

## LOCAL GOVERNMENT ACT 1995

### HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

CITY OF MANDURAH

#### ***ANIMALS ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2024***

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911, Local Government Act 1995, Biosecurity and Agriculture Management Act 2007*, and under all other powers enabling it, the Council of the City of Mandurah resolved on **INSERT DATE** to make the following local law.

#### **Part 1 - Preliminary**

##### **1.1 Citation**

This local law may be cited as the *City of Mandurah Animals, Environment and Nuisance Amendment Local Law 2024*.

##### **1.2 Commencement**

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

##### **1.3 Principal local law**

This local law amends the *City of Mandurah Animals, Environment and Nuisance Local Law 2010* as published in *Government Gazette* No. 43 on 22 March 2011, as amended by the *City of Mandurah Animals, Environment and Nuisance Amendment Local Law 2019* published in the *Government Gazette* No. 78 on 11 June 2019, and the *City of Mandurah Animals, Environment and Nuisance Amendment Local Law 2020* published in the *Government Gazette* No.50 on 3 April 2020.

#### 1.4 Clause 1.1 amended

In clause 1.1 delete the heading “Citation” and replace with “Title”.

#### 1.5 Clause 1.2 amended

In clause 1.2:

- (a) renumber clause “1.2” to “1.5”;
- (b) amend the title “Definitions” to “Terms used”; and
- (c) delete the following definitions:

- (i) **amusement**;
- (ii) **approved animal**
- (iii) **bee hive**;
- (iv) **Class 6 building**;
- (v) **Class 9 building**;
- (vi) **Code of Practice–Pigeon keeping**;
- (vii) **development approval**;
- (viii) **development site**;
- (ix) **livestock**;
- (x) **livestock vehicle**;
- (xi) **manure receptacle**;
- (xii) **miniature horse**;
- (xiii) **occupier**; and
- (xiv) **truck**;

- (d) insert the following definitions in alphabetical order:

- (i) **beekeeper** has the meaning given in Regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;
- (ii) **Code of Practice–Pigeon keeping** means the Code of Practice for Pigeon Keeping and Racing in Western Australia as prescribed by the *Animal Welfare (General) Regulations 2003*, as amended from time to time;
- (iii) **development site** means—
  - (a) any lot or lots for which there is a current development or subdivision approval; and
  - (b) 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;

- (iv) **hive** means a movable or fixed structure, container or object in which a colony of bees is kept;
  - (v) **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 without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor;
  - (vi) **premises** includes—
    - (a) land (whether or not vacant);
    - (b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
    - (c) a vehicle”;
  - (vii) **receptacle** means a container for holding or facilitating the removal of refuse; and
  - (viii) **sand drift** means the movement of sand, sediment, or similar materials across, within or along a surface;
- (e) amend the definition for an **affiliated person** by deleting “*Associations Incorporation Act 1987*” and replacing it with “*Associations Incorporation Act 2015*”;
  - (f) in the definition of **authorised person** delete the word “Council” and replace it with “local government”;
  - (g) amend the definition of **birds** by deleting the word “includes” and replacing with the word “include”;
  - (h) amend the definition of **building site** by deleting the word “licence” and replacing it with “permit”;
  - (i) in the definition of **Chief Executive Officer** replace the first reference to “Chief Executive Officer” with “**CEO**”;
  - (j) amend the definition of **pest plant** by deleting “clause 4.17” and replacing with “clause 4.10”;
  - (k) in the definition of **pigeon** after the words “homing pigeons” insert the words “racing pigeons” and delete the words “Department of Environment and Conservation” and replace with “Department of Biodiversity, Conservation and Attractions”; and
  - (l) in the definition of **unreasonable noise** insert the word “and” after “1986”.

## 1.6 Clause 1.3 amended

Re-number clause “**1.3 Repeal**” to “**1.4 Repeal**”.

## 1.7 Clause 1.4 amended

(a) re-number clause “**1.4 Application**” to “**1.3 Application**”; and

(b) delete the words “shall apply” and insert “applies”.

### **1.8 Clause 1.5 amended**

Renumber clause “**1.5 Commencement**” to “**1.2 Commencement**”.

