

LOCAL GOVERNMENT ACT 1995

City of Cockburn

(LOCAL GOVERNMENT ACT) AMENDMENT LOCAL LAW 2010

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 9 September 2010 to adopt the following local law.

1. Citation

This local law may be cited as the *City of Cockburn (Local Government Act) Amendment Local Law 2010*.

2. Commencement

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

3. Principal local laws

The *City of Cockburn (Local Government Act) Local Laws 2000* published in the *Government Gazette* on 9 October 2000, as amended and published in the *Government Gazette* on 13 November 2001, 15 November 2002, 26 September 2003, 25 November 2003, 27 July 2004 and 17 May 2005, are referred to as the principal local laws. The principal local laws are amended.

4. Corrections

Throughout the principal local laws, wherever the word “section” or “Section” in singular or plural form occurs, delete and insert “clause” or “Clause” as the case may be, except where the correct reference is made to a section or sections of an Act.

5. Various references to “Council” amended

Amend the provisions listed in the Table as set out in the Table.

Table

Part	Division	Clause	Delete	Insert
I		1.5(a)	Council (2 occurrences)	“local government” (2 occurrences)
I		1.6(2)	Council (2 occurrences)	“local government” in the first occurrence and “the local government” in the second occurrence
II	1	2.1	Council	“the local government” in the definition for “large animal”
II	2	2.2	Council	“The local government”
II	3	2.4	Council	“the local government”
		2.6(3)(d)	Council	“the local government”
		2.7	Council	“local government”
		2.9(1)(a)	Council	“the local government”
		2.9(1)(c)	Council	“the local government”
		2.9(1)(d)	Council	“local government”
		2.9(1)(e)	Council	“local government”
		2.9(2)	Council	“the local government” in the first occurrence and “local government” in the second occurrence
		2.9(3)	Council	“the local government”
II	4	2.11(a)	Council	“the local government”
		2.12	Council	“the local government”
		2.12(b)	Council	“local government”
		2.13(1)	Council	“The local government”
		2.13(2)	Council	“The local government”
		2.14	Council	“the local government”
		2.15(b)	Council	“local government”
		2.16	Council	“the local government”
		2.17(f)	Council	“local government”
II	5	2.22	Council	“the local government”
II	6	2.27(1)	Council	“the local government”
		2.28(2)	Council	“the local government”
		2.28(4)	Council	“the local government”
		2.32(1)	Council	“the local government”
		2.32(3)	Council	“the local government”
		2.34(1)	Council	“the local government”
		2.35	Council	“the local government”
		2.27(2)	Council	“The local government”

Part	Division	Clause	Delete	Insert
		2.28(2)	Council	"The local government"
		2.38(4)	Council	"local government"
		2.43(1)(a)	Council	"the local government"
		2.43(2)	Council	"the local government"
II	7	2.46(a)	Council	"the local government"
		2.54	Council	"local government"
II	8	2.56(1)	Council	"the local government"
		2.56(3)	Council	"The local government"
		2.58(2)	Council	"the local government"
IIA	8	2A.2(1)	Council	"the local government"
		2A.2(2)	Council	"the local government"
		2A.3(1)	Council	"the local government"
		2A.2(2)	Council	"the local government"
		2A.2(3)	Council	"the local government"
		2A.2(4)	Council	"the local government"
III	2	3.2(1)	Council	"local government"
		3.2(2)	Council	"local government"
		3.2(3)	Council	"local government"
		3.3(i)	Council	"local government"
		3.3(s)	Council	"local government"
		3.3(t)	Council	"the local government"
		3.3(ac)	Council	"the local government"
		3.3(ad)	Council	"local government" in the first occurrence and "the local government" in the second occurrence and "the local government's" in the third occurrence
		3.4	Council	"the local government"
		3.5(1)	Council	"local government"
		3.5(2)	Council	"local government"
		3.9(3)	Council	"local government"
		3.10	Council	"the local government"
		3.11	Council	"The local government"
		3.12	Council	"the local government"
IV	1	4.1	Council	"the local government" in the definition for "sufficient fence"
IV	2	4.2(3)	Council	"local government"
		4.8(3)	Council	"local government"
		4.9(2)	Council	"local government"
		4.10(1)	Council	"local government"
		4.10(3)	Council	"local government"
		4.10(4)	Council	"local government"
		4.12(3)	Council	"local government"
		4.15	Council	"local government"
IV	3	4.16(1)(a)	Council	"local government"
		4.16(1)(b)	Council	"the local government"
		4.17(1)(a)	Council	"the local government"
		4.17(1)(c)(iii)	Council	"local government"
		4.17(2),	Council	"local government"
		4.17(2)(b)	Council	"local government"
		4.17(3)	Council	"local government"
		4.17(3)(a)	Council	"the local government"
		4.17(3)(c)(ii)	Council	"the local government"
		4.17(3)(c)(iii)	Council	"local government"
		4.17(3)(iv)	Council	"the local government"
		4.17(3)(v)	Council	"the local government"
		4.17(3)(vi)	Council	"the local government"
		4.18(2)	Council	"local government"
		4.18(2)(b)	Council	"local government"
		4.18(3)	Council	"local government"
		4.18(3)(a)	Council	"the local government"
		4.19	Council	"The local government"
		4.19(d)	Council	"local government"
		4.19(e)	Council	"local government"
		4.19(f)	Council	"local government"
V	2	5.3(a)	Council	"the local government"
		5.3(b)	Council	"local government"
		5.3(c)	Council	"the local government's"

