SHIRE OF GNOWANGERUP

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2026

Proposed

Shire of Gnowangerup

Animals, Environment and Nuisance Local Law 2026

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LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

SHIRE OF GNOWANGERUP

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995*, *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Gnowangerup resolved on the [DATE] to make the following local law.

Part 1 — Preliminary

1.1 Citation

This local law may be cited as the *Shire of Gnowangerup Animals, Environment and Nuisance Local Law 2026*.

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 Repeal

The *Shire of Gnowangerup Animals, Environment and Nuisance Local Law 2016*, as published in the *Government Gazette* on 15 November 2016, is repealed on the day this local law comes into operation.

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1.5 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 2015*;

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;

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

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

cat has the meaning given in the *Cat Act 2011*;

Code of Practice – Pigeon Keeping means the document entitled *A Code of Practice – for Pigeon Keeping and Pigeon Racing in Western Australia* published by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation (Incorporated), as amended from time to time;

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

(a) any lot or lots for which there is currently a development approval or subdivision approval in place, but the development or subdivision works under that approval have not been completed; and

(b) any lot or lots upon which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking place or have taken place;

district means the district of the local government;

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disused means, in relation to any thing 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;

farm animal includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government;

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;

land includes any building or structure on the land;

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 Gnowangerup;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

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

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 —

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(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 their 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 given in the Act;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

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 from time to time administering the *Biodiversity Conservation Act 2016*;

pound means any facility, or any replacement facility, established as a pound by the local government under section 11(1) of the Act;

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

residential zone means any area zoned "Residential" or "Townsite Centre" under a local planning scheme;

rural zone means any area zoned "Rural" or "Rural Residential" under a 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;

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

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

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thoroughfare 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;

townsite includes the townsites within the district 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;

unreasonable noise has the meaning given to it by the *Environmental Protection Act 1986*; and

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 fauna;

authorised person in addition to its meaning given in clause 1.5:

(a) when used in relation to a cat, has the meaning given in the *Cat Act 2011*; and

(b) if the context requires, means and includes a person appointed as an 'authorised officer' under the provisions of the *Public Health Act 2016*;

cattery is a premise registered for the breeding of or caring for cats;

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fauna means any animal, bird or reptile indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal —

(a) any class of animal or individual member;

(b) the eggs or larvae; or

(c) the carcass, skin, plumage or fur unless it has been shed or discarded by the fauna in a normal or natural manner

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

vectors of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

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 to attract rats or other vectors of disease;

(b) when so directed by an authorised person, 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 permit 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 authorised person, 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.

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(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 authorised person.

(6) Subject to regulation 7 of the *Cat (Uniform Local Provisions) Regulations 2013* a person may keep more than 3 cats, over the age of 6 months, on premises used for veterinary purposes or as a pet shop, or if the person is a member of a cat organisation.

(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 a permit 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 authorised person 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.

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2.5 Fauna

Notwithstanding the provisions of this Part, a person may keep fauna for the period, and under such conditions, as may be authorised by the department of the Public Service principally assisting in the administration of the *Biodiversity Conservation Act 2016*.

Division 2 — *Keeping of birds*

2.6 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 unless with the written authorisation of the local government in which case the maximum number of poultry shall be 20; or

(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.

2.7 Conditions for keeping of poultry

(1) A person who keeps poultry or permits poultry to be kept shall ensure that —

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

(b) no poultry is able to approach within 15 metres of a public thoroughfare, public building, commercial premises or food premises;

(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 is 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 subclauses (1)(d) and (f).

2.8 Roosters, geese, turkeys and peafowl

Except on land with an area of one hectare or more 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.

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2.9 Conditions for keeping of pigeons

(1) An owner or occupier of 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 residential building; 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 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.

2.10 Restrictions on pigeon nesting and perching

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

2.11 Conditions of keeping aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that the aviary or cage is kept in clean condition and good repair at all times

2.12 Nuisance caused by birds

An owner or occupier of land shall not keep any bird or birds which —

(a) are or create a nuisance; or

(b) emit an unreasonable noise.

Division 3 — *Keeping of farm animals*

2.13 Keeping of farm animals

Subject to clause 2.14, an owner or occupier of land shall not keep, or allow to be kept, unless with the approval of the local government, any farm animal unless in a rural zone.

2.14 Conditions for keeping farm animals

An owner or occupier of premises upon which a farm animal or farm animals are kept, shall maintain the place or places where the animals are kept in clean condition and good repair at all times.

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2.15 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 of occupier of premises shall —

(a) not keep more than one miniature horse on land zoned residential or rural residential without the written authorisation of the local government or an authorised person; and

(b) not permit a miniature horse to come within 9 metres of any house.

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

2.16 Keeping pigs and miniature pigs

(1) Except for a miniature pig,no person shall keep a pig or pigs, in any residential zone or on any land zoned for-industrial activities.

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

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

(4) A person may keep 1 miniature pig in any residential zone or rural zone 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) ensure that the miniature pig is sterilised 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;

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

(e) not permit the animal to come within 9 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.

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Division 4 — *Livestock*

2.17 Livestock not to stray

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

2.18 Impounding of livestock

(1) An authorised person or a member of the Police Service may impound livestock found straying in contravention of clause 2.17.

(2) Livestock being impounded shall be placed in the pound or, with the consent of the owner or occupier of the property, secured on private property.

2.19 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 a rural zone shall be a fence of post and wire construction.

Division 5 — *Keeping of bees*

2.19 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 a residential zone~~;~~ 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.

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(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.

2.21 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.

2.22 Determination of application

(1) The local government may—

(a) refuse to determine an application for a permit which does not comply with clause 2.21;

(b) approve an application for a permit subject to the conditions referred to in clause 2.20 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.

