LOCAL GOVERNMENT ACT 1995

CITY OF CANNING

ANIMALS, NUISANCE AND ENVIRONMENT LOCAL LAW 2021

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LOCAL GOVERNMENT ACT 1995

CITY OF CANNING

ANIMALS, NUISANCE AND ENVIRONMENT LOCAL LAW 2021

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Canning resolved on 21 September 2021 to make the following local law.

PART 1—PRELIMINARY

1.1 Title
This is the City of Canning Animals, Nuisance and Environment Local Law 2021.

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 Application
This local law applies throughout the district.

1.4 Amend
(a) delete Part 4 Waste Food and Refuse;
(b) delete Part 5 Nuisance and General;
(c) delete Part 6 Keeping of Animals;
(d) delete Part 7 Pest Control;
(e) delete Part 8 Infectious Diseases; and
(f) delete Schedules 10 and 11.

1.5 Terms used
(1) In this Local Law, unless the context otherwise requires—
approved means approved by the local government;
authorised officer means a person appointed under section 9.10 of the LG Act to perform any of the functions of an authorised officer under this local law.
aviary bird means any bird, other than poultry or pigeons, kept or usually kept in an aviary or cage;
bee means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as bee;
bee hive means a movable or fixed structure, container or object which contains a bees nest containing an independent colony of bees and in which bees are kept;
beekeeper has the meaning in regulation 3 of the Biosecurity and Agriculture Management Regulations 2013;
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 granted under section 20 of the Building Act 2011;
building site means a lot for which a building permit is current, but does not include a lot on which there exists a commercial, industrial or residential building and the current building permit is issued in respect only of a pergola, patio, shed or other Class 10 building as classified by the Building Code;
CEO means the Chief Executive Officer of the local government;
cow includes an ox, calf or bull;
density code means a number equal to the number of dwellings per hectare of land, as described in State Planning Policy 7.3 Residential Design Codes (volume 1), that is applied to land under a local planning scheme;
development has the meaning in the Planning and Development Act 2005;

development site means—
   (a) a lot or lots for which there is a current development or subdivision approval; and
   (b) a lot or lots on which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place, whether or not the works are subject to a development or subdivision approval;

district means the district of the local government;
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 house means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

food business has the meaning in the Food Act 2008;
hive means a moveable or fixed structure, container or object in which a colony of bees is kept;
horse includes an ass, mule, donkey or pony;
land includes a building or structure on the land;
large animal includes an alpaca, cow, horse, sheep, goat, deer, camel, lama, emu, ostrich, kangaroo or the like but does not include a pig;
LG Act means the Local Government Act 1995;
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;
local government means the City of Canning;
local planning scheme means a local planning scheme made by the local government under the Planning and Development Act 2005;
lot has the meaning in the Planning and Development Act 2005;
miniature pig means a pig that does not exceed 700mm in height and does not exceed 100 kilograms in weight as an adult;
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 has the meaning in the LG Act, but does not include the local government;
owner has the meaning in the LG Act;
pigeon means those birds that are classified within the family Columbidae but does not include doves;
poultry includes fowls, peafowls, turkeys, ducks and other domestic fowl;
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;
refuse receptacle means a container for holding or facilitating the removal of refuse;
Regulations means the Local Government (Functions and General) Regulations 1996;
residential zone means an area zoned “Residential” under a local planning scheme;
rural zone means an area zoned “Rural” under a local planning scheme;
rural residential zone means an area zoned “Rural Residential” under a local planning scheme;
Schedule means a schedule to this local law;
stormwater, in relation to a site, means naturally occurring water that results from rainfall on or around the site, or water flowing onto the site;
street means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and path;
subdivision approval means a subdivision approval under the Planning and Development Act 2005;

(2) A term that is used in this local law and is not defined in subclause (1) has the meaning in the LG Act.
(3) Where in this local law, a duty or liability is imposed on an “owner or occupier” the duty or liability is taken to be imposed jointly and severally on each of the owner or occupier.
(4) Where under this local law in relation to any premises an act is required to be done or is prohibited, the owner or occupier of the premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the prohibited act, as the case may be.

