Environment, Animals and Nuisance Local Laws

Local Government Act 1995

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LOCAL GOVERNMENT ACT 1995
CITY OF ARMADALE ENVIRONMENT, ANIMALS AND NUISANCE LOCAL LAWS 2002

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LOCAL GOVERNMENT ACT 1995

CITY OF ARMADALE ENVIRONMENT, ANIMALS AND NUISANCE LOCAL LAWS 2002

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Armadale resolved on 21st January 2002 to make the following local laws.

PART 1—INTRODUCTORY AND ADMINISTRATIVE MATTERS

Citation and application

1. These local laws may be cited as the *City of Armadale Environment, Animals and Nuisance Local Laws 2002* and shall apply throughout the district.

Repeal

2. The *City of Armadale Control of Refuse on Building Sites Local Law 2001*, published in *Gazette Nº 129* of 3rd July 2001, is repealed.

Interpretation

3. (1) In these local laws, unless the context specifies otherwise -

"Act" means the *Local Government Act 1995;*

"Air Quality Management Plan" means a written strategy for minimising the negative impact of dust and smoke upon local air quality, incorporating the principles within the latest version of the publication *"Land Development Sites and Impacts on Air Quality – A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia"*, first published by the Western Australian Department of Environmental Protection in November 1996;

"Affiliated Person" means a person who is a member of a properly constituted Pigeon Club;

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

"AS" means an Australian Standard published by Standards Australia;

"authorised person" means a person authorised by the Council, pursuant to the provisions of Section 9.10(1) of the *Local Government Act 1995*, for purposes of administration and enforcement of these local laws;

"bee hive" means a home or nesting place for bees which is constructed, placed in a particular location, or both, by any person, and includes a hive standing alone or any two or more hives standing in a group;

"birds" includes poultry;

"builder" means the person or persons or firm or corporation who or which shall be the holder of any building licence issued in respect of building works on a building site, and shall also include any person or persons or firm or corporation who or which shall be in effective control of such building site whether or not such person or persons or firm or corporation shall be the holder of such licence;

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

"building site" means any lot of land for which a building licence is current, but does not include a lot upon which there exists a commercial, industrial or residential building and—

(a) the current building licence is issued in respect only of a pergola, patio, shed or other Class 10 building as classified by the Building Code; and

(b) means of collection and removal of rubbish, satisfactory to the Council but other than that specified within these local laws, is in place;

"bush" has the same meaning as is given to it in the *Bush Fires Act 1954*;

"Chief Executive Officer" means the Chief Executive Officer of the City;

"City" means the City of Armadale, and includes its duly appointed officers;

"City's Town Planning Scheme" means the City's Town Planning Scheme made under the *Planning and Development Act 2005,* and, unless otherwise stated, refers to a Town Planning Scheme which is in force at the time;*(Amended GG 114 of 3rd July 2012)*

"Code of Practice-Pigeon Keeping" means the Code of Practice for *Pigeon Keeping and Racing in Western Australia, ISBN 730763307* published in March 2003, as amended from time to time, for purposes of a defence against cruelty with reference to section 25 of the *Animal Welfare Act 2002.* *(Amended GG 11*

"commercial vehicle" has the same meaning as in Schedule 1.1 of the City's Town Planning Scheme No. 4. *(Inserted GG 114 of 3rd July 2012)*

"construction work" means any work involving the placement, fitting together, manufacture or erection of the components of a building, and

includes pouring of footings and slabs and placement of stumps or other floor supports;

"Council" means the Council of the City of Armadale;

"Council's Principal or Managing Environmental Health Officer" means the most senior Environmental Health Officer, appointed under the provisions of Section 27 of the *Health Act 1911* and employed by the Council;

"cow" includes an ox, calf or bull;

"Crown land" has the meaning given to it in the *Forest Management Regulations 1993*;

"dark smoke" means smoke that is ascertained to be dark smoke under the *Clean Air (Determination of Air Impurities in Gases Discharged to the Atmosphere) Regulations 1983*;

"development approval" means a development approval under the *Planning and Development Act 2005*; *(Amended GG 114 of 3rd July 2012)*

"development site" means and includes any lot or lots of land upon which there is current a development or subdivision approval, and any lot or lots upon which, construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place, whether or not such works are subject to a development or subdivision approval;