### **1.9 Part 2, Division 1 amended**

In Part 2 delete Division 1 and insert:

#### *Division 1 – Keeping of birds*

### **2.1 Keeping of poultry and pigeons in a residential zone**

(1) Subject to the provisions of this Part 2, an owner or occupier of premises in a residential zone shall not keep or permit to be kept more than the following number of pigeons or poultry—

(a) In the case of poultry, the maximum number specified in the table below according to applicable lot size—

<b>Lot size</b>	<b>Maximum number of poultry</b>
Less than 1,000 m <sup>2</sup>	6 poultry (including a maximum of 2 ducks)
1,001 m <sup>2</sup> and over	12 poultry (including ducks)

(b) In the case of pigeons, 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons is 100.

### **2.2 Requirements 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 within 5 metres from any residential building;
- (b) no poultry are able to approach within 5 metres of a public street, public building, commercial premises or food business;
- (c) all poultry are kept in a properly constructed and securely fastened enclosure;
- (d) all enclosures within which poultry are kept are maintained at all times in a clean condition and good repair;

- (e) all poultry are contained in an enclosure at all times, except where released for exercise;
- (f) no poultry are to be kept less than 1 metre from any lot boundary; and
- (g) all feed for the poultry other than that intended for immediate consumption is stored in vermin-proof containers.

### **2.3 Requirements for keeping of pigeons**

- (1) 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 or enclosure at all times, except when registered homing pigeons or racing pigeons are released for exercise subject to the following conditions—
    - (i) registered homing pigeons or racing pigeons may only be released for exercise between the hours set out in the Code of Practice; and
    - (ii) a person shall not release more than 60 registered homing pigeons or racing pigeons for exercise or training at any one time;
  - (b) all loft structures or enclosures within which pigeons are kept and their immediate surrounds are maintained in a clean condition and good repair;
  - (c) all loft litter—
    - (i) is disposed of by immediate burial or by being bagged and deposited in a household rubbish receptacle; and
    - (ii) does not cause a nuisance;
  - (d) the base floor of any loft or enclosure is constructed of impervious material;
  - (e) all feed for the pigeons other than that intended for immediate consumption is stored in vermin-proof containers;
  - (f) no opening to a pigeon loft or enclosure, including openings for ventilation, is within 5 metres of any residential building, public street, public building, commercial premises, or food business and is not visible from a public area; and
  - (g) no pigeon loft or enclosure, including openings for ventilation, is within 1 metre from any lot boundary.
- (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.

### **2.4 Requirements for keeping of aviary birds**

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

- (a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary;
- (b) the aviary or cage in which the birds are kept is at least 5 metres from any residential building, public street, public building, commercial premises, or food business and is not visible from a public area;
- (c) the base floor of the aviary or cage is to be constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;
- (d) the aviary or cage is to be kept in clean condition and good repair;
- (d) all feed for the birds other than that intended for immediate consumption is stored in vermin-proof containers; and
- (e) effective measures are taken to prevent the attraction or harbourage of vermin.

### **2.5 Roosters, geese, turkeys and peafowl**

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

- (a) rooster;
- (b) goose or gander;
- (c) turkey; or
- (d) peacock or peahen.

### **2.6. Nuisance caused by birds**

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

- (a) cause a nuisance; or
- (b) emit an unreasonable noise.

## **1.10 Part 2, Division 2 amended**

In Part 2 delete Division 2 and insert:

### *Division 2 – Keeping of farm animals*

#### **2.7 Keeping of farm animals**

- (1) An owner or occupier of land shall not keep, or allow to be kept, any farm animal unless—
  - (a) in accordance with a valid permit authorising the keeping of such a farm animal issued in relation to the land; or

- (b) in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.
- (2) An owner or occupier shall not keep more than one pig other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*, except with the express written approval of the local government.

## **2.8 Application for a permit to keep farm animals**

An application for a permit to keep farm animals shall be in the form approved by the local government.

## **2.9 Determination of application to keep farm animals**

- (1) The local government may—
  - (a) refuse to determine an application for a permit which does not comply with clause 2.8;
  - (b) approve an application for a permit subject to such conditions as it considers appropriate; or
  - (c) refuse to approve an application for a permit.
- (2) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions.
- (3) A permit shall remain valid unless—
  - (a) otherwise stated in the terms and conditions of the permit; or
  - (b) it is cancelled under clause 2.10(2).

