



Coastal, Waterways and Marina Local Law 2023

City of Cockburn

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City of Cockburn

Coastal, Waterways and Marina Local Law 2012

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City of Cockburn

Coastal, Marina and Waterways Local Law 2023

Under the powers conferred by the Local Government Act and under all other powers enabling it, the local government of the City of Cockburn resolved on the **X XXX 2023** to make the following local law.

PART 1- PRELIMINARY

1.1 Citation

This local law may be cited as the City of Cockburn Coastal, Marina and Waterways Local Law 2023

1.2 Commencement day

This local law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

1.3 Definitions

In this local law unless the context otherwise requires:

"Act" means the Local Government Act 1995;

"animal" means any animal other than a dog;

"AS 1158" means the standard called "Lighting for roads and public spaces" published by Standards Australia;

"AS 1163" means "Cold-formed structural steel hollow sections" published by the Standards Association of Australia;

"AS 2159" means the standard called "Piling-Design and installation" published by Standards Australia;

"AS 3004" means the standard called "Electrical installations-Marinas and Recreational Boats" published by Standards Australia;

"AS 3962" means the standard called " Marina Design" published by Standards Australia;

"AS 3678" means "Structural Steel-Hot-rolled plates, floorplates and slabs" published by Standards Australia;

"authorised person" means a person authorised 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;

"bathing" includes entry into the sea or any body of water and/or emerging

therefrom and includes the use of bathing appliances;

“bathing appliance” means a float of any material, surf ski, surfboard, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

"bait" means food, or some substance, used as a lure in fishing;

“boat” has the same meaning as given to the word “vessel” in the Western Australian Marine Act 1982;

“bridge” means a structure spanning a body of water, road, railway line, chasm or the like and affording passage to vehicles or natural persons;

"commencement day" means the day on which this local law came into operation;

"commercial vessel" has the meaning given to it by the *Western Australian Marine Act 1982*;

“complying drop net” means a drop net that:

- (a) is not more than 1.5 metres at its widest point; and
- (b) is so constructed so that when set:
 - (i) its side or sides collapse so that its netting lies flat on the ground; and
 - (ii) its netting is not capable of ensnaring or entangling a fish;

"district" means the district of the City of Cockburn;

“dry docking system” means any equipment used to create a dry barrier between the vessel and water when in the pen;

"fish" has the meaning given to it by section 4 of the *Fish Resources Management Act 1994*;

"fishing" has the meaning given to it by section 4 of the *Fish Resources Management Act 1994*;

"fishing net" means any fishing net other than a

- (a) hand scoop or hand dip net;
- (b) prawn hand trawl net; or
- (c) complying drop net;

“foreshore or beach” includes:

- (a) tidal and non-tidal waters in or outside but adjoining the district;
- (b) the area which adjoins the district and extends for a distance of 200 metres seawards from low water mark at ordinary spring tides; and
- (c) to any other public place or reserve adjoining the places mentioned in (a) or (b);

“function” means and includes a carnival, show, fete, concert, exhibition gymkhana, sporting event, a training or practice session in connection with a sport by a group or team of more than 2 persons, or a picnic or other gathering of more than 10 persons;

"gangway" means a structure including a removable ladder, ramp or footway that provides pedestrian access between a fixed jetty or the shore and a pontoon, floating jetty or a vessel;

"jetty" means:

- (a) any jetty, pier, wharf, quay, grid, slip, landing place, stage, platform (other than a platform that is a vessel for the purposes of the *Western Australian Marine Act 1982*) or similar structure, whether fixed or floating, erected or placed, wholly or in part, in, on or over any waters, and
- (b) any ramp and supporting structure for vessel access to a ramp which is or which may be used for the purpose of launching or landing a vessel;

"local government" means the City of Cockburn and includes, where the context permits, an authorised person;

"litter" has the meaning given to it by the Litter Act 1979;

"marina" means a complex of interconnecting pens, and all jetties and walkways, together with any adjoining waterways, which are under the care, control or management of the local government or a person authorised by the local government to undertake such care, control or management on behalf of the local government;

"moor" means to secure a vessel to a mooring;

"mooring" means something to which a vessel may be moored and includes an anchor, stake or mooring pile;

"mooring envelope" means the area of a waterway lot designated for the mooring of vessels;

"mooring pile" means any pile used or capable of being used to secure a vessel;

"nude" means not properly clad;

"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; or
- (b) an unreasonable interference with the use and enjoyment by 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" means the person who is the lawful owner or the person entitled to possession of any vessel, vehicle, cargo, property or chattel;

"pen" means a specific area within a marina for the mooring of a vessel and does not include any adjacent jetty and walkway;

"pollutant" means any noxious, polluting or offensive material whether

solid or liquid including but not limited to non-biodegradable chemicals or cleaning agents, rubbish, dirt, black water, sewage, oil, oily bilge water, sullage, fuel or the content of brine tanks, fish products including fish carcasses (but excluding bait), shells, offal or litter;

"pontoon" means a floating platform or similar structure providing landing, docking or mooring facilities;

"private jetty" means any jetty other than a public jetty;

"properly clad" means that a person must at least wear a costume or clothing which completely covers the genital area and in the case of a female of twelve years or more the breast;

"public jetty" means any jetty under the care, control or management of the local government;