"district" means the district of the City of Armadale;

"Erosion Management Plan" means a written strategy for minimising the likelihood of carriage by water of sand off any lot or lots of land, incorporating the principles within the latest version of the publication *"Erosion and Sediment Control Manual for the Darling Range , Perth, Western Australia"*, first published by the Upper Canning/Southern Wungong Catchment Team in June 2001;

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

"horse" includes an ass, mule, donkey or pony;

"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 870 millimetres and is classified as a miniature by the Miniature Horse Association of Australia;

"nuisance" means—

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

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

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

"occupier" means any person who, at the time the notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor;

"permit" means a permit issued under these local laws;

"permit holder" means a person who holds a valid permit;

"person" includes persons, and also, for the avoidance of doubt, businesses, companies, firms, corporations and other commercial entities;

"pigeons" include homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Environment and Conservation. *(Amended GG 114 of 3rd July 2012)*

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

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

"refuse management plan" means a plan that describes the amount and type of refuse from a site and how it will be reused, recycled or disposed of,

"refuse receptacle" means a container for holding or facilitating the removal of refuse,

(Amended GG No.160 of 23rd October 2015)

"residential zone" means and includes any area zoned "Residential", "Rural Living" or "Special Residential" under the City's Town Planning Scheme. *(Amended GG No.54 of 4th April 2008 and GG 114 of 3rd July 2012)*

"rural zone" means and includes any area zoned "General Rural" under the City's Town Planning Scheme; *(Amended GG No.54 of 4th April 2008 and GG 114 of 3rd July 2012)*

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

"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*; (*Amended GG 114 of 3rd July 2012)*

"vermin" means 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 to be likely to cause damage to human food, habitation or possessions.

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

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

Where under these local laws the City is empowered to carry out actions or cause to be undertaken works as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Subdivision 3 of Division 3 of Part 3 of the Act.

(3(1) amended GG 174 of 4th November 2003 & 22 of 1st February 2006)

Objections and reviews

4. When the Council makes a decision under these local laws as to whether it will—

(a) grant a person a permit or authorisation;
(b) vary or cancel a permit or authorisation; or
(c) give a person a notice

the provisions of Division 1 of Part 9 of the Act and regulation 34 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

(Amended GG 114 of 3rd July 2012)

Notices

5. (1) Where these local laws refer 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.

(2) Where an authorised person serves a notice purporting to be as a consequence of an opinion formed by the Principal or Managing Environmental Health Officer, no particular form of expression of that opinion is prescribed, and a written memorandum signed by the Principal or Managing Environmental Health Officer expressing that opinion together with the reason that it is held will be sufficient evidence of such opinion.

(3) Where an authorised person or other officer serves a notice or other direction purporting to be as a consequence of an opinion or decision of the Council, a copy of an extract from the minutes of the Council meeting at which that opinion was formed or decision made, showing record of the forming of that opinion or making of that decision and certified by the Chief Executive Officer, or another officer of Council who has been delegated or authorised to do so, as being a true and accurate copy, shall be sufficient evidence of the forming of that opinion or making of that decision for any legal proceedings under these local laws.

Application

6. These local laws apply throughout the district.

Forms

7. For the purposes of these local laws—

(a) the form of the infringement notice given under Section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

(b) the form of the notice sent under Section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

PART 2—KEEPING OF ANIMALS

Division 1—Bees

Permit required to keep bees

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

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

(a) the land is located in a rural zone, and the bees are kept either—

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

(ii) less than 500m from a thoroughfare, but where there is vegetation or a screen or other barrier on the land such that it will encourage the bees to fly at a height over the thoroughfare as will not create a nuisance to users of the thoroughfare;

(b) bees are kept on the land—

(i) for a continuous period not exceeding 8 weeks in a 12 month period; and

(ii) for the purpose of pollinating a crop on the land; or

(c) bees are kept on Crown land.

(3) An occupier of land referred to in subclause (2)(b), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land which is readily accessible by the bees.