## **2.10 Variation or cancellation of permit to keep farm animals and conditions of permit**

- (1) The local government may vary the conditions of a permit issued under this Division by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (2) The local government may cancel a permit in the event the permit holder—
  - (a) fails to comply with any condition of the permit;
  - (b) after being notified of a variation under subclause 2.10(1), fails to comply with the varied condition;
  - (c) breaches clause 2.11 of this local law; or
  - (d) fails to comply with a notice of breach issued under clause 6.1.

### **2.11 Requirements for keeping farm animals**

- (1) An owner or occupier of land or premises upon which a farm animal or farm animals are permitted to be kept, shall—
- (a) ensure that each farm animal is kept in a suitable enclosure that effectively prevents it from escaping;
  - (b) maintain the place or places where the farm animals are kept in clean condition;
  - (c) not permit any farm animal to approach within 5 metres of any residential building; and
  - (d) not permit any farm animal to approach within 15 metres of any food premises, shop, public building or a business or commercial premises.

### **2.12 Nuisance caused by farm animals**

An owner or occupier of land shall not keep any farm animal or farm animals which—

- (a) cause a nuisance; or
- (b) emit an unreasonable noise.

## **1.11 Part 2, Division 3 amended**

In Part 2 delete Division 3 and insert:

### *Division 3 – Keeping of bees*

#### **2.13 Keeping of Bees**

- (1) A person shall not keep bees or allow bees to be kept on any land except in accordance with the requirements outlined in clause 2.14.

#### **2.14 Requirements for Beekeeping**

The keeping of bees is subject to the following requirements—

- (a) the provision of a sufficient and suitable water supply on the land which is readily accessible by the bees on the land;
- (b) each hive shall be—
  - (i) kept at least 10 metres from any thoroughfare, public place, or neighbouring building;
  - (ii) kept at least 5 metres from any other boundary of the land; and

- (iii) screened or provided with other such barrier so as to prevent the bees flying low over a thoroughfare, public place, or adjoining land;
- (c) no more than 2 hives are to be kept on land of less than 2,000 square metres in area;
- (d) no more than 15 hives are to be kept on land between 2,000 and 20,000 square metres in area; and
- (e) the person keeping bees shall be registered as a beekeeper if required under *the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

### **2.15 Nuisance caused by bees or hives**

A person shall not keep, or allow to be kept, bees or hives, or both, on land so as to endanger the safety of any person or cause a nuisance.

### **2.16 Notice to remove bees**

Whenever the local government or an authorised person is satisfied that a person has contravened any provision of this local law which relates to the keeping of bees or hives, the local government or an authorised person may give the owner or occupier of the land a written notice requiring her or him to remove any bees or hives, or both, from the land within the time specified in the notice.

## **1.12 Part 3, Division 1 amended**

In Part 3 delete Division 1 and insert:

### *Division 1—Litter and refuse on building sites*

#### **3.1 Provision of refuse receptacles**

- (1) A person must not commence or continue, or permit the commencement or continuation of, building works on a building or development site unless—
  - (a) an Approved Receptacle is provided and maintained on the building site;
  - (b) all building waste is placed, and kept securely, in the Approved Receptacle;
  - (c) the cover of the Approved Receptacle is kept securely in place at all times except when building waste is being placed in, or removed from, the Approved Receptacle; and
  - (d) the Approved Receptacle is maintained in an effective and operable condition.

(2) In this clause—

**Approved Receptacle** means—

- (a) a receptacle with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste;
- (b) a wire enclosure with a capacity of at least 4 cubic metres with a suitable cover so as to prevent the escape of building waste; or
- (c) any other receptacle or container, with a suitable cover so as to prevent the escape of building waste,

that is approved by the local government or an authorised person.

### **3.2 Control measures**

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

- (a) ensure all refuse on the site is placed securely and contained in the Approved Receptacle and prevented from escaping from the site;
- (b) keep the site as free as is reasonably practicable from any refuse;
- (c) keep the street verge, and any other reserve, immediately adjacent to the site free of refuse, dust and sand from the site;
- (d) prevent dust and sand escaping from the site onto any thoroughfare or adjacent land; and
- (e) 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 or when directed by an authorised person, the site and the street verge or thoroughfare immediately adjacent or any adjacent land to it is cleared of all refuse and sand and all receptacles are removed from the site.

### **3.3 Unauthorised storage of materials**

(1) All construction materials shall be stored on the building site or development site and not on a street verge, thoroughfare or other local government property unless written approval has been given by the local government or an authorised person to store construction material on the street verge, thoroughfare or other local government property.

