WESTERN AUSTRALIAN GOVERNMENT Gazette
ISSN 1448-949X (print) ISSN 2204-4264 (online)
PRINT POST APPROVED PP665002/00041

PERTH, TUESDAY, 6 DECEMBER 2016 No. 219 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

SHIRE OF CORRIGIN

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

SHIRE OF CORRIGIN

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

CONTENTS

PART 1—PRELIMINARY

1.1 Citation
1.2 Commencement
1.3 Application
1.4 Interpretation

PART 2—KEEPING OF ANIMALS

Division 1—Animals

2.1 Interpretation
2.2 Cleanliness
2.3 Animal enclosures
2.4 Cats

Division 2—Keeping of birds

2.5 Keeping of poultry and pigeons in a residential zone
2.6 Conditions for keeping of poultry
2.7 Roosters, geese, turkeys and peafowl
2.8 Conditions for keeping of pigeons
2.9 Restrictions on pigeon nesting and perching
2.10 Conditions of keeping aviary birds
2.11 Nuisance caused by birds

Division 3—Keeping of bees

2.12 Permit required to keep bees
2.13 Application for a permit
2.14 Determination of application
2.15 Conditions of approval
2.16 Variation or cancellation of permit and conditions
2.17 Permit holder to notify cessation of registration or keeping of bees
2.18 Permit not transferable
2.19 Nuisance
2.20 Notice to remove bees

Division 4—Keeping of farm animals

2.21 Permit required to keep farm animals
2.22 Application for a permit to keep farm animals
2.23 Determination of application to keep farm animals
2.24 Conditions of approval to keep farm animals
2.25 Variation or cancellation of permit to keep farm animals and conditions of permit
2.26 Conditions for keeping farm animals
2.27 Keeping a miniature horse
2.28 Keeping a miniature pig
2.29 Requirements for farm animal shelters

Division 5—Livestock

2.30 Livestock not to stray
2.31 Property to be fenced

PART 3—BUILDING, DEVELOPMENT AND LAND CARE

Division 1—Litter and refuse on building sites

3.1 Provision of refuse receptacles
3.2 Control of refuse
3.3 Unauthorised storage of materials

Division 2—Prevention of dust and liquid waste

3.4 Prohibited activities
3.5 Dust management

Division 3—Unsightly land and disused materials

3.6 Removal of refuse and disused materials
3.7 Removal of unsightly overgrowth of vegetation
3.8 Storage of vehicles, vessels and machinery
3.9 Disposing of disused refrigerators or similar containers

Division 4—Hazardous materials

3.10 Hazardous trees

PART 4—NUISANCES AND DANGEROUS THINGS

Division 1—Light

4.1 Use of exterior lights
4.2 Emission or reflection of light
4.3 Notice may require specified action to prevent emission or reflection of light

Division 2—Smoke, fumes, odours and other emissions

4.4 Burning rubbish, refuse or other material
4.5 Escape of smoke, fumes, odours and other emissions

Division 3—Trucks

4.6 Livestock vehicles
4.7 Truck noise from residential land

Division 4—Swimming pool backwash management

4.8 Disposal of swimming pool backwash

Division 5—Stormwater management

4.9 Containment of stormwater

Division 6—Amusement activities

4.10 Nuisance
4.11 Abatement by authorised person

Division 7—Advertising, bill posting and junk mail

4.12 Placement of advertisement, bill posting or junk mail
4.13 Exemptions
4.14 Restrictions on feeding of birds

PART 5—OBJECTIONS AND APPEALS

5.1 Objections and appeals

PART 6—ENFORCEMENT

Division 1—Notice of breach

6.1 Notice of breach
6.2 Form of notices
6.3 When local government may undertake work required by notice

Division 2—Offences and penalties

Subdivision 1—General

6.4 Offences and penalties

Subdivision 2—Infringement notices and modified penalties

6.5 Prescribed offences
6.6 Form of infringement notices

Schedule 1—Prescribed offences

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

SHIRE OF CORRIGIN

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

Under the powers conferred by section 342 of the *Health Act 1911* and subdivisions 1 and 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Corrigin resolved on 16 August 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as *the Shire of Corrigin Animals, Environment and Nuisance Local Law 2016.*

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Interpretation

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

Act means the *Local Government Act 1995*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 1987*;

amusement means anything usually conducted for amusement at a fair, a carnival or a show, whether conducted at a fair, a carnival or a show or elsewhere;

approved animal means any farm animal which is the subject of a permit;

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

aviary bird means any bird, other than poultry or pigeons, kept, or usually kept in an aviary or cage;

beekeeper has the meaning given to it in Regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

birds includes poultry;

builder means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;

Building Code means the latest edition of the Building Code of Australia published by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with the Building Code;

building permit has the meaning given to it by the *Building Act 2011*;

building site means any lot for which a building permit is current;

cattery means a place where more than 3 cats are kept for the purposes of boarding or more than 6 cats are kept for the purpose of breeding;

Class 6 building means any Class 6 building as defined by the Building Code;

Class 9 building means any Class 9 building as defined by the Building Code;

