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**CITY OF ROCKINGHAM
LOCAL LAWS**

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**BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995**

CITY OF ROCKINGHAM

**BUSH FIRE CONTROL AND BUSH FIRE BRIGADES
AMENDMENT LOCAL LAW 2018**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

1. Citation

This local law is cited as the *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018*.

2. Commencement

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

3. Bush Fire Control and Bush Fire Brigades Local Law amended

The City of Rockingham *Bush Fire Control and Bush Fire Brigades Local Law* published in the *Government Gazette* on 7 November 2001, as amended and published in the *Government Gazette* No. 172 on 10 September 2010 is amended as follows—

- a. In clause 1.2(1) the following definitions are deleted—
 - “authorised officer”
 - “Authority”
 - “brigade member”
 - “brigade officer”
 - “Bush Fires Advisory Committee”
 - “Bush Fire Operating Procedures”
 - “CEO”
 - “Council”
 - “fire fighting member”
 - “firebreak period”
 - “flammable matter”
 - “Incident Management Team”
 - “Officer in Charge of a fire or incident”.
- b. Clause 1.2(2) is deleted and replaced as follows—
 - (2) In this local law, unless the context otherwise requires, a reference to—
 - (a) a Captain;
 - (b) a First Lieutenant;
 - (c) a Second Lieutenant; and
 - (d) any additional Lieutenantsmeans a person holding that position in a bush fire brigade.
- c. Clause 2.1 is deleted and replaced as follows—

2.1 Firebreaks to be cleared

Provisions relating to the establishment and maintenance of firebreaks, and the powers of the local government to enter the property and establish firebreaks on default by an owner or occupier are dealt with in the Act.
- d. Clauses 2.2, 2.3, 2.4, and 2.5 are deleted.
- e. Clause 3.2 is deleted and replaced as follows—

3.2 Name and officers of bush fire brigade

On establishing a bush fire brigade under clause 3.1(1) the local government is to—
 - (a) give a name to the bush fire brigade;

- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and
- (c) appoint—
 - (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant; and
 - (iv) additional Lieutenants if the local government considers it necessary.
- f. Clause 3.3 is deleted.
- g. Clause 3.7 is deleted and replaced as follows—
 - 3.7 Dissolution of a bush fire brigade**
 - Dissolution of a bush fire brigade is dealt with in the Act.
- h. Clause 3.8, Part 4, Part 5 and Part 7 are deleted.

Dated: 5 December 2018.

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

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.

**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

CITY OF ROCKINGHAM

CATS LOCAL LAW 2018

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Rockingham Cats Local Law 2018*.

1.2 Commencement

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

1.3 Repeal

Division 4 of Part 6 of the *City of Rockingham Health By-Laws 1996* published in the *Government Gazette* 4 October 1996, is deleted.

1.4 Terms used

(1) In this local law, unless the context otherwise requires—

Act means the *Cat Act 2011*;

applicant means a person who applies for an approval;

application means an application for an approval;

approval means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

approved person means the person to whom an approval is granted;

authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

cat has the meaning given to it in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Rockingham;

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

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

owner has the meaning given to it in the Act;

premises has the meaning given to it in the Act; and

veterinarian has the meaning given to it in the Act.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—NUMBER OF CATS THAT MAY BE KEPT**2.1 Interpretation**

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

2.2 Prescribed premises

For the purposes of the definition of *prescribed premises* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except—

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

2.3 ‘Standard number of cats’

For the purposes of the definition of *standard number of cats* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 2 cats may be kept on premises at which a member of a cat organisation is not ordinarily resident.

2.4 Application for approval

(1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.

(2) An application for approval must be accompanied by the application fee determined by the local government.

2.5 Determining an application

(1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to—

- (a) the zoning of the land under the local planning scheme;
- (b) the physical suitability of the premises for the proposed use;
- (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
- (d) the structural suitability of any enclosure in which any cat is to be kept;
- (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
- (f) the likely effect on the amenity of the surrounding area of the proposed use;
- (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
- (h) any other factors which the local government considers to be relevant in the circumstances of the application.

(2) An approval is to be in the form determined by the local government and is to be issued to the approved person.

2.6 Conditions

(1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including—

- (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
- (b) that there must be adequate space for the exercise of the cats;
- (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
- (d) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.

(2) An approved person who does not comply with a condition of the approval, commits an offence.