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

- (a) in writing; and

- (b) where the materials are proposed to be stored on a street verge abutting private land, shall be accompanied by the written approval of the owner of such land.

### **1.13 Part 3, Division 2 amended**

In Part 3 delete Division 2 and insert:

*Division 2—Prevention of dust, sand or sand drift and liquid waste*

#### **3.4 Prohibited activities**

- (1) An owner and or occupier of land shall take effective measures to—
  - (a) stabilise dust and sand on any land or verge adjoining such land;
  - (b) contain all liquid waste on the land; and
  - (c) ensure no dust, sand or sand drift, 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 or an authorised person is satisfied that—
  - (a) an owner or occupier has not complied with subclause (1); or
  - (b) the dust, sand or liquid waste has been released or escaped from the owner's or occupier's land,the local government or an authorised person may serve on the owner and or occupier of the land a notice requiring the owner and or occupier to do one or more of the following—
  - (i) comply with subclause (1);
  - (ii) clean up and properly dispose of any released or escaped dust, sand, or liquid waste;
  - (iii) clean up and make good any damage resulting from the released or escaped dust, sand, or liquid waste including any damage to adjoining or other affected properties; or
  - (iv) take effective measures to stop or prevent any further release or escape of dust, sand or liquid waste from the land.
- (3) The requirements set out in a notice issued under subclause (2) shall 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 or an authorised person is satisfied that dust, sand, 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 or an authorised person may serve a notice on—
- (a) the owner and or occupier of the land; or
  - (b) 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.
- (5) Where the local government or an authorised person is satisfied that dust, sand, 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 or an authorised person 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.

### **3.5 Escape from loads being transported**

- (1) A person must not drive a vehicle carrying a load from a dust or sand generating development site, or a building site, unless effective measures have been taken to ensure that the load, or any part of it, cannot escape from the vehicle.
- (2) In this clause—
- load** includes any material or other thing used in connection with the load; and
- vehicle** has the meaning given to it in the *Road Traffic Code 2000*.

### **3.6 Disposal of liquid waste**

- (1) The owner or occupier of premises shall—
- (a) provide one or more of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
  - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one or more of the following methods—
- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
  - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer or the local government; or

- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.
- (3) In this clause—
- Chief Health Officer** has the meaning given in the *Public Health Act 2016* section 4(1); and
- licensed water service operator** means a water service operator licensed under a written law to provide and/or operate water services.

#### **1.14 Part 3, Division 3 amended**

In clause 3.5 of Part 3, Division 3:

- (a) renumber clause 3.5 to clause 3.7;
- (b) delete the word “of” and insert “or” in its place;
- (c) insert “of land” after “occupier”; and
- (d) delete “site” and insert “land”.

#### **1.15 Part 3, Division 4 amended**

In Part 3, Division 4:

- (a) clauses 3.6 to 3.9 are renumbered to clauses 3.8 to 3.11 respectively;
- (b) clause 3.8 (formerly clause 3.6) is amended by deleting subclause (1) and inserting:

##### *Division 4—Unsightly land and disused materials*

#### **3.8 Removal of refuse and disused materials**

- (1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatsoever nature or kind which the local government or an authorised person is satisfied is likely to—
    - (a) give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or
    - (b) adversely affect the health and safety of the inhabitants of that property or any adjoining property.
- (c) delete clause 3.9 (formerly clause 3.7) and insert:

#### **3.9 Removal of unsightly overgrowth of vegetation**

- (1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation which, the local government or the authorised person is satisfied is likely to—

- (a) gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district; or
  - (b) adversely affect the health and safety of the inhabitants of that property or any adjoining property.
- (2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.
- (d) delete clause 3.10 (formerly clause 3.8) and insert:

**3.10 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 the 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 the 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 the lot vehicle, vessel, or machinery parts (including tyres);
  - (d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel, or machinery; or
  - (e) wreck, dismantle or break up a vehicle, vessel, or machinery so as to cause a nuisance.
- (2) Subclause (1) shall not apply if the vehicle, part or body of a vehicle, vessel or machinery is inside a building or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining properties.
- (e) clause 3.11 (formerly 3.9) is amended by:
- (i) inserting the words “without lawful authority and” after the words “on any land”;
  - (ii) in subclause (b) delete “and” and replace with a full stop; and
  - (iii) delete subclause (c).

