken to be a brigade member.
(4) The appointments referred to in sub-clause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
(5) If a position referred to in sub-clause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with sub-clause (2).

**Division 2 - Command at a fire**

**2.3 Ranks within the bush fire brigade**

(1) Where under the Act, this local law and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a Bush Fire Control Officer is in attendance at the fire, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by fire fighters.
(2) In the absence of the Captain, the First Lieutenant, and in the absence of the First Lieutenant, the Second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.
(3) Where a Bush Fire Control Officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act, this local law and the Bush Fire Operating Procedures, the most senior Bush Fire Control Officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by fire fighters.

### Division 3 - Application of Rules to a bush fire brigade

**2.4 Rules**

(1) The Rules govern the operation of a bush fire brigade.
(2) A bush fire brigade and each brigade member is to comply with this local law and the Rules.

### Division 4 - Transitional

**2.5 Existing bush fire brigades**

(1) Where the local government has established a bush fire brigade prior to the commencement date of this local law, then on and from the commencement day –
  (a) the bush fire brigade is to be taken to be a bush fire brigade established under and in accordance with this local law;
  (b) the provisions of this local law apply to the bush fire brigade save for clause 2.2; and
  (c) any rules governing the operation of the bush fire brigade are to be taken to have been repealed and substituted with the Rules.

(2) In this clause -
***commencement day*** means the day on which this local law comes into effect.

### Division 5 - Dissolution of a bush fire brigade

**2.6 Dissolution of a bush fire brigade**

In accordance with section 41(3) of the Act, the Council may by resolution cancel the registration of a bush fire brigade if the need arises due to the extension of the metropolitan fire district, or if it is of the opinion that the bush fire brigade is not complying with the Act, this local law or the Rules, or is not achieving the objectives for which it was established.

**2.7 New arrangement after dissolution**

If the local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

## PART 3 - ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES

### Division 1 - Local government responsibility

**3.1 Local government responsibility**

The local government is to ensure there is an appropriate structure through which the organisation of bush fire brigades is maintained.

## Division 2 - Chief Bush Fire Control Officer

### 3.2 Managerial role of the Chief Bush Fire Control Officer

Subject to any directions by the local government, the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

### 3.3 Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or their nominee (who is to be a Bush Fire Control Officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

### 3.4 Duties of the Chief Bush Fire Control Officer

The duties of the Chief Bush Fire Control Officer include -

(a) provide leadership to volunteer bush fire brigades;
(b) monitor bush fire brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the local government;
(c) liaise with the local government concerning fire prevention and fire suppression matters generally and directions to be issued by the local government to Bush Fire Control Officers (including those who issue permits to burn) bush fire brigades or brigade officers; and
(d) ensure that bush fire brigade members are registered with the local government and that lists of brigade members are maintained.

## Division 3 - Appointment of Bush Fire Control Officers

### 3.5 Appointment of Bush Fire Control Officers

(1) The local government may appoint, having regard to the qualifications and experience which may be required to fill each position, ~~and may suspend or terminate the appointment of,~~ persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

(2) A decision to suspend or terminate a person's appointment to a position under clause 3.5(1) must be made in accordance with the principles of procedural fairness ~~and the local government is to have regard to the qualifications and experience, which may be required to fill each position~~.

(3) A person's appointment to a position under clause 3.5(1) ends -
   (a) if the appointment is for a fixed term - on the expiry of that term;
   (b) if the person dies - on the date of their death;
   (c) if a person gives written notice of resignation – on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the CEO; or
   (d) if the appointment is terminated by the local government - on the date that written notice of the termination is given to the person -

whichever occurs first.

(4) Sub-clauses (1) and (2) does not prevent the local government from appointing additional Bush Fire Control Officers for the purposes of the Act.

### Division 4 - Annual general meetings of bush fire brigades

#### 3.6 Holding of annual general meeting

A bush fire brigade is to hold an annual general meeting during the month of July or August of each year.

## PART 4 - TYPES OF BUSH FIRE BRIGADE MEMBERSHIP

#### 4.1 Types of membership of bush fire brigades

The membership of a bush fire brigade consists of the following -

(a) Fire fighting member;
(b) Probationary member;
(c) Auxiliary member; and
(d) Cadet member.

#### 4.2 Fire fighting member

(1) Fire fighting members are those persons being at least 18 years of age who-

(a) complete the requirements of a probationary member;
(b) complete requisite training as stipulated by the local government; and
(c) undertake all normal bush fire brigade activities;

unless prior written approval is obtained from the local government by the prospective member.

#### 4.3 Probationary member

(1) Probationary members are those persons being at least 18 years of age who have yet to successfully complete the requisite training as stipulated by the local government.

(2) Probationary members -

(a) must fulfill no less than three months as a probationary member before being considered for fire fighting or auxiliary membership;
(b) must not perform any brigade duties except under the supervision of a fire fighting member of the brigade;
(c) are prohibited from attending any fires or driving any operational appliances; and
(d) may be periodically assessed as competent to perform other duties as their level of training and experience increases.

(3) At the conclusion of three months, or such longer period as is determined by the Brigade Management Team, the Captain may consider a probationary member for fire fighting or auxiliary membership.

### 4.4 Auxiliary member

(1) Auxiliary members are those persons over the age of 18 who are willing to render other assistance required by the bush fire brigade.
(2) Auxiliary members must have completed the requisite training as stipulated by the local government and completed the requirements of a probationary member.

### 4.5 Cadet member

(1) Cadet members are to be aged 15 to 18 years and to be admitted to membership only with the consent of their parent or guardian.
(2) Cadet members are to be admitted for the purpose of training and are not to attend or be in attendance at uncontrolled fires or other emergency incidents.
(3) Cadet members are to be supervised by a fire fighting member when undertaking normal brigade activities.
(4) Cadet members are not;
    (a) eligible to vote at bush fire brigade meetings;
    (b) to be elected as a brigade officer.

### 4.6 Notification of membership

No later than 30 September in each year, the bush fire brigade is to report to the Chief Bush Fire Control Officer the name, contact details and type of membership of each brigade member.

## PART 5 - APPOINTMENT DISMISSAL AND MANAGEMENT OF MEMBERS

### 5.1 Rules to govern

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules.

## PART 6 - EQUIPMENT OF BUSH FIRE BRIGADES

### 6.1 Equipment under brigade responsibility

No later than 30 September in each year, the bush fire brigade is to report to the local government the nature, quantity and quality of all protective clothing, equipment and appliances of the bush fire brigade which are generally available within the brigade area (or at a station of the bush fire brigade).

### 6.2 Funding from local government

A request to the local government from the bush fire brigade for funding of protective clothing, equipment and appliances need is to be received by the local government by 1 December in order to be considered in the next following local government budget and is to be accompanied by the last audited financial

statement and a current statement of assets and liabilities of the bush fire brigade.

### 6.3 Consideration in the local government budget

The local government may approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question.

FIRST SCHEDULE

## RULES GOVERNING THE OPERATIONS OF BUSH FIRE BRIGADES

## PART 1 - INTRODUCTION

### 1.1 Interpretations

(1) In these Rules, unless the context otherwise requires, where a term is used in these Rules and is defined in the local law, the Act or the Regulations, then the term is to be taken to have the meaning assigned to it in this local law, the Act or the Regulations, as the case may be.

(2) In these Rules, unless the context otherwise requires -
***absolute majority*** means a majority of more than 50% of the number of -
(a) brigade members of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the bush fire brigade; or
(b) brigade officers of the bush fire brigade, whether in attendance at the meeting or not, if the majority is required at a meeting of the Brigade Management Team.
***Brigade Management Team*** means the Brigade Management Team of the bush fire brigade constituted under Part 5 these Rules;
***Code of Conduct*** means the Code of Conduct prepared and implemented by the CEO of the local government under section 5.51A of the *Local Government Act 1995;*
***local law*** means the City of Cockburn Bush Fire Brigades Local Law; and
***normal brigade activities*** is defined by section 35A of the Act.

(3) Subject to these Rules, where a decision is to be made by the bush fire brigade, then the decision may be made by a resolution passed by a simple majority of the brigade members who are present in person or by proxy at the meeting.

(4) Subject to these Rules, where a decision is to be made by the Brigade Management Team, then the decision may be made by a resolution passed by a simple majority of the brigade officers who are present in person or by proxy at the meeting.

## PART 2 - OBJECTS AND MEMBERSHIP OF BUSH FIRE BRIGADE

### 2.1 Objects of bush fire brigade

The objects of the bush fire brigade are to carry out -
(a) the normal brigade activities; and
(b) the functions of the bush fire brigade which are specified in the Act, the Regulations and the local law.

### 2.2 Membership of a bush fire brigade

(1) A person wishing to be a brigade member may make an application for membership to the Captain of the Bush Fire Brigade.

(2) An application for membership of a Bush Fire Brigade-
  (a) is to be assessed by the Captain of the Bush Fire Brigade who is to make a recommendation to the Chief Bush Fire Control Officer; and
  (b) is to be determined by the Chief Bush Fire Control Officer who is to accept or reject the application.

(3) A person whose membership application is accepted is to be appointed as a brigade member of a Bush Fire Brigade.

(4) If the Chief Bush Fire Control Officer has a conflict of interest in considering and determining whether a person's membership should be suspended or terminated-
  (a) the Chief Bush Fire Control Officer must refer the matter to the CEO; and
  (b) the CEO is to consider and determine the matter.

(5) If the Chief Bush Fire Control Officer refuses to approve an application for membership, they are to give written reasons for the refusal to the applicant, as soon as practicable after the decision is made and the advice that the applicant has the right to object to the CEO.

**2.3 Conditions of membership**

In relation to any type of membership, as described in the local law, the local government through Bush Fire Operating Procedures may determine and specify-

(a) the qualifications required;
(b) a requirement to serve a probationary period;
(c) procedures to be employed by the Brigade Management Team prior to the recommendation of an application for membership,

and the Brigade Management Team is to act within the parameters of any such requirements and procedures in reviewing applications for membership.

**2.4 Applications for membership**

An application for membership is to be in writing and is to be submitted to the Secretary and is to be in the form as determined by the local government from time to time.

**2.5 Notification of registration**

If any application for membership is approved, the Secretary of the bush fire brigade is to supply registration details to the Department within 14 days of a person being admitted to membership in the form required by the Department from time to time.

**2.6 Termination of membership**

(1) Membership of the bush fire brigade terminates if the member -
  (a) dies;
  (b) gives written notice of resignation to the Secretary;
  (c) is, in the opinion of the Chief Bush Fire Control Officer, permanently incapacitated by mental or physical ill-health; so far as it affects their ability to carry out normal brigade activities; or

(d) is dismissed by the Chief Bush Fire Control Officer under subclause (2).

(2) The Chief Bush Fire Control Officer may dismiss a brigade member including that the member has, in the opinion of the Chief Bush Fire Control Officer –

(a) failed to comply with the objectives of the bush fire brigade;
(b) contravened the Act, the Regulations, this local law, or the Bush Fire Operating Procedures;
(c) performed an unsafe act that jeopardises the safety of the members or others;
(d) been convicted of a criminal offence that would ordinarily exclude the member from joining a brigade; or
(e) acted in such a manner as to cause harm or distress to other brigade members.

**2.7 Suspension of membership**

(1) Membership of the bush fire brigade may be suspended at any time if, in the opinion of the Chief Bush Fire Control Officer, circumstances warrant suspending the member.
(2) The period of suspension shall be at the discretion of the Chief Bush Fire Control Officer.
(3) Upon the expiry of the period of suspension, the Chief Bush Fire Control Officer may –

(a) extend the period of suspension;
(b) terminate the membership; or
(c) reinstate the membership.

**2.8 Existing liabilities to continue**

The resignation or dismissal of a member under clause 2.6 this part does not effect any liability of the brigade member arising prior to the date of resignation or dismissal.

**2.9 Member has right of defence**

A brigade member is not to be dismissed under clause 2.6(1)(d) without being given the opportunity to meet with the Brigade Management Tearn and answer any charges which might give grounds for dismissal.

**2.10 Objection Rights**

A person whose -

(a) application for membership is refused recommendation under clause 2.2;
(b) membership is terminated under clause 2.6(1)(c), clause 2.6(1)(d) or clause 2.7(3)(b);
(c) membership is suspended under clause 2.7(1) or clause 2.7(3)(a);

has the right of objection to the CEO which may dispose of the objection by -

(a) dismissing the objection;
(b) varying the decision objected to; or

(c) revoking the decision objected to, with or without -
  (i) substituting for it another decision; or
  (ii) referring the matter, with or without direction, for another decision by the Chief Bush Fire Control Officer.

## PART 3 - CODE OF CONDUCT

### 3.1 Code of Conduct

Members of the bush fire brigade are to adhere to the Code of Conduct.

To avoid any doubt, for the purposes of these Rules any references to Employee(s) in the Code of Conduct is taken to include a brigade member.

## PART 4 - FUNCTIONS OF BRIGADE OFFICERS

### 4.1 Reporting structure

(1) The Captain of each brigade is the primary point of contact for requests and issues for their members.

(2) The Captain may delegate some functions to other members of the Brigade Management Team. Delegation of these tasks shall be in writing and shall not conflict with the local law.

### 4.2 Office bearers

Bush Fire Brigades will have the following mandatory office bearers referred to as Brigade Officers –

(a) a Captain;
(b) a First Lieutenant;
(c) a Second Lieutenant;
(d) additional Lieutenants as the Brigade Management Team considers it necessary, to a maximum of four Lieutenants total;
(e) an Equipment Officer;
(f) a Training Officer;
(g) a Secretary; and
(h) a Treasurer; or
(i) a Secretary/Treasurer combined.