Code of Practice—Pigeon Keeping means the document entitled Code of Practice for Pigeon Keeping and Racing in Western Australia, published by the Department of Local Government and Regional Development, Western Australia, in March 2003;

cow includes an ox, calf or bull;

development has the meaning given to it in the *Planning and Development Act 2005*;

development approval means a development approval under a local planning scheme;

development site includes any lot or lots for which there is currently a development or subdivision approval, and any lot or lots upon which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place;

district means the district of the local government;

disused means, in relation to anything whatsoever, that the thing—

(a) is not in use for the purpose for which it was designed or appears to have been designed or intended; or

(b) has been stored or left stationary on land in the district for more than 1 month;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

dwelling has the meaning given to it in the Residential Design Codes of Western Australia as amended;

EHO means an Environmental Health Officer appointed by the local government under the *Health Act 1911* and includes any acting or Assistant Environmental Health Officer;

equipment means equipment, machinery or vehicles used for, or in connection with, the development of land;

farm animal includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig);

food has the meaning given in section 9 of the *Food Act 2008*;

food business has the meaning given under section 10 of the *Food Act 2008*;

food premises means any premises which is used to prepare food or to conduct a food business;

horse means a stallion, mare, gelding, shetland pony, pony, colt or foal, and includes an ass, mule, donkey and any beast of whatever description used for burden or draught or for carrying persons;

industrial zone means any area zoned "Industrial" under the local planning scheme;

land includes any building or structure on the land;

laneway means a public road designed to provide access to the side or rear of lots;

liquid waste means waste from any process or activity that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

livestock means any horse, cow, sheep, goat, swine, buffalo, deer, camel, llama or alpaca;

livestock vehicle means a vehicle that contains livestock or previously has been used for the carriage of livestock;

local government means the Shire of Corrigin;

local planning scheme means the Shire of Corrigin Local Planning Scheme adopted by the local government from time to time and has approval so granted by the Minister for Planning and as defined pursuant to section 4, part 1 of the *Planning and Development Act 2005*;

lot has the meaning given to it by the *Planning and Development Act 2005*;

manure receptacle means a receptacle of sufficient capacity to receive all manure produced in 1 week on premises upon which a farm animal or farm animals are kept, constructed of smooth, durable, impervious materials, fitted with a fly proof, hinged cover and with no part of the floor lower than the adjoining ground;

miniature horse means a horse which meets the standard and height for a miniature horse as described by the Miniature Horse Association of Australia Inc;

miniature pig means a pig that does not exceed 650 millimetres in height as an adult and weighs less than 55 kilograms;

nuisance means—

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;

(b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or

(c) interference which causes material damage to land or other property on the land affected by the interference;

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

owner has the meaning defined under Section 1.4 of the Act;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

pet shop means a retail outlet that sells domestic or tame animals and birds;

pigeon includes homing pigeons and other domesticated breeds of the species Columba livia, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Environment Regulation;

poultry includes fowls, roosters, ducks, peafowls, turkeys, geese, guinea fowls, pheasants and other birds commonly kept for the production of eggs or meat for domestic consumption;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

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

residential zone includes any area zoned "Residential" under the local planning scheme;

rural residential zone means any area zoned "Rural Residential" under the local planning scheme;

rural zone means any area zoned "Rural" under the local planning scheme;

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

Schedule means a schedule to this local law;

stormwater means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;

street means any highway or thoroughfare which the public is entitled to use, including the verge and other things including bridges and culverts appurtenant to it;

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

townsite includes the townsites of Corrigin and Bullaring which are—

(a) constituted under section 26(2) of the *Land Administration Act 1997*; or

(b) referred to in clause 37 of Schedule 9.3 of the Act;

truck means a motor vehicle having a tare weight in excess of 3,000 kilograms;

vector of disease means an organism which has the ability to transmit pathogens or parasites from one infected person or animal to another person or animal;

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions.

(2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.

(3) Where, in this local law, a duty, obligation or liability is imposed on an "owner or occupier" the duty shall be deemed to be imposed jointly and severally on each owner and occupier.

(4) Where, under this local law, the local government is authorised to carry out actions, or cause to be undertaken works, as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, subdivision 3 of the Act.

PART 2—KEEPING OF ANIMALS

Division 1—Animals

2.1 Interpretation

In this Division, unless the context otherwise requires—

animal includes cats, dogs, rabbits, ferrets and guinea pigs;

member of a cat organisation means a person referred to in the *Cat Regulations 2012* regulation 23(c).

2.2 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal is kept shall—

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health, or is likely to attract rats or other vectors of disease;

(b) when so directed by an EHO, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease, by spraying with a residual insecticide or other effective means.

2.3 Animal enclosures

(1) A person shall not keep or cause, or authorise to be kept, any animals on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) The owner or occupier of premises where animals are kept shall, when directed by an EHO, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals.

2.4 Cats

(1) Subject to subclauses (6) and (7), a person shall not, without an exemption in writing from the local government, keep more than 3 cats over the age of 6 months on premises on any land within the district.

(2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of subclause (1).

(3) The local government shall not grant an exemption under subclause (2) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.

