

City of Gosnells
Public Health Local Law 2017

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City of Gosnells
Public Health Local Law 2017

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Gosnells resolved on 26 September 2017 to make the following local law.

PART 1 – PRELIMINARY

1.1 Short title

This is the *City of Gosnells Public Health Local Law 2017*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Repeal

- (1) The *City of Gosnells Health Local Laws 1999* published in the *Government Gazette* on 24 November 1999 and as amended and published in the *Government Gazette* on 2 April 2004 is repealed.
- (2) The *City of Gosnells Animals, Environment and Nuisance Local Law 2009* published in the *Government Gazette* on 15 December 2009 and as amended and published in the *Government Gazette* on 20 May 2011 is repealed.
- (3) The *City of Gosnells Bee Keeping Local Law 1999* published in the *Government Gazette* on 24 September 1999 is repealed.

1.4 Application

This local law shall apply throughout the district.

1.5 Interpretation

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

arthropod vectors of disease includes -

- (a) flea (*Siphonaptera*);
- (b) bedbug (*Cimex lectularius*);
- (c) crab louse (*Phthirus pubis*);
- (d) body louse (*Pediculus humanus var. corporis*); and
- (e) head louse (*Pediculus humanus var. capitis*);

authorised person means a person authorised by the local government, under section 9.10 of the *Local Government Act 1995* to administer or enforce this local law;

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

bee means a bee of the species *Apis mellifera*;

bee hive means an enclosed man made structure where bees of the species *Apis mellifera* live and raise their young;

beekeeper has the meaning given 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 means a permit issued under the *Building Act 2011*;

building site means any lot for which a building permit is current and upon which building work has commenced;

Chief Executive Officer means the Chief Executive Officer of the local government;

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

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

cockroach means any of the various *Orthopterous* insects commonly known as cockroaches;

cow includes an ox, calf or bull;

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

development site includes any lot or lots for which there is a current 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, whether or not such works are subject to a development or subdivision approval;

district means the district of the City of Gosnells;

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;

farm animal includes a horse, cow, sheep, goat, pig or other ungulate;

fertiliser includes manure;

food business has the meaning given to it by the *Food Act 2008*;

horse includes an ass, mule, donkey or pony;

land includes any building or structure on the land;

liquid waste means waste from any process or activity, whether useful or useless, 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 a farm animal;

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

local government means the City of Gosnells;

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*;

manure receptacle means a receptacle, of sufficient capacity to receive all manure produced in one 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 whose maximum adult height does not exceed 863.6 millimetres and is classified as a miniature by the Miniature Horse Association of Australia;

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

mosquitoes means any of the two-winged insects constituting the family *Diptera Culicidae* commonly known as mosquitoes;

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 where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land;

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 Biodiversity, Conservation and Attractions;

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 includes bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter whatsoever, whether of the same type as, or a different type from, those mentioned here;

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;

residential zone includes any area zoned “Residential” or “Residential Development” under a local planning scheme;

rodents means those animals belonging to the order *Rodentia* and includes rats and mice but does not include animals kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind;

rural zone means any area zoned “General Rural” or “Special Rural” under a local planning scheme;

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

slaughter means to kill an animal for food;

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 are entitled to use, and includes every part of the highway or thoroughfare, 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*;

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*; **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 *Local Government Act 1995* or the *Health (Miscellaneous Provisions) Act 1911*.
- (3) Where under this local law the local government is authorised to carry out actions or cause works to be undertaken 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 *Local Government Act 1995*.

PART 2 – KEEPING OF ANIMALS

Division 1 – Keeping of birds

2.1 Keeping of poultry and pigeons in a residential zone

Subject to clause 2.4, an owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises –

- (a) more than 6 poultry; or
- (b) more than 20 pigeons.

2.2 Conditions for keeping of poultry

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 on any other lot;
- (b) no poultry is able to approach within 9 metres of a public street, public building, commercial premises or food business; and
- (c) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition.

2.3 Conditions for keeping of pigeons

A person 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 on any other lot;
 - (d) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of a public street, public building, commercial premises or food business.
-

2.4 Roosters, geese, turkeys and peafowl

Except on land in a rural zone or kennels zone an owner or occupier of premises shall not keep or permit to be kept any –

- (a) roosters;
- (b) geese or ganders;
- (c) turkeys; or
- (d) peacocks or peahens.