### 4.3 Duties of Captain

(1) The Captain is to -
  (a) preside at all brigade meetings, subject to subclause (2) below;
  (b) demonstrate positive leadership and mentor members;
  (c) attend meetings with the local government or other parties as requested by the local government;
  (d) promote the objects of the brigade and Code of Conduct; and
  (e) ensure the Brigade and its members operates in accordance with the local law, Rules and Bush Fire Operating Procedures.

(2) *In the absence of the Captain, the most senior Lieutenant present assumes the duties of the Captain and the performance of normal brigade activities*

**4.4 Lieutenants**

(1) A Lieutenant is to -
- (a) provide support to the Captain and assist with the management of the Brigade as required;
- (b) demonstrate positive leadership and mentor members; and
- (c) promote the objects of the brigade and the Code of Conduct.

**4.5 Secretary**

(1) The Secretary is to -
- (a) be in attendance at all meetings and keep a correct minute and account of the proceedings of the bush fire brigade in a book which shall be open for inspection by brigade members at any reasonable time;
- (b) answer all correspondence or direct it appropriately, and keep a record of the same;
- (c) prepare and send out all necessary notices of meetings;
- (d) receive donations and other monies on behalf of the bush fire brigade, and remit them to the Treasurer upon receipt;
- (e) complete and forward an incident report form in the form required by the Department to the Chief Bush Fire Control Officer and the Department within 14 days after the last day of attendance by the bush fire brigade at an incident.
- (f) maintain a register of all current brigade members which includes each brigade member's contact details and type of membership;
- (g) provide no later than 30 September in each year, a report to the Chief Bush Fire Control Officer detailing the name, contact details and type of membership of each brigade member.

**4.6 Treasurer**

(1) The Treasurer is to -
- (a) receive donations and deposits from the Secretary, and deposit all monies to the credit of the bush fire brigade's bank account;
- (b) pay accounts as authorised by the Brigade Management Team;
- (c) keep a record of all monies received and payments made, maintain the accounts and prepare the balance sheet for each financial year;
- (d) be the custodian of all monies of the bush fire brigade;
- (e) report on the financial position at meetings of the bush fire brigade or Brigade Management Team; and
- (f) manage brigade monies for the objects of the bush fire brigade.

**4.7 Equipment Officer**

The Equipment Officer is responsible for the custody and maintenance in good order and condition of all protective clothing, equipment and appliances

provided by the local government to the bush fire brigade (or of the bush fire brigade) and is required to complete reporting required under clause 6.1 of the local law.

**4.8 Storage of equipment**

(1) The Equipment Officer must store all of the equipment of the bush fire brigade at a place approved by the local government (the "station").
(2) If there is to be more than one station in the brigade area, the Equipment Officer is to appoint in respect of each station a person who is responsible for the custody and maintenance in good order and condition of all equipment and appliances at the station, subject to any direction of the Equipment Officer.

**4.9 Training Officer**

The Training Officer is responsible for the coordination of brigade training under the direction of the Captain.

**4.10 Non-Mandatory Positions**

(1) In consultation with the Brigade's membership, the Captain may at any time create non-mandatory positions with the purpose of assisting in the administration of the brigade.
(2) At the discretion of the Captain, non-mandatory positions may attend Brigade Management Team meetings and are non-voting attendees.

## PART 5 - BRIGADE MANAGEMENT TEAM

**5.1 Management of bush fire brigade**

(1) Subject to the provisions of these Rules and Bush Fire Operating Procedures, the administration of the affairs of the bush fire brigade are vested in the Brigade Management Team.
(2) Without limiting the generality of subclause (1 ), the Brigade Management Team is to have the following functions –
  (a) to recommend to the local government amendments to these Rules;
  (b) to draft the annual budget for the bush fire brigade and present it at the annual general meeting of the bush fire brigade;
  (c) to propose a motion for consideration at any meeting of the bush fire brigade;
  (d) to recommend to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
  (e) to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade activities;
  (f) to delegate to a person, as from time to time thought fit, any functions (being less than the total functions of the Brigade Management Team) on any conditions it thinks fit;
  (g) to do all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade; and

(h) deal with membership applications, grievances, disputes and disciplinary matters.

**5.2 Constitution of Brigade Management Team**

(1) The Brigade Management Team of the bush fire brigade is to consist of the Brigade Officers of the bush fire brigade.
(2) The Brigade Officers are to -
  (a) be elected at the annual general meeting of the bush fire brigade;
  (b) hold office until the next annual general meeting; and
  (c) be eligible for re-election at the next annual general meeting.
(3) Any Brigade Officer may be removed from office by an absolute majority decision of the brigade members present in person or by proxy at a special meeting called for such a purpose.
(4) The Brigade Management Team may appoint a brigade member to fill a vacancy in any office arising from a resolution under subclause (3) or which has arisen for any other reason.

**PART 6 - MEETINGS OF BUSH FIRE BRIGADE**

**6.1 Ordinary meetings**

(1) Ordinary meetings may be called at any time by the Secretary by giving at least 3 days notice to all brigade members and to the Chief Bush Fire Control Officer for the purpose of –
  (a) organising and checking equipment;
  (b) requisitioning new or replacement equipment;
  (c) organising field excursions, training sessions, hazard reduction programs, and the preparation of fire-breaks;
  (d) establishing new procedures in respect of any of the normal brigade activities; and
  (e) dealing with any general business.

**6.2 Annual general meeting**

(1) At the annual general meeting the bush fire brigade is to -
  (a) elect the Brigade Officers from among the brigade members;
  (b) consider the Captain's report on the year's activities;
  (c) adopt the annual financial statements;
  (d) appoint an Auditor for the ensuing financial year in accordance with clause 6.4 of the Rules; and
  (e) deal with any general business.

**6.3 Quorum**

(1) The quorum for a meeting of the bush fire brigade is at least 50% of the members of the bush fire brigade.
(2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person or by proxy.

### 6.4 Auditor

(1) At the annual general meeting a person employed by the City of Cockburn, not being a brigade member, is to be appointed as the Auditor of the bush fire brigade for the ensuing financial year.
(2) The Auditor is to audit the accounts of the bush fire brigade not less than 7 days before the annual general meeting and is to certify to their correctness or otherwise and present a report at the annual general meeting.

### 6.5 Awards

(1) Subject to the Rules and Bush Fire Operating Procedures, the Brigade Management Team may present awards, such as honorary life award, to members and past members for recognition of services and contribution to the bush firebrigade, aligned to the Code of Conduct.
(2) All awards shall only be a title and be presented at a meeting of the bush fire brigade.

### 6.6 Honorary life award

(1) The bush fire brigade may by a simple majority resolution at a meeting appoint a person an honorary life award for in recognition of services by that person to the bush fire brigade.
(2) The title for an honorary life award will remain valid for the life of the awarded person, unless they undertake activities that bring disrepute to a bush fire brigade or the local government.
(3) Revocation of a life award may be authorised by the Captain or Chief Bush Fire Control Officer.

## PART 7 - MEETINGS OF BRIGADE MANAGEMENT TEAM

### 7.1 Meetings of Brigade Management Team

(1) The Brigade Management Team is to meet for the dispatch of business, adjourn and otherwise regulate its meeting as it thinks fit.
(2) The Captain or Secretary may convene a meeting of the Brigade Management Team at any time.

## PART 8 - GENERAL ADMINISTRATION MATTERS

### 8.1 Funds

The funds of the bush fire brigade are to be used solely for the purpose of promoting the objects of the bush fire brigade.

### 8.2 Financial year

The financial year of the bush fire brigade is to commence on 1 July and is to end on 30 June of the following year.

**8.3 Banking**

(1) The funds of the bush fire brigade are to be placed in a bank account and are to be drawn on only by the Secretary or Treasurer in accordance with sub-clause (2)

(2) For the purposes of subclause (1), any 2 of the Captain, Secretary or Treasurer may authorise in writing the use of electronic banking by a brigade member to draw on the funds of a bush fire brigade.

Dated this 11 day of September 2025.

The Common Seal of the City of Cockburn was hereunto affixed in the presence of:

_____
Logan K Howlett JP
Mayor

_____
Carissa Bywater
Acting Chief Executive Officer

## 8.2.8 (2026/MINUTE NO 0033) Policy Reviews: Omnibus Review and Reforecast

| | |
|---|---|
| **Responsible Executive** | Chief Executive Officer |
| **Author(s)** | Service Lead Governance and Council Support |
| **Attachments** | 1. Governance Committee Revised Policy Review Schedule 2026 |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) REVIEWS the following Policies with no changes:

1. Access and Equity
2. Acknowledgement of Traditional Custodians
3. Alfresco Dining
4. Artwork Collection
5. Commercial Development
6. Community Funding for Community Organisations & Individuals (Grants, Donations & Sponsorships)
7. Community Gardens
8. Design Requirements for Incidental Structures
9. Design Review Panel
10. Development of the Public Realm
11. Engineering, Drainage and Construction Standards
12. Filling and Retaining of Land
13. House Numbering
14. Industrial Subdivision and Development
15. Local Development Plans
16. Noise Attenuation
17. Non-Residential Uses in Residential Zones
18. Pedestrian Accessway Closures
19. Percent for Art
20. Planning Around Mosquito and Midge Infested Wetlands
21. Prohibition of Exotic Animals in Circuses
22. Public Internet Use & Wireless Access
23. Rainwater Tanks & Renewable Energy Systems
24. Residential Design Guidelines
25. Rural Subdivision and Development
26. Sea Containers
27. Signs & Advertising
28. Single House Standards for Medium Density Housing in the Development Zone

29. Special Purpose Dwellings
30. Sports Hall of Fame
31. Temporary Events
32. Utility Infrastructure
33. Waste Management
34. Wastewise Events

(2) ADOPTS the revised Policy Review Schedule, as shown by Attachment 1.

**CARRIED 5/0**

## Background

At the April 2025 Governance Committee Meeting, Council adopted a schedule for policies to be reviewed in 2025 and 2026.

To improve efficiency for Council and staff, this report presents to Council a list of policies that have been reviewed internally and do not require amendment.

Further, this report also reforecasts some of the proposed policy reviews which require further time to progress. A revised Policy Review Schedule is therefore presented to Council for formal endorsement.

## Submission

N/A

## Report

Policies that do not require amendment

The following Council policies have undergone an internal review to ensure their continued relevance, effectiveness, and alignment with current organisational and legislative requirements.

Following this assessment, no amendments have been identified as necessary. As a result, the policies are being submitted to Council for endorsement in their existing form, confirming their ongoing suitability and ensuring compliance with the City's governance and policy review processes.

| Policy |
| --- |
| Access and Equity |
| Acknowledgement of Traditional Custodians |
| Alfresco Dining |
| Artwork Collection |
| Commercial Development |
| Community Funding for Community Organisations & Individuals (Grants, Donations and Sponsorships) |
| Community Gardens |
| Design Requirements for Incidental Structures |
| Design Review Panel |
| Development of the Public Realm |
| Engineering, Drainage and Construction Standards |
| Filling and Retaining of Land |
| House Numbering |
| Industrial Subdivision and Development |
| Local Development Plans |
| Noise Attenuation |
| Non-Residential Uses in Residential Zones |
| Pedestrian Accessway Closures |
| Percent for Art |
| Planning Around Mosquito and Midge Infested Wetlands |
| Prohibition of Exotic Animals in Circuses |
| Public Internet Use and Wireless Access |
| Rainwater Tanks and Renewable Energy Systems |
| Residential Design Guidelines |
| Rural Subdivision and Development |
| Sea Containers |
| Signs and Advertising |
| Single House Standards for Medium Density Housing in the Development Zone |
| Special Purpose Dwellings |
| Sports Hall of Fame |
| Temporary Events |
| Utility Infrastructure |
| Waste Management |
| Wastewise Events |

