Western Australian Government Gazette
ISSN 2204-4264 (online)
1687
PERTH, TUESDAY, 25 AUGUST 2026 No. 109 SPECIAL
PUBLISHED BY AUTHORITY ANDREW JONES, GOVERNMENT PRINTER
© STATE OF WESTERN AUSTRALIA

CITY OF COCKBURN

LOCAL GOVERNMENT ACT 1995

HEALTH AND NUISANCES LOCAL LAW 2026

CAT ACT 2011
DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

KEEPING OF ANIMALS LOCAL LAW 2026

LOCAL GOVERNMENT ACT 1995

PARKING LOCAL LAW 2026

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995

WASTE AMENDMENT LOCAL LAW 2026

DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995

FENCING LOCAL LAW 2026

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 12 May 2026 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

Item no.	Clause no.	Description	Modified penalty	Modified penalty—subsequent offence
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 25 day of August 2026.

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

LOGAN K HOWLETT, Mayor.
DANIEL SIMMS, Chief Executive Officer.

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 12 May 2026 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 2.17.

(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.

(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(s): .....

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(s): .....

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 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 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

Item No.	Common Name	Address	Reserve Number/s
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

Item No.	Common Name	Address	Reserve Number/s
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 25 day of August 2026.

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

LOGAN K HOWLETT, Mayor.
DANIEL SIMMS, Chief Executive Officer.

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 12 May 2026 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 and 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 *Caravan 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.

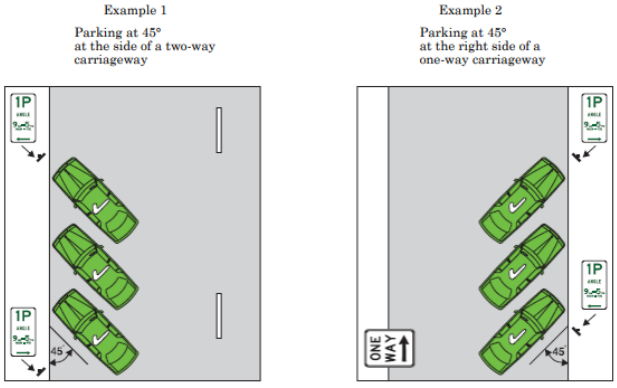
4.6 When angle parking applies

(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.

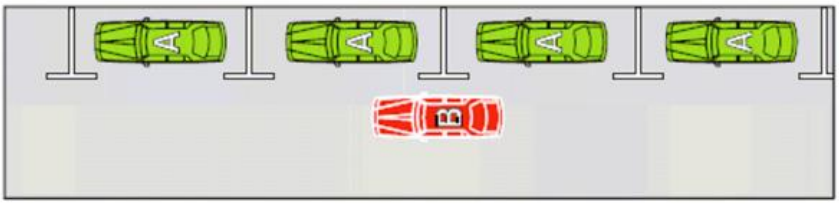
4.9 Double parking

(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.

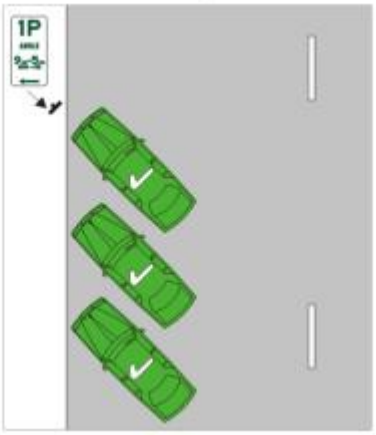
(2) This clause does not apply to—

(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

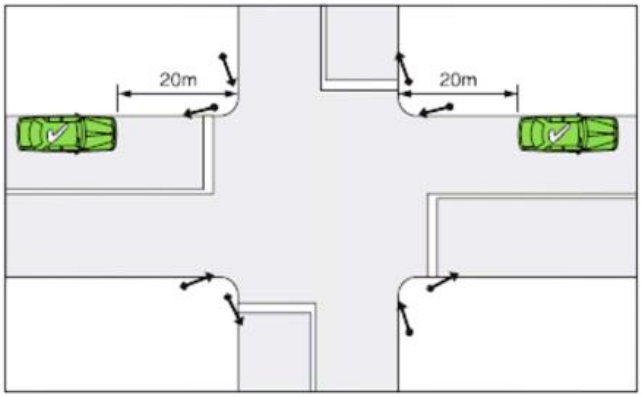
(b) within 10 m of the departure side of pedestrian or children's crossing.

(4) In this clause, distances are measured in the direction in which the driver is driving.

