

# Public Places Local Law 2026

## Proposed Changes and Why They Matter

The City of Cockburn has been reviewing its local laws, with the aim of renewing and aligning with best practice.

The purpose of a public places local law is to regulate the activities and behaviour permitted or restricted in or on City owned or managed parks, reserves, land, and buildings, as well as verges, to ensure the safety and amenity of the community, as well as the protection of public assets.

The proposed new Public Places Local Law 2026 combines the public spaces sections of the City of Cockburn Consolidated Local Law and the City of Cockburn Jetties, Waterways and Marina Local Law 2012.

The key changes are:

| Section                          | Amendment                                                                                                                                                         | Reason                                                       |
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| <b>Local government property</b> | Introduction of a broader determination power when it comes to activities or behaviours that may be permitted or prohibited on local government property.         | To allow more flexible decision making by Council.           |
|                                  | Removal of all clauses to deal with public decency.                                                                                                               | These matters should not be regulated by local government.   |
|                                  | Removal of clauses related to breaking glass or leaving litter or rubbish on local government property.                                                           | Already prohibited by the Litter Act 1979.                   |
|                                  | Removal of clauses to do with consumption of liquor or drugs, or being under the influence of liquor or drugs, or bringing liquor onto local government property. | Covered by State legislation and WA Police Force.            |
|                                  | Removal of the clause prohibiting begging.                                                                                                                        | No longer criminalised in WA.                                |
|                                  | Removal of clauses dealing with camping.                                                                                                                          | Regulated by the Caravan and Camping Grounds Act 1995.       |
|                                  | Removal of the clause to do with impounding bathing appliances.                                                                                                   | Such a power likely infringes the Local Government Act 1995. |

| Section | Amendment                                                                                                                               | Reason                                                                                                                                                                                                                        |
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| Marine  | Removal of clause prohibiting gidgees and spear guns                                                                                    | Dealt with as a determination in Schedule 2.                                                                                                                                                                                  |
|         | Removing specific prohibitions on nuisances.                                                                                            | Covered by the general prohibition on behaviour interfering with others.                                                                                                                                                      |
|         | Removal of clause dealing with polluting a waterway.                                                                                    | Already prohibited by the Litter Act 1979.                                                                                                                                                                                    |
|         | Simplification of clause dealing with anti-fouling paint. Now it simply specifies that vessels painted with tributyltin are prohibited. | To improve clarity and make it easier to comply.                                                                                                                                                                              |
|         | Removal of clause stating a vessel must not enter a waterway if it exceeds the size limit.                                              | This will be dealt with by a determination.                                                                                                                                                                                   |
|         | Amendment of the clause to do with inspection of mooring lines.                                                                         | To improve clarity and make it easier to comply.                                                                                                                                                                              |
|         | Removal of clause to do with electrical power supply to moored vessels needing to comply with the Australian Standards.                 | Electrical safety requirements and standards provide for this.                                                                                                                                                                |
|         | Removal of the clause prohibiting moorings which cause a nuisance.                                                                      | Covered by the general prohibition on behaviour interfering with others.                                                                                                                                                      |
|         | Introduction of standard clauses to do with beaches and foreshores.                                                                     | To ensure consistency.                                                                                                                                                                                                        |
|         | Removal of clause prohibiting vehicles and bicycles on jetties.                                                                         | Dealt with as a determination in Schedule 2.                                                                                                                                                                                  |
|         | Removal of clause dealing with nuisances on public jetties or bridges.                                                                  | This is already covered by the general prohibitions and activities requiring permission found in Part 4 of the proposed local law, as well as the general clause giving the City the power to regulate activities on jetties. |
|         | Removal of clause dealing with material not to be removed.                                                                              | This is already covered by the general clause prohibiting behaviour detrimental to property.                                                                                                                                  |
|         | Removal of the clause prohibiting damage to a public jetty or bridge.                                                                   | This is already covered by the general clause prohibiting behaviour detrimental to property.                                                                                                                                  |
|         | Re-writing of the obstruction to public jetty or bridge clauses to split them into separate clauses.                                    | To improve clarity of the local law.                                                                                                                                                                                          |