Policies recommended to be forecast

| Policy | Current Review Date | Proposed Review Date | Reason |
|---|---|---|---|
| Library Services | 09/2025 | 11/2026 | The timing for these policies to be reviewed has been amended due to other operational priorities. The current policies are not causing any operational concerns. |
| Sponsorship And Naming Rights on City Controlled Land and/or Buildings | 05/2026 | 11/2026 | |
| Arts Hall of Fame | 07/2026 | 11/2026 | This policy was endorsed in July 2024 and the inaugural event held last year. There will not be another intake until 2028. |
| Community Engagement | 09/2025 | 11/2026 | Further work is required on this policy following Council workshop and a better understanding of the timing of Local Government reform. |
| Payments to Employees in Addition to Contract or Award | 02/2026 | 09/2026 | Organisational restructure and workload capacity constraints have delayed these policies meeting scheduled review dates. |
| Executive and Senior Leadership Team Remuneration and Performance Management | 05/2026 | 09/2026 | |
| Appointment of Acting Chief Executive Officer | 11/2025 | 11/2026 | |
| Commercial Leasing and other Dispositions of City of Cockburn Owned or Controlled Property | 07/2025 | Q1 2027 | The policy reviews for Property Services and Strategic Finance have been delayed due to insufficient staff capacity. |
| Geographical Naming | 05/2025 | Q1 2027 | |
| Leasing of City of Cockburn Property for Community and/or Recreational Purposes (including Non-for-Profit) | 05/2025 | Q1 2027 | |

| | | | |
|---|---|---|---|
| Investment of Funds | 09/2025 | 07/2026 | |
| Graffiti Management & Response | 05/2025 | Q1 2027 | Organisational restructure and workload capacity constraints has delayed these policies meeting scheduled review dates. |
| Street and Public Open Space Lighting | 05/2025 | Q1 2027 | |
| Street & Reserve Tree Management | 05/2025 | Q1 2027 | |
| Street Verge Improvements | 05/2025 | Q1 2027 | |
| Installation of Recreational Equipment on Public Open Space | 05/2025 | Q1 2027 | |
| Elected Members Appointment - Standing Committees, Reference Groups, Boards and External Organisations | 06/2023 | 09/2026 | To align with operational capacity and resourcing. |
| Obtaining Legal and Other Expert Advice and Legal Proceedings Between City of Cockburn and Other Parties | 03/2025 | 11/2026 | |
| Access to Legal Services for Elected Members and Employees | 03/2024 | 11/2026 | |
| Elected Member Communication | 03/2025 | Q1 2027 | |
| Council Meeting Procedures | 12/2025 | Q1 2027 | |
| City of Cockburn Behaviour Complaints | 09/2026 | Q1 2027 | |
| City of Cockburn Honorary Freeman | 11/2026 | Q1 2027 | |
| Public Interest Disclosure | 07/2025 | Q2 2027 | |
| Fraud and Misconduct Control and Resilience | 06/2023 | Q2 2027 | |
| Community Funding to Support Local Economic Development | 09/2024 | 07/2026 | This policy has been delayed to align with operational capacity and resourcing. |
| Sustainability | 09/2025 | 09/2026 | The Sustainability policy has been delayed due to insufficient staff capacity. |

**Strategic Plans/Policy Implications**

Our Governance

- Transparent leadership that listens, communicates openly and plans for a sustainable future.
- Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget/financial implications arising from the recommendations of this report.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. Maintaining a fit-for-purpose policy suite and ensuring proper scheduling of Policy reviews supports good governance.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

# Governance Committee
# Revised Policy Review Schedule
# 2026

| 24 February 2026 | 21 April 2026 | 16 June 2026 | 18 August 2026 | 20 October 2026 |
|---|---|---|---|---|
| **Office of the CEO**<br>○ Attendance at Events<br>○ Elected Member Professional Development<br>**Sustainable Development and Safety**<br>○ Subdivision & Development - Street Trees<br>○ Landowner Biodiversity Conservation Grant Program<br>○ Fireworks | **Corporate and System Services**<br>○ Records Management<br>○ Corporate Strategic Planning and Budget<br>○ Ethical Use of Artificial Intelligence Services | **Corporate and System Services**<br>○ Structure for Administering the City of Cockburn<br>○ Compliments, Feedback & Complaints<br>○ Investment of Funds<br>**Infrastructure Services**<br>○ Graffiti Management & Response<br>○ Street and Public Open Space Lighting<br>○ Installation of Recreational Equipment on Public Open Space<br>○ Street & Reserve Tree Management<br>○ Street Verge Improvements<br>**Sustainable Development and Safety** | **Corporate and System Services**<br>○ Payments to Employees in Addition to Contract or Award<br>○ Financial Hardship<br>○ Executive and Senior Leadership Team Remuneration and Performance Management<br>**Infrastructure Services**<br>○ Local Area Traffic Management Investigation<br>**Office of the CEO**<br>○ Elected Members Appointment - Standing Committees, Reference Groups, Boards & External Organisations<br>○ Representation at City of Cockburn Related Forum | **Community and Place**<br>○ Sponsorship And Naming Rights on City Controlled Land and/or Buildings<br>○ Library Services<br>○ Arts Hall of Fame<br>**Corporate and System Services**<br>○ Appointment of Acting Chief Executive Officer<br>○ Promotional & Advertising Sign Within Road Reserve<br>○ Community Engagement<br>**Office of the CEO**<br>○ Obtaining Legal & Other Expert Advice & Legal Proceedings Between City of Cockburn & Other Parties<br>○ Access to Legal Services for |

# Governance Committee
# Revised Policy Review Schedule

| | | | | |
|---|---|---|---|---|
| | | ○ Heritage Conservation Design Guidelines<br>○ Naval Base Holiday Park Heritage Area<br>○ Newmarket Precinct Design Guidelines<br>○ Community Funding to Support Local Economic Development<br>○ Use of Closed Circuit Television (CCTV) System<br>○ Completion of Firebreaks on Private Property | ○ Enterprise Risk Management<br>○ Related Party Disclosures<br>○ Elections - Caretaker Period<br>**Sustainable Development and Safety**<br>○ Sustainability | Elected Members and Employees<br>**Sustainable Development and Safety**<br>○ Cockburn Coast Design Guidelines for Robb Jetty & Emplacement Precincts |

# Governance Committee
# Revised Policy Review Schedule
# 2027

| Q1 2027 | Q2 2027 | Q3 2027 | Q4 2027 |
|---|---|---|---|
| **Corporate and System Services**<br>○ Flying of Flags & Bereavement Recognition<br>○ Commercial Leasing and other Dispositions of City of Cockburn Owned or Controlled Property<br>○ Geographical Naming<br>○ Leasing of City of Cockburn Property for Community and/or Recreational Purposes (including Non-for-Profit)<br>○ City of Cockburn Branding & Logos<br>○ Incoming Sponsorship<br>**Infrastructure Services**<br>○ Installation of Private Memorial Plaques in Public Open Space<br>○ Maintenance of Public Open Space & Road Reservations following Residential Subdivision<br>**Office of the CEO**<br>○ Council Meetings Procedures | **Corporate and System Services**<br>○ Procurement<br>**Office of the CEO**<br>○ Public Interest Disclosure<br>○ Fraud & Misconduct Control & Resilience<br>○ Review of Policies and Delegated Authorities<br>○ Elected Members Entitlements<br>**Sustainable Development and Safety**<br>○ Cockburn Central North (Muriel Court) Structure Plan - Design Guidelines<br>○ Vehicle Access | **Community and Place**<br>○ Usage & Management of Community & Sporting Facilities<br>**Infrastructure Services**<br>○ Asset Management<br>**Office of the CEO**<br>○ Administration Building Access<br>○ Civic Hospitality & Gifts<br>○ Execution of Documents<br>○ Privacy Management<br>**Sustainable Development and Safety**<br>○ Tourist Accommodation<br>○ Crossover<br>○ Environmental Conservation<br>○ Dust Management for Development Sites<br>○ Food Act 2008 - Fee Exemption<br>○ Uninhabitable Premises | **Community and Place**<br>○ Community Funding for Sporting Clubs & Individuals<br>**Sustainable Development and Safety**<br>○ Phoenix Activity Centre Design Guidelines |

# Governance Committee
# Revised Policy Review Schedule

| | | | |
|---|---|---|---|
| ○ Elected Member Communication<br>○ City of Cockburn Behaviour Complaints<br>○ City of Cockburn Honorary Freeman<br>○ Sister City Relationships and Engagement | | | |

## 8.2.9 (2026/MINUTE NO 0034) Annual Review - Council Delegations, Authorisations and Appointments

| | |
|---|---|
| **Responsible Executive** | Chief Executive Officer |
| **Author(s)** | Service Lead Governance and Council Support |
| **Attachments** | 1. City of Cockburn Register of Delegations - May 2026 |

**Officer Recommendation/Committee Recommendation**
MOVED Deputy Mayor P Corke SECONDED Cr C Zhang
That Council:

(1) REVIEWS its delegations to Committees and the Chief Executive Officer, in accordance with the Local Government Act 1995, Cat Act 211, Dog Act 1976 and the Planning and Development (Local Planning Schemes) Regulations 2015; and

(2) DELEGATES to the Chief Executive Officer and other staff the powers, functions and duties of the local government and/or Council, as shown in the Register of Delegations attached to this Agenda.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 5/0**

### Background

Section 5.46 of the Local Government Act 1995 requires the Council and CEO to annually review their delegations under the Local Government Act 1995 ('LGA').

The Cat Act 2011 (Cat Act), Dog Act 1976 (Dog Act) and deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 (Planning Regulations) impose similar requirements.

In keeping with good governance principles, the Council and CEO review all their delegations, authorisations and appointments each year, irrespective of whether they are made under the LGA, Cat Act or Dog Act. The CEO has already reviewed their delegations, authorisations and appointments for this year.

This Report presents proposed changes to Council delegations, authorisations and appointments for Council's consideration and approval. Changes to CEO sub-delegations pursuant to section 5.44 of the LGA are not included in this report, as the CEO is responsible for reviewing sub-delegation of powers delegated to them by the Council.

### Submission

N/A

**Report**

Proposed changes to Council delegations, authorisations and appointments are shown in the marked-up copy of the Delegations Register, attached to this Report as Attachment 1. Commentary on substantive changes is provided below.

| DA Title | Amendment | Comment/Reason |
|---|---|---|
| 1.1.1 Audit Risk and Compliance Committee | Delegation cancelled. | Advice from the DLG and Auditor General is that a delegation of the powers under section 7.12A(2) of the Act is not required, as these functions can be performed by 'Acting Through'. Further, LG Reform has made the functions specified in section 7.12A(3) and (4) official functions of an ARIC so no delegation is necessary. |
| 1.1.2 Code of Conduct Complaints (CCC) Committee | Delegation removed from register. | This delegation was cancelled by Council at the 14 April 2026 Ordinary Council Meeting. This change simply reflects Council's earlier decision. |
| 3.1.8 Prosecution of Offences | Add 'CoSafe Community Safety Patrol Officer' to Delegate/s | Required when assisting with fire break inspections |
| 3.1.8 Prosecution of Offences | Add 'Courts and Legal Process Coordinator' to Delegate/s (Function 1 only) | Essential function of this role. |

In addition, a new Council policy delegation 12.1.5 Funding Assistance for Sporting Clubs and Individuals is proposed. This will provide the CEO with delegation to determine applications for funding under and in accordance with the Community Funding for Sporting Clubs and Individuals Policy.

While this proposed Council policy delegation is new to the current Register of Delegations, it did exist in previous versions up until the 2023 review of delegations. It is not clear how or why the delegation was removed.

In the May 2023 Ordinary Meeting of Council 'Annual Review – Register of Delegations' report, it is shown as being included in the proposed Delegation Register for 2024 (see page 109 of Attachment 1). However, the Register of Delegations uploaded to the City's recordkeeping system and subsequently on the

website and intranet did not contain the delegation. In subsequent years, Council endorsed a Register of Delegations without the delegation. Therefore, Council may be considered to have revoked this delegation inadvertently.

Following endorsement of Council, the Delegations Register will be formally updated and uploaded to the City's intranet and website. Staff who are affected by delegation changes will also be notified.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget/financial implications arising from the recommendations of this report.

**Legal Implications**

Under section 5.46 of the LGA, Council have a statutory obligation to review their delegations made under the LGA at least once a year. Section 46(2) of the Cat Act, section 10AB of the Dog Act, and clause 84 of the deemed provisions of the Planning Regulations impose similar requirements.

Any delegation or revocation or amendment to a delegation must be made in writing and be made by an absolute majority of Council, as per section 5.42 of the LGA.

Section 5.43 of the LGA sets out matters that cannot be delegated by Council to the CEO.

**Community Consultation**

N/A

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. It ensures that Council meets their statutory obligations to review their delegations, authorisations and appointments, and supports good governance practices.

There is a moderate to substantial level of 'Compliance' risk if Council were not to review its delegations under the LGA, Cat Act, Dog Act or Planning Regulations, as Council are under a statutory obligation to do. It would also be reported in the 2026 Compliance Audit Return.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil.

City of Cockburn

# Register of Delegations

## DECISION MAKING IN LOCAL GOVERNMENT

Local Governments in Western Australia make decisions through a structured framework established by the *Local Government Act 1995* and other relevant legislation.

The two primary decision-making bodies within local government are the Council, which serves as the principal decision-making entity, and the Chief Executive Officer (CEO), who holds specific functions as defined by the *Local Government Act*. Additional powers and functions may be delegated to these bodies by other legislation.

Legislation designates decision-making powers using specific terms that refer to the relevant entity, office, or individual. Interpreting the *Local Government Act 1995* is relatively straight forward, with "Local Government," typically referring to the governing body itself. Other legislation may use different terms but will often include a Local Government through definitions, such as "Permit Authority" in the *Building Act 2011* or "Enforcement Agency" in the Food Act 2008.

When legislation specifies "Local Government" for broad discretionary powers, the decision-making authority lies with the Council as the governing body. Conversely, when limited discretion is involved, this may be suitable for acting through administrative processes.

When the term "Council" is used, it indicates that the decision must be made by the Council, by resolution. Terms like "Prescribed Office" refer to specific roles assigned by legislation, such as the Mayor or CEO, where only the person in that role can perform the duties associated with it. For example, the mayor presides over Council meetings as required by section 5.6 of the *Local Government Act 1995*. These duties cannot be performed by the Council or the CEO unless the CEO holds the prescribed office.

Legislation sometimes requires a person to be "authorised" to perform certain functions, with some provisions limiting this authorisation to local government employees, while others may allow contractors or non-employees to be authorised, depending on the legislation.

It is unreasonable and impossible for every decision to be fulfilled by the Council of a local government. This is why a number of Acts administered by local governments allow the peak decision-making body (Council) to delegate power to certain committees, its CEO, and in some cases employees or other persons.

**Delegation Register**
City of Cockburn

## DELEGATED AUTHORITY

Section 59 of the *Interpretation Act 1984* prescribes the overall framework for how delegated authority must be structured in Western Australian law.