(4) An exemption granted under this clause shall specify—

(a) the owner or occupier to whom the exemption applies;

(b) the premises to which the exemption applies; and

(c) the maximum number of cats which may be kept on the premises.

(5) A person who is granted an exemption under subclause (3) may be required by the local government to house, or keep cats in such manner as directed by an EHO.

(6) A person may keep more than 3 cats on premises used for veterinary purposes or as a pet shop, or if the person is a member of a cat organization, they may keep a maximum of 9 cats.

(7) The occupier of any premises shall not keep a cattery on those premises, unless the cattery is registered with the local government and the occupier has complied with the following conditions—

(a) the occupier shall obtain approval from the local government to establish a cattery;

(b) upon receiving approval to establish a cattery, the occupier shall apply for registration of the cattery in the form approved by the local government;

(c) the occupier shall have paid, to the local government, the annual registration fee as determined from time to time by the local government under section 6.16 to 6.19 of the Act;

(d) the occupier shall provide, for every cat, a properly constructed shelter with an enclosure, which shall comply with the following conditions—

(i) every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 3 months old that may be kept therein; and

(ii) the area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than 3 times the area of the shelter or group of shelters to which it is appurtenant;

(e) every shelter or enclosure shall be at least 10 metres from the boundary of any land not in the same ownership or possession, or at least 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises wherein food is manufactured, packed or prepared for human consumption; and

(f) all enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease and shall at any time be cleaned, disinfected or otherwise dealt with as an EHO may direct.

(8) A certificate of registration of a cattery issued by the local government shall—

(a) be in the form approved by local government; and

(b) expire on 30 June next after the date of its issue.

Division 2—Keeping of birds

2.5 Keeping of poultry and pigeons in a residential zone

An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises—

(a) more than 12 poultry; and

(b) more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 100.

2.6 Conditions for keeping of poultry

(1) An owner or occupier of a premises who keeps poultry or permits poultry to be kept shall ensure that—

(a) no poultry shall be kept less than 9 metres from any dwelling;

(b) no poultry is able to approach within 15 metres of a street other than a laneway unless, in the case of land at the junction of two or more streets, local government has approved a lesser distance;

(c) all poultry is kept in a properly constructed and securely fastened structure;

(d) the structure has an impervious floor laid with a fall to the front of at least 1 in 50;

(e) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and

(f) all poultry is kept continually confined.

(2) An owner or occupier of a premises who keeps poultry or permits poultry to be kept may apply in writing to the local government to vary the requirements of subclause 1(a), (b), (d) and (f).

2.7 Roosters, geese, turkeys and peafowl

Except on land in a rural zone, or with the prior written permission of the local government, an owner or occupier of premises shall not keep any of the following—

(a) roosters;

(b) geese;

(c) turkeys; or

(d) peafowls.

2.8 Conditions for keeping of pigeons

(1) An owner or occupier of a premises who keeps pigeons, or permits pigeons to be kept, shall ensure that—

(a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;

(b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;

(c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any dwelling; and

(d) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a public street, public building, commercial premises or food premises.

(2) An owner or occupier of a premises who keeps pigeons, or permits pigeons to be kept, may apply in writing to the local government to vary the requirements of subclause 1(c) and (d).

(3) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice—Pigeon Keeping, subject to the provisions of this local law.

2.9 Restrictions on pigeon nesting and perching

The local government may order an owner or occupier of a dwelling on or in which pigeons are, or are in the habit of nesting or perching, to take reasonable steps to prevent them from continuing to do so.

2.10 Conditions of keeping aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that—

(a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 5 metres from a dwelling on any other lot;

(b) there is a floor beneath the roofed area of the aviary or cage which is constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;

(c) the aviary or cage is kept in clean condition and good repair at all times;

(d) all feed for the birds other than that intended for immediate consumption is stored in vermin proof containers; and

(e) effective measures are taken to prevent the attraction or harbourage of vermin.

2.11 Nuisance caused by birds

An owner or occupier of land shall not keep any bird or birds which are or create a nuisance.

Division 3—Keeping of bees

2.12 Permit required to keep bees

(1) Subject to the provisions of this clause, a person shall not keep bees or allow bees to be kept on land except in accordance with a valid permit issued in relation to the land.

(2) Subclause (1) does not apply where—

(a) the land is outside the townsite; and

(b) the bees are kept—

(i) at least 500 metres from a thoroughfare; or

(ii) less than 500 metres from a thoroughfare but the vegetation or a screen or other barrier on the land is such as to encourage the bees to fly at a height over the thoroughfare as will not create a nuisance to users of the thoroughfare.

(3) Subclause (1) does not apply where an occupier of land keeps bees on the land—

(a) for a continuous period not exceeding 8 weeks; and

(b) for the purpose of pollinating a crop on the land.

(4) An occupier referred to in subclause (3), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land which is readily accessible by the bees.

(5) Subclause (1) does not apply where a person keeps bees on Crown land.