(5) This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the LG Act and any powers of entry exercised by this local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the LG Act.

PART 2—KEEPING ANIMALS

Division 1—General

2.1 Cleanliness
The owner or occupier of premises where an animal or bird is kept must—

(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; and

(b) when so directed by an authorised officer, clean and disinfect the premises.

Division 2—Keeping Large Animals

2.2 Large animals

(1) A person must not keep a large animal on any land unless the land—

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

(b) is zoned residential with a density code of R2.5 under a local planning scheme and the animal is kept in accordance with the provisions of any local planning scheme applicable to that zone.

(2) An owner or occupier of premises must not permit a large animal to approach or remain within 10 metres of a dwelling house.

Division 3—Keeping Miniature Pigs

2.3 Keeping miniature pigs

(1) Except for a miniature pig, a person must not keep a pig on any land.

(2) Unless subclause (3) applies, a person must not keep a miniature pig on any land.

(3) A person may keep, on any land, one miniature pig if—

(a) the keeping of the miniature pig has been approved in writing by the local government;

(b) the miniature pig is sterilised; and

(c) the owner or occupier of premises where the miniature pig is kept complies with the requirements of subclause (5).

(4) On an application for an approval under clause 2.3(3)(a)—

(a) the local government may—

(i) grant the application, unconditionally or subject to any conditions that it considers appropriate; or

(ii) refuse to grant the application;

(b) if the local government grants the application, it is to issue to the approved person an approval in the form determined by the CEO; and

(c) if the local government refuses to grant the application, it must advise the applicant in writing of its decision.

(5) The owner or occupier of premises where a miniature pig is kept must—

(a) retain written proof of its sterilisation;

(b) ensure that the pig does not cause a nuisance;

(c) maintain documentary evidence that the pig’s veterinary treatment against leptospirosis, erysipelas, roundworm and tapeworm is current; and

(d) comply with the conditions (if any) imposed under subclause (4).

Division 4—Keeping Poultry, Pigeons and Aviary Birds

2.4 Keeping poultry and pigeons in a residential zone

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

(a) more than 6 poultry; or

(b) more than 20 pigeons.

2.5 Roosters, geese, turkeys and peafowl

Except in the rural zone, rural residential zone and on lots zoned residential with a density code of R2.5 under a local planning scheme, an owner or occupier of premises must not keep—

(a) a rooster;

(b) a goose or gander;

(c) a turkey; or

(d) a peacock or peahen.
2.6 Conditions for keeping poultry
A person who keeps poultry or permits poultry to be kept must ensure that—
(a) all poultry are kept in a properly constructed poultry coop, except where poultry are freed for exercise;
(b) no poultry are to be kept less than 5 metres from an opening to a dwelling house on any other lot;
(c) no poultry are to be kept less than 1 metre from a side or rear boundary; and
(d) no poultry are to be kept within 6 metres of a street, public building, commercial premises or food business.

2.7 Conditions for keeping pigeons
A person who keeps pigeons or permits pigeons to be kept must ensure that—
(a) all pigeons are kept in a properly constructed pigeon loft, except where pigeons are freed for exercise;
(b) no opening to a pigeon loft, including openings for ventilation, is within 6 metres of a dwelling house on any other lot;
(c) no pigeons are to be kept less than 1 metre from a side or rear boundary; and
(d) no opening to a pigeon loft, including an opening for ventilation, is within 6 metres of a street, public building, commercial premises or food business.

2.8 Conditions for keeping aviary birds
A person who keeps, or permits to be kept, aviary birds on any premises, must ensure that the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 6 metres from a dwelling house on any other lot.