In summary:

1. The written law (head of power) must include an express power to delegate, which specifically enables a person (the delegator) to make a delegation.
2. In that same written law, there must be an express power or duty conferred or imposed on the delegator, and it must be capable of being delegated. This means that:
   a. The power or duty proposed for delegation must be written in the same law as the express power to delegate; and
   b. That written law must not prohibit the power or duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.
3. The power to delegate cannot be delegated.
4. Delegations must be in writing (the instrument of delegation); and
5. Delegations must be advised to the delegate in writing.

Note that nothing prevents the delegating body or person from taking back a delegation or sub delegation or making the relevant decision on a particular issue. Similarly, a delegator does not have to exercise the delegation and may refer the decision back to the delegator.

Similarly, section 59(2) provides that:

The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

The purpose of delegating a power is generally aimed at dealing with matters that are routine, may have a time constraint, can change rapidly, or is simply more efficient.

The delegations of authority contained within are made to Committees pursuant to Section 5.16 and to the Chief Executive Officer pursuant to Section 5.42 of the *Local Government Act 1995* (the Act) and, where listed, some of these functions are delegated by the Chief Executive Officer to City of Cockburn employees pursuant to Section 5.44 of the Act. All delegations made by the Council must be by an absolute majority decision.

Section 5.43 of the Act provides that the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority of the Council.
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
- Any of the local government's powers under sections 5.98, 5.98A, 5.99 and 5.100 of the Act.
- Borrowing money on behalf of the local government.
- Hearing or determining an objection of a kind referred to in Section 9.5.
- The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister or Governor.
- Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if required.

A person to whom a duty or power is delegated under the Act is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests
- complete a Primary Return
- complete Annual Returns

Although these requirements relate only to delegations under the Act, compliance requirements are applied uniformly to employees exercising delegated authority. Any sub delegations by the Chief Executive Officer will be updated in this register as and when required, without presentation to Council, as delegations of power by the Chief Executive Officer to employees are to be determined by the Chief Executive Officer.

## ACTING THROUGH

Employees do not always need a delegation or authorisation to carry out their tasks and functions on behalf of the local government. A function may be undertaken through the "acting through" concept. This means the person fulfills or carries out a function and has no discretion/decision making, in carrying out that function – the outcome will not be substantially different regardless of the circumstances or who exercised the power.

Section 5.16(4) of the Act provides that: …

> *(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

Similarly, s5.45(2) Act provides that:

> *Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing – a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or b) a Chief Executive Officer from performing any of his or her functions by acting through another person.*

The key difference between a delegation and acting through is that a delegate exercises a decision-making function in his or her own right. For example, an employee may pay an account or issue an approval if directed to do so by another employee who has the power to make such a decision and chooses to "act through" another employee. The employee who has paid the account or issued the approval carried out the function but did so at the direction of the employee who had the decision making or delegated authority to do so.

## AUTHORISATIONS

Authorised persons (and who under some Acts do not necessarily have to be employees of the local government but often are) are given powers to do certain things under an Act, Regulation, or local law; usually to issue an infringement, make inquiries, enter on to property, issue a notice or to enforce a provision.

An authorised person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an authorised person, which may be specified or limited in an Act or Regulation, or the certificate of authorisation.

An authorisation appoints a person to an office prescribed in law (to perform functions of that office) or appoints a person to perform a specific function prescribed in law.

An authorised person cannot delegate their powers and duties to another person.

## REGISTER OF DELEGATED AUTHORITY

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year. The Register is required to be publicly available and is published on the City's website.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. All officers are required to maintain relevant records when exercising the power or discharge of duty delegated to them.

**Delegation Register**
City of Cockburn

The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

In addition to delegations made in accordance with the Act, a number of delegations are also made to the Chief Executive Officer, or directly to other officers in some instances, in accordance with the provisions of other legislation.

The aim of the delegated authority register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the City's commitment to a strong customer service focus.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation. This delegated authority register will be reviewed in accordance with the Act on an annual basis.

**Delegation Register**
City of Cockburn

# DELEGATION REGISTER

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**Delegation Register**
City of Cockburn
1. ***Local Government Act 1995 Delegations***

# 1 Local Government Act 1995 Delegations

## 1.1 Council to Committees of Council

### 1.1.1 Audit Risk and Compliance Committee

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.16 Delegation of some powers and duties to certain committees<br>s.7.1B Delegation of some powers and duties to audit committees |
| **Express Power Delegated:** | *Local Government Act 1995*:<br>s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits |
| **Delegate:** | **Audit Risk and Compliance Committee** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | Nil. Sub-delegation is prohibited by s.7.1B. |
| **Compliance Links:** | • Department of Local Government, Sport and Cultural Industries *Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees*<br>• Audit Risk and Compliance Committee - Terms of Reference |
| **Record Keeping:** | Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19. |
| 1 | First adopted 11 May 2023 |
| 2 | Adopted 9 July 2024 |

## Delegation Register

City of Cockburn

**1. *Local Government Act 1995 Delegations***

### 1.1.2 Code of Conduct Complaints (CCC) Committee

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.16 Delegation of some powers and duties to certain committees |
| **Express Power Delegated:** | *Local Government (Model Code of Conduct) Regulations 2021*:<br>Clause 12 Dealing with a complaint<br>Clause 13 Dismissal of complaint |
| **Delegate:** | **Code of Conduct Complaints (CCC) Committee** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur *[MCC.cl.12(1) and (3)]*.<br>In making any finding the Committee must also determine reasons for the finding *[MCC.cl.12(7)]*.<br>2. Where a finding is made that a breach has occurred, authority to:<br>a. take no further action *[MCC.cl.12(4(a)]*; or<br>b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates *[MCC.cl.12(4)(b), (5) and (6)]*.<br>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal *[MCC.cl.13(1) and (2)]*. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | Elected Member Code of Conduct (CCC) Complaints of Alleged Behaviour Breach Policy |
| Record Keeping: | Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19. |

| | |
|---|---|
| 1 | First adopted 11 May 2023 |
| 2 | Adopted 9 July 2024 |

**Delegation Register**
City of Cockburn
***1. Local Government Act 1995 Delegations***

## 1.2 Council to CEO

### 1.2.1 Authorise a Person to Perform Specified Functions

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power Delegated:** | *Local Government Act 1995*:<br>s.3.24 Authorising persons under this Subdivision<br>s.3.31(2) General Procedure for entering property<br>s.3.39(1) Power to remove and impound<br>s.3.40A(1) Abandoned vehicle wreck may be taken<br>s.9.24(1)(c) and (2)(b) Prosecutions, commencing<br><br>*Local Government (Miscellaneous Provisions) Act 1960*<br>s.449 Pounds, establishing; pound keepers and Rangers, appointing |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to authorise persons for the purposes of *Part 3, Division 3, Subdivision 2 – Certain provisions about land* - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be done by owner or occupier of land *[s.3.24].*<br>2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects *[s.3.31(2)].*<br>3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding *[s.3.39(1)].*<br>4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 *[s.9.24(1)(c) and (2)(b)].*<br>5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck *[s.3.40A(1)].*<br>6. Authority to appoint fit and proper persons as pound keepers or Rangers *[Misc.Prov.s.449].* |
| **Council Conditions on this Delegation:** | Nil. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees. |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

1 Adopted 9 July 2024
2 Modified 11 March 2025

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.2 Performing Functions Outside the District

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power Delegated:** | *Local Government Act 1995*:<br>s.3.20(1) Performing functions outside district |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)]. |
| **Council Conditions on this Delegation:** | a. A decision to undertake a function outside the district, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the district. Where these conditions are not met, the matter must be referred for Council decision.<br>b. This function is not to be sub-delegated. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | N/A |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.3 Compensation - Damage Incurred when Performing Executive Functions

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power Delegated:** | *Local Government Act 1995*:<br>s.3.22(1) Compensation<br>s.3.23 Arbitration |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].<br>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. |
| **Council Conditions on this Delegation:** | Delegation is limited to settlements which do not exceed a material value of $20,000. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995*:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Infrastructure Services** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Sub-delegation may only be exercised after receiving advice from General Counsel. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |
| 1 Adopted 9 July 2024 | |

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## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.4 Powers of Entry

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power Delegated:** | *Local Government Act 1995*:<br>s.3.32 Notice of entry<br>s.3.33 Entry under warrant<br>s.3.34 Entry in an emergency<br>s.3.36 Opening fences |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to give notice of entry [*s.3.32]*.<br>2. Authority to seek entry under warrant *[s.3.33]*.<br>3. Authority to determine if an emergency exists, and then execute entry, using such force as is reasonable *[s.3.34(1)-(3)]*.<br>4. Authority to give notice and effect entry by opening a fence *[s.3.36]*. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995*:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Ranger Team Leader**<br>**Service Manager Development Services**<br>**Service Lead CoSafe and Community Safety**<br>**Service Lead Development Compliance**<br><br>Functions 1 and 2 only<br>**Service Lead Public Health**<br>**Service Lead Building Services** |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government Act 1995*:<br>s.3.28 When this Subdivision applies<br>s.3.32 Notice of entry<br>s.3.33 Entry under warrant<br>s.3.34 Entry in an emergency<br>s.3.36 Opening fences |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |
| 5 | Modified 1 April 2026 |

# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.5 Declare Vehicle is Abandoned Vehicle Wreck

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.40A(1), (2), (4) Abandoned vehicle wreck may be taken |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Provisionally and finally declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(1), (4)].<br>2. Give notice to a person advising that an impounded vehicle may be collected from a place specified in the notice [s.3.40(2)] . |
| **Council Conditions on this Delegation:** | Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Confiscated or Uncollected Goods or alternatively, referred for Council decision. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995*:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Senior Parking Services** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government Act 1995*:<br>s.3.40A(3), (5) Abandoned vehicle wreck may be taken |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |

**Delegation Register**
City of Cockburn
***1. Local Government Act 1995 Delegations***

4 Modified 8 July 2025

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## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.6 Confiscated or Uncollected Goods

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.42 Impounded non-perishable goods<br>s.3.44 Notice to collect goods if not confiscated<br>s.3.46 Goods may be withheld until costs paid<br>s.3.47 Confiscated or uncollected goods, disposal of<br>s.3.48 Impounding expenses, recovery of |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to give notice that goods may be collected from a place specified during such hours as specified [ss 3.42, 3.44].<br>2. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]<br>3. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].<br>4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995*:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Service Lead CoSafe and Community Safety** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Nil |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |
| 5 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.7 Disposal of Sick or Injured Animals

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | Local Government Act 1995:<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.47A Sick or injured animals, disposal of |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].<br>2. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Only where the Delegate's reasonable efforts to identify and contact an owner have failed. |
| **Compliance Links:** | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government Act 1995*<br>s.3.47A(3) Sick or injured animals, disposal of |
| **Record Keeping** | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.8 Temporary Road Closures

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.50 Closing certain thoroughfares to vehicles<br>s.3.50A Partial closure of thoroughfare for repairs or maintenance<br>s.3.51 Affected owners to be notified of certain proposals |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].<br>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:<br>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and<br>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].<br>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].<br>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]<br>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Group Manager Assets and Projects**<br>**Service Manager Traffic and Major Projects**<br>**Principal Engineer Traffic and Transport**<br>**Director Sustainable Development and Safety**<br><br>Function 4 only<br>**Service Manager Infrastructure Assets**<br>**Service Lead Civil Infrastructure**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Emergency Management and Resilience** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.9 Control Reserves and Certain Unvested Facilities

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.53(3) Control of certain unvested facilities<br>s.3.54(1) Reserves under control of local government |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].<br>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City of Cockburn that the City of Cockburn could do under s.5 of the *Parks and Reserves Act 1895*. [s.3.54(1)]. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Group Manager Parks, Fleet and Waste**<br>**Group Manager Assets and Projects** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.10 Obstruction of Footpaths and Thoroughfares

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>r.5(2) Interfering with, or taking from, local government land<br>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)<br>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)<br>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:<br>a. prevent damage to the footpath; or<br>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].<br>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].<br>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].<br>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].<br>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| | encroaching, without lawful authority on a public thoroughfare [ULP r.7]. |
| **Council Conditions on this Delegation:** | a. Actions under this Delegation must comply with procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*.<br>b. Permission may only be granted where, the proponent has:<br>I. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.<br>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.<br>iii. Provided evidence of sufficient Public Liability Insurance.<br>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Group Manager Parks, Fleet and Waste**<br>**Group Manager Assets and Projects**<br>**Service Manager Traffic and Major Projects**<br>**Service Manager Infrastructure Assets**<br>**Service Lead Infrastructure Project Planning**<br>**Service Lead Civil Infrastructure**<br>**Principal Engineer Traffic and Transport** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Uniform Local Provisions) Regulations 1996* |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| Record Keeping | | Details of decisions are to be recorded in the City's record keeping system |
|---|---|---|
| 1 | Adopted 11 May 2023 | |
| 2 | Modified 9 July 2024 | |
| 3 | Modified 11 March 2025 | |
| 4 | Modified 1 April 2026 | |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.11 Public Thoroughfare – Dangerous Excavations

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].<br>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].<br>3. Authority to impose conditions on granting permission [ULP r.11(6)].<br>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. |
| **Council Conditions on this Delegation:** | a. Permission may only be granted where, the proponent has:<br>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.<br>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.<br>iii. Provided evidence of sufficient Public Liability Insurance.<br>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Group Manager Parks, Fleet and Waste**<br>**Group Manager Assets and Projects** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares<br>*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures<br>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.12 Crossing – Construction, Repair and Removal