Penalty: a fine of not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

2.7 Renewal of an application

(1) An application is to be renewed if—

- (a) the approved person has not breached the conditions of the approval;
- (b) the approval would have been granted if a fresh application for approval had been made; and
- (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.

(2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be—
- (a) made in the form determined by the local government;
 - (b) made by the proposed transferee;
 - (c) made with the consent of the approved person; and
 - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
- (4) The local government may grant, or refuse to grant, an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (5) Where the local government grants an application for the transfer of an approval—
- (a) it is to issue to the transferee an approval in the form determined by the CEO; and
 - (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval—
- (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

2.10 Objection and review rights

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

PART 3—ENFORCEMENT**3.1 Infringement notices**

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

Dated: 5 December 2018.

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

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

CITY OF ROCKINGHAM

DOGS AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

1. Citation

This local law is cited as the *City of Rockingham Dogs Amendment Local Law 2018*.

2. Commencement

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

3. Dogs Local Law amended

The *City of Rockingham Dogs Local Law* published in the *Government Gazette* on 4 December 2000, as amended and published in the *Government Gazette* on 6 May 2011 is amended as follows—

- a. In clause 1.3 the following definitions are deleted—

“pound keeper”

“Regulations”

“town planning scheme”

- b. In clause 1.3 the following definitions are inserted in alphabetic order—

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

“Regulations” means the *Dog Regulations 2013*;

- c. Part 2 is deleted.

- d. Clause 3.1(3) is inserted as follows—

3. Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

- e. The following is deleted from clause 3.1—

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

- f. In subclauses 3.2(2)(a) and (b) and clauses 4.4 and 4.7(a), ‘town’ is replaced by ‘local’.

- g. Clause 4.9 is deleted and replaced with—

4.9 Compliance with conditions of approval

Penalties applicable where a licensee does not comply with the conditions of a licence are contained in the Dog Act and Regulations.

- h. Part 5 is deleted.

- i. In clause 6.1(2) the words ‘Penalty: \$200’ are deleted.

- j. Clause 7.2 is added as follows—

7.2 Offences and general penalty

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

- k. In clause 7.3 ‘8’ is replaced with ‘7’.

- l. Clause 7.7 is deleted.

- m. Clauses 7.3, 7.4, 7.5 and 7.6 are renumbered 7.4, 7.5, 7.6 and 7.7 respectively.

n. Schedule 3 is deleted and replaced with the following—

Schedule 3

Offence	Nature of offence	Modified penalty \$
3.1	Failing to provide means for effectively confining a dog	200
6.1(2)	Dog excreting in prohibited place	200

o. Schedule 4 is deleted.

Dated: 5 December 2018.

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

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.

**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007
LOCAL GOVERNMENT ACT 1995**

CITY OF ROCKINGHAM

PEST PLANTS AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995*, the *Biosecurity and Agriculture Management Act 2007* and all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

1. Citation

This local law is cited as the *City of Rockingham Pest Plants Amendment Local Law 2018*.

2. Commencement

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

3. Pest Plants Local Law amended

(1) This local law amends the *City of Rockingham Pest Plants Local Law* published in the *Government Gazette* on 12 January 2001, as amended and published in the *Government Gazette* on 10 September 2010.

(2) Schedule 1 is deleted and replaced with the following—

SCHEDULE 1—PEST PLANTS

(Clause 2.1)

Common name	Scientific name
Tree of Heaven	<i>Ailanthus altissima</i>
Baboon Flower	<i>Babiana stricta</i>
Fountain Grass	<i>Cenchrus setaceus</i>
Pampas grass	<i>Cortaderia seloana</i>
Narrowleaf Cotton Bush	<i>Gomphocarpus fruticosus</i>
Morning Glory	<i>Ipomoea indica</i>
Red Cape Cowslip	<i>Lachenalia bulbifera</i>
Yellow Soldier	<i>Lachenalia reflexa</i>
Coastal Tea Tree	<i>Leptospermum laevigatum</i>
Wild Olive	<i>Olea europaea</i> subsp. <i>cuspidata</i>
Chincherinchee	<i>Ornithogalum thyrsoides</i>
Peruvian Pepper Tree	<i>Schinus molle</i>
Brazilian Pepper Tree	<i>Schinus terebinthifolius</i>
Caltrop	<i>Tribulus terrestris</i>
Watsonia	<i>Watsonia meriana</i> var. <i>bulbillifera</i>

Dated: 5 December 2018.