2.9 Exemptions
(1) An owner or occupier of premises may apply in writing to the local government for an exemption from any of the requirements of clauses 2.2, 2.4, 2.6, and 2.7.
(2) An application for an exemption must be accompanied by any relevant fees determined by the local government under sections 6.16 to 6.19 of the LG Act.
(3) The application for an exemption must 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).
(4) The CEO or authorised officer may give notice of the application to any owner or occupier of adjoining properties who, in the opinion of the CEO or authorised officer, are likely to be affected by the granting of the exemption, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person.
(5) In considering an application for exemption under this clause, the CEO or authorised officer is to have regard to the following matters to the extent that, in the opinion of the CEO or authorised officer, those matters are relevant to the application—
(a) any likely adverse impact of the proposed exemption on the environment or amenity of the neighbourhood;
(b) any likely adverse impact of the proposed exemption on any owners or occupier of adjoining premises;
(c) any social or educational benefits which may be derived by any person in the district if the application for an exemption is approved;
(d) the structural suitability of any enclosure in which any animal is to be kept;
(e) any written submissions received within the time specified in subclause (4) on the proposal;
(f) whether or not the imposition of and compliance with appropriate conditions of an exemption will mitigate any adverse effects of the approved exemption identified in the preceding paragraphs; and
(g) any other matter that the CEO or authorised officer considers to be relevant in the circumstances of the application.
(6) The CEO or an authorised officer may, in respect of an application for an exemption—
(a) grant the exemption, unconditionally or subject to any conditions that the CEO or authorised officer considers appropriate; or
(b) refuse the application.
(7) An exemption granted under this clause is to specify—
(a) the owner or occupier to whom the exemption applies;
(b) the premises to which the exemption applies;
(c) the maximum number of animals or birds which may be kept on the premises; and
(d) any terms and conditions under which the animals or birds must be kept.
If an exemption is granted subject to conditions, the holder of the exemption must comply with those conditions.

If an application for exemption is refused, the CEO or an authorised officer must give written notice of its decision to the applicant.

The CEO or an authorised officer may, at any time, cancel an exemption granted under this clause if—

(a) the holder of the exemption has not complied with a condition of the exemption;  
(b) the holder of the exemption has not complied with a provision of any written law which relates to the exemption; or  
(c) a law is amended or repealed in a manner which is inconsistent with the terms and conditions of the exemption and which renders the exemption invalid, ineffective or contrary to law.

If the CEO or an authorised officer cancels an exemption, the exemption holder must be given written notice of the decision and the date of effect of the cancellation.

**PART 3—PEST AND BEE MANAGEMENT**

**Division 1—General**

**3.1 Premises to be kept free of mosquito breeding matter**

An owner or occupier of premises must keep the premises free of water that is, or is liable to become, the breeding place of mosquitoes.

**3.2 Measures to be taken to eradicate rodents**

If there are indications of the presence of rodents in, on or about premises, and while the indications continue, the owner or occupier of the premises must take effective measures to keep the premises free from rodents including—

(a) protecting food stuffs;  
(b) using a rodenticide bait or a properly baited trap; and  
(c) preventing rodents having access to water on the premises.

**Division 2—Bee Keeping**

**3.3 Conditions for keeping bees**

(1) A person must not keep, or permit to be kept, bees in more than 2 bee hives on any land without the written approval of the local government.

(2) The local government may, in respect of a written application for approval to keep more than 2 bee hives on any land—

(a) grant the application, unconditionally or subject to any conditions that it considers appropriate; or  
(b) refuse to grant the application.

(3) If the local government grants the application, it is to issue to the approved person an approval in the form determined by the CEO.

(4) If an approval is granted subject to conditions, the holder of the approval must comply with those conditions.

(5) If the local government refuses to grant the application, it must advise the applicant in writing of its decision.

(6) Notwithstanding subclauses (1) and (2), a person must not keep, or permit to be kept, bees in bee hives on any lot unless at all times—

(a) an adequate and permanent supply of water in a receptacle is provided on the lot within 3 metres of the bee hive;  
(b) the bee hive is kept not closer than 10 metres from a footpath, street or public place and not closer than 5 metres from the boundary of the lot;  
(c) the bee hive is kept not closer than 10 metres from a, dwelling house on any other lot; and  
(d) the person is registered as a beekeeper if required by the Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013.