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|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995*:<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2)<br>r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)].<br>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].<br>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].<br>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. |
| **Council Conditions on this Delegation:** | Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Group Manager Assets and Projects**<br>**Service Manager Infrastructure Assets**<br>**Service Lead Civil Infrastructure**<br>Function 1 and 2 only<br>**Director Sustainable Development and Safety** |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| | **Group Manager Development and Safety**<br>**Service Manager Development Services**<br>**Service Manager Health and Building Services**<br>**Senior Development Engineer** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures<br>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 20 January 2026 |
| 6 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.13 Private Works on, over or under Public Places

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|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>r.17 Private works on, over, or under public places – Sch.9.1 cl.8 |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].<br>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].<br>3. Authority to approve the insurance company providing the mandatory insurance policy prescribed in r.17(8)(b). |
| **Council Conditions on this Delegation:** | a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.<br>b. Permission may only be granted where, the proponent has:<br>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.<br>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.<br>iii. Provided evidence of sufficient Public Liability Insurance.<br>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Development Services**<br>**Senior Development Engineer** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures<br>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places<br>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Uniform Local Provisions) 1996*:<br>r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12 |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to give notice to a landowner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift *[ULP r.21(1)]*. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Infrastructure Services**<br>**Group Manager Assets and Projects**<br>**Service Manager Infrastructure Assets**<br>**Service Lead Civil Infrastructure**<br>**Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Development Services**<br>**Senior Development Engineer** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Uniform Local Provisions) Regulations 1996* – prescribe applicable statutory procedures |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| | Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 20 January 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.15 Expressions of Interest for Goods and Services

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions and General) Regulations 1996:*<br>r.21 Limiting who can tender, procedure for<br>r.23 Rejecting and accepting expressions of interest to be acceptable tenderer |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].<br>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23]. |
| **Council Conditions on this Delegation:** | Notification that Expressions of Interest have been called to be included in Elected Members Portal (Hub). |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>Procurement Policy |
| Record Keeping: | Copies of all documents and advertisement to be retained on the relevant System. |

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## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | Details of decisions are to be recorded in the City's record keeping system. |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.16 Tenders for Goods and Services – Call Tenders

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions and General) Regulations 1996:*<br>r.11(1), (2) When tenders have to be publicly invited<br>r.13 Requirements when local government invites tenders though not required to do so<br>r.14 Publicly inviting tenders, requirements for |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to call tenders [F&G r.11(1)].<br>2. Authority to invite tenders although not required to do so [F&G r.13].<br>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].<br>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].<br>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. |
| **Council Conditions on this Delegation:** | a. Tenders can only be invited for those goods and services identified in the Long-Term Financial Plan, the Annual Budget, Corporate Business Plan, or separately approved by Council.<br>b. Notification that Tenders have been called to be included in Elected Members Portal (Hub). |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety** |

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## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| | **Director Community and Place**<br>Function 4 and 5 only<br>**Service Manager Procurement and Contracts** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>Procurement Policy |
| Record Keeping: | Copies of all documents and advertisement to be retained on the relevant System.<br>Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.17 Exercising Contract Extension Options

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995:*<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions & General) Regulations 1996*<br>r.11(2)(j) When tenders have to be publicly invited |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). |
| **Council Conditions on this Delegation:** | a. Extensions must be on the same terms and conditions as the final year of the original term.<br>b. Price variations are only permitted if provided for in the original contract terms.<br>c. Expenditure for the current financial year is included in the adopted Annual Budget and future expenditure in the Corporate Business Plan or Long-Term Financial Plan.<br>d. Contract extensions/renewals using this delegation must be reported to Council through the relevant Committee. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Must be within the purchasing authority limit of the sub-delegate.<br>c. For renewals where total expenditure exceeds $500,000, the approval of Director Corporate and System Services and one other Director is required. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| | d. For renewals where total expenditure exceeds $1,000,000, the approval of the CEO and one Director is required. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures.<br>Procurement Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.18 Accepting and Rejecting Tenders

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions and General) Regulations 1996:*<br>r.11(2)(j) Exercising contract extension options<br>r.18(2), (4), (4a), (5), Rejecting and accepting tenders |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)].<br>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].<br>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine:<br>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and<br>ii. To accept the tender that is most advantageous within the $1,000,000 (Ex GST) detailed as a condition on this Delegation [F&G r.18(4)].<br>4. Authority to decline to accept any tender [F&G r.18(5)]. |
| **Council Conditions on this Delegation:** | a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.<br>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:<br>i. The total consideration under the resulting contract is $1,000,000 (Ex GST) or less;<br>ii. Expenditure for the current financial year is included in the adopted Annual Budget and future |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| | expenditure in the Corporate Business Plan or Long-Term Financial Plan.<br>iii. The tenderer has complied with requirements under F&G r.18(2) and (4). |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place**<br><br>Function 2 only<br>**Service Manager Procurement and Contracts** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Must be within the purchasing authority limit of the sub-delegate.<br>c. For tenders where total expenditure exceeds $500,000, the approval of Director Corporate and System Services and one other Director is required.<br>d. Approving Director must not to be the same Director making the recommendation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>Procurement Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.19 Minor Variation in Goods or Services

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995:*<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions and General) Regulations 1996*<br>r.20(1), (3) Variation of requirements before entry into contract |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. |
| **Council Conditions on this Delegation:** | a. The variation is minor having regard to the total goods or services that tenderers were invited to supply.<br>b. Expenditure for the current financial year is included in the adopted Annual Budget and future expenditure in the Corporate Business Plan or Long-Term Financial Plan.<br>c. Variations using this delegation must be reported to Council through the relevant Committee. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Must be within the purchasing authority limit of the sub-delegate.<br>c. For variations where total expenditure exceeds $500,000, the approval of Director Corporate and System Services and one other Director is required |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| | d. For variations where total expenditure exceeds $1,000,000, the approval of the CEO and one Director is required. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures.<br>Procurement Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.20 Selecting the Next Most Advantageous Tender

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995:*<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions and General) Regulations 1996*<br>r.20(2) Variation of requirements before entry into contract |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. |
| **Council Conditions on this Delegation:** | Tenders may only be accepted under this delegation, where:<br>a. The total consideration under the resulting contract is $1,000,000 (Ex GST) or less;<br>b. Expenditure for the current financial year is included in the adopted Annual Budget and future expenditure in the Corporate Business Plan or Long-Term Financial Plan; and<br>c. The tenderer has complied with requirements under F&G r.18(2) and (4). |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Must be within the purchasing authority limit of the sub-delegate. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| | c. For tenders where total expenditure exceeds $500,000, the approval of Director Corporate and System Services and one other Director is required.<br>d. The approving Director must not to be the same Director making the recommendation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>Procurement Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.21 Variation to Contract

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995:*<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions and General) Regulations 1996*<br>r.21A Varying a contract for the supply of goods and services |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract. |
| **Council Conditions on this Delegation:** | a. The variations are necessary for the goods and services to be supplied.<br>b. The variations do not change the scope of the original contract.<br>c. The variations do not exceed the project allocation for the current financial year in the adopted Annual Budget, and/or future expenditure in the Corporate Business Plan or Long-Term Financial Plan.<br>d. Variations using this delegation are to be reported to Council through the relevant Committee. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Must be within the purchasing authority limit of the sub-delegate. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| | c. For variations that exceed $500,000, the approval of the Director Corporate and System Services and one other Director is required.<br>d. For variations that exceed $1,000,000, the approval of the CEO and one Director is required. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures.<br>Procurement Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.22 Tenders for Goods and Services - Exempt Procurement

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.57 Tenders for providing goods or services<br>*Local Government (Functions and General) Regulations 1996:*<br>r.11(2) When tenders have to be publicly invited (*exemptions*) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)].<br>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)]. |
| **Council Conditions on this Delegation:** | a. The total consideration under the resulting contract is $1,000,000 (Ex GST) or less;<br>b. There has been compliance with the Council's Procurement Policy.<br>c. Expenditure for the current financial year is included in the adopted Annual Budget and future expenditure in the Corporate Business Plan or Long-Term Financial Plan.<br>d. For function 2 - the determination is supported by a detailed report. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Must be within the purchasing authority limit of the sub-delegate.<br>c. For procurement that exceeds $500,000, the approval of the Director Corporate and System Services and one other Director is required. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>Procurement Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.23 Panels of Pre-Qualified Suppliers for Goods and Services

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Functions and General) Regulation 1996*:<br>r.24AB Local government may establish panels of pre-qualified suppliers<br>r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers<br>r.24AD (3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers<br>r.24AH (2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].<br>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD (3)].<br>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD (6)].<br>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH (2)].<br>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept and decide which applications to accept as most advantageous [F&G r.24AH (3)].<br>6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH (4)]. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| | 7. Authority to decline to accept any application [F&G r.24AH (5).<br>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ (1)]. |
| **Council Conditions on this Delegation:** | a. Notification that a panel of pre-qualified suppliers has been called to be included in Elected Members Portal (Hub).<br>b. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting individual contract is $1,000,000 or less.<br>c. The expense for the current financial year is included in the adopted Annual Budget and future expenditure in the Corporate Business Plan or Long-Term Financial Plan. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place**<br>Function 2, 3 and 6 only<br>**Service Manager Procurement and Contracts** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation.<br>b. Must be within the purchasing authorisation limit of the sub-delegate.<br>c. Functions 3 and 6 only after taking reasonable steps to provide each person informed on the application notice of a variation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>Procurement Policy |

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# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.24 Disposing of Property

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.3.58(2) & (3) Disposing of Property<br>*Local Government (Functions and General) Regulations 1996:*<br>R.30 Dispositions of property excluded from Act s.3.58 |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to dispose of property to:<br>(a) the highest bidder at public auction [s.3.58(2)(a)].<br>(b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]<br>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].<br>3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58:<br>(a) disposal of land to an adjoining owner, where the market value is less than $5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)]<br>(b) disposal of land to a body with charitable, benevolent, religious, cultural, educational, recreational or sporting objects, whose members are not entitled to pecuniary benefit. [F&G.r.30(2)(b)]<br>(c) disposal of land to the Crown; a State or Commonwealth department, agency, or instrumentality; or another local government. [F&G.r.30(2)(c)]<br>(d) disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. |

**Delegation Register**
City of Cockburn
***1. Local Government Act 1995 Delegations***

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|---|---|
| | (e) disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G.r.30(20(e)]<br>(f) disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)].<br>(g) disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice [F&G.r.(2A)<br>(h) disposal of property, other than land / buildings, where the market value is determined as less than $20,000. [F&G r.30(3)(a)]<br>(i) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than $75,000. [F&G.r.30(3)(b)] |
| **Council Conditions on this Delegation:** | a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.<br>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a value of less than $750,000.<br>c. When determining the method of disposal:<br>• Where a public auction is determined as the method of disposal:<br>o Reserve price has been set by independent valuation.<br>o Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.<br>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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| | • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:<br>o Negotiate the sale of the property up to a -10% variance on the valuation; and<br>o Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.<br>• A disposal under Functions and General Regulations 30(2)(a), (f), (2A) or (3)(a), (b), the disposal method selected must obtain a best value outcome for the Local Government.<br>• A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government.<br>• Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Chief Financial Officer**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation<br>b. Must be within the purchasing authorisation limit of the sub-delegate and not exceed $150,000 for any Director or $50,000 for the Chief Financial Officer |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government Act 1995* – s.3.58 Disposal of Property<br>*Local Government (Functions and General) Regulations 1995* – r.30 Dispositions of property excluded from Act s. 3.58 |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.25 Payments from the Municipal or Trust Funds

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Financial Management) Regulations1996*:<br>r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to make payments from the municipal or trust funds [FM.r.12(1)(a)]. |
| **Council Conditions on this Delegation:** | Authority to make payments is subject to annual budget limitations. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Corporate and System Services**<br>**Chief Financial Officer**<br>**Service Manager Strategic Finance** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | a. Conditions on the delegation also apply to sub-delegation<br>b. All electronic bank file payments over $500,000 require authorisation by two sub-delegates |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government Act 1995*<br>*Local Government (Financial Management) Regulations 1996* - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.<br>*Local Government (Audit) Regulations 1996*<br>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |

**Delegation Register**
City of Cockburn
***1. Local Government Act 1995 Delegations***

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.26 Defer, Grant Discounts, Waive or Write Off Debts

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.6.12 Power to defer, grant discounts, waive or write off debts |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Waive a debt which is owed to the City of Cockburn [s.6.12(1)(b)].<br>2. Grant a concession in relation to money which is owed to the City of Cockburn [s.6.12(1)(b)].<br>3. Write off an amount of money which is owed to the City of Cockburn [s.6.12(1)(c)] |
| **Council Conditions on this Delegation:** | a. "Waive or grant concessions" does not apply to an amount of money owing in respect of rates and service charges;<br>b. The waiver, concession or write off of money owing not exceeding $5,000<br>c. All waivers, concessions or write offs of money owing greater than $5,001 to be reported to Council via the relevant Committee. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Infrastructure Services**<br>**Director Corporate and System Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

1 Adopted 11 May 2023

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# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.27 Power to Invest and Manage Investments

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.6.14 Power to invest<br>*Local Government (Financial Management) Regulations 1996*:<br>r.19 Investments, control procedures for |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].<br>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19]. |
| **Council Conditions on this Delegation:** | a. All investment activity must comply with the Financial Management Regulation 19C and Investment of Funds Policy.<br>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.<br>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.<br>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17] |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Corporate and System Services**<br>**Chief Financial Officer**<br>**Service Manager Strategic Finance** |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Financial Management) Regulations 1996* – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))<br>Investment of Funds Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.28 Rate Record Amendment