2.13 Application for a permit

An applicant for a permit shall—

(a) be a person registered as a beekeeper under Regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*;

(b) provide such details as may be required by the local government;

(c) apply in the form approved by the local government; and

(d) pay any application fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

2.14 Determination of application

(1) The local government may—

(a) refuse to determine an application for a permit which does not comply with clause 2.13;

(b) approve an application for a permit subject to the conditions referred to in clause 2.15 and to such other conditions as it considers appropriate; or

(c) refuse to approve an application for a permit.

(2) Where an application for a permit is approved subject to conditions, the permit holder is to comply with those conditions or is to cause those conditions to be complied with.

(3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form approved by the local government.

(4) A permit is valid from the date of issue unless, and until, it is cancelled under this local law.

2.15 Conditions of approval

(1) Without limiting the generality of paragraph 2.14(1)(b) an application for a permit may be approved by the local government subject to the following conditions—

(a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land;

(b) each bee hive shall be—

(i) kept at a distance specified by the local government from any thoroughfare, public place or boundary of the land; or

(ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;

(iii) no more than 2 bee hives are to be kept on land of less than 2,000 square metres in area; and

(iv) no more than 15 bee hives are to be kept on land between 2,000 square metres and 20,000 square metres in area.

(2) In respect of a particular application for a permit, the local government may vary any of the conditions referred to in subclause (1).

2.16 Variation or cancellation of permit and conditions

(1) The local government may vary the conditions of a permit after it has been issued.

(2) The local government may cancel a permit on the request of a permit holder to do so.

(3) Notwithstanding clause 2.20, a permit shall be cancelled on—

(a) the permit holder ceasing to be registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; or

(b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates, without any action required on the part of the local government.

2.17 Permit holder to notify cessation of registration or keeping of bees

(1) In this clause a permit holder includes the holder of a permit cancelled by subclause 2.16(3).

(2) A permit holder is to notify the local government in writing as soon as practicable after—

(a) the permit holder ceases to be registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; or

(b) a continuous period of 12 months has passed during which the permit holder has not kept any bees on the land described in her or his permit.

(3) A permit holder shall, within 7 days of the local government giving the permit holder a written notice to do so, provide to the local government—

(a) written proof of her or his registration as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; or

(b) in respect of land identified by the local government in its notice, a signed statement as to whether or not he or she has kept bees on the land within the 12 months preceding the date of the notice; or

(c) both.

2.18 Permit not transferable

A permit is personal to the permit holder, is not transferable and applies only to the land described in the permit.

2.19 Nuisance

A person shall not keep, or allow to be kept, bees or beehives, or both, on land so as to create a nuisance.

2.20 Notice to remove bees

(1) Whenever, in the opinion of the local government, a person has contravened any provision of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* or of this local law which relates to the keeping of bees or bee hives, the local government may give the permit holder, in relation to that land, or if there is no valid permit in relation to that land, an owner or occupier of the land, a written notice requiring her or him to remove any bees or bee hives, or both, from the land within the time specified in the notice.

(2) Subject to Division 1 of Part 9 of the Act, on the giving of a notice referred to in subclause (1), any valid permit given by the local government relating to the keeping of bees or bee hives on that land is cancelled from the time specified in the notice, being not less than 7 days from the date it is given.

(3) Where a person fails to comply with a notice given under subclause (1), the local government may dispose of the bees or the bee hives or both, in such manner as it sees fit and recover the costs of so doing from the permit holder, or an owner or occupier, as the case may be, as a debt due to it.

Division 4—Keeping of farm animals

2.21 Permit required to keep farm animals

Subject to clause 2.26, an owner or occupier of land shall not keep, or allow to be kept, any farm animal unless—

(a) in accordance with a valid permit authorising the keeping of such a farm animal issued in relation to the land pursuant to clause 2.24; or

(b) in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone; or

(c) for veterinary purposes, and in the care of a Veterinarian.

2.22 Application for a permit to keep farm animals

An application for a permit required by clause 2.21 shall be in the form approved by the local government and shall include the following information—

(a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any dwelling on another lot, Class 6 building or Class 9 building, business premises or food premises;

(b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the animal;

(c) a detailed written plan for the management of manure which addresses—

(i) control of vermin;

(ii) disease prevention; and

(iii) prevention of nuisance odours; and

(d) the appropriate application and permit fees as determined from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act.

2.23 Determination of application to keep farm animals

(1) Subject to clause 2.24, the local government may—

(a) refuse to determine an application for a permit which does not comply with clause 2.22;

(b) approve an application for a permit subject to such conditions as it considers appropriate; or

(c) refuse to approve an application for a permit.

(2) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions or cause compliance with those conditions.

(3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form approved by the local government.

(4) A permit is valid from the date of issue until 30 June the following year, unless it is cancelled prior to that date under this local law.

2.24 Conditions of approval to keep farm animals

(1) A permit shall not be granted pursuant to clause 2.23—

(a) unless the land for which the approval is sought is of such dimensions and configuration as will permit the subject animal to be confined in a minimum cleared area of 150 square metres and prevented from reaching within 15 metres of any dwelling, Class 6 building or Class 9 building, business premises or food premises;

(b) in the case of a horse (other than a miniature horse) or cow, unless the land for which the approval is sought has a minimum area of 1 hectare;

(c) for the keeping of any pig (other than a miniature pig).