**3.4 Bees which cause a nuisance not to be kept**

A person must take all reasonable steps not to keep, or permit the keeping of, bees which cause a nuisance.

**PART 4—NUISANCES**

**Division 1—General**

**4.1 Burning rubbish, refuse or vegetation**

(1) Subject to subclause (4), a person must not set fire to rubbish, refuse or vegetation.

(2) Subclause (1) does not apply to the burning of vegetation on rural zoned lots, rural residential zoned lots and lots zoned residential with a density code of R2.5 under a planning scheme, where approval has first been obtained from the local government, 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.
Subclause (1) does not apply to a barbeque, solid fuel water heater, space heater or oven fired with dry paper, synthetic char or charcoal type fuel.

An owner or occupier of premises may apply in writing to the local government for an exemption from clause 4.1(1), to burn vegetation.

An application for an exemption must be accompanied by any relevant fees determined by the local government under sections 6.16 to 6.19 of the LG Act.

The CEO or authorised officer may give notice of the application to any owner or occupier of adjoining properties who, in the opinion of the CEO or authorised officer, are likely to be affected by the granting of the exemption, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person.

In considering an application for exemption under this clause, the CEO or authorised officer is to have regard to the following matters to the extent that, in the opinion of the CEO or authorised officer, those matters are relevant to the application—

(a) any likely adverse effect of the proposed exemption on the environment or amenity of the neighbourhood;
(b) any likely adverse impact of the proposed exemption on any owners or occupier of adjoining premises;
(c) whether or not there are reasonable alternatives for the disposal of the vegetation;
(d) whether or not a hazel alert has been issued by the Bureau of Meteorology for the period during which burning is to take place;
(e) the proximity of the proposed burning of vegetation to a dwelling house, fence, road or building;
(f) the measures proposed to be implemented by the applicant to manage the burn safely and to prevent the escape of the burn;
(g) any written submissions received within the time specified in subclause (6) on the proposal;
(h) whether or not the imposition of and compliance with appropriate conditions of an exemption will mitigate any adverse effects of the approved exemption identified in the preceding paragraphs;
(i) any other matter that the CEO or authorised officer considers to be relevant in the circumstances of the application.

The CEO or an authorised officer may, in respect of an application for an exemption—

(a) grant the exemption, unconditionally or subject to any conditions that the CEO or authorised officer considers appropriate; or
(b) refuse the application.

An exemption granted under this clause is to specify—

(a) the owner or occupier to whom the exemption applies;
(b) the premises to which the exemption applies; and
(c) any terms and conditions under which vegetation is to be burnt.

If an exemption is granted subject to conditions, the holder of the exemption must comply with those conditions.

If an application for exemption is refused, the CEO or an authorised officer must give written notice of its decision to the applicant.

The CEO or an authorised officer may, at any time, cancel an exemption granted under this clause if—

(a) the holder of the exemption has not complied with a condition of the exemption;
(b) the holder of the exemption has not complied with a provision of any written law which relates to the exemption; or
(c) a law is amended or repealed in a manner which is inconsistent with the terms and conditions of the exemption and which renders the exemption invalid, ineffective or contrary to law.

If the CEO or an authorised officer cancels an exemption, the exemption holder must be given written notice of the decision and the date of effect of the cancellation.

4.2 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises must take all reasonable steps not to 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.

PART 5—BUILDING, DEVELOPMENT AND LAND CARE

Division 1—Litter and Refuse on Building Sites

5.1 Interpretation

In this Division, unless the context otherwise requires—

occupier, in respect of a building or development site, includes a person who is in control of all or part of the site, or who is authorised by the owner, lessee, licensee or other person empowered to exercise control in relation to the site to perform any work in relation to the site and, for the avoidance of doubt, includes a builder or contractor.
5.2 Control of refuse

(1) The owner or occupier of a building or development site must at all times provide and maintain available for use on the site a refuse receptacle, to the satisfaction of an authorised officer, of such design as will contain any refuse likely to be produced on the site.