Part	Division	Clause	Delete	Insert
V	3	5.7	Council	"local government"
V	4	5.9(a)	Council	"the local government's"
		5.11	Council	"The local government"
		5.12	Council	"local government"
		5.13	Council	"The local government" in the heading and "local government" in the first occurrence
		5.14	Council	"The Local government" in the heading and "local government" in the first occurrence "the local government" in the second occurrence
		5.15	Council	"The Local government" in the heading and "the local government" in the first occurrence
		5.16	Council	"The Local Government" in the heading
		5.16(1)	Council	"local government"
		5.16(3)	Council	"local government"
		5.17	Council	"The Local government" in the heading and "the local government" in the first occurrence
V	5	5.18(1)	Council	"local government"
		5.18(3)	Council	"local government"
VI	2	6.2	Council	"the local government"
		6.3,	Council	"the local government"
		6.5	Council	"the local government"
		6.7	Council	"the local government"
		6.9(1)	Council	"local government"
		6.9(2)	Council	"local government"
		6.10(1)	Council	"local government"
		6.11	Council	"local government" in the first occurrence and "the local government" in the second occurrence
		6.12	Council	"local government" in the first occurrence and "the local government" in the second occurrence and local government in the third occurrence
		6.15	Council	"local government"
		6.16(1)	Council	"local government"
VI	3	6.18(1)(a)	Council	"the local government"
VII	1	7.1	Council	"local government" in the definitions for "collection time" and "mixed waste"
		7.2	Council	"the local government"
VII	2	7.3	Council	"the local government"
		7.4	Council	"the local government"
		7.5(1)	Council	"local government"
		7.5(2)	Council	"local government" in the first occurrence and "the local government" in the second occurrence
		7.6(a)	Council	"local government"
		7.6(b)	Council	"local government" in the first occurrence and "the local government" in the second occurrence
		7.6(e)	Council	"local government"
VII	3	7.8(2)	Council	"local government"
		7.8(2)(b)	Council	"the local government"
		7.8(2)(f)	Council	"local government"
		7.9(1)	Council	"the local government's"
		7.12	Council	"The local government"
		7.13	Council	"the local government" in the first occurrence and "local government" in the second occurrence
		7.16(a)	Council	"the local government"
		7.16(b)	Council	"local government"
		7.16(g)	Council	"the local government"
		7.16(h)	Council	"local government"
		7.19	Council	"the local government" in the first and second occurrence and "local government" in the third occurrence
		7.20	Council	"the local government"
VII	5	7.21(d)	Council	"the local government"
		7.24	Council	"local government"
		7.24(b)	Council	"local government"
VIII	1	8.1	Council	"local government" in the definition for "directional sign"
		8.4	Council	"The local government" in the first and "local government" in the second