**1.16 Part 3, Division 5 amended**

In Part 3, Division 5:

- (a) clause 3.10 is deleted; and
- (b) clause 3.11 is renumber to clause 3.12 and the word “cannot” is deleted from subclause (3) and replaced with the word “can”.

**1.17 Part 4, Division 1 amended**

In clause 4.3 of Part 4, Division 1:

(a) in subclause (1):

- (i) insert the words “or an authorised person” after the words “local government”; and
- (ii) insert the words “the local government or” before the words “authorised person considers”; and

(b) in subclause (2):

- (i) insert the words “or an authorised person” after the words “local government”; and
- (ii) delete the words “believes to be” and replace with “is satisfied is”.

### **1.18 Part 4, Division 2 amended**

In Part 4, Division 2:

(a) clause 4.4(1) is amended as follows:

- (i) insert “vegetation” after the word “refuse”; and
- (ii) insert the words “or authorised person” after the word “the local government”; and

(b) clause 4.5 is amended as follows:

- (i) insert the words “take all reasonable steps” after the word “shall”; and
- (ii) insert the word “to” before the words “cause or permit”.

### **1.19 Part 4, Division 3 amended**

In Part 4, Division 3:

(a) clause 4.7 is deleted and the remaining clauses in Part 4, Division 3 are renumbered accordingly;

(b) in clause 4.7 (formerly clause 4.8) delete subclause (1) and insert:

#### **4.7 Stormwater disposal systems**

- (1) The owner or occupier of a lot shall ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks, is discharged into stormwater drainage system, or discharged by other methods approved by the local government, in accordance with AS/NZS 3500.

(c) delete clause 4.8 (formerly clause 4.9) and insert:

#### **4.8 Disposal of swimming pool backwash**

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

- (2) The disposal of wastewater and backwash water from a swimming pool filtration system or other water storage system associated with a swimming pool into an approved disposal system or a soakwell system having a minimum capacity of 140 litres and located a minimum of 1.8 metres away from any building or lot boundary, satisfies the requirement of subclause (1).

#### **1.20 Part 4, Division 4 amended**

In Part 4, delete Division 4 and insert:

#### *Division 4—Bird nuisance*

##### **4.9 Restrictions on feeding of birds**

- (1) A person shall not feed or provide food to any wild or uncaged bird that is not permitted to be kept by them under this local law or another written law, so as to cause a nuisance.
- (2) Where an authorised person is satisfied 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.

#### **1.21 Part 4, Division 5 amended**

In Part 4, Division 5 renumber clauses 4.11 and 4.12 to clauses 4.10 and 4.11 respectively.

#### **1.22 Part 5 amended**

In clause 5.1 the words “or an authorised person” are inserted after the words “local government”.

#### **1.23 Part 6, Division 1 amended**

In Part 6, Division 1, clause 6.3(1) is amended by deleting “3.6(2), 3.7(2), 3.10(1), 3.11(1)” and replacing with “3.8(2), 3.9(2), 3.12(1)”.

#### **1.24 Schedule 1 – Pest Plants amended**

In Schedule 1:

(a) Amend the table by inserting the following names in alphabetical order—

- |      |               |                             |
|------|---------------|-----------------------------|
| (i)  | African Daisy | <i>Gazania sp.</i>          |
| (ii) | Capeweed      | <i>Arctotheca calendula</i> |

(iii)	Century Plant	<i>Agave americana</i>
(iv)	Dolichos pea	<i>Dipogon lignosus</i>
(v)	Fumitory	<i>Fumaria capreolata</i>
(vi)	Geraldton Wax	<i>Chamelaucium uncinatum</i>
(vii)	Golden Crown Beard	<i>Verbicina encelioides</i>
(viii)	Pretty Betsy	<i>Centranthus macrosiphon</i>
(ix)	Spiderwort	<i>Tradescantia sp.</i>
(x)	Veldt Daisy	<i>Osteospermum ecklonis</i>
(xi)	Vetch	<i>Vicia sativa</i>
(xii)	Wild Gladiolus	<i>G. Undulatus, G. Caryophyllaceus</i>

(b) delete the reference to Madeira Creeper *Anredera Cordifolia*.