(2) The local government shall take into account the opinions of occupiers of adjoining properties in determining whether to grant approval for the keeping of a farm animal.

(3) Approval to keep a farm animal may be issued subject to conditions, including—

(a) that a stable or shelter is provided for housing the approved animal;

(b) that a manure receptacle is provided in a position convenient to the shelter or place where the approved animal is kept, and that the receptacle is used for the receipt of all manure produced on the premises; or

(c) any other conditions that the local government considers necessary for the protection of the health and amenity of the neighbourhood;

and such conditions may be imposed at any time subsequent to the initial approval.

2.25 Variation or cancellation of permit to keep farm animals and conditions of permit

(1) The local government may vary the conditions of a permit after it has been issued, and shall give notice of such variation to the permit holder.

(2) The local government may cancel a permit in the event the permit holder—

(a) fails to comply with any condition set under subclause 2.23(1)(b);

(b) after being notified of a variation under subclause (1) fails to comply with the varied condition;

(c) breaches clause 2.27 or clause 2.29 of this local law; or

(d) fails to comply with a notice of breach issued under clause 6.1.

(3) The local government may cancel a permit in the event the permit holder—

(a) fails to comply with any condition of the permit;

(b) breaches clause 2.26 or clause 2.27 of this local law; or

(c) fails to comply with a notice of breach issued under clause 6.1.

2.26 Conditions for keeping farm animals

(1) An owner or occupier of premises upon which a farm animal or farm animals are kept, shall—

(a) maintain the place or places where the animals are kept in clean condition;

(b) ensure that no farm animal or farm animals kept on the premises cause or constitute a nuisance;

(c) maintain the premises free from flies or other vermin by the use of residual insecticide or other effective means;

(d) if a manure receptacle is required to be used—

(i) cause all manure produced on the premises to be collected daily and placed in the receptacle;

(ii) cause the receptacle to be emptied as often as is necessary to prevent it becoming offensive or a breeding place for flies or other vermin, but in any case at least once a week; and

(iii) keep the lid of the receptacle closed except when manure is being deposited or removed; and

(e) not permit any farm animal to approach within 9 metres of any dwelling, food premises, Class 6 building or a Class 9 building, or a business or commercial premises.

(2) An owner or occupier of premises in a rural zone shall not keep more than 1 pig other than on premises registered as a piggery pursuant to the provisions of the *Health Act 1911*, except with the express written approval of the local government.

(3) An owner or occupier of premises upon which a farm animal or farm animals are kept, may apply in writing to the local government to vary the requirements of 2.26(1)(e).

2.27 Keeping a miniature horse

(1) An owner or occupier of a premises may keep only a sterilised miniature horse on land of not less than 1,000 square metres in area provided it is registered with the local government and the annual registration fee approved from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act is paid.

(2) An owner or occupier of premises shall not keep more than 1 miniature horse within a townsite without the written approval of the local government.

(3) The local government may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

2.28 Keeping a miniature pig

(1) Except for a miniature pig, and subject to subclause (2) no person shall keep a pig or pigs, in a townsite, except by a Veterinarian for the purposes of temporary Veterinary care.

(2) Except for premises registered by the local government as an abattoir or a piggery under the provisions of section 191 of the *Health Act 1911*, and except in the case of a miniature pig, the keeping of pigs is forbidden in a townsite.

(3) The local government may prohibit the keeping of a miniature pig on any land, or state the conditions under which the miniature pig may be kept.

(4) A person may keep 1 miniature pig in a townsite, provided it is registered with the local government and the annual registration fee approved from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act is paid.

(5) An owner or occupier of premises where a miniature pig is kept shall—

(a) only keep a sterilised animal and retain written proof of its sterilisation;

(b) confine the animal on the property at all times;

(c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust, or odour; and

(d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tapeworm is current.

2.29 Requirements for farm animal shelters

(1) Any stable, enclosure or shelter provided for the keeping of farm animals, whether or not a permit is required for the keeping of such farm animals pursuant to clause 2.21, shall—

(a) not be situated within 9 metres of any dwelling, Class 6 building or Class 9 building, business premises or food premises;

(b) not be situated within 1 metre of any lot boundary;

(c) be constructed of materials approved by the local government;

(d) have on each side of the building between the wall and roof a clear opening of at least 150 millimetres in height, and of sufficient length, to provide adequate ventilation to the stable, enclosure or shelter;

(e) when required by the local government have a separate stall for each horse, cow or other approved animal, the shortest dimension of which shall be at least twice the length of the animal housed therein; and

(f) subject to subclause (2), have a floor, the upper surface of which shall—

(i) be raised at least 75 millimetres above the surface of the surrounding ground;

(ii) be constructed of cement, concrete or other similar impervious material; and

(iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable or shelter.

(2) An owner or occupier of any land upon which a stable or shelter is located may apply in writing to the local government to vary the requirements of subclause (1)(a), (d) and (f).