Part	Division	Clause	Delete	Insert
				occurrence
		8.5(h)	Council	"local government"
VIII	2	8.7	Council	"the local government"
		8.8(1)	Council	"the local government"
		8.8(2)	Council	"the local government"
		8.9	Council	"local government"
		8.9(a)	Council	"the local government"
		8.11(1)	Council	"the local government"
		8.11(2)	Council	"local government"
		8.11(4)	Council	"the local government"
		8.11(6)	Council	"the local government"
		8.11(7)	Council	"local government"
		8.12	Council	"the local government" in the first and "local government" in the second occurrence
		8.13(1)	Council	"local government"
		8.13(3)	Council	"local government"
VIII	3	8.14(1)(c)	Council	"local government"
		8.14(1)(i)	Council	"the local government"
		8.14(2)(a)	Council	"local government"
		8.14(2)(b)	Council	"local government"
		8.15(d)	Council	"local government"
		8.21	Council	"the local government"
		8.22	Council	"local government"
VIII	4	8.24(g)	Council	"the local government"
		8.27(1)(b)	Council	"local government"
		8.27(1)(b)	Council	"local government"
		8.28(4)(a)	Council	"local government"
		8.28(4)(d)	Council	"local government"
		8.30	Council	"local government"
		8.31	Council	"local government"
		8.32(2)	Council	"local government"
		8.32(3)	Council	"the local government"
		8.32(4)	Council	"local government"
		8.33(1)(a)	Council	"the local government"
		8.33(1)(f)	Council	"local government"
		8.33(2)	Council	"local government"
		8.33(3)	Council	"local government"
		8.33(3)(b)	Council	"local government"
		8.34(3)	Council	"local government"
		8.38	Council	"the local government"
		8.39(3)(a)	Council	"local government"
		8.39(6)(a)	Council	"local government"
		8.40(1)(h)	Council	"local government"
		8.43(1)	Council	"local government"
		8.43(2)	Council	"local government"
		8.43(3)	Council	"local government"
		8.43(4)	Council	"local government"
IX	1	9.1	Council	"local government" in the definition for "lawn"
		9.2	Council	"local government"
IX	2	9.3(k)	Council	"local government"
		9.3(l)(i)	Council	"the local government's"
		9.3(1)(ii)	Council	"the local government's"
		9.4	Council	"the local government"
		9.5	Council	"the local government"
		9.6(1)	Council	"local government"
		9.6(2)	Council	"local government"
		9.7(c)	Council	"local government"
		9.8(e)	Council	"local government" in the first occurrence and "the local government" in the second occurrence
		9.8(g)	Council	"local government"
		9.8(h)	Council	"local government"
		9.8(i)	Council	"local government"
		9.8(j)	Council	"the local government" in the first occurrence and "local government" in the second occurrence
IX	3	9.10	Council	"local government"
IX	4	9.11(2)	Council	"the local government"

Part	Division	Clause	Delete	Insert
		9.11(7)(a)	Council	"the local government's"
		9.11(7)(b)	Council	"the local government's"
IX	5	9.12(2)	Council	"local government"
		9.13(2)	Council	"local government"
		9.14(2)	Council	"the local government or"
		9.15(1)	Council	"local government or an authorised person"
		9.15(1)(c)	Council	"local government"
		9.15(2)	Council	"local government or an authorised person"
		9.15(3)	Council	"local government or an authorised person"
XI	2	11.2(1)	Council	"local government"
		11.2(2)	Council	"the local government"
		11.2(3)	Council	"the local government"
		11.4	Council	"The local government"
		11.6	Council	"local government"
XII	2	12.11	Council	"local government"
		12.12(1)	Council	"local government"
		12.12(2)	Council	"local government"
		12.12(3)	Council	"local government"
		12.13	Council	"The Local government" in the heading and "local government" in the first occurrence
		12.15	Council	"local government"
		12.16	Council	"The local government"
		12.16(1)	Council	"local government"
		12.16(2)	Council	"local government"
		12.16(2)(b)	Council	"local government"
		12.16(5)	Council	"local government"
		12.18(1)	Council	"local government"
		12.18(2)	Council / City	"local government"
		12.18(2)	Council	"local government"
XII	3	12.26	Council	"local government"
		12.27	Council	"local government"
		12.28(3)	Council	"local government"
XII	5	12.29	Council	"local government"
		12.30	Council	"local government"
		12.31(1)	Council	"local government"
		12.32	Council	"Local Government"
		12.32(1)	Council	"the local government's" in the first occurrence and "local government" in the second occurrence
		12.32(2)	Council	"the local government's"
		12.32(3)	Council	"local government"

