

**M21/5815 – Attachment 2 - Gazetted version of the *City of Melville Local Law Relating to Street Numbering 2006* annotated with the amendments that will apply when the *City of Melville Street Numbering Amendment Local Law 2021* comes into operation.**

[Note in this attachment, ~~deletions are shown in red and struck through~~, insertions are shown in blue.]

**LOCAL GOVERNMENT ACT 1995**  
*City of Melville*  
LOCAL LAW RELATING TO STREET NUMBERING 2006

Under the powers conferred by the *Local Government Act 1995* as amended from time to time and under all other powers the Council of the City of Melville resolved on 21 March 2006 to make the "*City of Melville Local Law Relating to Street Numbering 2006*".

**1. Interpretation**

In this local law, unless the context requires otherwise—

**"Act"** means the *Local Government Act 1995* as amended from time to time;

**"authorised person"** means a person authorised by the ~~Local Government~~ local government under Section 9.10 of the *Local Government Act 1995* to perform any of the functions of an authorised person under this local law;

**"building"** means any roofed structure enclosing space and intended for use as shelter (for people, animals or property) or for recreational, commercial or industrial purposes;

**"district"** means the district of the City of Melville;

**"land"** means land in the district and includes houses, buildings, works, and structures, in or upon the land;

**"Local Government"** local government means the City of Melville;

**"lot"** means –

(a) a lot as defined in ~~has the meaning given to it in~~ and for the purposes of the ~~Town Planning and Development Act 1928~~ *Planning and Development Act 2005*, or

(b) a lot in a strata scheme as defined in and for the purposes of the *Strata Titles Act 1985*, or

(c) a lot in a survey-strata scheme as defined in and for the purposes of the *Strata Titles Act 1985*;

**"notice of breach"** means a notice referred to in clause 5 of this local law;

**"residential lot"** means a lot where a residential use is or may be permitted under the ~~Town~~ Local Planning Scheme; and is or will be the predominant use of the lot; and

**"street number"** means a number with or without an alphabetical suffix indicating the address of land as assigned by the Local Government from time to time, in accordance with this local law.

*[Clause 1 amended by City of Melville Street Numbering Amendment Local Law 2021]*

**2. Assignment of street number**

2.1. The ~~Local Government~~ local government or an authorised person shall assign a street number to each lot in a street, thoroughfare or way in the district ~~in accordance with its policy on street numbering~~ so as to ensure unambiguous and easy identification of every individual lot.

2.1A The local government will allocate to each lot a street number pertaining to the street from which the primary access to the lot is gained.

2.2 The ~~Local Government~~ local government or an authorised person may from time to time assign another street number to a lot instead of that which was previously assigned, including all lots in a street whether previously numbered or not.

*[Clause 2 amended by City of Melville Street Numbering Amendment Local Law 2021]*

**3. Street number to be displayed**

3.1 The owner or occupier of each lot shall paint or affix and maintain the current street number assigned by the ~~Local Government~~ local government, in a conspicuous place on the front of the building, letterbox, fence or gate adjacent to the street fronting the lot. A street number painted on the kerb adjacent to the lot is desirable for the purposes of this sub-clause.

3.2 A street number painted on the kerb adjacent to the lot is a requirement for all lots whose numbers are newly allocated or whose numbers are re-allocated under this ~~Local Law~~ local law.

*[Clause 3 amended by City of Melville Street Numbering Amendment Local Law 2021]*

#### **4. Location of number not to be misleading**

4.1 A person shall not place or display the street number of the lot in such a location as to cause confusion or be misleading.

4.2 A person shall not adopt, use or display a street number other than that street number assigned by the ~~Local Government~~ local government.

4.3 Where the location of a street number causes confusion or is misleading, or an unauthorised street number is being used or displayed on a lot, the local government or an authorised person may serve notice in writing on the owner or occupier of the land.

*[Clause 4 amended by City of Melville Street Numbering Amendment Local Law 2021]*

#### **5. Notices of breach**

5.1 Where a breach of any provision of this local law has occurred in relation to street numbering, the ~~Local Government~~ local government may, under section 3.25 of the *Local Government Act 1995*, give a notice in writing to the owner or occupier of that lot ('notice of breach').

5.2 The notice of breach shall—

- a) specify the provision of this ~~Local Law~~ local law which has been breached;
- b) specify the particulars of the breach; and
- c) state that the owner or occupier of the lot is required to remedy the breach within the time specified in the notice.

5.3 Should an owner or occupier of a lot fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot in a court of competent jurisdiction.

5.4 A person who fails to comply with a notice issued pursuant to this local law commits an offence.

*[Clause 5 amended by City of Melville Street Numbering Amendment Local Law 2021]*

#### **5A Objection and appeal rights**

Part 9 Division 1 of the *Local Government Act 1995* applies to a decision under subclause 5.1 of this local law.

*[Clause 5A inserted by City of Melville Street Numbering Amendment Local Law 2021]*

#### **6. Offences and penalties**

6.1 A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

6.2 A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

#### **7. Modified penalties**

7.1 An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16 (1) of the Act.

7.2 The amount of the modified penalty for a prescribed offence is that specified adjacent to the subclause in Schedule 1.

7.3 For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an ~~authorized~~ authorised person should be satisfied that—

- a) commission of 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.

*[Clause 7 amended by City of Melville Street Numbering Amendment Local Law 2021]*

## 8. Form of notices

8.1 For the purposes of this local law—

- a) the form of the infringement notice referred to in section 9.17 of the Act is to be in or substantially in the form 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 to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

### Schedule 1 – Modified Penalties [Subclause 7.2]

Item	SubClause	Nature of Offence	Modified Penalty \$
1	3.1; 3.2	Failure to paint, affix or maintain current street number in a conspicuous place on the building, letterbox fence or gate to street.	<del>400</del> 200
2	4.1	Place or display a street number so as to cause confusion or be misleading.	<del>400</del> 200
3	4.2	Adopt, use or display a street number other than that street number assigned by the <del>Local Government</del> local government.	<del>400</del> 200
4	5.3	Failure to comply with a notice to remedy a confusing, misleading street number, or use/display an unauthorised street number.	<del>200</del> 400

[Schedule 1 amended by City of Melville Street Numbering Amendment Local Law 2021]

Dated this 3rd day of April 2006.

The Common Seal of the City of Melville was affixed by authority of a resolution of the council in the presence of—

KATHERINE JACKSON, Her Worship the Mayor.  
ERIC LUMSDEN, Chief Executive Officer.