| Section                          | Amendment                                                                                                                                                                      | Reason                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Marine<br/>(continued)</b>    | Removal of clause dealing with littering on a public jetty or bridge.                                                                                                          | Already prohibited by the Litter Act 1979.                                                                                                                                                                                                                                                                                                                                                  |
|                                  | Removal of the miscellaneous provisions clause.                                                                                                                                | The majority of these acts or behaviours are already covered by the general prohibitions/activities requiring permission found in Part 4.                                                                                                                                                                                                                                                   |
|                                  | Removal of clause prohibiting nuisances from private jetties.                                                                                                                  | The activities regulated in this clause are already covered by the City's planning scheme, Environmental Protection Regulations, as well as other provisions in the proposed local law.                                                                                                                                                                                                     |
|                                  | Removal of clause dealing with mooring to a private jetty.                                                                                                                     | These acts are sufficiently regulated by other clauses in the proposed local law. The City also does not wish to get involved in private disputes i.e., if someone moors their vessel to a private jetty.                                                                                                                                                                                   |
|                                  | Removal of clauses dealing with the design and construction of private jetties and mooring piles.                                                                              | These would already require planning and building approval. The City considers this sufficient regulation when it comes to initial construction. A clause has been inserted requiring that an owner or occupier maintain a private jetty to prevent it becoming unsightly, dangerous or dilapidated. The City considers this to be sufficient regulation in respect of ongoing obligations. |
|                                  | Re-writing of clause dealing with dry storage of vessels.                                                                                                                      | To improve clarity and make it easier to comply.                                                                                                                                                                                                                                                                                                                                            |
|                                  | Re-writing of clause to do with maintenance of waterway edge walls.                                                                                                            | To improve clarity and make it easier to comply.                                                                                                                                                                                                                                                                                                                                            |
| <b>Thoroughfares/<br/>verges</b> | Removal of clauses dealing with parking on verges/thoroughfares.                                                                                                               | This is dealt with by the proposed Parking Local Law 2026.                                                                                                                                                                                                                                                                                                                                  |
|                                  | Removal of clauses that specify max plant heights on thoroughfares and minimum distances between plants and carriageways. Instead, plants must simply not obstruct sightlines. | The City considers this more appropriate as it better addresses the underlying issue.                                                                                                                                                                                                                                                                                                       |
|                                  | Removal of clause prohibiting the depositing of household rubbish and garden waste in public bins.                                                                             | This is already regulated in the Waste Local Law 2020.                                                                                                                                                                                                                                                                                                                                      |

| Section                                          | Amendment                                                                                                                                                                                                                                                                     | Reason                                                                                                                                                                                                |
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| <b>Thoroughfares/<br/>verges<br/>(continued)</b> | Removal of requirement for all verge gardens and associated infrastructure to be approved. Verge gardens are permitted with no further approval needed if they comply with the requirements specified in the local law. Only if they don't will permission need to be sought. | Reduce regulatory burden on the community.                                                                                                                                                            |
|                                                  | Removal of specific requirements regarding the construction of pipes laid under thoroughfares, as well as the construction of temporary crossings.                                                                                                                            | General provisions in the local law prohibit damage to a thoroughfare or City assets. The City considers these provisions sufficient to protect the City's assets.                                    |
|                                                  | Introduction of clauses related to the installation and maintenance of verges, along with liability for compensation for damage caused to a verge treatment as a result of the exercise of the City's powers or functions.                                                    | To ensure verge treatments planted by the community do not cause an obstruction or safety issues, and to ensure the City does not become liable for carrying out its statutory or official functions. |
|                                                  | Introduction of a clause requiring a person to obtain a permit for the construction of a temporary crossing.                                                                                                                                                                  | To protect community safety and amenity, as well as the City's assets.                                                                                                                                |
|                                                  | Introduction of a clause requiring an owner or occupier of a lot to remove any redundant crossings and reinstate any part of the thoroughfare or City infrastructure affected by the removal.                                                                                 | To make sure ratepayers don't need to pay to rectify private works, and to ensure the City's assets are protected.                                                                                    |
|                                                  | Removal of clause providing that street numbers must not be misleading. Also removal of clause providing power to the City to issue a notice of breach, do the work and recover costs.                                                                                        | City considers the clause unnecessary. Further, the notice and recovery of costs power likely infringes the Local Government Act 1995.                                                                |
|                                                  | Introduction of a clause prohibiting driving on a closed thoroughfare without a permit, except in accordance with the Local Government Act 1995.                                                                                                                              | To ensure consistency.                                                                                                                                                                                |
|                                                  | Introducing various notice powers to allow the City to issue notices to redirect or repair a sprinkler causing inconvenience/obstruction to persons, to remove garden hazards on thoroughfares, or rectify any breach of any clause dealing with activities on thoroughfares. | To expand enforcement options.                                                                                                                                                                        |