Application for a permit to keep bees

9. An applicant for a permit shall—

(a) be a person registered as a beekeeper under Section 8 of the *Beekeepers Act 1963*;

(b) apply in the form prescribed by Schedule 1, and accompany the application with—

(i) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the hives are to be kept and the distance of that location from neighbouring houses;

(ii) the proposed location of the water supply provided for the bees; and

(iii) the appropriate application and permit fees as determined from time to time by Council pursuant to the provisions of Sections 6.16 – 6.19 of the Act. *(9(b)(iii) amended GG 190 of 22nd October 2002)*

Determination of application to keep bees

10. (1) Council may—

(a) refuse to determine an application for a permit which does not comply with Clause 9;

(b) approve an application for a permit, subject to the conditions referred to in Clause 11 and to such other conditions as it considers appropriate; or

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

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

(3) Where Council approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form prescribed by Schedule 2.

(4) A permit is valid from the date of issue until 30 June the following year, unless it is cancelled in the meantime under these local laws.

Conditions of approval to keep bees

11. (1) Without limiting the generality of Clause 10(1)(b), an application for a permit may be approved by the Council subject to the following conditions—

(Amended GG No. *15 of 6 February 2009)*

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

(b) each bee hive being—

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

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

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

(d) no more than 15 bee hives being kept on land between 2,000 and 20,000 square metres in area.

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

Variation or cancellation of permit to keep bees and conditions of permit

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

The Council may cancel a permit either on the request of a permit holder to do so or when there has been a failure to comply with the conditions of issue referred to in Clause 10(1)(b). *(Amended GG No15 of 6 February 2009)*

(3) Notwithstanding Clause 12, a permit shall be cancelled on—

(a) the permit holder ceasing to be registered as a beekeeper under Section 8 of the *Beekeepers Act 1963*; or

(b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates;

without any action required on the part of the Council.

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

13. (1) In this Clause a "permit holder" includes the holder of a permit cancelled under subclause 8(3).

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

(a) the permit holder ceases to be registered as a beekeeper under Section 8 of the *Beekeepers Act 1963;* or

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

(3) A permit holder shall, within seven days of an authorised person giving the permit holder a written notice to do so, provide—

(a) written proof of her or his registration as a beekeeper under Section 8 of the *Beekeepers Act 1963*;

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

(c) both.

Permit to keep bees not transferable

14. A permit is personal to the permit holder and applies only to the land described in the permit.

Nuisance caused by bees

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

Notice to remove bees

16. (1) Whenever in the opinion of an authorised person a person has contravened any provision of the *Beekeepers Act 1963* or of these local laws which relates to the keeping of bees or bee hives, the authorised person may give the permit holder in relation to that land, or, if there is no valid permit in relation to that land, an owner or occupier of the land, a written notice requiring him or her to remove any bees or bee hives, or both, from the land within the time specified in the notice.

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

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

Division 2—Poultry

Limitation on number of poultry and prohibition on keeping of roosters, peafowl, guinea fowls, turkeys and geese

17. Other than in a rural zone, an owner or occupier shall not keep or allow to be kept—

(a) a rooster, peafowl, guinea fowl, turkey or goose; or

(b) more than 20 poultry

on any premises.

Conditions of keeping poultry

18. A person who keeps, or permits to be kept, poultry shall ensure that—

(a) all poultry is kept in a securely fastened enclosure whose area is equal to at least one square metre for each bird kept therein, and which is located at least one metre from any boundary;

(b) there is a roofed structure within that enclosure of sufficient area to enable all poultry to obtain shade and shelter, and that there is a floor beneath the structure constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the structure;

(c) no poultry is able to approach within 9 metres of any dwelling house on another lot, Class 6 or 9 Building as defined by the Building Code, other premises where people are employed or premises where food is stored prepared, manufactured or sold;

(d) no poultry is able to approach within 15 metres of a street other than a pedestrian access way except where the land is at the junction of two or more streets, in which case Council may approve a lesser distance; and

(e) the enclosure and roofed structure are kept in clean condition and good repair at all times, with effective measures taken to control flies and prevent offensive odours.

Division 3—Birds Generally

(Heading to Division 3 changed GG 174 of 4th November 2003)

Number of pigeons permitted and conditions of keeping them

19. (1) Subject to subclause (2), an owner or occupier shall not keep or allow to be kept more than 20 pigeons on any premises within the district.

(2) An owner or occupier of premises who is an Affiliated Person shall not keep or allow to be kept more than 150 pigeons (exclusive of young birds of such age that they are yet without feathers on the flesh under their wings), subject to—

(a) the pigeons being kept in strict accordance with the Code of Practice-Pigeon Keeping;

(b) except when registered homing pigeons are freed for exercise, the pigeons being confined at all times; and

(c) not more than 60 birds being released for exercise at any one time.