(2) From the time of commencement of works on a building site until the time of completion of the works, the owner or occupier of the site must—
   (a) ensure all refuse on the site is placed and contained in a 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, and any other reserve, immediately adjacent to the site free of refuse from the site, unless otherwise approved by the local government; and
   (d) ensure the refuse receptacle is emptied when full.

Division 2—Prevention of Dust and Liquid Waste

5.3 Prohibited activities

(1) An owner or occupier of land must 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 is satisfied that—
   (a) an owner or occupier of land has not complied with paragraph (a) or (b) of subclause (1); or
   (b) dust or liquid waste has been released or escaped from the land,

the local government may serve on the owner or occupier of the land a notice requiring the owner or occupier to do one or more of the following—
   (c) comply with paragraph (a) or (b) of subclause (1);
   (d) clean up and properly dispose of any released or escaped dust or liquid waste;
   (e) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
   (f) take reasonable steps to stop any further release or escape of dust or liquid waste.

(3) The requirements set out in a notice served under subclause (2) must be complied with—
   (a) within 48 hours of service of the notice where no other time is specified;
   (b) within such other period as is specified in the notice; or
   (c) immediately, if the notice so specifies.

(4) Where the local government is satisfied 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 the owner or occupier of the land or the operator of the equipment, as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice, which shall not exceed 28 days.

(5) In subclause (4)—

   equipment includes machinery or vehicles.

Division 4—Stormwater and Wastewater Disposal

5.4 Containment of stormwater

(1) Subject to subclause (2), the owner or occupier of a lot must take all reasonable steps to 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.

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

(3) The owner or occupier of a lot must ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction.

PART 6—ENFORCEMENT

Division 1—Infringement Notices

6.1 Form of infringement notices

(1) The form of the infringement notice referred to in section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the Regulations; and

(2) The form of the infringement withdrawal given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the Regulations.

Division 2—Undertaking of Work Required by Notice

6.2 When local government may undertake work required by notice

(1) This clause applies only in respect of a notice issued under subclauses 5.3(2) 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 LG 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.

PART 7—OFFENCES, PENALTIES AND FEES

Division 1—General

7.1 Offences
(1) A person who—
   (a) fails to do anything required or directed to be done under this local law;
   (b) fails to comply with a notice issued to the person under this local law; or
   (c) does an act or omits to do an act contrary to this local law,
   commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction—
   (a) to a penalty not exceeding $5,000; and
   (b) if the offence is a continuing offence, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.

7.2 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 LG Act.

(2) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

7.3 Fees
If a fee is prescribed by this local law, that fee is to be pro rata, calculated on a monthly basis for any period to 30 June each year.

PART 8—OBJECTION AND APPEAL

8.1 Objection and appeal rights
When the local government makes a decision under this local law as to whether it will—
   (a) grant a person an approval or exemption;
   (b) vary or cancel an approval or exemption; or
   (c) give a person a notice,
the provisions of Division 1 of Part 9 of the LG Act and regulation 33 of the Regulations shall apply to that decision.