| Section                                          | Amendment                                                                                                                                                                                                                                                                                                                                                                        | Reason                                                                                                 |
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| <b>Public Places</b>                             | Introduction of a clause prohibiting animals, other than cats, from being in public places unless it is being led, ridden or driven, and further prohibiting animals with infectious or contagious diseases from being in public places, and further prohibiting the racing or training of animals in a public place.                                                            | To protect public health and amenity.                                                                  |
|                                                  | Introduction of a clause prohibiting the leading, riding or driving of horses in public places unless with a permit or under the authority of a written law (or where Council has permitted horses to be in certain reserves – for example CY O'Connor Reserve).                                                                                                                 | To ensure public safety and to protect the amenity of the community.                                   |
|                                                  | Removal of requirement for all alfresco dining facilities to be approved. Alfresco dining is permitted with no further approval needed if it complies with the requirements specified in the local law. Only if it doesn't, will permission need to be sought.                                                                                                                   | Reduce regulatory burden on business owners.                                                           |
|                                                  | Standardising the permit process for alfresco dining.                                                                                                                                                                                                                                                                                                                            | To improve clarity, consistency, and provide greater transparency.                                     |
|                                                  | New clause imposing obligation on permit holder to prevent smoking or vaping in alfresco dining area.                                                                                                                                                                                                                                                                            | To protect public health and amenity.                                                                  |
|                                                  | Amendment to the abandoned shopping trolley clauses to provide that these must always be dealt with by the relevant retailer.                                                                                                                                                                                                                                                    | To ensure proper ownership of the issue by retailers.                                                  |
| <b>Advertising signs</b>                         | The proposed clauses now regulate signage on thoroughfares only.                                                                                                                                                                                                                                                                                                                 | To reduce regulatory burden on the community and business owners, and reduce duplication of approvals. |
| Complete rethink of advertising signs provisions | <p>They provide that some types of signs do not require approval if they meet the requirements specified in the local law. Examples of signs which may not require approval include:</p> <ul style="list-style-type: none"> <li>• portable direction signs</li> <li>• business advertising signs</li> <li>• home open or garage sale signs</li> <li>• election signs.</li> </ul> |                                                                                                        |