2.5 Conditions for keeping of aviary birds

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

- (a) the aviary or cage is kept in a clean condition and good repair at all times;
- (b) 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 residential building on any other lot.

2.6 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.

2.7 Application for exemption for keeping of birds

- (1) A person may apply in writing for an exemption to compliance with the conditions in clauses 2.1, 2.2(a), 2.2(b), 2.3(c), 2.3(d) or 2.5(b).
 - (2) The application for an exemption should include:
 - (a) a statement outlining the reasons why an exemption is sought;
 - (b) the number of birds proposed to be kept;
 - (c) a site plan showing lot size, location of enclosure, and the distance of the enclosure from any boundaries and buildings on adjoining lots; and
 - (d) proof of membership of a poultry or pigeon club (if applicable).
 - (3) Prior to granting an exemption, the local government shall take into account the opinions of the owners and occupiers of adjoining properties.
 - (4) The local government may grant, with or without conditions, or refuse to grant an application for exemption received under this clause.
 - (5) Where an exemption for the keeping of birds is granted subject to conditions, the holder of the exemption shall comply or cause compliance with those conditions.
 - (6) A grant of exemption is personal to the applicant and applies only to the land described in the exemption.
 - (7) The applicant shall notify the local government of any change in the circumstances on which the grant of an exemption was based as soon as the change occurs.
 - (8) The grant of exemption can be withdrawn by the local government in the event that –
 - (a) the holder does not comply or cause compliance with the conditions;
-

- (b) there is a change in the circumstances upon which the exemption was granted;
or
- (c) the birds subject to the exemption cause a nuisance.

Division 2 – Keeping of farm animals

2.8 Keeping farm animals

- (1) Subject to clauses 2.9 and 2.10, an owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises more than 2 farm animals.
- (2) Subject to clauses 2.9 and 2.10, in a rural zone there is no limit on the number of farm animals that may be kept provided those animals are kept in accordance with the provisions of any local planning scheme applicable to that zone.

2.9 Conditions for keeping farm animals

The owner or occupier of premises upon which farm animals are kept shall-

- (1) Ensure that the area in which the farm animals are kept has a minimum cleared area of 150 square metres and the farm animals are prevented from approaching within 9 metres of any residential building on any other lot, Class 6 or 9 building, business premises or food business;
- (2) In the case of horses (other than miniature horses) or cows, ensure that the area in which the horses or cows are kept has a minimum area of one hectare and the horses or cows are prevented from approaching within 9 metres of any residential building on any other lot, Class 6 or 9 building, business premises or food business;
- (3) Take reasonable measures to -
 - (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rodents, vermin, or insects;
 - (b) keep the premises, as far as possible, free from flies or vermin, and when directed by an authorised person, spray the premises with residual insecticide or use any other effective means to kill and repel flies or vermin;
 - (c) ensure that the portion of the premises on which the farm animals are kept is fenced or walled in a manner capable of confining the animal and, having regard to the species, age, size and condition of the animal, capable of preventing the animal at all times from passing over, under or through it; and
 - (d) when directed by an authorised person, clean and disinfect the premises.

2.10 Keeping of pigs

- (1) Other than in a rural zone an owner or occupier of land shall not keep any pig other than a miniature pig.
 - (2) An owner or occupier of premises in a rural zone shall not keep more than one pig other than a miniature pig and other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*.
-

2.11 Requirements for farm animal shelters

Any stable, enclosure or shelter provided for the keeping of farm animals shall –

- (a) not be situated within 9 metres of any residential building on any other lot, Class 6 or 9 building, business premises or food business;
- (b) not be situated within one metre of any lot boundary;
- (c) provide adequate shelter, drainage and ventilation; and
- (d) when required by the local government have a separate stall for each animal.