4.12 Intersections

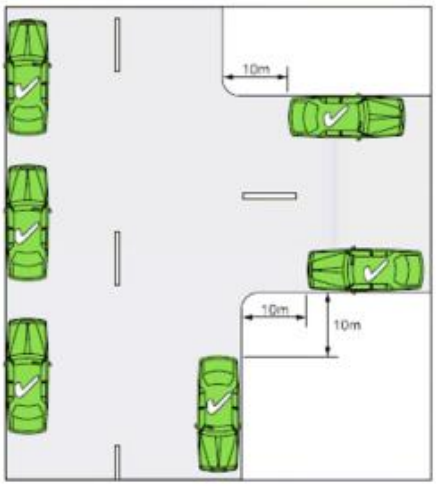
(1) Unless a sign indicates otherwise, a person must not stop a vehicle so that any portion of the vehicle is—

(a) within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals; or



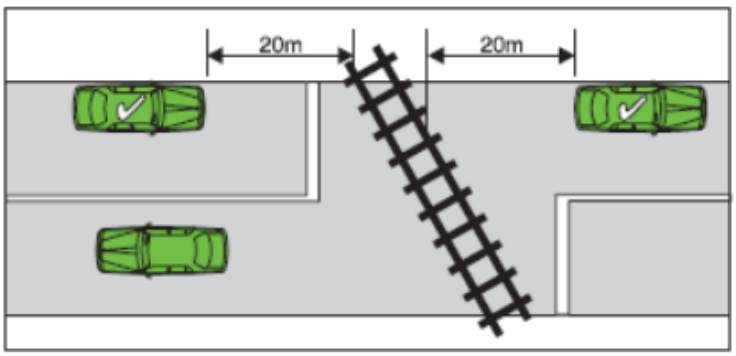
Example of measurement of distance—intersection with traffic-control signals

(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.

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

Item no.	Clause no.	Description	Modified penalty
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

Item no.	Clause no.	Description	Modified penalty
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 25 day of August 2026.

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

LOGAN K HOWLETT, Mayor.
DANIEL SIMMS, Chief Executive Officer.

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 Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Cockburn resolved on 12 May 2026 to make the following local law.

Part 1—Preliminary

1. Short title

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

2. Commencement

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

3. Interpretation

In this local law—

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

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

Part 2—Consolidated Local Laws amended

4. Local law amended

This Part amends the Consolidated Local Laws.

5. Part V Division 6 deleted

In Part V delete Division 6.

6. Part VII amended

In Part VII delete clause 7.1 and clause 7.26.

Part 3—Waste Local Law amended

7. Local law amended

This Part amends the Waste Local Law.

8. Clause 1.5 amended

In clause 1.5—

(a) delete the heading and insert—

Interpretation

(b) delete the definition of ***occupier*** and insert—

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

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

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

(e) insert in alphabetical order—

approved means approved by the local government;

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

CEO means the Chief Executive Officer of the local government;

nuisance means—

(a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for legal liability in the tort of public or private nuisance;

(b) an unreasonable interference with the use and enjoyment of a person of their ownership or occupation of land; or

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

thoroughfare has the meaning in the Act;

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

(f) delete subclause (2) and insert—

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

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

9. Clause 1.6 replaced

Delete clause 1.6 and insert—

1.6 Local public notice of determinations

(1) Where, under this local law, the local government has a power to determine a matter—

(a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;

(b) the determination becomes effective only after local public notice has been given;

(c) the determination remains in force until it is amended or revoked under this clause; and

(d) the determination (including any amendment or revocation) must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

(2) A determination may be amended or revoked by giving local public notice of the amendment or revocation under section 1.7 of the LG Act.

(3) The amendment or revocation becomes effective only after local public notice has been given.

10. Clause 2.1(2)(b) amended

In clause 2.1(2)(b) delete "Local Law" and insert—

local law

11. Clause 2.6(1) amended

In clause 2.6(1) delete "The local government or an authorised person" and insert—

An authorised person

12. Clause 2.7(b) amended

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

13. Clause 2.8 amended

(1) In clause 2.8(2) delete "or an authorised person".

(2) In clause 2.8(3)(c) delete "or the authorised person".

14. Clause 2.9(b) amended

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

15.10 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

Item no.	Clause no.	Description	Modified penalty	Modified penalty—subsequent offence
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
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
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

Item no.	Clause no.	Description	Modified penalty	Modified penalty—subsequent offence
45	4.6(1)(a)	Removing waste without authority in a waste facility	$500	$750
46	4.6(1){b)	Depositing toxic, poisonous or hazardous waste at a waste facility	$500	$750
47	4.6(1)(c)	Lighting a fire in a waste facility	$500	$750
48	4.6(1)(d)	Removing or interfering with any flora in a waste facility	$250	$500
49	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	$250	$500
50	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	$500	$750
51	4.6(2)	Acting in an abusive or threatening manner	$500	$750

Dated: 25 August 2026.

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

LOGAN K HOWLETT, Mayor.
DANIEL SIMMS, Chief Executive Officer.

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 12 May 2026 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 25 day of August 2026.

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

LOGAN K HOWLETT, Mayor.
DANIEL SIMMS, Chief Executive Officer.