| Section                       | Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Reason                                                            |
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| Advertising signs (continued) | <p>Introduction of clause providing that signs erected on thoroughfares must not be:</p> <ul style="list-style-type: none"> <li>• on a footpath</li> <li>• over a footpath where the resulting vertical clearance between a sign and a footpath is less than 2.5m</li> <li>• on or within 2m of a carriageway</li> <li>• in any other location where, in the opinion of an authorised person, the sign is likely to obstruct a line of sight along a thoroughfare or cause danger to a driver or other person using the thoroughfare</li> <li>• on any natural feature, including a rock or tree on a thoroughfare, or on a bridge or a structural approach to a bridge.</li> </ul> <p>Another clause has also been added requiring signs erected on a thoroughfare to:</p> <ul style="list-style-type: none"> <li>• be securely installed and not readily moveable by wind</li> <li>• not be illuminated or incorporate reflected or fluorescent materials</li> <li>• be maintained in a good condition.</li> </ul> | To protect community safety and amenity.                          |
|                               | <p>Introduction of clause providing that signs erected on thoroughfares must be marked with the owner of the sign, and where not marked, are deemed to be owned by the person/business/organisation named on the sign.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | To ensure the City knows who erected any sign.                    |
|                               | <p>Introduction of example conditions which may be imposed on a permit for a sign.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | To improve clarity, consistency, and ensure greater transparency. |

| Section                                                                                     | Amendment                                                                                                                                                                                                                                                                         | Reason                                                                                     |
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| <b>Hawkers, stallholders and street traders</b><br><br>Complete rethink of these provisions | The requirements around hawkers, stallholders and street traders are now not contained in a separate Part but are instead incorporated into the 'activities requiring a permit' clauses in the 'activities on local government property' and 'activities in thoroughfares' Parts. | To improve clarity, consistency, and ensure greater transparency.                          |
|                                                                                             | Removal of requirement for hawkers, stallholders and street traders to hold third party vehicle or workers compensation insurance.                                                                                                                                                | The first requirement is unnecessary, and workers compensation is already required by law. |
|                                                                                             | Removal of requirement for hawkers, stallholders and street traders to, when selling goods by weight, carry or use scales tested and certified in accordance with the Weight and Measures Act 1915.                                                                               | This Act is no longer in force, and the current Federal Act already requires this.         |
|                                                                                             | Removal of requirement for hawker, stallholder and street trader applications to automatically be denied if a permanent business is located nearby selling the same goods. The presence of businesses is now just a relevant consideration when determining the application.      | To ensure the local government isn't interfering with competition.                         |
|                                                                                             | Removal of the following obligations in respect of street performers: <ul style="list-style-type: none"> <li>• decent dress</li> <li>• selling of goods relating to their performance</li> <li>• soliciting donations in respect of their performance.</li> </ul>                 | The City considers these obligations unnecessary.                                          |
|                                                                                             | Introduction of example conditions which may be imposed on a permit.                                                                                                                                                                                                              | To improve clarity, consistency, and ensure greater transparency.                          |

| Section        | Amendment                                                                                                                                                                   | Reason                                                                                                                                                                          |
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| Permit process | Standardising the permit process.                                                                                                                                           | To improve clarity, consistency, and ensure greater transparency.                                                                                                               |
| Enforcement    | Introduction of clauses providing an authorised person with the power to refuse entry to local government property or to direct persons to leave local government property. | To expand enforcement options.                                                                                                                                                  |
|                | Introduction of clause providing that the City may dispose of lost property if not claimed within 3 months.                                                                 | To improve administrative efficiency.                                                                                                                                           |
|                | Adding various notice clauses related to damage caused to local government property.                                                                                        | To expand enforcement options.                                                                                                                                                  |
|                | Standardising enforcement rules.                                                                                                                                            | To improve clarity, consistency, and ensure greater transparency.                                                                                                               |
|                | Review of modified penalties to align with a three-tier approach.                                                                                                           | To ensure the modified penalties better reflect the seriousness of the offence, and to also create the ability for the City to issue larger infringements for repeat offenders. |

Please visit the [Proposed Public Places Local Law 2026 ‘Comment on Cockburn’ page](#) for a copy of the complete [proposed new City of Cockburn Public Places Local Law 2026](#).



While local governments have the ability to make local laws under the Local Government Act 1995, there are limits to this power. Any local law must be fair, reasonable, and proportionate. It should be necessary for the good government of the district. Local laws cannot conflict with State legislation, and they shouldn't introduce major new policies or big changes to existing policies. That is the role of State Government.