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

"sign" includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colors or symbols;

"vessel" means any kind of vessel, whether licensed or unlicensed, used or capable of being used in navigation by water, however propelled or moved, and without limiting the generality of the foregoing includes:

(a) a barge, lighter, floating restaurant, dinghy, commercial vessel, tender vessel or other floating structure; and

(b) an air-cushion vehicle, or other similar craft, used wholly primarily in navigation by water,

but does not include structures used only for the purposes of walkways or storage;

"watercraft" means any boat, bathing appliance, canoe, hovercraft or jetski;

"waterway" means any area of water under the care, control and management of the local government or a person authorised by the local government to undertake such care, control or management on behalf of the local government including any area of water within a marina or, but not including mooring envelopes;

"waterway edge wall" means any revetment wall separating the land filled part of a lot adjoining a waterway from the submerged part of such a lot together with any associated retaining wall;

"waterway lot" means any privately owned land or lot adjoining a waterway.

1.4 Application

This local law applies within the district of the City of Cockburn.

PART 2 - USE OF WATERWAYS



Image 1 - Boundary of City of Cockburn Managed Waterways delineated by the pink outline

2.1 Swimming in waterway

- (1) No person shall swim in a waterway without having first obtained the written consent of the local government.
- (2) Notwithstanding sub-clause (1) a person:
 - (a) may swim in that portion of a waterway that is within 25 metres of a beach or foreshore provided the beach or foreshore has not been designated or set aside as a locality where swimming or bathing is prohibited;
 - (b) may swim in any area of a waterway that has been designated or set aside by the local government by signs or otherwise as a swimming area; and
 - (c) may swim in any waterway with the written consent of an authorised person.

2.2 Fishing in waterways

A person shall not:

- (a) fish in a waterway from a vessel; or
- (b) use a net for the purpose of fishing in a waterway; or

- (c) use a gidgee or spear gun; or
- (d) fish from a private jetty or private land, fish in a waterway unless from the allocated Fishing Jetty.

2.3 Users of waterway not to cause a nuisance

No person shall moor their vessel or otherwise use a waterway in such a manner as to cause a nuisance to other users of the waterway.

2.4 Maintenance of Vessels

A person shall not clean, repair or maintain a vessel moored in a waterway, pen, jetty or mooring envelope in such a manner as to cause a nuisance to other users of the waterway. Cleaning of the hull below the waterline not permitted.

2.5 Storage of Fuels

A person shall not store fuel:

- (a) on a jetty;
- (b) on any other structure built on or over the water and that is attached to the land;
- (c) otherwise within 20 metres of the high watermark; or
- (d) onboard, unless a small amount required for an auxiliary engine, except in a fuel storage facility constructed with the approval of the local government.

2.6 Pollution of waterway

A person shall not deposit or release or permit to be deposited or released any pollutant into a waterway whether from a vessel, jetty, bridge, pen or private land.

2.7 Restrictions on Vessel Anti-Fouling Paint

Any vessel that is coated with anti-fouling paint containing any substance or additive compound that has been altered or is applied at variance with manufacturers or government specification, which is known to bio-accumulate toxins or contain residual chemicals that risk being harmful to the marine environment, is prohibited from using the waterways or entering a marina.

2.8 Size of Vessels

Any vessel entering or navigating a waterway shall not exceed any size limit for vessels stipulated on a sign relating to the waterway.

2.9 Application of Signs

- (1) A sign that was erected by the local government or a person authorised by the local government prior to the coming into operation of this local law; and relates to the use of a waterway, jetty or marina, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law and shall have effect as such.
- (2) Where the use of a vessel in a waterway is regulated by a sign, then the sign shall for the purposes of this local law apply to that part of the

waterway which:

- (a) lies beyond the sign; and
- (b) lies between the sign and the next sign beyond that sign.

- (3) No person shall use a vessel in a waterway contrary to a sign.

PART 3 - MOORING OF VESSELS WITHIN WATERWAYS

3.1 Application of Part

This Part applies to the mooring of any vessel whether on a waterway, pen, private mooring envelope, jetty or within a marina.

3.2 Application of Signs

- (1) Where the mooring of a vessel in a waterway is regulated by a sign, then the sign shall for the purposes of this local law apply to that part of the waterway which:
 - (a) lies beyond the sign; and
 - (b) lies between the sign and the next sign beyond that sign.

- (2) No person shall moor a vessel contrary to a sign.

3.3 Vessels Moored Within Mooring Envelope

Where a vessel is moored within a mooring envelope it must be wholly contained within that mooring envelope.

3.4 Mooring of Oversized Vessels

A person shall not moor a vessel against a jetty where the vessel exceeds the maximum engineered load for the jetty against which it is moored or where the vessel exceeds the maximum size indicated on a sign.

3.5 Mooring Lines

- (1) The owner of a vessel must:
 - (a) provide, use and adequately maintain mooring lines sufficient to ensure the safe mooring of the vessel, and which shall not be less than the sizes listed below:

Length of vessel	Mooring Line Diameter
Up to 8m	Not less than 12mm
8m to 12m	Not less than 18mm
12m to 15m	Not less than 20mm
Over 15m	Not less than 24mm

- (b) periodically inspect the mooring lines and replace any mooring lines which are unfit for their intended purpose to ensure compliance with the requirements set out in this clause

3.6 Inspection of Mooring Lines by Authorised Person

- (1) Where an authorised person considers the mooring line of a vessel may be faulty or not comply with the requirements of clause 3.5(l)(a) the

authorised person may issue a written direction to the owner of the vessel requiring within a specified timeframe:

- (a) the replacement of any mooring line; or
- (b) the testing and certification of any mooring line as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government.