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

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF ROCKINGHAM

REPEAL AND AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

1. Citation

This local law is cited as the *City of Rockingham Repeal and Amendment Local Law 2018*.

2. Commencement

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

3. Extractive Industries Local Law 2000 repealed

The *City of Rockingham Extractive Industries Local Law 2000* published in the *Government Gazette* on 21 March 2001 is repealed.

4. Cemeteries Local Law 2000 amended

In Schedules 2 and 3 of the *City of Rockingham Cemeteries Local Law 2000* published in the *Government Gazette* on 21 March 2001 delete 'authorised person' and replace with 'authorised officer'.

5. Health By-laws 1996 amended

Division 7 -Bee Keeping of Part 7 of the *City of Rockingham Health By-laws 1996* published in the *Government Gazette* on 4 October 1996 is repealed.

Dated: 5 December 2018.

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

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF ROCKINGHAM

SAND DRIFT LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

PART 1—PRELIMINARY**1.1 Title**

This is the *City of Rockingham Sand Drift Local Law 2018*.

1.2 Commencement

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

1.3 Purpose

The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the district.

1.4 Repeal

The *City of Rockingham Sand Drift Prevention and Abatement Local Law 2000* as published in the *Government Gazette* on 21 March 2001 is repealed.

1.5 Application

This local law applies throughout the district.

1.6 Terms used

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

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

district means the district of the local government;

dust and sand means granules or particles of rock, earth, clay, loam, silt and any other granular, or airborne particle or like material, and includes gravel;

land includes any building or structures on the land;

local government means the City of Rockingham;

occupier means any person who, at the time a notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and includes a builder or contractor;

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

schedule means the Schedule to this local law.

1.7 Interpretation

(1) A term used in this local law that is not defined in clause 1.6 is to have the meaning given to it in the Act.

(2) Where, under this local law a duty, obligation or liability is imposed on an 'owner or occupier', the duty is taken to be imposed jointly and severally on each owner and occupier.

(3) Where under this local law an act is required to be done or forbidden to be done in relation to any land, an owner or occupier of the land has the duty of causing to be done the act so required to be done, or preventing from being done the act forbidden to be done.

(4) Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it is sufficient if the notice is in writing giving sufficient details to enable the owner or occupier to know the offence (if any) committed and the measures required to be taken or conditions to be complied with, as the case may be.

PART 2—SITE EROSION AND DUST**2.1 Prevention of erosion and the escape of sand and dust**

An owner or occupier of land must take 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.

2.2 Notice may require specified action to prevent

(1) Where the local government or an authorised person is satisfied that—

- (a) an owner or occupier of land has not complied with clause 2.1; or
- (b) sand or dust is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land,

the local government or an authorised person may, by notice in writing, direct the owner or occupier, within a time specified in the notice—

- (c) to comply with clause 2.1;
- (d) clean up and make good any damage resulting from the release or escape of dust or sand from the land; or
- (e) take such other actions or comply with such other conditions as the local government or authorised person considers necessary to prevent or stop the escape, release or carriage of sand or dust from the land, as stipulated in the notice.

(2) An owner or occupier of land to whom a notice is issued under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

PART 3—OBJECTIONS AND REVIEW**3.1 Objections and review**

If the local government or an authorised person gives a person notice under clause 2.2(1), Division 1 of Part 9 of the Act and regulation 33 of the Regulations are to apply.

PART 4—OFFENCES AND PENALTIES**4.1 Offences**

(1) Any person who—

- (a) fails to comply with a notice under clause 2.2(2);
- (b) fails to do anything required or directed to be done under this local law; or
- (c) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

4.2 Prescribed offences

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

(2) The amount of the modified penalty for a prescribed offence is the number specified adjacent to the clause in the Schedule.

4.3 Form of notices

(1) The form of the infringement notice give under section 9.16 of the Act is Form 2 in Schedule 1 of the Regulations.

(2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE—PRESCRIBED OFFENCES

[clause 4.2]

Item No.	Clause	Description	Penalty (\$)
1	4.1(1)(a)	Failure to comply with a notice	500
2	4.1(1)(b)	Failure to comply with a direction given	500
3	4.1(1)(c)	Prohibited action under local law	500

Dated: 5 December 2018.

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

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.