SCHEDULE 1—PRESCRIBED OFFENCES

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Clause No.</th>
<th>Nature of Offence</th>
<th>Modified Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.1 (a)</td>
<td>Failure to keep premises free from matter likely to be offensive or injurious to health or attracts rodents</td>
<td>$250</td>
</tr>
<tr>
<td>2</td>
<td>2.1 (b)</td>
<td>Failure to clean and disinfect premises when directed by an authorised officer</td>
<td>$250</td>
</tr>
<tr>
<td>3</td>
<td>2.2 (1)</td>
<td>Keep large animal on land outside of rural zoned land, rural residential zoned land or land zoned residential with a density code of R2.5</td>
<td>$250</td>
</tr>
<tr>
<td>4</td>
<td>2.2 (2)</td>
<td>Permit large animal within 10 metres of dwelling house</td>
<td>$250</td>
</tr>
<tr>
<td>5</td>
<td>2.3 (1)</td>
<td>Keep a pig or pigs on any land, other than a miniature pig</td>
<td>$250</td>
</tr>
<tr>
<td>6</td>
<td>2.3 (2)</td>
<td>Keep more than one miniature pig on any land</td>
<td>$250</td>
</tr>
<tr>
<td>7</td>
<td>2.3(3)(a)</td>
<td>Keep a miniature pig on any land, without written approval</td>
<td>$250</td>
</tr>
<tr>
<td>8</td>
<td>2.3(3)(b)</td>
<td>Keep on any land, an unsterilised miniature pig</td>
<td>$250</td>
</tr>
<tr>
<td>9</td>
<td>2.3(5)(a)</td>
<td>Failure to retain written proof of sterilisation of a miniature pig</td>
<td>$250</td>
</tr>
<tr>
<td>10</td>
<td>2.3(5)(b)</td>
<td>Failure to ensure miniature pig does not cause a nuisance</td>
<td>$250</td>
</tr>
<tr>
<td>11</td>
<td>2.3(5)(c)</td>
<td>Failure to maintain documentary evidence of miniature pig’s veterinary treatment against leptospirosis, erysipelas, roundworm and tapeworm is current</td>
<td>$250</td>
</tr>
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</tr>
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</tr>
<tr>
<td>12</td>
<td>2.3(5)(d)</td>
<td>Fail to comply with conditions of written approval to keep miniature pig</td>
<td>$250</td>
</tr>
<tr>
<td>13</td>
<td>2.4 (a)</td>
<td>Keep or permit to be kept on the premises more than 6 poultry</td>
<td>$250</td>
</tr>
<tr>
<td>14</td>
<td>2.4 (b)</td>
<td>Keep or permit to be kept on the premises more than 20 pigeons</td>
<td>$250</td>
</tr>
<tr>
<td>15</td>
<td>2.5</td>
<td>Keeping a rooster, goose or gander, turkey, peacock or peahen on premises</td>
<td>$250</td>
</tr>
<tr>
<td>16</td>
<td>2.6 (a)</td>
<td>Fail to keep poultry in a properly constructed poultry coop, except where poultry are freed for exercise</td>
<td>$250</td>
</tr>
<tr>
<td>17</td>
<td>2.6 (b)</td>
<td>Poultry kept less than 5 metres from an opening to a dwelling house on any other lot</td>
<td>$250</td>
</tr>
<tr>
<td>18</td>
<td>2.6 (c)</td>
<td>Poultry kept less than 1 metre to a side or rear boundary</td>
<td>$250</td>
</tr>
<tr>
<td>19</td>
<td>2.6 (d)</td>
<td>Poultry kept within 6 metres of a street, public building, commercial premises or food business</td>
<td>$250</td>
</tr>
<tr>
<td>20</td>
<td>2.7 (a)</td>
<td>Failure to keep pigeons in a properly constructed pigeon loft, except when pigeons are freed for exercise</td>
<td>$250</td>
</tr>
<tr>
<td>21</td>
<td>2.7 (b)</td>
<td>Opening to a pigeon loft, including openings for ventilation is within 6 metres of any dwelling house on other lot</td>
<td>$250</td>
</tr>
<tr>
<td>22</td>
<td>2.7 (c)</td>
<td>Pigeons kept less than 1 metre from a side or rear boundary</td>
<td>$250</td>
</tr>
<tr>
<td>23</td>
<td>2.7 (d)</td>
<td>Opening to a pigeon loft, including an opening for ventilation, is within 6 metres of a street, public building, commercial premises or food business</td>