3.7 Connection of Moored Vessel to Electrical Power Supply

- (1) The owner of a moored vessel must not connect or permit the connection to the vessel to the mains power supply of a dwelling, unless the:
 - (a) power supply of the vessel complies with AS 3004;
 - (b) the power cords used to connect the power supply of the vessel to the main dwelling must comply with AS 3191; and
 - (c) the power cords or leads used to connect the vessel to the mains power supply do not enter the water and do not otherwise create a hazard for those in the vicinity of the vessel.

3.8 Mooring in Waterway

- (1) No person shall moor or anchor a vessel in a waterway so as to:
 - (a) obstruct the waterway; or
 - (b) cause a nuisance to other users of the waterway.

PART 4 - USE OF PUBLIC JETTIES

4.1 Use of a Public Jetty

- (1) A person shall not land at, use or enter a public jetty except in accordance with this local law.
- (2) A person shall not land at, use or enter a public jetty which is:
 - (a) under construction or repair; or
 - (b) closed under section 6 of the Jetties Act 1926 or any other written law,unless that person is engaged in the construction or repair of that public jetty in accordance with the written authorisation of the local government.

4.2 Mooring of Vessels

- (1) A person shall not moor or fasten a vessel to a public jetty unless:
 - (a) the vessel is in distress such that repairs are required and then only to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (b) it is for recreational purposes, and then not for a continuous period exceeding 2 hours without the prior written consent of an authorised person;
 - (c) where the vessel is being used for commercial purposes, the person has first obtained the approval of the local government and paid any required fee to the local government for such mooring or making fast; or
 - (d) the mooring of the vessel is authorised or permitted by the local government either by way of a sign affixed by the local government to the public jetty or by written consent of the local government.
- (2) A person shall not:
 - (a) moor or make fast a vessel to a public jetty or any part of the jetty except to such mooring piles, ring bolts or other fastenings as are provided;
 - (b) permit a vessel to remain alongside a public jetty unless the vessel is so moored or fastened; or
 - (c) moor or make fast a vessel that exceeds the maximum size of vessel permitted on a public jetty as indicated by any sign.

4.3 Authorised person may order removal of vessel

Notwithstanding anything to the contrary in this local law, a person shall immediately remove a vessel moored or fastened to or standing alongside a public jetty, upon being directed to do so by an authorised person.

4.4 Vehicles on Public Jetties

- (1) A person shall not:
 - (a) drive or allow a vehicle to remain on a public jetty without the prior written consent of the local government; or
 - (b) ride a bicycle, or allow a bicycle to remain, on a public jetty, except for an emergency vehicle responding to an emergency.

4.5 Fishing from Public Jetties and Bridges

A person shall not:

- (a) fish from a public jetty or bridge so as to obstruct or interfere with the free movement of a vessel approaching, passing or leaving the jetty or bridge or so as to cause a nuisance on or near the public jetty or bridge; or
- (b) hang or spread a fishing net from, on or over any part of a public jetty or bridge.

4.6 Prohibited activities on vessels, public jetties or bridges

A person shall not:

- (a) without the prior written consent of the local government offer for sale or sell goods or services from a vessel, public jetty or bridge;
- (b) use any loud speaking or sound amplifying device on a vessel, public jetty or bridge without the prior written consent of the local government;
- (c) interfere with the free movement of others entering or leaving a public jetty or bridge;
- (d) jump or dive from a vessel, public jetty or bridge; or
- (e) use a fire hose on a public jetty or bridge, except in the case of an emergency.

4.7 Material not to be removed

A person shall not remove or cause to be removed from a public jetty or from its approaches any gravel, stone, timber, trees, shrubs, grasses or other material without the prior written permission of the local government.

4.8 Damage to public jetty or bridge

- (1) A person shall not, cause damage to a public jetty or bridge.
- (2) Where damage is caused to a public jetty or bridge the local government may repair the damage and the costs of the repair shall be a debt due to the local government recoverable in a court of competent jurisdiction.
- (3) The debt referred to in sub-clause (2) is payable:
 - (a) where the damage is caused by the use of a vessel or vehicle, by the person in control of the vessel or vehicle at the time the damage occurs;
 - (b) where the damage is not caused by a vessel or vehicle, by the person or persons who caused the damage; or
 - (c) where the damage is caused by the use of a vessel or vehicle while under the control of an agent or employee of the owner of the vessel or vehicle, and without prejudice to the liability of other persons, if any, by the owner of the vessel or vehicle.

4.9 Obstruction of public jetty or bridge

- (1) A person shall not, without the written consent of the local government, cause any obstruction on a public jetty or bridge or impede the free passage of other persons to, from or on a public jetty or bridge.
- (2) A person shall not obstruct or hinder any authorised person, or worker engaged in the construction or repair of any public jetty or bridge.