2.12 Application for exemption for keeping farm animals

- (1) A person may apply in writing for an exemption from the conditions for keeping farm animals prescribed in clauses 2.8(1), 2.9(1), 2.9(2) or 2.10(2).
- (2) The application for an exemption should include –
 - (a) a statement outlining the reasons why an exemption is sought;
 - (b) the number of farm animals proposed to be kept; and
 - (c) a site plan showing lot size, location of enclosure, and the distance of the enclosure from any boundaries and buildings on adjoining lots.
- (3) Prior to granting an exemption, the local government shall take into account the opinions of the owners and occupiers of adjoining properties.
- (4) The local government may grant, with or without conditions, or refuse to grant an application for exemption received under this clause.
- (5) Where an exemption for the keeping of farm animals is granted subject to conditions, the holder of the exemption shall comply or cause compliance with those conditions.
- (6) A grant of exemption is personal to the applicant and applies only to the land described in the exemption.
- (7) The applicant shall notify the local government of any change in the circumstances on which the grant of an exemption was based as soon as the changes occur.
- (8) The grant of exemption can be withdrawn by the local government in the event that –
 - (a) the holder does not comply or cause compliance with the conditions;
 - (b) there is a change in the circumstances upon which the exemption was granted;or
 - (c) the animals subject to the exemption cause a nuisance.

Division 3 – Keeping of bees

2.13 Conditions for keeping of bees

- (1) A person who keeps bees or bee hives or permits bees or bee hives to be kept shall -
 - (a) unless exempted under Regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*, be registered as a beekeeper;
-

- (b) provide a good and sufficient water supply on the land which is readily accessible by the bees;
 - (c) keep each bee hive -
 - (i) at least 9 metres from, any building on any other lot;
 - (ii) at least 9 metres from any footpath, street, private street or public place;
 - (iii) at least 5 metres from the boundary of the lot.
- (2) A person shall not keep more than –
- (a) two bee hives on land of less than 2,000 square metres in area;
 - (b) 15 bee hives on land between 2,000 and 20,000 square metres in area.

2.14 Nuisance caused by bees

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

2.15 Application for exemption for keeping bees or bee hives

- (1) A person may apply in writing for an exemption from the conditions for keeping bee hives prescribed in clause 2.13.
 - (2) The application for an exemption should include –
 - (a) a statement from the person who wants to keep or permit to be kept bees or bee hives, outlining the reasons why an exemption is sought;
 - (b) the number of bee hives proposed to be kept;
 - (c) a site plan showing lot size, and the location of bee hives and their distance from any boundaries and buildings on any adjoining lots; and
 - (d) proof of being a registered bee keeper under Regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.
 - (3) Prior to granting an exemption, the local government shall take into account the opinions of the owners and occupiers of adjoining properties.
 - (4) The local government may grant, with or without conditions, or refuse to grant an application for exemption.
 - (5) Where an exemption for the keeping of bees or bee hives is granted subject to conditions, the holder of the exemption shall comply or cause compliance with those conditions.
 - (6) A grant of exemption is personal to the applicant and applies only to the land described in the exemption.
 - (7) The applicant shall notify the local government of any change in the circumstances on which the grant of an exemption was based as soon as the changes occur.
 - (8) The grant of exemption can be withdrawn by the local government in the event that –
 - (a) the holder does not comply or cause compliance with the conditions;
 - (b) there is a change in the circumstances upon which the exemption was granted;or
-

- (c) the bee hives subject to the exemption cause a nuisance.

2.16 Notice to remove bee hives

Whenever in the opinion of the local government a person has contravened any provision of this local law which relates to the keeping of bees or bee hives, the local government may give the owner and/or occupier of the land a written notice requiring her or him to remove any bee hives from the land within the time specified in the notice.

PART 3 – NUISANCES

Division 1 – Fertilisers

3.1 Use or storage of fertiliser and compost

- (1) An owner or occupier of premises shall not use or keep for the purpose of use as fertiliser, any –
 - (a) pig manure;
 - (b) human faeces; or
 - (c) urine.
- (2) The owner or occupier of premises where fertiliser or compost is stored or used shall –
 - (a) take reasonable measures to prevent the escape of odours, dust or particles of fertiliser or compost; and
 - (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease.

Division 2 – Smoke, fumes, odours and other emissions

3.2 Burning rubbish, refuse or other material

- (1) A person shall not on any land less than 2,000 square metres in area, set fire to or cause to be set on fire, any rubbish, refuse or other material.
 - (2) A person shall not on any land 2,000 square metres or greater in area set fire to rubbish, refuse or other material unless the burning complies with the *Bush Fires Act 1954*, and any annual fire hazard reduction notice issued by the local government under that Act.
 - (3) A person shall not on any land 2,000 square metres or greater in area set fire to rubbish, refuse or other material –
 - (a) that includes any plastic, rubber, food scraps, or green garden materials; or
 - (b) when a haze alert has been issued by the Bureau of Meteorology for the period during which burning is to take place.
 - (4) Subclauses (1), (2) and 3(b) 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.
-

3.3 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises shall take 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

3.4 Livestock vehicles

- (1) A person shall not park a livestock vehicle containing livestock for a period in excess of 30 minutes other than on land upon which the keeping or raising of livestock is lawfully conducted as a business, or part of a business, in compliance with the requirements of a local planning scheme.
- (2) A person shall not park a livestock vehicle so as to cause a nuisance to any person by reason of odour emanating from the vehicle.
- (3) If a vehicle containing livestock is parked in accordance with the provisions of subclause (1), the provisions of subclause (2) are deemed not to have been contravened.