### 1.25 Schedule 2 – Pest Plant Notice

The Pest Plant Notice is amended by deleting “*Agriculture and Related Resources Protection Act 1976*” and inserting “*Biosecurity and Agriculture Management Act 2007*”.

### 1.26 Schedule 3 – Prescribed Offences

Delete the table in Schedule 3 and insert as follows—

Item No.	Clause	Description	Modified Penalty— First Offence	Modified Penalty— Subsequent Offences
1	2.2	Failure to comply with requirements for keeping poultry	\$250	\$500
2	2.3	Failure to comply with requirements for keeping pigeons	\$250	\$500
3	2.4	Failure to comply with requirements for keeping aviary birds	\$250	\$500
4	2.5	Keeping a rooster, goose or gander, turkey, peacock, or peahen on premises	\$250	\$500
5	2.6	Keeping birds so as to cause a nuisance	\$250	\$500
6	2.7(1)(a)	Keeping a farm animal without a permit	\$250	\$500
7	2.11	Failure to comply with requirements for keeping farm animals	\$250	\$500
8	2.12	Nuisance caused by farm animal	\$250	\$500
9	2.14	Failure to comply with requirements for beekeeping	\$250	\$500
10	2.15	Nuisance caused by bees or hives	\$250	\$500

11	2.16	Failure to comply with notice to remove bees or hives	\$250	\$500
12	3.1(1)(a)	Failure to provide or maintain an Approved Receptacle on a building site or development site	\$250	\$500
13	3.1(1)(b)	Failure to place, and secure, all building waste in an Approved Receptacle	\$250	\$500
14	3.1(1)(c)	Failure to keep secure cover of Approved Receptacle	\$250	\$500
15	3.1(1)(d)	Failure to maintain Approved Receptacle in an effective and operable condition	\$250	\$500
16	3.2	Failure to control refuse on a building site or development site	\$250	\$500
17	3.3	Unauthorised storage of materials	\$250	\$500
18	3.4(1)	Release or escape of dust, sand or sand drift or liquid waste from land	\$250	\$500
19	3.5	Failure to take reasonable steps to prevent a load or any part of it escaping from a vehicle during transportation	\$250	\$500
20	3.6	Failing to dispose of liquid waste in an approved manner	\$250	\$500
21	3.7	Failing to ensure no vegetation or other material burnt	\$500	\$500
22	3.8(1)(a)	Keeping or allowing to be kept on a lot refuse, rubbish or disused material giving the land an untidy appearance	\$250	\$500
23	3.8(1)(b)	Keeping on a lot refuse, rubbish or disused material likely to adversely affect the health and safety the inhabitants of that property or adjoining property	\$250	\$500
24	3.9(1)(a)	Keeping or allowing to be kept on a lot unsightly overgrowth of vegetation giving the land an untidy appearance	\$250	\$500
25	3.9(1)(b)	Keeping on a lot unsightly overgrowth of vegetation likely to adversely affect the health and safety of the inhabitants of that property or adjoining property	\$250	\$500
26	3.10 (1)(a)	Store or allow to remain on land more than one vehicle, vessel or machinery in a state of disrepair	\$250	\$500
27	3.10 (1)(b)	Store or allow to remain on land any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	\$250	\$500
28	3.10 (1)(c)	Store or allow to remain on land any vehicle, vessel or machinery parts (including tyres)	\$250	\$500
29	3.10(1)(d)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery	\$250	\$500
30	3.10(1)(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	\$250	\$500
31	3.11	Disposing of disused refrigerator or similar container with door or lid that can be fastened	\$250	\$500
32	4.1	Erection or use of lighting installations other than in accordance with requirements	\$250	\$500

33	4.2	Emitting light more than 50 lux	\$250	\$500
34	4.4	Non-compliant burning of rubbish, vegetation or other materials	\$250	\$500
35	4.5	Cause or permit the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	\$250	\$500
36	4.6	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot	\$250	\$500
37	4.7	Failure to maintain all subsurface stormwater disposal systems in a good state of repair and free from obstruction	\$250	\$500
38	4.8	Discharging swimming pool backwash onto adjacent land	\$250	\$500
39	4.9(1)(a)	Feeding an uncaged or wild bird causing a nuisance	\$250	\$500
40	4.11(2)	Failure to comply with Pest Plant Notice	\$250	\$500
41	6.4(1)(b)	Failure to comply with notice	\$250	\$500