- (3) A person shall not, without the prior written consent of the local government, place any sign, advertisement or fixture of any nature on a public jetty or bridge or access to a public jetty or bridge.
- (4) Property intended for shipment onto a vessel shall:
 - (a) not to be stored or placed on a public jetty unless and until the vessel is alongside the jetty; and
 - (b) be removed from the public jetty as soon as practicable.
- (5) A person unloading property from a vessel onto a public jetty shall cause it to be removed from the public jetty as soon as practicable or upon demand by an authorised person and in any event no later than 6.00pm on the day on which it was placed on the public jetty.
- (6) Except with the prior written consent of the local government, a person shall not tip or deposit bulk cargo from a vehicle or vessel onto a public jetty. An authorised person may direct a person apparently in charge of property which remains on a public jetty contrary to this local law to remove the property from the public jetty.
- (7) An authorised person may remove and impound property which has been left on a public jetty contrary to this local law in accordance with Part 3, Division 3, Subdivision 4 of the Act, irrespective of whether a direction to remove the property has been given pursuant to clause 4.9 (3).

4.10 Littering on a public jetty or bridge

A person shall not:

- (a) tip or deposit anything on to a public jetty or bridge so as to litter or cause pollution; or
- (b) deposit any offensive rubbish or offal into any rubbish bin located on the public jetty or bridge.

4.11 Launching of Vessels

A person shall not launch or permit the launching of a vessel from or over any public jetty unless he or she has:

- (a) applied to, and obtained the written consent of, the local government in the form (if any) prescribed by the local government for any purpose; and
- (b) paid to the local government any fee set by the local government from time to time for the purpose.

4.12 Miscellaneous Prohibitions

- (1) No person shall on any public jetty or bridge:
 - (a) light, place or keep a fire upon or so near as to endanger the jetty or bridge;
 - (b) throw or impel any stone, or other missile onto or therefrom, except for the express purpose of fishing and then only in accordance with clause 4.5;
 - (c) permit an animal to remain thereon, except with the written consent of the local government;
 - (d) be in a state of intoxication or in possession of any intoxicating substance unless such intoxicating substance is cargo or medical supply carried for lawful purpose;

- (e) post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement, sign or other matter;
- (f) fix or place any receptacle capable of holding water and providing a breeding site for mosquitoes or other insects;
- (g) land, place or handle explosives without the prior written consent of the local government; or
- (h) loiter, lounge, camp or sleep or erect a tent, camp or take-off or land an unmmanned aircraft.

4.13 Application for consent

- (1) Where a person is required to obtain the written consent of the local government under this local law, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose a fee for receipt of an application for consent made under clause 4.13(1).
- (3) If an application for consent is not made in the manner required by the local government or the fee, if any, which is charged to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.

4.14 Local government may close jetties or regulate activities

The local government may:

- (a) Close or cause to be closed any jetty or any part thereof;
- (b) Regulate, prohibit or restrict access to any jetty or any part thereof, and
- (c) Direct persons to leave the jetty or any part thereof, for the purposes of:
 - (i) a function or public convenience at or on the jetty;
 - (ii) repair, maintenance or construction of the jetty;
 - (iii) public safety; or
 - (iv) other operational reasons.

PART 5 - PRIVATE JETTIES AND WATERWAY LOTS

5.1 Activities requiring permission on a private jetty

- (1) A person shall not on a private jetty without the prior written consent of the local government:
 - (a) offer for sale or sell goods or services; or
 - (b) use any loud speaking or sound amplifying device; or
 - (c) interfere with the free movement of others on any waterway adjoining the private jetty to cause a nuisance; or
 - (d) display any sign or advertisement other than those authorised by the local government.

5.2 Mooring of Vessels

A person shall not:

- (a) moor or permit the mooring of a commercial vessel at a private jetty without prior approval of the local government;
- (b) moor or permit the mooring of a vessel at a private jetty without the consent of the owner of the jetty; or
- (c) moor or permit the mooring of a vessel or a dry docking system between the jetty and the waterway edge wall so as to compromise the integrity of the rock revetment or waterway edge wall.

5.3 Private Jetties

- (1) A person shall not construct a jetty or pontoon without approval from the Local Government and:
 - (a) in such a manner as to damage a waterway edge wall underlying or adjoining the jetty or pontoon;
 - (b) in such a manner as to impose any additional load upon a waterway edge wall, unless approved by the local government; or
 - (c) other than within the jetty/pontoon envelope designated by the local government;
 - (d) that does not follow the local development plan and jetty design guidelines unless approved otherwise in writing by the local government;
 - (e) in a waterway, including a non-motorised vessel area
 - (f) without As Constructed drawings being provided to the local government.
- (2) The installation of services including electricity, potable water, data or communications cabling or sewage/sullage facilities is prohibited on any private jetty or pontoon.
- (3) Notwithstanding sub-clause (2), an owner may with the permission of the local government and in accordance with AS 1158 install lighting, a power connection and potable water via an approved marine pedestal on a private jetty.
- (4) The owner of a private jetty or pontoon must maintain the jetty or pontoon so as to avoid it becoming dilapidated, unsightly, unsafe or otherwise unfit for its purpose, and must comply with any notice given by the local government in that regard within 28 days or such longer period

as may be stipulated in the notice.