6. Part 1 amended

6.1 In clause 1.5(a) delete "traffic and vehicles;"

6.2 In clause 1.6(1), delete the definitions "approved fee", "authorised person", "building", "Council", "hiring fee", "member of the Police Service", "pound" and "reserve" and insert the following definitions in alphabetical order-

"approved fee" means the fees and charges determined by the local government from time to time, for putting into effect the provisions of these local laws;

"authorised person" means a person appointed by the local government under section 9.10 (1) of the Act to perform any of the functions of an authorised person under this local law;

"building" includes any hall, room corridor, or stairway, or an annexe of any hall or room, in all cases under the care, control or management of the local government;

"hiring fee or hire fee" means the fee charged for any hiring determined by the local government from time to time;

"local government" means the City of Cockburn;

"member of the Police Service" means a member of the Western Australia Police;

"pound" means a building or yard established by the local government or authorised person for the purpose of impounding dogs, animals or vehicles for the purpose of these local laws;

"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” as described in section 3.53 of the Act.

7. Part II—Division 8 amended

7.1 In clause 2.57, delete the reference to “2.34” and insert “2.56”.

7.2 In clause 2.59, delete the reference to “2.36” and insert “2.58”.

8. Part III—Division 2 amended

In clause 3.3, re-designate the paragraphs numbered “(k)” through to “(ak)” to numbers “(j)” through to “(aj)” respectively.

9. Part VII—heading amended

In the heading “PART VII—MANAGEMENT AND CONTROL OF COUNCIL PROPERTY” delete “COUNCIL” and insert “LOCAL GOVERNMENT”.

10. Part VIII—Division 2 amended

In clause 8.5, re-designate the paragraphs numbers “(k)” and “(l)” to number “(i)” and “(j)” respectively.

11. Part IX—Division 5 amended

11.1 In clause 9.13 delete subclause (1) and insert—

- (1) The owner or occupier of land in the district must, in the opinion of the local government or an authorised person, clearly display and maintain the current street number assigned by the local government or an authorised person on the front of the building, fence, letterbox or gate adjacent to the street which the property has its address. It is preferable that the street number be displayed on a letterbox, which is located on the property boundary adjacent to the road from which the property is addressed.

11.2 In clause 9.14(1), delete “misleading” and insert “misleading in the opinion of the local government or an authorised person”.

12. Schedule 1 amended

In the fifth reserve land in the list, delete “[known as De Marchi Park]” and insert “[known as Bassett Reserve]”.

13. Schedule 2 amended

13.1 Delete “Council” in the Nature of Offence description for clause 2.27(1) and insert “the local government”.

13.2 In the Modified Penalties table in Schedule 2—

- (a) delete the entire Part X—Traffic and Vehicles; and
- (b) in Part IX—Streets and Public Places delete the clause numbers “9.12(1)” and “9.14(1)” and their description under the Nature of Offence column, and insert—

9.13(1)	Failure to clearly display and maintain the current street number assigned by the local government or an authorised person on the front of the building, fence, letterbox or gate adjacent to the street which the property has its address.....	100.00
9.14 (1)	Place street number so as to cause confusion or be misleading in the opinion of the local government or an authorised person.....	100.00

Dated: 6 December 2010.

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

L. HOWLETT, Mayor.
S. CAIN, Chief Executive Officer.