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.6.39(2)(b) Rate record |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Corporate and System Services**<br>**Chief Financial Officer** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government Act 1995* – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.<br>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.29 Agreement as to Payment of Rates and Service Charges

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.6.49 Agreement as to payment of rates and service charges |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]. |
| **Council Conditions on this Delegation:** | a. Decisions under this delegation must comply with the Financial Hardship Policy.<br>b. Agreements must be in writing and, subject to the Financial Hardship Policy, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Corporate and System Services**<br>**Chief Financial Officer**<br>**Service Lead Rates and Revenue**<br>**Ratepayer Experience Coordinator**<br>**Service Manager Strategic Finance** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>Financial Hardship Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

## 1.2.30 Recovery of Rates or Service Charges

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.6.56 Rates or service charges recoverable in court<br>s.6.64(3) Actions to be taken |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].<br>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Corporate and System Services**<br>**Chief Financial Officer** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.31 Recovery of Rates Debts – Require Lessee to Pay Rent

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.6.60 Local Government may require lessee to pay rent |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City of Cockburn [s.6.60(2)].<br>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Corporate and System Services**<br>**Chief Financial Officer**<br>**Service Manager Strategic Finance** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government Act 1995* – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.32 Rate Record – Objections

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.6.76 Grounds of objection |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].<br>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person who made the objection [s.6.76(5)]. |
| **Council Conditions on this Delegation:** | a. Objections allowed on the grounds of non-rateability of Land are limited to where general rates to be charged do not, or would not, exceed $5,000 per annum<br>b. Written notice is to be served upon the person by whom the objection was made, of the decision on the objection and a statement of their reason for that decision. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Corporate and System Services**<br>**Chief Financial Officer** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.33 City of Cockburn (*Local Government Act*) Local Laws 2000

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn (Local Government Act) Local Laws 2000* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the *City of Cockburn (Local Government Act) Local Laws 2000*, to exercise all powers and duties of the local government under the local laws, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local laws. |
| **Council Conditions on this Delegation:** | This delegation excludes:<br>a. Any functions that must be exercised by resolution of Council.<br>b. Applications to keep more than two dogs are dealt with under delegated authority '5.1.4 Grant Exemption as to Number of Dogs Kept at Premises.' |
| **Express Power to Sub-Delegate:** | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Director Sustainable Development and Safety**<br>**Director Community and Place**<br>**Service Manager Health and Building Services**<br>**Service Lead Public Health** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| 3 | Modified 8 July 2025 |

# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

## 1.2.34 Fencing Local Law 2012

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Fencing Local Law 2012* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the City's *Fencing Local Law 2012*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Health and Building Services**<br>**Service Manager Development Services**<br>**Service Lead Building Services**<br>**Service Lead Development Compliance** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.35 Jetties, Waterways and Marina Local Law 2012

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Jetties, Waterways and Marina Local Law 2012* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the City's *Jetties, Waterways and Marina Local Law 2012*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Service Lead CoSafe and Community Safety**<br>**Director Community and Place**<br>**Group Manager Recreation and Place**<br>**Service Manager Recreation Services**<br>**Service Lead Port Coogee Marina** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |

# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| 4 | Modified 8 July 2025 |
| 5 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.36 Waste Local Law 2020

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Waste Local Law 2020* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the City's *Waste Local Law 2020*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Infrastructure Services**<br>**Group Manager Parks, Fleet and Waste**<br>**Service Manager Waste and Fleet Services**<br>**Service Lead HWRP**<br>**Service Lead Waste Management**<br>**Service Lead Sustainability and Climate Change**<br>**Waste Collection Supervisor** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 20 January 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.37 Parking and Parking Facilities Local Law 2007

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *City of Cockburn Parking and Parking Facilities Local Law 2007* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the City's *Parking and Parking Facilities Local Law 2007*, to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the local law. |
| **Council Conditions on this Delegation:** | This excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995*:<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Senior Parking Services** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the original delegation also apply to the sub-delegations.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.2.38 Authority to accept and award specified tenders during period prescribed by Council

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*<br>s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996:*<br>r.18 Rejecting and Accepting Tenders |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to accept and award specified tenders during a period prescribed by Council. |
| **Council Conditions on this Delegation:** | a. This delegation is in addition to the CEO's other delegations regarding tenders.<br>b. This delegation can only be exercised in relation to the tenders specified in a Council resolution.<br>c. The CEO must be provided a report similar to that which would ordinarily be provided to Council.<br>d. The decision made by the CEO is to be published on the City's website within 14 days.<br>e. In accordance with s.5.43(b), tenders may only be accepted under this delegation where:<br>i. Expenditure for the current financial year is included in the adopted Annual Budget and future expenditure in the Corporate Business Plan or Long-Term Financial Plan.<br>ii. The tenderer has complied with requirements under *F&G* r.18(2) and (4).<br>f. This power cannot be sub-delegated. |
| **Express Power to Sub-Delegate:** | Nil due to conditions on the delegation. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures<br>Procurement Policy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

1 Adopted 9 December 2025

**Delegation Register**
City of Cockburn
***1. Local Government Act 1995 Delegations***

## 1.3 CEO to Employees

### 1.3.1 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

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|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) |
| **Delegate/s:** | **Director Infrastructure Services**<br>**Group Manager Assets and Projects**<br>**Service Manager Traffic and Major Projects**<br>**Service Manager Infrastructure Assets**<br>**Service Lead Civil Infrastructure**<br>**Service Lead Infrastructure Project Planning**<br>**Principal Engineer Traffic and Transport** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10:<br>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]].<br>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b).<br>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)]. |
| **CEO Conditions on this Delegation:** | a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. |

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## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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| | b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*. |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares.<br>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>*Local Government (Uniform Local Provisions) Regulations 1996*<br>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.2 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | Local Government (Uniform Local Provisions) Regulations 1996:<br>r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6 |
| **Delegate/s:** | **Director Infrastructure Services**<br>**Group Manager Assets and Projects**<br>**Service Manager Traffic and Major Projects**<br>**Director Sustainable Development and Safety** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.11:<br>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].<br>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].<br>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. |
| **CEO Conditions on this Delegation:** | a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.<br>b. Actions under this Delegation must comply with the procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996*. |
| **Express Power to Sub-Delegate:** | Nil. |

# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>This delegated authority is effective only in alignment with Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.<br>*Local Government (Uniform Local Provisions) Regulations 1996*<br>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.3 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government (Uniform Local Provisions) Regulations 1996*:<br>r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8 |
| **Delegate/s:** | **Director Infrastructure Services**<br>**Group Manager Development and Safety**<br>**Service Manager Development Services**<br>**Senior Development Engineer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].<br>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)]. |
| **CEO Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>This delegated authority is effective only in alignment with Delegated Authority 1.2.13 Private Works on, over or under Public Places |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

1 Adopted 9 July 2024
2 Modified 1 April 2026

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.4 Appoint Persons (Other than Employees) to Open Tenders

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government (Functions and Genera) Regulations 1996*: r.16(3) Receiving and opening tenders, procedure for |
| **Delegate/s:** | **Director Corporate and System Services** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)]. |
| **CEO Conditions on this Delegation:** | When exercising authority to authorise persons under F&G.r.16(3):<br>• A register of Authorisations is to be maintained as a Local Government Record.<br>• Only persons who are appropriately qualified and trained may be authorised for this purpose.<br>• Authorisations are to be provided in writing by issuing a Certificate of Authorisation. |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim<br>s.4.34 Accuracy of enrolment details to be maintained<br>s.4.35 Decision that eligibility to enrol under s.4.30 has ended<br>s.4.37 New roll for each election<br>*Local Government (Elections) Regulations 1997*:<br>r.11(1a) – Nomination under s 4.31(1E) or (1F)<br>r 11A – Nomination under s 4.31(1G)<br>r 11B – Currency of nomination under s. 4.31(1E), (1F) or (1G)<br>r.13(2) & (4) Register - s.4.32(6)<br>r 13A – Change of name or enrolment address<br>r 13B – Postal addresses |
| **Delegate/s:** | **Director Corporate and System Services**<br>**Chief Financial Officer**<br>**Service Lead Rates and Revenue** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].<br>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].<br>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)].<br>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].<br>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r.13(2)].<br>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| | 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].<br>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.<br>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].<br>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)]. |
| **CEO Conditions on this Delegation:** | Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7). |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>Department of Local Government, Sport and Cultural Industries: Returning Officer Manual |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.6 Destruction of Electoral Papers

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government (Elections) Regulations 1996*:<br>r.82(4) Keeping election papers – s4.84(a) |
| **Delegate/s:** | **Director Corporate and System Services**<br>**Service Lead Information Management** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)]. |
| **CEO Conditions on this Delegation:** | |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>Department of Local Government, Sport and Cultural Industries: Returning Officer Manual |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.7 Appoint Authorised Persons

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.9.10 Appointment of authorised persons [s.9.10(2)] |
| **Delegate:** | **Director Infrastructure Services**<br>**Director Sustainable Development and Safety**<br>**Director Corporate and System Services**<br>**Director Community and Place** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to appoint persons or classes of persons as authorised persons *[s.9.10(2)]* for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:<br>(a) *Local Government Act 1995* and its subsidiary legislation, including Local Government Act Regulations, the *Local Government (Miscellaneous Provisions) Act 1960* and Local Laws made under the Local Government Act.<br>(b) *Caravan Parks and Camping Grounds Act 1995*;<br>(c) *Cat Act 2011*;<br>(d) *Cemeteries Act 1986*;<br>(e) *Control of Vehicles (Off-road Areas) Act 1978*;<br>(f) *Dog Act 1976:*<br>(g) *Graffiti Vandalism Act 2016* – refer s.15; and<br>(e) any other legislation prescribed for the purposes of s.9.10 of the *Local Government Act 1995*. |
| **CEO Conditions on this Delegation:** | a. A register of Authorisations is to be maintained as a Local Government Record.<br>b. Only persons who are appropriately qualified and trained may be appointed as authorised persons.<br>c. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the *Building Regulations 2012* and section 6(b) of the *Criminal Procedure Act 2004* MUST first be appointed as an authorised person for the purposes of section 9.16 of the *Local Government Act 1995.* |
| **Express Power to Sub-Delegate:** | Nil |

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## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

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|---|---|
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.<br>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record. |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.8 Information to be Available to the Public

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government (Administration) Regulations 1996*:<br>r.29B Copies of certain information not to be provided (Act s.5.96)<br>*Local Government Act 1995:*<br>s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information |
| **Delegate/s:** | **Director Corporate and System Services**<br>Function 1 only<br>**Service Lead Rates and Revenue** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].<br>2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. |
| **CEO Conditions on this Delegation:** | Copies of rates record information, owners and occupiers register or electoral roll only to be provided upon submission of a validly completed statutory declaration that the information will not be used for commercial purposes. |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.<br>Request for Information about Owner Occupiers, Electors and Ratepayers Procedure |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.9 Infringement Notices

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s.5.44 CEO may delegate some powers and duties to other employees |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:<br>s.9.13(6)(b) Onus of proof in vehicle offences may be shifted<br>s.9.19 Extension of Time<br>s.9.20 Withdrawal of Notice |
| **Delegate/s:** | **Director Sustainable Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Rangers and Community Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Health and Building Services** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].<br>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].<br>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20]. |
| **CEO Conditions on this Delegation:** | a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this delegation.<br>b. Consideration of withdrawal or extension will be by Manager in the first instance, escalated to Directors for matters of complexity, high risk, or where the Manager has been involved in earlier stage of decision-making. |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

# Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***1. Local Government Act 1995 Delegations***

### 1.3.10 Conduct election of Deputy Mayor

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Local Government Act 1995:*<br>s. 5.44 CEO may delegate some powers and duties to other employees. |
| **Express Power Delegated:** | *Local Government Act 1995*:<br><br>Schedule 2.3 Division 2 - Deputy Mayors and Deputy Presidents<br><br>Schedule 4.1 – How to count votes and ascertain the result of an election |
| **Delegate:** | **Director Corporate and System Services** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Appointment as returning officer.<br><br>2. Authority to conduct the election of the Deputy Mayor in accordance with Division 2 of Schedule 2.3.<br><br>3. Counting votes and ascertaining the results of the Deputy Mayor election in accordance with schedule 4.1. |
| **CEO Conditions on this Delegation:** | The General Counsel is only appointed as returning officer for the purposes of the election of the Deputy Mayor. |
| **Express Power to Sub-Delegate:** | Nil |
| **Compliance Links:** | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Return. |
| **Record Keeping:** | Details of outcome are to be recorded in the City's record keeping system. |
| 1 | Adopted 27 October 2025 |
| 2 | |