- (5) A person shall not construct a gangway:
 - (a) other than in accordance with AS 3962;
 - (b) in such a manner as to damage or impose any additional load upon a waterway edge wall;
 - (c) other than within the jetty/pontoon envelope; or
 - (d) that is permanently attached or fixed to a waterway edge wall;
 - (e) that is in excess of 2 metres in width to a jetty or pontoon;
 - (f) that is contrary to the Design Guidelines unless approved by the City of Cockburn

5.4 Design of Mooring Piles

- (1) A person shall not construct a mooring pile other than:
 - (a) in accordance with AS 2159;
 - (b) where steel piles are installed, in accordance with AS 3679.1, AS 3679.2, AS 1163 and AS 3678 as applicable.
- (2) A person must not construct, position or place a mooring pile, pole or other structure for the purpose of mooring a vessel within a waterway without the written consent of the local government.

PART 6 - MAINTENANCE OF WATERWAY EDGE WALLS

6.1 Maintenance of Waterway - Edge Walls

- (1) An owner of property must maintain any waterway-edge wall within their property to avoid it becoming dilapidated, unsightly, unsafe or otherwise unfit for its purpose.
- (2) Should an owner fail to comply with the maintenance request of the Local Government in a timely manner, works can be complete to the satisfaction of the City by the City, at the expense of the property owner.
- (3) No person shall drill, cut, alter or remove a waterway edge wall without the written consent of the local government.
- (4) An owner of property containing a waterway edge wall shall maintain a depression on the dry side of the owner's lot behind the top of the retaining wall edge for drainage purposes.

6.2 Notice to Repair Waterway - Edge Walls

Where an owner fails to comply with clause 6.1 the local government may serve notice on the owner of the property requiring them to maintain or repair or replace anything stated in the notice within the timeframe given in the notice.

PART 7 - USE OF MARINA

7.1 Requirement for permit

- (1) A person must not, without first obtaining a permit from the local government, moor or anchor or cause any vessel to be moored or anchored, within a marina.
- (2) A person must comply with the Permit Terms & Conditions, associated Local Law and Head Licence when obtaining a permit.

7.2 State of Nominated Vessel

The Pen Holder will ensure that the Nominated Vessel is at all times kept in good, tidy and seaworthy condition. - allocate an infringement for this clause

7.3 Removal of vessel

An authorised person may, in any of the circumstances mentioned in clause 7.1, move or cause to be moved any vessel located within a pen. The costs of moving a vessel under this clause shall be a debt due to the local government, payable by the pen holder and recoverable in a Court of competent jurisdiction.

PART 8 - FORESHORES AND BEACHES

8.1 Application of Part

This Part applies to the area which adjoins the district and extends for a distance of 200 metres seawards from low water mark at ordinary spring tides.

8.2 Prohibited Areas

- 1) For the safety, decency, convenience and comfort of persons in respects of bathing and other recreational conduct, the local government or an authorised person may set aside specific localities wherein all or any of the following things are prohibited:
 - (a) entry by persons;
 - (b) bathing;
 - (c) the use of any bathing appliance or any particular kind of bathing appliance;
 - (d) the entry and use of vehicles;
 - (e) the launching of boats and other watercraft;
 - (f) the playing of games;
 - (g) the selling or displaying for sale or hiring of goods and merchandise; and
 - (h) nude bathing.
- 2) The local government or an authorised person may set aside such specified localities for the purpose of section 3.2 (1) for a particular period or until further notice by causing notices to that effect to be placed in the vicinity of the locality.
- 3) An authorised person may set aside specified localities in which bathing is prohibited by the placement of notices, flags or such other indicators as are from time to time provided or required by the local government.
- 4) The local government or an authorised officer may set aside specific areas where fishing is prohibited and specified areas for a particular period or until further notice, by causing notices to that effect to be placed in the vicinity of the specified area.

8.3 Prohibited Activities

A person shall not on a reserve, foreshore or beach:

- (a) carry on any activity which contravenes any notice given pursuant to the provisions of section 8.2 (2) or (8);
- (b) drive or take any watercraft into any place where persons are bathing in such a manner as to cause or be likely to cause annoyance or injury to any person bathing or about to bathe;
- (c) play games in such a way as to cause inconvenience or annoyance to other persons;
- (d) fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks;
- (e) fish, unless complying with the following criteria:
 - i. wire trace or a monofilament trace exceeding 2mm in diameter;
 - ii. hooks to those larger than size 12/0; and
 - iii. is not a form of balloon fishing.
- (f) destroy, damage, injure, cause harm to, catch (excluding fish), snare or take any animal;