<td>$250</td>
</tr>
<tr>
<td>24</td>
<td>2.8</td>
<td>Failure to keep aviary or cage in which birds are kept located at least 1 metre from any lot boundary and at least 6 metres from a dwelling house on any other lot</td>
<td>$250</td>
</tr>
<tr>
<td>25</td>
<td>2.9 (8)</td>
<td>Failure to comply or cause compliance with conditions of exemption</td>
<td>$250</td>
</tr>
<tr>
<td>26</td>
<td>3.1</td>
<td>Fail to keep premises free of water that is, or is liable to become, the breeding place of mosquitoes</td>
<td>$250</td>
</tr>
<tr>
<td>27</td>
<td>3.2</td>
<td>Fail to take effective measures to keep the premises free from rodents</td>
<td>$250</td>
</tr>
<tr>
<td>28</td>
<td>3.3 (1)</td>
<td>Keep or permit to be kept, bees in more than 2 beehives on land without written approval from the local government</td>
<td>$250</td>
</tr>
<tr>
<td>29</td>
<td>3.3 (4)</td>
<td>Fail to comply with conditions of written approval to keep bees</td>
<td>$250</td>
</tr>
<tr>
<td>30</td>
<td>3.3 (6) (a)</td>
<td>When keeping bees in beehives failing to provide adequate and permanent supply of water in a receptacle within 3 metres of the beehive</td>
<td>$250</td>
</tr>
<tr>
<td>31</td>
<td>3.3 (6) (b)</td>
<td>Beehive kept less than 10 metres from any footpath, street, street or public place and not closer than 5 metres from any lot boundary</td>
<td>$250</td>
</tr>
<tr>
<td>32</td>
<td>3.3 (6) (c)</td>
<td>Beehive is kept closer than 10 metres from any dwelling house on any other lot</td>
<td>$250</td>
</tr>
<tr>
<td>33</td>
<td>3.4</td>
<td>Bees kept or permitted to be kept causing a nuisance</td>
<td>$250</td>
</tr>
<tr>
<td>34</td>
<td>4.1 (1)</td>
<td>Setting fire to rubbish, refuse or vegetation</td>
<td>$250</td>
</tr>
<tr>
<td>35</td>
<td>4.1 (10)</td>
<td>Failure to comply or cause compliance with conditions of exemption to burn</td>
<td>$250</td>
</tr>
<tr>
<td>36</td>
<td>4.2</td>
<td>Cause or permit the escape of smoke, fumes, odours or other emissions so as to cause a nuisance</td>
<td>$250</td>
</tr>
<tr>
<td>37</td>
<td>5.2(1)</td>
<td>Failure to provide or maintain a refuse receptacle on a building or development site</td>
<td>$250</td>
</tr>
<tr>
<td>38</td>
<td>5.2(2)(a)</td>
<td>Failure to place and contain all refuse on a building or development site in a refuse receptacle and prevent refuse blowing off site</td>
<td>$250</td>
</tr>
<tr>
<td>39</td>
<td>5.2(2)(b)</td>
<td>Failure to keep the building or development site as free as is reasonably practicable from any refuse</td>
<td>$250</td>
</tr>
<tr>
<td>40</td>
<td>5.2(2)(c)</td>
<td>Failure to maintain the street verge and any other reserve immediately adjacent to the site free of refuse from the site</td>
<td>$250</td>
</tr>
<tr>
<td>41</td>
<td>5.2(2)(d)</td>
<td>Failure to ensure a refuse receptacle on a building or development site is emptied when full</td>
<td>$250</td>
</tr>
<tr>
<td>42</td>
<td>5.3(1)</td>
<td>Release or escape of dust or liquid waste from land</td>
<td>$250</td>
</tr>
<tr>
<td>43</td>
<td>5.4(1)</td>
<td>Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained</td>
<td>$250</td>
</tr>
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</tr>
<tr>
<td>44</td>
<td>5.4(3)</td>
<td>Failure to ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction</td>
<td>$250</td>
</tr>
</tbody>
</table>

Dated this 24th of September 2021.

The Common Seal of the City of Canning was affixed by authority of a resolution of the Council in the presence of—

PATRICK HALL, Mayor.
STEPHEN CAIN, Chief Executive Officer.