# 2 Building Act 2011 Delegations

## 2.1 Council to CEO

### 2.1.1 Approve or Refuse a Building Permit

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Building Act 2011:*<br>s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*:<br>s.18 Further Information<br>s.20 Grant of building permit<br>s.22 Further grounds for not granting an application<br>s.27(1) and (3) Impose Conditions on Permit<br><br>*Building Regulations 2012:*<br>r.23 Application to extend time during which permit has effect (s.32)<br>r.24 Extension of time during which permit has effect (s.32(3))<br>r.26 Approval of new responsible person (s.35(c)) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].<br>2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22].<br>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].<br>4. Authority to determine an application to extend time during which a building permit has effect [r.23].<br>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]<br>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].<br>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26]. |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

| | |
|---|---|
| **Council Conditions on this Delegation:** | a. Delegates must have the appropriate skills and qualifications to exercise these functions.<br>b. The authority to extend time during which a building permit is limited to a maximum extension of 24 months beyond the standard 2-year validity period. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*:<br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Service Manager Health and Building Services**<br>**Service Lead Building Services**<br>**Senior Building Surveyor**<br>**Building Surveyor** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Sub-delegates must be registered with the Building Services Board in accordance with the *Building Services (Registration) Act 2011* as a registered building surveying contractor or registered building surveying practitioner.<br>b. Sub-delegates must be employed by the City of Cockburn. |
| Compliance Links: | *Building Act 2011*<br>s.119 Building and demolition permits – application for review by SAT<br>s.23 Time for deciding application for building or demolition permit<br>s.17 Uncertified application to be considered by Building Surveyor<br>*Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT*<br>*Building Services (Registration Act) 2011* – Section 7<br>*Home Building Contracts Act 1991* – Part 3A, Division 2 – Part 7, Division 2<br>*Building and Construction Industry Training Levy Act 1990*<br>*Heritage Act 2018* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

### 2.1.2 Demolition Permits

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Building Act 2011:*<br>s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*:<br>s.18 Further Information<br>s.21 Grant of demolition permit<br>s.22 Further grounds for not granting an application<br>s.27(1) and (3) Impose Conditions on Permit<br><br>Building Regulations 2012<br>r.23 Application to extend time during which permit has effect (s.32)<br>r.24 Extension of time during which permit has effect (s.32(3))<br>r.26 Approval of new responsible person (s.35(c)) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].<br>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22].<br>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].<br>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].<br>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]<br>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].<br>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26]. |
| **Council Conditions on this Delegation:** | a. Delegates must have the appropriate skills and qualifications to exercise these functions. |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

| | |
|---|---|
| | b. The authority to extend time during which a demolition permit is limited to a maximum extension of 24 months beyond the standard 2-year validity period. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*:<br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Service Manager Health and Building Services**<br>**Service Lead Building Services**<br>**Senior Building Surveyor**<br>**Building Surveyor** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Sub-delegates must be registered with the Building Services Board in accordance with the *Building Services (Registration) Act 2011* as a registered building surveying contractor or registered building surveying practitioner.<br>b. Sub-delegates must be employed by the City of Cockburn. |
| Compliance Links: | *Building Act 2011*<br>s.119 Building and demolition permits – application for review by SAT<br>s.23 Time for deciding application for building or demolition permit<br>*Building Services (Complaint Resolution and Administration) Act 2011* –– Part 7, Division 2<br>*Building and Construction Industry Training Levy Act 1990*<br>*Heritage Act 2018*<br>City of Cockburn Town Planning Scheme No 3 |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

### 2.1.3 Occupancy Permits or Building Approval Certificates

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Building Act 2011:*<br>s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*:<br>s.55 Further information<br>s.58 Grant of occupancy permit, building approval certificate<br>s.62(1) and (3) Conditions imposed by permit authority<br>s.65(4) Extension of period of duration<br><br>Building Regulations 2012<br>r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].<br>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].<br>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].<br>4. Authority to extend, or refuse to extend, the period in which an occupancy permits or modification or building approval certificate has effect [s.65(4) and r.40]. |
| **Council Conditions on this Delegation:** | Delegates must have the appropriate skills and qualifications to exercise these functions. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*:<br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:** *Appointed by CEO* | **Service Manager Health and Building Services**<br>**Service Lead Building Services**<br>**Senior Building Surveyor**<br>**Building Surveyor** |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

| | |
|---|---|
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | a. Sub-delegates must be registered with the Building Services Board in accordance with the *Building Services (Registration) Act 2011* as a registered building surveying contractor or registered building surveying practitioner.<br>b. Sub-delegates must be employed by the City of Cockburn. |
| Compliance Links: | *Building Act 2011*<br>s.59 time for granting occupancy permit or building approval certificate<br>s.60 Notice of decision not to grant occupancy permit or grant building approval certificate<br>s.121 Occupancy permits and building approval certificates – application for review by SAT<br>*Building Services (Complaint Resolution and Administration) Act 2011* – Part 7, Division 2<br>*Building and Construction Industry Training Levy Act 1990*<br>*Heritage Act 2018* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

### 2.1.4 Designate Employees as Authorised Persons

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Building Act 2011:*<br>s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*:<br>s.96(3) authorised persons<br>s.99(3) Limitation on powers of authorised person |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to designate an employee as an authorised person [s.96(3)].<br>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. |
| **Council Conditions on this Delegation:** | a. Decisions under this delegated authority must be consistent with r.5 of the *Building Regulations 2012*.<br>b. NOTE: An *authorised person* for the purposes of sections 96(3) and 99(3) is not an *approved officer* or *authorised officer* for the purposes of Building Reg. 70. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*:<br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | *Building Act 2011:*<br>s.97 each designated authorised person must have an identity card.<br>r.5A Authorised persons (s.3) – definition |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Adopted 9 July 2024 |
| 3 | Modified 11 March 2025 |

**Delegation Register**
City of Cockburn
***2. Building Act 2011 Delegations***

### 2.1.5 Building Orders

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Building Act 2011:*<br>s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*:<br>s.110(1) A permit authority may make a building order<br>s.111(1) Notice of proposed building order other than building order (emergency)<br>s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect<br>s.118(2) and (3) Permit authority may give effect to building order if non-compliance |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to make Building Orders in relation to:<br>a. Building work<br>b. Demolition work<br>c. An existing building or incidental structure [s.110(1)].<br>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].<br>3. Authority to revoke a building order [s.117].<br>4. If there is non-compliance with a building order, authority to cause an authorised person to:<br>a. take any action specified in the order; or<br>b. commence or complete any work specified in the order; or<br>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].<br>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. |
| **Council Conditions on this Delegation:** | Delegates must have the appropriate skills and qualifications to exercise these functions. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*: |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

| | |
|---|---|
| | s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Development Services**<br>**Service Lead Development Compliance**<br>**Senior Development Compliance Officer**<br>**Service Manager Health and Building Services**<br>**Service Lead Building Services** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | |
| Compliance Links: | *Building Act 2011*:<br>Section 111 Notice of proposed building order other than building order (emergency)<br>Section 112 Content of building order<br>Section 113 Limitation on effect of building order<br>Section 114 Service of building order<br>Part 9 Review - s.122 Building orders – application for review by SAT |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

### 2.1.6 Inspection and Copies of Building Records

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*: s.131(2) Inspection, copies of building records |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:** *Appointed by CEO* | **Service Manager Health and Building Services**<br>**Service Lead Building Services**<br>**Senior Building Surveyor**<br>**Building Surveyor**<br>**Senior Building Administration Officer**<br>**Building Administration Officer**<br>**Building Administration Assistant** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Subdelegates must verify that the person seeking access meets the criteria as an interested person under s.131(1) as:<br>• An owner of the building or incidental structure<br>• A person with the written consent of an owner<br>• A member of a prescribed class of persons (police officer or DFES employee in the course of duty, in connection with a situation in which the safety of a person is at risk [r.13]) |
| Compliance Links: | *Building Act 2011* - s.146 Confidentiality |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

### 2.1.7 Legal Proceedings

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Building Act 2011:*<br>s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*:<br>s.133(1) A permit authority may commence a prosecution for an offence against this Act |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*:<br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Delegates must seek advice from General Counsel before exercising their authority to commence a prosecution. |
| Compliance Links: | *Building Act 2011* - s.146 Confidentiality |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |

## Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

### 2.1.8 Referrals and Issuing Certificates

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Permit Authority (Local Government) |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Building Act 2011:*<br>s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Act 2011*:<br>s.145A Local Government functions |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to refer uncertified applications under s.17(1) to a Building Surveyor who is not employed by the local government [s.145A(1)].<br>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City of Cockburn's District [s.145A(2)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *Building Act 2011*:<br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | <u>Functions 1 and 2</u><br>**Service Manager Health and Building Services**<br><u>Function 1 only</u><br>**Group Manager Development and Safety**<br><u>Function 2 only</u><br>**Service Lead Building Services**<br>**Senior Building Surveyor**<br>**Building Surveyor** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | a. Before exercising Function 2, sub-delegates must receive approval from the Service Manager Health and Building Services<br>b. Certificate of Design Compliance, Construction Compliance or Building Compliance must be signed by a Building Surveyor employed by the City of Cockburn. |
| Compliance Links: | Nil |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |

**Delegation Register**
City of Cockburn
***2. Building Act 2011 Delegations***

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|---|---|
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |

# Delegation Register

City of Cockburn

***2. Building Act 2011 Delegations***

## 2.1.9 Appoint Approved Officers and Authorised Officers

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express Power or Duty Delegated:** | *Building Regulations 2012:* r.70 Approved officers and authorised officers |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to appoint an approved officer for the purposes of s.6(a) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(1) and (1A).<br>*NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".*<br>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(2).<br>*NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).* |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | *Building Regulations 2012:*<br>r 70(3) each authorised officer must be issued a certificate of appointment. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |
| 1 | Adopted 9 July 2024 |

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**Delegation Register**
City of Cockburn
***3. Bush Fires Act 1954 Delegations***

# 3 Bush Fires Act 1954 Delegations

## 3.1 Council to CEO, Mayor and Bush Fire Control Officer

### 3.1.1 Prohibited Burning Times - Vary

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.48 Delegation by local government<br>s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8)) |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*<br>s.17(7) Prohibited burning times may be declared by Minister<br>*Bush Fire Regulations 1954:*<br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| **Delegate:** | **Mayor Chief Bush Fire Control Officer (jointly)** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)]. |
| **Council Conditions on this Delegation:** | Decisions under s,17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural and publication requirements of s.17(7B) and (8). |
| **Express Power to Sub-Delegate:** | Nil – Sub-delegation is prohibited by s.48(3) |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.2 Prohibited Burning Times – Control Activities

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*<br>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions<br>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land<br>*Bush Fire Regulations 1954:*<br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].<br>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].<br>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].<br>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].<br>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].<br>6. Authority to recover the cost of measures taken by the City of Cockburn or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

| | |
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| | Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system. |

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| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.3 Restricted Burning Times – Vary and Control Activities

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*<br>s.18(5), (11) Restricted burning times may be declared by FES Commissioner<br>s.22(6) and (7) Burning on exempt land and land adjoining exempt land<br>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions<br>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land<br>*Bush Fire Regulations 1954:*<br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.15C Local Government may prohibit burning on certain days<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].<br>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the district [r.15C].<br>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].<br>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].<br>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the |

**Delegation Register**
City of Cockburn
***3. Bush Fires Act 1954 Delegations***

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| | date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].<br>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].<br>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].<br>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].<br>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].<br>9. Authority to recover the cost of measures taken by the City of Cockburn or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |
| Compliance Links: | *Bush Fires Act 1954* s.18<br>*Bush Fire Regulations 1954* r.15 |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.4 Burning Garden Refuse / Open Air Fires

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|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*<br>s.24F Burning Garden refuse during limited burning times<br>s.24G Minister or local government may further restrict burning of garden refuse<br>s.25 No fire to be lit in open air unless certain precautions taken<br>s.25A Power of Minister to exempt from provisions of section 25<br><br>*Bush Fires Regulations 1954:*<br>r.27(3) Permit, issue of |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].<br>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].<br>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the district [r.27(3) and r.33(5)].<br>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the district [r.34].<br>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:<br>a. camping or cooking [s.25(1)(a)].<br>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].<br>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

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| | in a note published in the Gazette and newspaper circulating in the district and authority to vary such notice [s.25(1a) and (1b)].<br>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.5 Firebreaks

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*<br>s.33 Local government may require occupier of land to plough or clear firebreaks |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the district, requiring:<br>a. clearing of firebreaks as determined necessary and specified in the notice; and<br>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and<br>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].<br>d. determine that these matters have been acted upon to the satisfaction of the City of Cockburn.<br>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].<br>3. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)]. |
| **Council Conditions on this Delegation:** | The owner or occupier of land within the district must provide a duly completed "Request-Removal/Abatement of Fire Danger" form accompanied by the prescribed payment assessed by the Volunteer Bush Fire Brigade concerned and duly signed by the Captain of the Brigade. |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.6 Appoint Bush Fire Control Officers

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Bush Fires Act 1954:* s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and<br>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and<br>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].<br>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the City of Cockburn [s.38(5A)] |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |
| Compliance Links: | Publication and certificate requirements - *Bush Fires Act 1954* s.38(2A) (2E) |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.7 Recovery of Expenses Incurred through Contraventions of this Act

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*<br>s.58 General penalty and recovery of expenses incurred |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, through the fulfilment of a duty imposed, empowered or required under the Act [s.58]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |

# Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.8 Prosecution of Offences

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.59(3) Prosecution of offences |
| **Express Power or Duty Delegated:** | *Bush Fires Act 1954:*<br>s.59 Prosecution of offences<br>s.59A(2) Alternative procedure – infringement notices |
| **Delegate:** | **Chief Executive Officer**<br>**Chief Bush Fire Control Officer**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Ranger Team Leader**<br>**Ranger**<br>**CoSafe Team Leader**<br>**CoSafe Community Patrol Officer**<br>**Service Lead Emergency Management and Resilience**<br>**Fire and Emergency Management Officer**<br>**Fire Inspection Officer**<br>**Courts and Legal Process Coordinator** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].<br>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *NIL – Sub-delegation is prohibited by s.48(3)* |
| Compliance Links: | *Bush Fires Act 1954:*<br>s.65 Proof of certain matters<br>s.66 Proof of ownership or occupancy |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |
| 5 | Modified 1 April 2026 |