(3) A stable or shelter constructed with a sand floor may be approved by the local government subject to—

(a) the site being well drained, with the sand floor being at least 1.5 metres above the highest known ground water level;

(b) a 300 millimetre thick bed of crushed limestone or aggregate being laid under the sand of the stable;

(c) the sand, whether natural or imported, being clean, coarse and free from dust;

(d) footings to the stable or shelter being a minimum of 450 millimetres below ground level; and

(e) the design of the stable allowing for the access of small earthmoving machinery, such as a skid steer loader, into each stall to maintain the correct floor height.

Division 5—Livestock

2.30 Livestock not to stray

The owner or person in charge of livestock shall not allow livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

2.31 Property to be fenced

(1) The owner or occupier of property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.

(2) The minimum fencing requirements to confine livestock in rural and rural residential zoned areas shall be a fence of post and wire construction.

PART 3—BUILDING, DEVELOPMENT AND LAND CARE

Division 1—Litter and refuse on building sites

3.1 Provision of refuse receptacles

The owner or occupier of a building or development site shall at all times provide and maintain a refuse receptacle, available for use on the site, which includes a suitable cover, to the satisfaction of an authorised person, of such design as will—

(a) contain any refuse likely to be produced on the site; and

(b) prevent refuse being blown from the receptacle by wind.

3.2 Control of refuse

(1) From the time of commencement of works on a building site or development site until the time of completion of such work, the owner or occupier of the site shall—

(a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;

(b) keep the site free from any refuse;

(c) maintain the street verge, and any other reserve, immediately adjacent to the site, free of refuse from the site; and

(d) ensure the refuse receptacle is emptied when full.

(2) The owner or occupier of a building site or development site shall ensure that within 2 days of completion of works on the site, the site and the street verge immediately adjacent to it, is cleared of all refuse and all refuse receptacles are removed from the site.

3.3 Unauthorised storage of materials

(1) All construction materials must be located on the building site or development site under construction, unless written approval has been given by the local government to store materials on another property (including a road reserve).

(2) An application for approval under subclause (1) must be—

(a) in writing; and

(b) accompanied by the written approval of the landowner of the land on which materials are proposed to be stored.

Division 2—Prevention of dust and liquid waste

3.4 Prohibited activities

(1) An owner and or occupier of land must take all reasonable measures to—

(a) stabilise dust on the land;

(b) contain all liquid waste on the land; and

(c) ensure no dust or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause.

(2) Subclause (1)(c) does not apply to land where the primary activity is broad acre farming.

(3) Where the local government forms the opinion that—

(a) an owner or occupier has not complied with subclause (1)(a) or subclause (1)(b); or

(b) the dust or liquid waste has been released or escaped from the owner's or occupier's land;

the local government may serve on the owner and or occupier of the land, a notice requiring the owner and or occupier to do one or more of the following—

(i) comply with subclause (1)(a) or (1)(b);

(ii) clean up and properly dispose of any released or escaped dust or liquid waste;

(iii) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and

(iv) take effective measures to stop any further release or escape of dust or liquid waste.

(4) The requirements set out in a notice issued under subclause (3) must be complied with—

(i) within 48 hours of service of the notice where no other time is specified;

(ii) within such other period as is specified in the notice; or

(iii) immediately, if the notice so specifies.

(5) Where the local government forms the opinion that dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may serve a notice on—

(a) any owner or occupier of the land; or

(b) any operator of equipment on the land, requiring that the activity or use of equipment on the land be ceased immediately, for such period as is specified in the notice.

(6) The local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried out from any land, the local government may give to the owner or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

3.5 Dust management

An owner or occupier of land within the townsite who intends to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, shall—

(a) submit to an authorised person a Dust Management Plan in accordance with the Department of Environment Regulation document "A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities" (March 2011), or any updated version of this document; and

(b) obtain written approval of the Dust Management Plan from an authorised person before commencement of any work.

Division 3—Unsightly land and disused materials

3.6 Removal of refuse and disused materials

(1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatever nature or kind, which in the opinion of the local government or an

authorised person, is likely to give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time specified in the notice.

3.7 Removal of unsightly overgrowth of vegetation

(1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

3.8 Storage of vehicles, vessels and machinery

(1) The owner or occupier of a lot shall not—

(a) store, or allow to remain in public view on any lot, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;

(b) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;

(c) store, or allow to remain in public view on any lot, any vehicle or vessel in a state of disrepair, or machinery parts (including tyres);

(d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed—

(i) inside a building; or

(ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the street and from adjoining properties; or

(e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

(2) Subclause (1) does not apply to industrial zoned lots.

3.9 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first—

(a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or

(b) rendering every door and lid incapable of being fastened; and

(c) removing any refrigerants as per requirements of the *Environment Protection (Ozone Protection) Policy 2000*.

Division 4—Hazardous materials

3.10 Hazardous trees

(1) Where a tree on a lot endangers any person or thing on adjoining land, the local government may give a notice to the owner or the occupier of the lot to remove, cut, move or otherwise deal with that tree so as to make the tree safe.

(2) Where a tree on a lot presents a serious and immediate danger to any person or thing, the local government may take any remedial action it considers appropriate in order to make the tree safe without having given the owner or occupier notice pursuant to subclause (1).