- (g) place any clothing, towel on a notice, remove or otherwise interfere with any notice, flags or specified indicator of the kind referred to in section 8.2 (2) and (3);
- (h) create, commit or take part in any nuisance or disturbance, behave in a disorderly or offensive manner or use indecent language or commit any act of indecency;
- (i) enter, look into or loiter inside or outside any lavatory, dressing shed or building or portion of a building used by the same sex or the opposite sex unless the person is present and performing any work or function with authority duly given;
- (j) except to put on or remove a garment or garments worn over a bathing costume, dress or undress or remove or disarrange any part of a bathing costume, in any place open to public view or in any building other than such as is specifically set aside by the local government for that purpose;
- (k) bathe, swim, wade, sun bathe, wander or loiter unless properly clad;
- (l) climb upon any wall, building or tree guard or over, under or through any fence or gate designed or installed for the purpose of prohibiting or restricting the entry of persons or vehicles;
- (m) enter any place that has been fenced off or otherwise closed to the public;
- (n) add any dye or chemical to the water;
- (o) alter, cut, mutilate, deface, disfigure or damage any equipment, property, building or structure of any kind;
- (p) damage, destroy, interfere with or remove any water pipe, tap, hose, hose fitting, sprinkler, irrigator, watering device, valve, pump, motor, controller or switchboard;
- (q) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind other than in receptacles provided for that purpose;
- (r) climb, injure, cut, break, deface, pull up, pick, remove or destroy any tree, tree guard, shrub, flowers, grass or plant of any kind or description or, without the written consent of the local government or an authorised person, plant any such thing or sow any seed;
- (s) take, inject, ingest or otherwise administer any illicit drug or substance;
- (t) be obviously under the influence of alcohol or other drugs, enter or remain in or fail to depart from any place upon being ordered to do so by an authorised person;
- (u) throw or release any stone, arrow, or other missile, whether of the same kind or not, except in the course of a function being lawfully held;
- (v) carry or discharge any firearm, airgun, or other missile discharging device, or throw or discharge any explosive device, firework, stone, or missile;
- (w) operate any musical instrument, radio, record or cassette player, radiogram, television, amplifying equipment or other sound producing, enhancing or amplifying electronic device at such volume as to cause a nuisance or annoyance to other persons in or near the locality;
- (x) use or operate any siren, starting gun or other device which causes a loud noise in such a manner as to cause a nuisance or annoyance to any person on or in the vicinity;
- (y) charge any person for entry thereto or for entry to any function being held thereon without written authorisation;
- (z) unlock or unfasten any gate or door unless authorized by the local government or an authorised person;
- (aa) play or practice at golf or strike a golf ball except on an area set aside for that purpose;

- (bb) interfere with the conduct of any function for which a function licence has been issued;
- (cc) light a fire;
- (dd) wander abroad or be in any place to which the public has access to beg, to gather alms (whether money, food, clothing or goods) or cause or procure any child to do so, except for charitable causes not for personal benefit;
- (ee) without affecting the generality of the foregoing, commit or cause a nuisance;
- (ff) participate in the activity of archery;
- (gg) bet, gamble or call the odds or offer to bet or gamble.

The provisions of this section shall not apply to an authorised person acting in the course of his or her duty.

8.4 Activities Requiring Permission

In relation to property under the care, control or management of the local government a person shall not without the written permission of the local government or an authorised person:

- (a) advertise anything by any means or display or distribute any notice, pamphlet, document, advertisement or message;
- (b) organise, conduct or address a gathering or meeting of persons or organize or take part in a procession or demonstration or carry a placard or notice;
- (c) take onto a public reserve any spirituous or intoxicating liquor;
- (d) cause or allow to be ridden or driven any bicycle or other vehicle whether motorized or not (other than wheelchairs or other devices designed to assist the movement of disabled persons with disabilities) except upon a carriageway, road, path or footpath designated for use by such vehicle;
- (e) camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight;
- (f) erect a tent, marquee or any other temporary cover for the purpose of entertainment or any other purpose;
- (g) land and/or take off a helicopter or other form of aircraft;
- (h) land by way of parachute or hang glider;
- (i) use or install any unauthorised power line, water pipe, irrigation system or drainage system;
- (j) fly any mechanically operated or remote controlled model aircraft that cannot launch and land vertically.
- (k) in a public reserve, conduct or assist in the conduct of or take part in any function;
- (l) carry on any trading activity; or
- (m) without limiting the generality of the foregoing paragraph, hire or offer for hire any vehicle, bicycle, watercraft, kite or other item or equipment for sport, entertainment or amusement.

8.5 Vehicles

On any foreshore or beach:

- (a) a person shall not drive or ride a motorised vehicle (other than a wheelchair or other device designed to assist the movement of persons with a disability) on any footpath or separated path or shared path otherwise than on those parts of the foreshore or beach set aside as a road, driveway or vehicle parking area;
- (b) a person shall not park or stop any vehicle except on an area set aside

as a parking area;

- (c) the local government or an authorised person may in special circumstances grant permission to allow a motorised vehicle to enter upon a foreshore or beach for a specific purpose and the local government may apply such conditions, as it thinks fit to such permission; and
- (d) a person shall not drive, park or stop any vehicle in breach of any condition imposed on a permission under (c) above.

8.6 Decency

With respect to decency:

- (a) any person over the age of 5 years bathing in water exposed to the public view or using a reserve, foreshore or beach for sun bathing or any other activity in public view shall in order to secure the observance of decency, be properly clad;
- (b) a parent or other adult person who is a person on or in the near vicinity of the foreshore or beach and is responsible for the custody, care or control of a child between the age of 5 years and 15 years shall ensure that the child is properly adequately clad in accordance with paragraph (a) of this section.

8.7 Order Person to Put on Adequate Clothing

Where an authorised person considers that the costume or other clothing of any person on land or water to which this Part applies is not proper and adequate to secure decency, the authorised person may order that person to put on adequate clothing and that person shall comply with such order forthwith.