**Delegation Register**
City of Cockburn
***3. Bush Fires Act 1954 Delegations***

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| 6 | 12 May 2026 |

## Delegation Register

City of Cockburn

***3. Bush Fires Act 1954 Delegations***

### 3.1.9 Bush Fire Brigade Local Law 2000

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|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Bush Fires Act 1954:*<br>s.48 Delegation by local government |
| **Express Power or Duty Delegated:** | *City of Cockburn Bush Fire Brigade Local Law 2000* |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to administer the City's *Bush Fire Brigade Local Law 2000* to exercise all powers and duties of the local government under the local law, and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the Local Law. |
| **Council Conditions on this Delegation:** | This excludes any functions that must be exercised by resolution of Council. |
| **Express Power to Sub-Delegate:** | Nil |
| Compliance Links: | *Bush Fires Act 1954* s.18<br>*Bush Fire Regulations 1954* r.15 |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |
| 1 | Adopted 9 July 2024 |

# 4 Cat Act 2011 Delegations

## 4.1 Council to CEO

### 4.1.1 Cat Registrations

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Cat Act 2011:*<br>s.44 Delegation by local government |
| **Express Power or Duty Delegated:** | *Cat Act 2011*:<br>s.9 Registration<br>s.10 Cancellation of registration<br>s.11 Registration numbers, certificates and tags<br>*Cat Regulations 2012*<br>Schedule 3, cl.1(4) Fees Payable |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].<br>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].<br>3. Authority to cancel a cat registration [s.10].<br>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].<br>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the City's District [Regs. Sch. 3 cl.1(4)]. |
| **Council Conditions on this Delegation:** | a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. |
| **Express Power to Sub-Delegate:** | *Cat Act 2011:*<br>s.45 Delegation by CEO of local government |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Rangers and Parking** |

**Delegation Register**
City of Cockburn
***4. Cat Act 2011 Delegations***

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| | Function 1, 2 and 4 only<br>**Service Lead Customer Experience**<br>**Senior Community Safety Administration Officer**<br>Function 1 and 4 only<br>**Animal Compliance Investigator**<br>**Community Safety Appeals and Support Officer**<br>**Community Safety Administration Officer**<br>**Customer Experience Team Leader**<br>**Customer Experience Officer**<br>**Ranger Team Leader**<br>**Ranger** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | *Cat Regulations 2012*<br>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.<br>r.12 Period of registration (s.9(7))<br>r.11 Changes in registration<br>r.14 Registration certificate (s.11(1)(b))<br>r.15 Registration tags (s.76(2))<br>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the *Cat Act 2011*. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 12 September 2013 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 6 November 2025 |

# Delegation Register

City of Cockburn

***4. Cat Act 2011 Delegations***

### 4.1.2 Cat Control Notices

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Cat Act 2011:* s.44 Delegation by local government |
| **Express Power or Duty Delegated:** | *Cat Act 2011*: s.26 Cat control notice may be given to cat owner |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City of Cockburn's District [s.26]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *Cat Act 2011:* s.45 Delegation by CEO of local government |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Ranger Team Leader** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | *Cat Regulations 2012* – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice. |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

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|---|---|
| 1 | Adopted 12 September 2013 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 1 April 2026 |

## Delegation Register

City of Cockburn

***4. Cat Act 2011 Delegations***

### 4.1.3 Approval to Breed Cats

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Cat Act 2011:*<br>s.44 Delegation by local government |
| **Express Power or Duty Delegated:** | *Cat Act 2011*:<br>s.37 Approval to Breed Cats<br>s.38 Cancellation of approval to breed cats<br>s.39 Certificate to be given to approved cat breeder |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].<br>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].<br>3. Authority to cancel an approval to breed cats [s.38].<br>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *Cat Act 2011:*<br>s.45 Delegation by CEO of local government |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>Function 4 only<br>**Senior Community Safety Administration Officer** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | *Cat Regulations 2012*:<br>r.21 Application for approval to breed cats (s.36(2))<br>r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))<br>r.23 Person who is not refused approval to breed cats (s.37(5))<br>r.24 Duration of approval to breed cats (s.37(6)) |

**Delegation Register**
City of Cockburn
***4. Cat Act 2011 Delegations***

| | |
|---|---|
| | r.25 Certificate given to approved cat breeder (s.39(1)) |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 12 September 2013 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 20 January 2026 |

**Delegation Register**
City of Cockburn
***4. Cat Act 2011 Delegations***

### 4.1.4 Recovery of Costs – Destruction of Cats

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Cat Act 2011:* s.44 Delegation by local government |
| **Express Power or Duty Delegated:** | *Cat Act 2011*: s.49(3) Authorised person may cause cat to be destroyed |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)]. |
| **Council Conditions on this Delegation:** | Nil. |
| **Express Power to Sub-Delegate:** | *Cat Act 2011:* s.45 Delegation by CEO of local government |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 12 September 2013 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |

## Delegation Register

City of Cockburn

***4. Cat Act 2011 Delegations***

### 4.1.5 Authorise a Person to Perform Specified Functions under the *Cat Act 2011*

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Cat Act 2011:* s.44 Delegation by local government |
| **Express Power or Duty Delegated:** | *Cat Act 2011*: s.73 Prosecutions |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to authorise a person to commence a prosecution for an offence against the Cat Act 2011 [s.73(1)(b) & (2)(b) |
| **Council Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | *Cat Act 2011:* s.45 Delegation by CEO of local government |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | All authorisations must include a condition that General Counsel advice is received before a prosecution is commenced. |
| Compliance Links: | Nil |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 10 April 2025 |

## Delegation Register

City of Cockburn

***4. Cat Act 2011 Delegations***

### 4.1.6 Applications to Keep Additional Cats

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Cat Act 2011:*<br>s.44 Delegation by local government |
| **Express Power or Duty Delegated:** | *Cat (Uniform Local Provisions) Regulations 2013*:<br>r.8 Application to keep additional number of cats<br>r.9 Grant of approval to keep additional number of cats |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to require any document or additional information required to determine an application [r.8(3)]<br>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].<br>2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9]. |
| **Council Conditions on this Delegation:** | Notices of decisions must include advice as to Review rights in accordance with r.11 of the *Cat (Uniform Local Provisions) Regulations 2013*. |
| **Express Power to Sub-Delegate:** | *Cat Act 2011:*<br>s.45 Delegation by CEO of local government |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 12 September 2013 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |

**Delegation Register**
City of Cockburn
***4. Cat Act 2011 Delegations***

### 4.1.7 Reduce or Waive Registration Fee

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Cat Act 2011:*<br>s.44 Delegation by local government |
| **Express Power or Duty Delegated:** | *Cat Regulations 2012*:<br>Schedule 3 Fees clause 1(4) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to reduce or waive a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. |
| **Council Conditions on this Delegation:** | This delegation does NOT provide authority to determine to reduce or waive the fees payable in regard to any class of cat within the district. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the *Local Government Act 1995*. |
| **Express Power to Sub-Delegate:** | *Cat Act 2011:*<br>s.45 Delegation by CEO of local government |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation. |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 12 September 2013 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |

**Delegation Register**
City of Cockburn
***4. Cat Act 2011 Delegations***

## 4.2 CEO to Employees

### 4.2.1 Infringement Notices – Extensions and Withdrawals

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Chief Executive Officer |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Cat Act 2011:*<br>s.45 Delegation by CEO of local government |
| **Express Power or Duty Delegated:** | *Cat Act 2011*:<br>s.64 Extension of time<br>s.65 Withdrawal of notice |
| **Delegate/s:** | **Director Sustainable Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Rangers and Parking** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].<br>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65]. |
| **CEO Conditions on this Delegation:** | Nil |
| **Express Power to Sub-Delegate:** | Nil. |
| Compliance Links: | *Cat Regulations 2012:*<br>r.28 Withdrawal of infringement notice (s.65(1)) |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 9 July 2024 |
| 2 | Modified 11 March 2025 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 1 April 2026 |

**Delegation Register**
City of Cockburn
***5. Dog Act 1976 Delegations***

# 5 Dog Act 1974 Delegations

## 5.1 Dog Act Delegations Council to CEO

### 5.1.1 Appoint Registration Officer

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Dog Act 1976:* s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*: s.3 Terms Used (*Registration officer means a person authorised by the local government to affect the registration of dogs pursuant to this Act*) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the *Dog Act 1976* [s.3]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:* s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Authorisation must be in the prescribed form [Form 1, Schedule 1, *Dog Regulations 2013*] |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

### 5.1.2 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Dog Act 1976:* s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*: s.10A Payments to veterinary surgeons towards costs of sterilisation |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs [s.10A(1)(a) and (3)].<br>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:* s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:** *Appointed by CEO* | **Director Sustainable Development and Safety** |
| **CEO Conditions on this Sub-Delegation:** *Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

### 5.1.3 Refuse or Cancel Registration

| | |
|---|---|
| **Delegator:** *Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:** *Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.15(2) and (4A) Registration periods and fees<br>s.16(3) Registration procedure<br>s.17A(2) If no application for registration made<br>s.17(4) and (6) Refusal or cancellation of registration |
| **Delegate:** | **Chief Executive Officer** |
| **Function:** *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].<br>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:<br>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the *Cat Act 2011* or the *Animal Welfare Act 2002*; or<br>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or<br>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept<br>iv. the dog is required to be microchipped but is not microchipped; or<br>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].<br>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City of Cockburn's District [s15(4A)].<br>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].<br>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

| | |
|---|---|
| | disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)] |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | *Dog Act 1976*<br>s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)<br>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6) |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

### 5.1.4 Grant Exemption as to Number of Dogs Kept at Premises

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.26(3) Limitation as to numbers<br><br>*City of Cockburn (Local Government Act) Local Laws:*<br>cl 2.9 Number of Dogs |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)]. |
| **Council Conditions on this Delegation:** | a. The premises complying in all respects with the provisions of the Act and Local Law.<br>b. The applicant provides approval for the City's Officers to request community feedback:<br>1. In residential area – within 50 metres of the applicant's premises; and<br>2. in rural areas – within 100 metres of the applicant's premises.<br>c. Any approval issued is subject to the relevant dog or dogs being registered.<br>d. The number of dogs is limited to six over the age of three months and the young of those dogs under that age. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | If any objection is received, this sub-delegation may not be exercised and must be referred to Council for decision.<br>The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

### 5.1.5 Kennel Establishments

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.27 Licensing of approved kennel establishments |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking**<br>**Service Manager Health and Building Services** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

### 5.1.6 Recovery of Moneys Due Under this Act

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.29(5) Power to seize dogs |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | This sub-delegation may only be exercised after receiving advice from the General Counsel. |
| Compliance Links: | Includes recovery of expenses relevant to:<br>s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense<br>s.33M Local government expenses to be recoverable.<br>s.47 Veterinary service expenses recoverable from local government<br>r.31 Local government expenses as to dangerous dogs (declared) |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |

# Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

## 5.1.7 Dispose of or Sell Dogs Liable to be Destroyed

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.29(11) Power to seize dogs |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety**<br>**Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 8 July 2025 |

# Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

## 5.1.8 Declare Dangerous Dog

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.33E(1) Individual dog may be declared to be dangerous dog (declared) |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | Authority to declare an individual dog to be a dangerous dog [s.33E(1)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Service Manager Rangers and Community Safety**<br>**Service Lead Ranger and Parking** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | Conditions on the delegation also apply to sub-delegation |
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 11 March 2025 |
| 4 | Modified 10 April 2025 |
| 5 | Modified 8 July 2025 |

## Delegation Register

City of Cockburn

***5. Dog Act 1976 Delegations***

### 5.1.9 Dangerous Dog Declared – Determine when to Revoke

| | |
|---|---|
| **Delegator:**<br>*Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:**<br>*Power that enables a delegation to be made* | *Dog Act 1976:*<br>s.10AA Delegation of local government powers and duties |
| **Express Power or Duty Delegated:** | *Dog Act 1976*:<br>s.33H(1) and (2) Local government may revoke declaration or proposal to destroy |
| **Delegate:** | **Chief Executive Officer** |
| **Function:**<br>*This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.* | 1. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]<br>i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. |
| **Council Conditions on this Delegation:** | The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA (3)]. |
| **Express Power to Sub-Delegate:** | *Dog Act 1976:*<br>s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |
| **Sub-Delegate/s:**<br>*Appointed by CEO* | **Director Sustainable Development and Safety**<br>**Group Manager Development and Safety** |
| **CEO Conditions on this Sub-Delegation:**<br>*Conditions on the delegation also apply to sub-delegation.* | |
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – See s.33H(5) of the *Dog Act 1976* |
| Record Keeping: | Details of decisions are to be recorded in the City's record keeping system |

| | |
|---|---|
| 1 | Adopted 11 May 2023 |
| 2 | Modified 9 July 2024 |
| 3 | Modified 10 April 2025 |
| 4 | Modified 8 July 2025 |

## 9. Motions of Which Previous Notice Has Been Given

Nil

## 10. Notices Of Motion Given At The Meeting For Consideration At Next Meeting

Nil

## 11. New Business of an Urgent Nature Introduced by Members or Officers

Nil

## 12. Matters to be Noted for Investigation Without Debate

Nil

## 13. Confidential Business

Nil

## 14. Closure of Meeting

There being no further business, the Presiding Member closed the meeting at 6:23pm.