(3) An owner or occupier of premises upon which pigeons are kept shall, except as provided in subclause 2(b), confine them at all times in a properly constructed weatherproof loft located at least one metre from any lot boundary and five metres from a dwelling on any other lot, Class 6 or 9 Building as defined by the Building Code, other premises where people are employed or premises where food is stored prepared, manufactured or sold.

(4) The restrictions upon the number of pigeons to be kept subject to subclauses (1) or (2) do not apply in the case of premises upon which the breeding, flying, buying or selling of birds is conducted as a business, or part of a business, in compliance with the requirements of the City's Town Planning Scheme.

Obligations on persons keeping pigeons

20. (1) An Affiliated Person who keeps, or permits to be kept, more than 20 pigeons shall, when required by an authorised person, provide proof of his or her membership of a properly constituted pigeon club.

(2) An authorised person may cause written notice to be served upon a person who—

(a) being an Affiliated Person, fails to comply with the Code of Practice-Pigeon Keeping;

(b) having not provided proof that he or she is an Affiliated Person, keeps or allows to be kept, more than 20 pigeons; or

(c) as a result of the location of any loft, is found upon investigation by an authorised person to be the cause of a nuisance within the meaning of these local laws to any person. *(20(2)(c) amended GG 190 of 22nd October 2002)*

(3) The notice referred to in subclause (2) may direct that—
(a) the number of pigeons be reduced to 20;
(b) the loft or lofts be relocated; or
(c) other measures be taken to address the breach of the Code of Practice-Pigeon Keeping or nuisance
within a time specified in the notice.

Removal of non-conforming structure or enclosure

21. If a structure or enclosure is used for the keeping of pigeons contrary to the provisions of subclause 19(2), an authorised person may cause written notice to be served upon the owner or occupier to remove it within a time specified in the notice.

Restrictions on pigeon nesting or perching

22. An authorised person may, by notice in writing, order an owner or occupier of residential, commercial or industrial premises upon which there are trees or structures in or on which pigeons are, or are in the habit of, nesting or perching, to take adequate steps to prevent them continuing to doing so

Conditions of keeping aviary or pet birds

23. A person who keeps, or permits to be kept, aviary or pet birds shall ensure that -
(a) the aviary or cage in which the birds are kept is located at least one metre from any boundary and at least five metres from a residential house on any other lot;
(b) there is a floor beneath the roofed area of the aviary or cage which is constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;
(c) the aviary or cage is kept in clean condition and good repair at all times;
(d) all feed for the birds is stored in vermin proof containers; and
(e) effective measures are taken to prevent the attraction or harbourage of vermin.

Limitation on numbers and restrictions on the keeping of certain birds

24. (1) An owner or occupier shall not keep or allow to be kept on any lot more than two birds in total of the species, or any combination of the species, listed in Schedule 3 except where—
(a) the lot has an area not less than 2000 square metres; and
(b) noise from the birds does not constitute unreasonable noise as defined by the *Environmental Protection Act 1986*.

(2) An owner or occupier shall not keep or allow to be kept on land any of the species of birds listed in Schedule 4 except in accordance with a valid permit issued in relation to the land.

(3) The provisions of subclauses (1) and (2) do not apply to owners or occupiers of premises upon which the buying and selling of birds is conducted as a business, or part of a business, in compliance with the requirements of the City's Town Planning Scheme.

Application for a permit to keep certain birds

25. An applicant for a permit shall apply in the form prescribed by Schedule 5; and accompany the application with—

(a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the aviaries or cages are to be located and the distance of that location from neighbouring houses;

(b) details of measures proposed to prevent noise from the birds impacting adversely upon occupiers of other lots; and

(c) the appropriate application and permit fees as determined from time to time by Council pursuant to the provisions of Sections 6.16 – 6.19 of the Act.

Determination of application to keep certain birds

26. (1) In determining an application for a permit, the Council may require the provision of a report from an acoustical consultant acceptable to the Council's Principal or Managing Environmental Health Officer certifying that the keeping of the birds is not likely to result in noise emissions in excess of those specified under the *Environmental Protection Act 1986*, together with substantiating evidence in support of that certification.