PART 4 - DISPOSAL OF ANIMALS

4.1 Slaughter of animals

A person shall not slaughter any animal within the district unless –

- (a) the slaughter of an animal is at premises approved for that purpose; or
- (b) by owners or occupiers of rural properties preparing meat for their own consumption.

4.2 Disposal of dead animals

An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal or bird shall dispose of it as soon as practicable and in a manner that does not create a nuisance.

PART 5 - PEST CONTROL

Division 1 – Mosquitoes

5.1 Measures to be taken by an owner or occupier

An owner or occupier of premises –

- (a) where there is a fountain, pool, pond, swimming pool, spa, excavation or container of any kind which retains water suitable for the breeding of mosquitoes, must take adequate and reasonable measures to prevent mosquitoes breeding or undertake other control measures as directed by an authorised person;
 - (b) where there is a water tank, well, cistern, vat or barrel, shall -
 - (i) keep it protected with a mosquito-proof cover; and
 - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres in area.
-

5.2 Drains, channels and apparatus for the treatment of sewage

An owner or occupier of land shall –

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where an apparatus for the treatment of sewage is installed on the land -
 - (i) apply an approved larvicide according to the directions on the container, into the apparatus for the treatment of sewage whenever directed to do so by an authorised person; and
 - (ii) provide and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres in area covering any vent to the apparatus for the treatment of sewage.

Division 2 – Rodents

5.3 Measures to be taken to eradicate rodents

- (1) An owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall –
 - (a) take effective measures to keep the premises free from rodents including -
 - (i) protecting stored food stuffs;
 - (ii) using a rodenticide bait or a properly baited trap;
 - (iii) minimising rodent access to water on the premises; and
 - (iv) removing accumulated refuse or potential rodent food sources; and
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall -
 - (i) if it is not already dead, kill it immediately; and
 - (ii) dispose of the carcass in such a manner so as not to create a nuisance.
- (2) An owner or occupier of premises must take whatever measures for the eradication of rodents as directed by an authorised person under this clause.

5.4 Restrictions on the keeping of rodents

A person or body which keeps rodents must –

- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
- (b) if a rodent escapes, ensure that all reasonable steps are taken to destroy or recapture the rodent.

Division 3 – Cockroaches

5.5 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches.
 - (2) An owner or occupier of premises must take whatever measures for the eradication of cockroaches as directed by an authorised person under this clause.
-

Division 4 - Arthropod Vectors of Disease

5.6 Responsibility of the owner or occupier

An owner or occupier of premises shall –

- (a) take reasonable steps to keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- (b) comply with the direction of an authorised person to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 6 – BUILDING, DEVELOPMENT AND LAND CARE

Division 1 – Litter and refuse on building sites

6.1 Provision of refuse receptacles

Before commencement of any works on a building site or development site, the builder shall provide and maintain available for use on the site a refuse receptacle 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.

6.2 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 builder on the site shall take reasonable steps to –
 - (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) maintain the street verge immediately adjacent to the site free of refuse from the site; and
 - (d) ensure the refuse receptacle is emptied when full.
- (2) The builder on 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.

Division 2 – Prevention of dust and liquid waste

6.3 Containment of dust and liquid waste

An owner or occupier of land must take –

- (a) effective measures to contain all liquid waste on the land; and
 - (b) take reasonable steps to ensure no dust or liquid waste is released or escapes from the land whether by means of wind, water or any other cause so as to cause a nuisance.
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Division 3 –Disused materials

6.4 Disposing of disused refrigerators or similar containers

A person shall not 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 by placing or leaving it on any land to which members of the public have access without first removing every door and lid and every lock, catch and hinge attached to a door or lid or otherwise rendering every door and lid incapable of being fastened; and arranging for the removal of any refrigerants by a suitably qualified person.