(3) The local government reserves its right to recover any costs incurred by the local government for remedial action taken in terms of subclause (2).

PART 4—NUISANCES AND DANGEROUS THINGS

Division 1—Light

4.1 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used, shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

4.2 Emission or reflection of light

An owner or occupier of land shall ensure that—

(a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land to more than 50 lux; and

(b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

4.3 Notice may require specified action to prevent emission or reflection of light

(1) Where—

(a) floodlights or other exterior lights shine directly onto any other premises;

(b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux; or

(c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare;

the local government may by notice in writing direct the owner or occupier to take such actions as the local government considers necessary within the time specified in the notice.

(2) The notice referred to in subclause (1) may direct that—

(a) floodlights or other exterior lights are used only during the hours specified in the notice;

(b) the direction in which the lights shine be altered as specified in the notice;

(c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance; or

(d) any combination of these measures that the local government believes to be appropriate to the circumstances.

Division 2—Smoke, fumes, odours and other emissions

4.4 Burning rubbish, refuse or other material

(1) A person shall not set fire to rubbish, refuse or other materials in a townsite.

(2) Subclause (1) does not apply to rural residential zoned lots.

(3) A person shall not set fire to rubbish, refuse or other materials on rural residential zoned property unless—

(a) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other materials do not exist and the potential for pollution is low;

(b) the material does not include any plastic, rubber, food scraps, other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;

(c) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and

(d) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.

(4) Subclauses (1) and (3) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

(5) Subclause (4) is subject to any fire danger rating as determined by the Bureau of Meteorology.

4.5 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises shall not cause or allow the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person, unless—

(a) the escape of smoke, fumes, odours or other emissions from the land or premises is the result of burning in compliance with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government; and

(b) all reasonable steps have been taken to prevent the smoke, fumes, odours and other emissions from land or premises from causing a nuisance to any person.

Division 3—Trucks

4.6 Livestock vehicles

(1) A person shall not park a vehicle containing livestock in a townsite for a period in excess of 30 minutes.

(2) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.

(3) If a person parks a vehicle containing livestock in a townsite in accordance with subclause (1), then the person does not contravene subclause (2).

4.7 Truck noise from residential land

A person shall not start or drive a truck on land zoned, approved or used for residential purposes between the hours of 10.30pm and 6.30am on the following day without first obtaining the written consent of the local government.

Division 4—Swimming pool backwash management

4.8 Disposal of swimming pool backwash

(1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) Subclause (1) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an authorised person.

Division 5—Stormwater management

4.9 Containment of stormwater

(1) Subject to subclause (2), the owner or occupier of a lot shall ensure that all stormwater received by any building, house, other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain or road.

Division 6—Amusement activities

4.10 Nuisance

A person shall not, without written authorisation from the local government, provide or conduct any amusement on land so as to create or be a nuisance to any owner or occupier of land in the district.

4.11 Abatement by authorised person

Subject to subdivision 3 of Division 3 of Part 3 of the Act, an authorised person may enter on any land where an amusement is provided or conducted and may do any act or thing reasonably required to abate a nuisance referred to in clause 4.10.

Division 7—Advertising, bill posting and junk mail

4.12 Placement of advertisement, bill posting or junk mail

(1) A person shall not, without written authorisation from the local government, place or affix any letter, figure, device, poster, sign or advertisement on any buildings, fences or posts.

(2) A person shall not place in or on any letter box, gate, fence or generally leave or distribute to any property in the district, any handbill, poster, pamphlet, flyer or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states "no junk mail" or words of similar effect.

4.13 Exemptions

Clause 4.12 does not apply to—

(a) delivery of articles by Australia Post;

(b) documents issued under or for the purposes of an Act of Parliament;

(c) an authorised person or member of the Police Force acting in the course of their duties;

(d) electoral materials; or

(e) legal process.

Division 8—Bird nuisance

4.14 Restrictions on feeding of birds

(1) A person shall not feed a bird—

(a) so as to cause a nuisance; or

(b) with a food or substance that is not a natural food of a bird.

(2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

PART 5—OBJECTIONS AND APPEALS

5.1 Objections and appeals

When the local government makes a decision under this local law as to whether it will—

(a) grant a person a permit or authorisation;

(b) vary or cancel a permit or authorisation; or

(c) give a person a notice;

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to that decision.

PART 6—ENFORCEMENT

Division 1—Notice of breach

6.1 Notice of breach

(1) Where 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 subclause (1) shall—

(a) specify the provision of this local law which 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 a time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.

(3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

6.2 Form of notices

Where this local law refers to the giving of a notice other than the giving of an infringement notice and no particular form is prescribed, it will be sufficient that the notice be in writing, giving adequate details to enable the owner, occupier or other person to whom the notice is issued to know the offence committed and the measures required to be taken or conditions with which compliance is required, as the case may be.

6.3 When local government may undertake work required by notice

(1) This clause applies only in respect of a notice issued under subclauses 3.6(2), 3.7(2), 3.10(1) and 4.3(1) of this local law.