2.22 Conditions of approval

(1) Without limiting the generality of paragraph 2.21(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

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

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

(d) 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).

2.24 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 2.28, 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.

2.25 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 2.24(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 the 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 their registration as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*;

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

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(c) both.

2.25 Permit not transferable

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

2.26 Nuisance

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

2.27 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 them 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.

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 take all reasonable steps to—

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(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 as free as is reasonably practicable from any refuse;

(c) keep the thoroughfare verge, and any other reserve, immediately adjacent to the site, free of refuse generated or originating from the building site or development 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—

(a) the site and the thoroughfare verge immediately adjacent to it, is cleared of all refuse generated or originating from the building or development site; and

(b) that all refuse receptacles are removed from the site;

3.3 Unauthorised storage of materials

(1) All construction materials must be stored on the building site or development site under construction unless written authorisation is first obtained from the local government to store materials on another property.

(2) Written authorisation must be obtained from the local government prior to any proposal to store construction material on any thoroughfare verge.

Division 2 — *Prevention of dust and liquid waste*

3.4 Prohibited activities

(1) An owner and or occupier of land shall take all reasonable steps 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) Where the local government forms the opinion that that an owner or occupier has not complied with subclause (1), 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 —

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

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

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

Proposed

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

(3) Where a notice is issued under subclause (2), the requirements set out in the notice must be complied with in the period as is specified in the notice.

(4) Where 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 on from any land, the local government may give to the owner and/or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

Division 3 — *Smoke*

3.5 Burning of cleared vegetation prohibited

An owner or occupier of any building site or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site unless authorisation in writing is given by the local government.

Division 4 — *Unsightly land and disused materials*

3.6 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 parts, vessel parts 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 thoroughfare and from adjoining properties;

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

Proposed

3.7 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 the requirements of the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cth) and its associated regulations.

3.8 Removal of unsightly overgrowth of vegetation

(1) Subject to clause 3.8(3), 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 written notice to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

(3) Clause 3.8(1) does not apply to a lot in a rural zone.

Division 5 — *Hazardous materials*

3.9 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 may recover, from the owner or occupier of the lot, any costs incurred by the local government for remedial action taken in terms of subclause (2) as a debt due from the owner or occupier.

Proposed

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 an authorised person 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.

Proposed

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 unless —

(a) written authorisation has first been obtained from the local government;

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

(c) 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;

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

(e) 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 authorisation as determined by the local government.

(2) Subclauses (1) 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.

(3) Subclause (1) 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 take all reasonable steps to not cause or permit 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.

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).

Proposed

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 12.00am and 5.00 am on the following day without first obtaining the written consent of the local government.

Division 4 — Swimming pool backwash management

4.8 Containment and disposal of swimming pool and other wastewater

(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 Stormwater disposal systems

The owner or occupier of a lot shall ensure that all stormwater runoff generated on the lot shall be managed onsite to the satisfaction of the Shire. In relation to this requirement:

(1) stormwater shall be detained and attenuated onsite to limit the rate of discharge from the property;

(2) any controlled discharge and overflow from the onsite stormwater management system shall be directed to the Shire's existing stormwater drainage system, to the satisfaction of the Shire;

(3) the stormwater management system shall be designed to ensure that stormwater does not discharge onto or adversely affect adjoining properties; and

(4) prior to the commencement of any development on the lot, the Shire may require the owner or occupier to provide details of the proposed stormwater detention and attenuation system, including storage capacity, controlled discharge arrangements and overflow connection to the Shire's drainage system.

Proposed

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 Service acting in the course of their duties;

(d) electoral materials; or

(e) legal processes.

Proposed

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, approval or authorisation;

(b) vary or cancel a permit, approval 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.

Proposed

(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 clauses 3.9(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 a maximum daily penalty of $500 in respect of each day or part of a day during which the offence has continued.

Proposed

Subdivision 2 — Infringement notices and modified penalties

6.5 Modified penalties

(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.

(2) The amount of the modified penalty for an offence against a provision of this local law is:

(a) for an offence specified in Schedule 1, the amount set out for that offence in the fourth column of Schedule 1; or

(b) for an offence against any other provision of this local law, $250.

(3) An authorised person should be satisfied that —

(a) commission of the 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 an 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;

(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; and

(d) for the purposes of clause 2.5:

(i) the issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the *Cat Act 2011*;

(ii) the form of the infringement notice given under the *Cat Act 2011* is that of Form 6 in Schedule 1 to the *Cat Regulations 2012*; and

(iii) the form of the notice sent under the *Cat Act 2011* withdrawing an infringement notice is that of Form 7 in Schedule 1 to the *Cat Regulations 2012*.

Proposed

Schedule 1 – Offences and modified penalties

(Clause 6.5.2(a))

Item	Clause	Description	Modified Penalty
1	3.1	Failure to provide or maintain a refuse receptacle on a building or development site	$500
2	3.2	Failure to control refuse on a building or development site	$500
3	3.3	Unauthorised storage of construction materials	$500
4	3.4(1)	Release or escape of dust or liquid waste from land	$500
5	3.5	Burning of cleared vegetation or other material from a building or development site without authorisation	$500
6	3.6(1)(a)	Storing, or allowing to remain in public view, more than 1 vehicle, vessel or machinery in a state of disrepair	$500
7	3.6(1)(b)	Storing, or allowing to remain in public view, a vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	$500
8	3.8	Permitting an unsighty overgrowth of vegetation to remain on a lot	$500

Dated _____

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

_____ _____

[INSERT NAME OF PRESIDENT] [INSERT NAME OF CEO]
PRESIDENT CHIEF EXECUTIVE OFFICER

dated this.....day of .....…….....20...

Proposed