PART 7 – OBJECTIONS AND APPEALS

7.1 Objections and appeals

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

- (a) grant a person an exemption;
- (b) vary or cancel an exemption; or
- (c) give a person a notice,

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and Regulation 33 of the Regulations shall apply to that decision.

PART 8 – ENFORCEMENT

Division 1 – Notice of breach

8.1 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).

8.2 Form of notices

Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it will be sufficient that the notice be in writing giving sufficient 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.

Division 2 – Offences and penalties

Subdivision 1 - General

8.3 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.

Subdivision 2 – Infringement notices and modified penalties

8.4 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 *Local Government Act 1995*.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

8.5 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 *Local Government Act 1995* 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 *Local Government Act 1995* 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 *Local Government Act 1995* withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.
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SCHEDULE 1 - PRESCRIBED OFFENCES

[Clause 8.4]

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY (\$)
1	2.1	Keeping more than the permitted number of poultry or pigeons in a residential zone	150
2	2.2	Failure to comply with condition for keeping of poultry	150
3	2.3	Failure to comply with condition for keeping of pigeons	150
4	2.4	Keeping a rooster, goose or gander, turkey, peacock or peahen in other than a rural zone or kennels zone	150
5	2.5	Failure to comply with conditions for keeping of aviary birds	150
6	2.6(a)	Permitting a bird or birds to cause a nuisance	150
7	2.6(b)	Permitting a bird or birds to emit an unreasonable noise	150
8	2.7(5)	Failure to comply with conditions of exemption for keeping of birds	150
9	2.8(1)	Keeping more than the permitted number of farm animals	150
10	2.9	Failing to comply with a condition for the keeping of farm animals	150
11	2.10(1)	Keeping a pig on land zoned anything other than rural	150
12	2.10(2)	Keeping more than one pig on land in a rural zone	150
13	2.11	Failure to comply with a requirement for a farm animal shelter	150
14	2.12(5)	Failure to comply with a condition of exemption for keeping a farm animal	150
15	2.13	Failure to comply with a condition of keeping bees	150
16	2.14	Creation of nuisance from keeping of bees or beehives	150
17	2.15(5)	Failure to comply with a condition of exemption for keeping bees	150
18	3.1(1)	Storing or using pig manure, human faeces or urine as fertiliser	150
19	3.1(2)	Failure to comply with a requirement for storing compost or fertiliser	150
20	3.2(1)	Setting fire to rubbish, refuse or other material on land less than 2,000 square metres in area	250
21	3.2(2)	Setting fire to rubbish, refuse or other materials other than in accordance with the <i>Bush Fire Act 1954</i> or any annual fire hazard reduction notice issued by the local government	250
22	3.2(3)	Setting fire to rubbish, refuse or other material on land 2,000 square metres or greater not in accordance with conditions	250
23	3.3	Allowing the escape of smoke, fumes, odours or other emissions so as to cause a nuisance	150

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY (\$)
24	3.4(1)	Parking a livestock vehicle for longer than 30 minutes	150
25	3.4(2)	Parking a livestock vehicle so as to cause a nuisance	150
26	4.1	Slaughtering an animal	250
27	4.2	Disposing of a dead animal in manner that causes a nuisance	150
28	5.1	Failure to comply with measures to prevent mosquito breeding	150
29	5.2	Failing to maintain apparatus for the treatment of sewerage	150
30	5.3	Failure to take measures to eradicate rodents	150
31	5.4	Failure to comply with a restriction on the keeping of rodents	150
32	5.5	Failure to take measures to eradicate cockroaches	150
33	5.6	Failure to keep premises free from arthropod vectors of disease	150
34	6.1	Failure to provide or maintain a refuse receptacle on a building or development site	500
35	6.2(1)	Failure to control refuse on a building or development site	500
36	6.2(2)	Failure to clear building or development site two days after completion of construction work	250
37	6.3	Release or escape of dust or liquid waste from land	250
38	6.4	Disposing of disused refrigerator or similar container with door or lid that can be fastened or without removing refrigerant	250
39	8.1(3)	Failure to comply with a notice issued by the local government	250

DATED: 2/10/17

The Common Seal of the City of Gosnells was affixed by authority of a resolution of the Council in the presence of –

Olwen Searle
OLWEN SEARLE JP, Mayor



Ian Cowie
IAN COWIE PSM, Chief Executive Officer