(2) Council may—

(a) refuse to determine an application for a permit which does not comply with Clause 25;

(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.

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

(4) Where the Council approves an application under subclause (2)(b), it is to issue to the applicant a permit in the form prescribed by Schedule 6.

(5) A permit is valid from the date of issue until 30 June the following year, unless it is cancelled in the meantime under these local laws.

Conditions of approval to keep certain birds

27. (1) An application for a permit shall not be approved by the Council unless the land upon which it is proposed to keep the birds has an area of at least 2000 square metres.

(2) Without limiting the generality of subclause 26(2)(b), an application for a permit may be approved by the Council subject to the following conditions—

(a) each cage or aviary being kept at a distance specified by the Council from any dwelling on another lot, Class 6 or 9 Building as defined by the Building Code, other premises where people are employed or premises where food is stored prepared, manufactured or sold or the boundary of the land; and *(Amended GG No. 15 of 6 February 2009)*

(b) the total number of birds, or the number of a particular species, kept being limited to that specified by the Council.

Variation or cancellation of permit to keep certain birds and conditions of permit

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

(2) The Council may cancel a permit in the event of any of the conditions of its approval having been breached.

Nuisance caused by birds

29. (1) Notwithstanding any of the provisions of Clauses 23, 24, 25, 26, 27 and 28, where any bird or birds has or have, in the opinion of the Council's Principal or Managing Environmental Health Officer, been found to have been the cause of—

(a) a nuisance as defined by these local laws; or

(b) the emission of unreasonable noise as defined by the *Environmental Protection Act 1986*

an authorised person may by notice in writing direct the owner or occupier of the land on which the bird or birds is or are kept to take such action as the authorised person deems necessary, within a time specified in the notice, to prevent the nuisance or the emission of unreasonable noise.

(29(1)(a) amended GG 190 of 22nd October 2002)

(2) The notice referred to in subclause (1) may require removal of a specified bird or specified birds, or specified species of birds, from the land, irrespective of whether the Council has previously issued a permit authorising the keeping of such a bird or such birds.

Division 4—Farm Animals

Permit required to keep farm animals

30. Subject to the provisions of this Division, other than where animals are kept in a rural zone in accordance with the City's Town Planning Scheme or under authority of a development approval under *Planning and Development Act 2005*, an owner or occupier of land shall not keep, or allow to be kept, any farm animal except in accordance with a valid permit issued in relation to the land.

(30 amended GG 22 of 1st February 2005;GG No. 66 of 11th April 2006 and GG 114 of 3rd July 2012)

Application for a permit to keep farm animals

31. An applicant for a permit shall apply in the form prescribed by Schedule 7; and accompany the application with—

(a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any dwelling house on another lot, Class 6 or 9 Building as defined by the Building Code, other premises where people are employed or premises where food is stored prepared, manufactured or sold;

(b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing which it is intended to provide for the animal; and

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

(i) control of flies and other vermin;

(ii) disease prevention; and

(iii) prevention of nuisance odours; and

(d) the appropriate application and permit fees as determined from time to time by Council pursuant to the provisions of Sections 6.16 – 6.19 of the Act.

(31(d) amended GG 174 of 4th November 2003)

Determination of application to keep farm animals

32. (1) Council may—

(a) refuse to determine an application for a permit which does not comply with Clause 31;

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

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

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

(3) Where the Council approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form prescribed by Schedule 8.

(4) A permit is valid from the date of issue until 30 June the following year, unless it is cancelled in the meantime under these local laws.

Conditions of approval to keep farm animals

33. (1) A permit shall not be granted—

(a) unless the land for which the approval is sought is of such dimensions and configuration as will permit the subject animal to be confined in a minimum unencumbered area of 150 square metres and prevented from approaching within 15 metres of any dwelling house on another lot, Class 6 or 9 Building as defined by the Building Code, other premises where people are employed or premises where food is stored prepared, manufactured or sold;

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

(c) for any pig.

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

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

(a) that a barn is provided for housing the approved animal;

(b) that a manure receptacle is provided in a position convenient to the barn or place where the approved animal is kept, and that the receptacle is used for the receipt of all manure produced on the premises; or any other conditions that Council considers necessary for the protection of the health and amenity of the neighbourhood, and such conditions may be imposed at any time subsequent to the initial approval. (33 Amended GG 114 of 3rd July 2012)

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

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

(2) The Council may cancel a permit in the event of any of the conditions of its approval having been breached.