8.8 Safety

- (1) An authorised person may in or on any place where this Part applies, seize any device used for surf riding including a surf ski, jet ski, surfboard, malibu board or boat where the device is being used contrary to the provisions of this Part.
- (2) Any device of the kind referred to in subsection (1) may be impounded after seizure for any period not exceeding 3 months as may be specified by the authorised person to the person having custody of such device immediately prior to the time of seizure.
- (3) Where such device is not claimed by the owner thereafter within 2 months after the expiration of the period for which the device was impounded the device may be sold by the local government and the proceeds of such sale may be applied towards recouping the costs of and incidental to impounding it.
- (4) Where the costs referred to in subsection (3) exceed the costs of the impoundment then the excess shall be paid to the owner of the device or where the identity or whereabouts of that owner are unknown placed in a trust fund.
- (5) Any surplus of the proceeds referred to in subsection (4), if not paid to the owner within ten (10) years may be paid into the municipal fund.

8.9 Permissions Under This Part

Every application for permission in this Part shall be in the form approved by the local government from time to time.

The local government or an authorised person may grant permission or refuse to grant permission under this part or grant permission subject to conditions.

Where permission has been granted by the local government or an authorised person under this part subject to conditions the person to whom the permission has been granted shall ensure that those conditions are observed at all times. If any such condition is not observed that person commits an offence against these local laws and the local government or an authorised person may cancel the permission.

Every permission granted for a function pursuant to paragraph (k) of section 8.4 shall include the condition whether expressed in the permission or not that the person to whom permission has been granted shall ensure that persons obviously under the influence of alcohol or acting in a disorderly manner are excluded from attendance at the function.

PART 9 - GENERAL PROVISIONS

9.1 Notice of breach

- (1) When a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such breach.
- (2) A notice issued pursuant to sub-clause (1) shall:
 - (a) specify the provision of this local law has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within the time period stipulated in the notice which shall be not less than 14 days from the giving of the notice, except as provided in subclause (3).
- (3) Where the breach of a notice involves or includes the treatment or use of a vessel for a limited period of time, the breach will occur if the vessel is treated or used in the manner complained of for more than the limited or stipulated time.
- (4) It is an offence to fail to comply with a notice issued by the local government pursuant to sub-clause (1).

9.2 Offences and penalties

- (1) A person who:
 - (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with the requirements of a notice issued under this local law by the local government or by an authorised person; or
 - (c) does anything which under this local law that person is prohibited from doing; commits an offence.
- (2) Where, under this local law, an act to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.
- (3) Any person who commits an offence under this local law is liable, upon conviction, to a penalty 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) Any person who fails to comply with a direction issued by an authorised person commits an offence.
- (5) Any person who obstructs an authorised officer in the course of his duties under this local law commits an offence.

9.3 Prescribed offences

- (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) 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 Schedule 1;
 - (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Schedule 1.
- (3) An authorised person, before giving an infringement notice to a person in respect of the commission of a prescribed offence, must be satisfied that:
 - (a) the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.4 Forms of infringement notices

- (1) Unless otherwise specified, for the purposes of this local law:
 - (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Local Government (Functions and General) Regulations 1996; and
 - (b) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

9.5 Fees and charges

Fees and charges may be imposed by the local government for the purposes of this local law in accordance with the requirements of Part 6, Division 5, Subdivision 2 of the Act.

9.6 Costs of repair

Any person who causes damage to a jetty, bridge or pen under the care, control and management of the local government, whether or not they are committing an offence under this local law, shall pay the costs of repairing any damage caused to the local government.

9.7 Appointment of an authorised person

The local government may appoint authorised persons under section 9.10 of the Act to perform any of the functions of an authorised person under this local law.

Schedule 1 – Offences and Modified Penalties

Prescribed offences

Jetties, Waterways & Marina Local Law 2012

OFFENCES AND MODIFIED PENALTIES

Item No	Clause	Nature of Offence	Modified Penalty First Offence \$	Modified Penalty Subsequent Offence \$
1	2.1(1)	Swimming in a waterway so as to cause a nuisance	50	50
2	2.2(a)	Fishing in a waterway from a vessel so as to cause a nuisance	100	100
3	2.2(b)	Using a net to fish in a waterway so as to cause a nuisance	100	100
4	2.2(c)	Using a gidgee or spear gun to fish in a waterway so as to cause a nuisance	100	100
5	2.2(d)	Fishing from a private jetty or private land so as to cause a nuisance	100	100
6	2.3	Using a waterway so as to cause a nuisance	100	200
7	2.4	Maintaining a vessel so as to cause a nuisance	100	200
8	2.5	Store fuel without approval	100	200
9	2.6	Depositing or releasing pollutant into waterway	250	500
10	2.9(3)	Using a vessel in a waterway contrary to a sign	100	200
11	3.2(2)	Mooring a vessel contrary to a sign	100	200
12	3.3	Mooring a vessel other than wholly within a mooring envelope	100	200
13	3.5	Mooring a vessel with faulty or inadequate mooring lines	100	200
14	3.8(1)(b)	Mooring in a waterway to cause obstruction or cause a nuisance	150	300
15	4.2	Unauthorised mooring of a vessel on a public jetty	100	200
16	4.5(a)	Fishing from a public jetty or bridge so as to cause obstruction or nuisance	100	100
17	4.5(b)	Using a fishing net on a public jetty or bridge	100	100
18	4.6(a)	Offering or selling goods or services from a vessel, public jetty or bridge	100	100
19	4.6(b)	Using a loud speaking device on a public jetty or bridge	100	100
Item No	Clause	Nature of Offence	Modified Penalty First Offence \$	Modified Penalty Subsequent Offence \$