(2) Where a person fails to comply with a notice referred to in subclause (1) the local government may, subject to compliance with the requirements of subdivision 3 of Division 3 of Part 3 of the Act, do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

Division 2—Offences and penalties

Subdivision 1—General

6.4 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 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 is required 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) A person who commits an offence under this local law is liable to a maximum penalty of $5,000 and where the offence is of a continuing nature, a maximum daily penalty of $500 in respect of each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

6.5 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.

(3) An 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;

before giving an infringement notice to a person in respect of the commission of a prescribed offence.

6.6 Form of infringement notices

For the purposes of this local law—

(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(c) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1—PRESCRIBED OFFENCES

[Clause 6.5]

Item No.	Clause	Nature of Offence	Modified Penalty
1	2.2(a)	Failure to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, or likely to attract vermin or insects	$150
2	2.2(b)	Failure to keep premises clean and disinfected when directed by an EHO	$150
3	2.2(c)	Failure to keep premises free of flies, or when directed by an EHO, spray premises with residual insecticide or use other means to kill or repel flies	$150
4	2.3	Failure to maintain adequate enclosures	$150
5	2.4(1)	Keeping more than 3 cats over the age of 6 months without exemption from the local government	$150
6	2.4(7)(a)	Establish or maintain a cattery on any lot within the district without approval	$150
7	2.4(7)	Fail to maintain cattery in compliance with conditions of approval	$150
8	2.5	Keep, or permit to be kept, any poultry, not in accordance with conditions of these local laws	$150
9	2.7	Keep, or suffer to remain in a residential area, a rooster, turkey, goose or geese, or peafowl	$150
10	2.8	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in the Code of Practice	$150
11	2.9	Failing to prevent pigeons nesting or perching	$150
12	2.10	Failing to keep aviary birds in accordance with conditions of this local law	$150
13	2.11	Keeping birds so as to create a nuisance	$150
14	2.12(1)	Failure to obtain a permit to keep bees	$150
15	2.14(2)	Failure to comply with a condition of a permit to keep bees	$150
16	2.19	Creation of a nuisance from keeping of bees or beehives	$150
17	2.20(1)	Failure to comply with a notice to remove bees or beehives for contravention of local law	$150
18	2.21(a)	Keeping a farm animal without a valid permit	$150
19	2.26	Failure to comply with the conditions for keeping farm animals	$150
20	2.27	Keeping a miniature horse on land without approval	$150
21	2.28	Keeping a miniature pig on land without approval	$150
22	2.30	Permitting livestock to stray, or be at large in a street, public place or private property without consent	$150
23	2.31	Failing to keep property fenced in a manner capable of confining livestock	$150
24	3.1	Failure to provide or maintain a refuse receptacle on a building or development site	$250
25	3.2	Failure to control refuse on a building or development site	$250
26	3.3(1)	Unauthorised storage of materials	$250
27	3.4	Release or escape of dust or liquid waste from land	$250
28	3.5	Commencing works involving clearing of land without an approved Dust Management Plan	$250
29	3.8(a)	Storing, or allow to remain on land, more than one vehicle, vessel or machinery in a state of disrepair	$250
30	3.8(b)	Storing, or allow to remain on land, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	$250
31	3.8(c)	Storing, or allow to remain on land, any vehicle, vessel or machinery parts (including tyres)	$250
32	3.8(d)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	$250
33	3.8(d)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	$250

Item No.	Clause	Nature of Offence	Modified Penalty
34	3.8(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	$250
35	3.9	Disposing of disused refrigerator or similar container with door/lid that can be fastened without removing the refrigerant, door, lid, lock, catch, hinge and rendering the door/lid incapable of being fastened	$250
36	4.1	Erection or use of lighting installations other than in accordance with this local law	$250
37	4.2	Emitting light so as to create or cause a nuisance	$250
38	4.5	Permitting the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	$250
39	4.6(1)	Parking a livestock vehicle in an urban area or townsite in excess of 30 minutes	$250
40	4.7	Starting or driving a truck on residential land, or adjoining residential land, without consent of the local government	$250
41	4.8(1)	Discharging swimming pool backwash onto adjacent land so as to cause a nuisance or cause damage	$250
42	4.9(1)	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot or discharged directly to a stormwater drain or road	$250
43	4.10	Conducting an amusement so as to create a nuisance	$250
44	4.12(1)	Unauthorised placement of advertisement, bill posting or junk mail	$100
45	4.12(2)	Placement of advertisement, bill posting or junk mail where a "no junk mail", or equivalent, sign is displayed	$100
46	4.14(1)(a)	Feeding a bird which causes a nuisance	$250
47	4.14(1)(b)	Feeding a bird a food/substance that is not a natural food	$250
48	6.4(1)(b)	Failure to comply with notice	$250

This Local Law was made by the Shire of Corrigin at an Ordinary Meeting held on 16 August 2016.

The Common Seal of the Shire of Corrigin was affixed by authority of a resolution of the Council in the presence of—

Cr LYNETTE BAKER, Shire President.
ROBERT PAULL, Chief Executive Officer.

Consented to—

TARUN WEERAMANTHRI, Executive Director
Public Health.

Dated this 3rd day of October 2016.