20	4.6(c)	Interfering with the free movement of others entering or leaving a public jetty or bridge so as to cause a nuisance	100	100
21	4.6(d)	Display a sign or advertisement without authority	100	100
22	4.6(e)	Jumping or diving from a public jetty or bridge	100	100
23	4.6(±)	Use of fire hose where no emergency exists	500	500
24	4.8(1)	Causing damage to a public jetty or bridge	200	200
25	4.9	Causing an obstruction of a public jetty or bridge	100	100
26	4.10	Littering on a public jetty or bridge	100	100
27	4.12	Miscellaneous prohibitions	100	100
28	5.1(a)	Offering or selling goods or services on a private jetty	100	100
29	5.1(b)	Using a loud speaking device on a private jetty	100	100
30	5.1(c)	Interfering with the free movement of others on any waterway adjoining the private jetty so as to cause a nuisance	100	100
31	5.1(d)	Display a sign or advertisement without authority	100	100
32	5.1(e)	Use of fire hose where no emergency exists	500	500
33	5.2(a)	Mooring of a commercial vessel on a private jetty	100	200
34	5.2(b)	Mooring of an oversized vessel on a private jetty	100	200
35	5.2(c)	Mooring of a vessel on a private jetty without consent of owner	100	200
36	5.3(1)	Unsatisfactory construction of jetty or pontoon	100	
37	5.3(4)	Failing to maintain private jetty or pontoon	100	200
38	5.5	Dry store a vessel on a private jetty	100	200
39	6.1(1)	Failing to maintain waterway-edge wall	100	200
40	6.1(2)	Damaging a waterway-edge wall	200	400
41	7.1	Mooring or anchoring a vessel in a marina without a licence or lease	100	200
42	7.2	Vessel not kept in seaworthy condition	500	500
43	8.1(3)	Failure to comply with notice	100	200
44	8.2(1)	Other offence not specified	100	200
45	8.2(4)	Failure to comply with a direction by an authorised officer	100	200
46	8.3 (d)	Fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks. i.	500	500
47	8.3 (e)	Fish, unless complying with the following criteria.	200	200
48	8.3 (a – c), (f-gg)	All other offences	100	100

	8.4 (a – f) and (i-m)	Undertaking an activity without approval	100	100
49	8.4 (g)	land and/or take off a helicopter or other form of aircraft without approval.	500	500
50	8.4 (h)	land by way of parachute or hang glider without approval	500	500

Schedule 2 – Marina application form



Port Coogee Marina

Application Form

Pen Licences are subject to the terms and conditions of the Deed of Licence, Marina Rules and Regulations, and Jetties, Waterways & Marina Local Law 2012. Visit cockburn.wa.gov.au/Marina for more information.

*Each Invoice apart from the initial one raised will attract an administration fee of \$22.50

Pen Number:		Pen size:	
Proposed Start Date:			
Licence Term *all fees require upfront payment			
Days: (min 1 day)	Months: (min 2 weeks)	Years: (min 6 months – 2 years)	
Payment Options: (please tick) *fees apply	Quarterly <input type="radio"/>	6 monthly <input type="radio"/>	Annually <input type="radio"/>

LICENSEE DETAILS (Registration and Insurance must be under this name)

Customer Name:		Preferred Name:	
Company Name (if applicable):			
Residential address:			
Postal address:			
Email address(es):			
Phone:		DOB:	
Spouse Name:		Spouse Email:	
Spouse Phone:		Spouse to be included in correspondence? Yes <input type="radio"/> No <input type="radio"/>	
Boat Partners Name:		Boat Partners Email:	
Phone:			

*Please attach a page for additional boat partners and contacts

VESSEL DETAILS

Boat Name:			
Registration Number:		Registration Expiry:	
Make: Sail <input type="radio"/> Power <input type="radio"/> / Mono <input type="radio"/> Multi <input type="radio"/>		Model:	
Insurance Provider:		Insurance Expiry:	
Insurance Policy Number:		Gas Compl. Expiry: N/A <input type="checkbox"/>	
Electrical Compl. Expiry: N/A <input type="checkbox"/>		Overall Length: Displacement:	
Beam:	Draft:	Fuel Type: Diesel <input type="radio"/> Petrol <input type="radio"/>	

EMERGENCY CONTACT (Someone who will not usually be boating with you)

Name:	Phone:
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DOCUMENTS PROVIDED

Registration: (Y/N) Yes
Insurance: (Y/N) Yes
Gas and/or Electrical Certificates:
Swipe Card Numbers:

Office Use Only

BPL/Marina Focus:	Wifi Setup:
Licence Fee:	
Licence Prepared:	
Induction Complete: Y/N Yes	

5 Maraboo Loop, North Coogee WA 6163
08 9411 3390 | marina@cockburn.wa.gov.au | cockburn.wa.gov.au/marina

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

Mayor

Chief Executive Officer