Obligations on persons keeping farm animals

35. (1) The owner or occupier of premises upon which a farm animal or farm animals are kept shall—

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

(b) when given notice to do so by an authorised person, clean, wash, disinfect or otherwise treat any byre, shelter or surface appurtenant thereto for the purpose eliminating any nuisance;

(c) keep the premises as far as possible free from flies or other vermin by spraying with residual insecticide or other effective means;

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

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

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

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

(e) not permit a farm animal, be it an approved animal or otherwise, to approach within 15 metres of a dwelling on another lot or premises upon which food for subsequent sale, either directly or indirectly, is stored, handled, produced or prepared.

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

(35 amended GG 66 of 11th April 2006)

Nuisance caused by approved animals

36. (1) Notwithstanding any of the provisions of Clauses 31, 32, 33, 34 and 35, where any approved animal has, in the opinion of the Council's Principal or Managing Environmental Health Officer, been found to have been the cause of noise, dust, odour or any other nuisance that adversely affects the health or amenity of the neighbourhood, an authorised person may by notice in writing direct the owner or occupier of the land on which the animal is kept to take such action as the authorised person deems necessary, within a time specified in the notice, to prevent the nuisance or the emission of unreasonable noise.

(2) The notice referred to in subclause (1) may require removal of the animal from the land, irrespective of whether the Council has previously issued a permit authorising the keeping of the animal.

37. Deleted. *(Clause 37 deleted GG 114 of 3rd July 2012)*

(Amended GG 114 of 3rd July 2012)
(Deleted GG 160 23 October 2015)

38. Deleted. *(Clause 38 deleted GG 160 of 23rd October 2015)*

PART 3—BUILDING, DEVELOPMENT AND LAND CARE

Division 1—Litter and Refuse on Building Sites

Provision of refuse receptacles

39. Deleted. *(Clause 39 deleted GG 54 of 4th April 2008)*

Responsibilities of the builder, owner or occupier **(Heading amended GG 54 of 4th April 2008)**

40. (1) From the time of commencement of—

(a) construction work on a building site until the time of completion of such work, the builder; or

(b) work likely to generate refuse on a development site until the time of completion of such work, the owner or occupier

shall—

(i) ensure all refuse arising on the building or development site is contained in accordance with clause 40A and prevented from being blown from the site by wind.

(ii) keep the building or development site as free as is practicable of any refuse;

(iii) maintain the street verge immediately adjacent to the building or development site free of refuse arising from the building site; and

(iv) ensure any refuse receptacle is emptied when full.

(s.40 (1) (i) and 40(1) (iv) amended GG 54 of 4th April 2008)
(s40(1)((b)(i) amended GG 160 23rd October 2015)

(2) In the case of—

(a) a building site, the builder; or

(b) a development site, the owner or occupier

shall ensure that, within two days of completion of construction or development works, as the case may be, the site and the street verge immediately adjacent to it is cleared of all refuse and all refuse receptacles are removed from the building or development site.

40A. Provision of refuse receptacles or a refuse management plan

Before commencement of –

(a) any construction work on a building site, the builder; or

(b) any work likely to generate refuse on a development site, the owner or occupier,

shall provide and maintain available for use on the site –

(i) a refuse receptacle of a capacity not less than $4m^3$; or

(ii) a refuse management plan approved by the City

(Inserted GG 160 of 23rd October 2015)

Division 2—Sand Drift and Dust

Air quality management plans

41. (1) When on any land any earthworks, clearing of scrub, trees or overgrowth or any other site works likely to generate dust are intended, whether or not that work or those works are subject to a development or subdivision approval, the owner or occupier shall submit to the City for its approval an Air Quality Management Plan.

(2) The Air Quality Management Plan shall be accompanied by a face sheet in the form of Schedule 13.

(3) When deemed appropriate by the City, a bond, to be used for funding the cost of rectification by the City if required and calculated on the basis of an assessment of the particular site, shall be lodged prior to approval of an Air Quality Management Plan.

(4) The City may—

(a) approve the Air Quality Management Plan;

(b) approve the Air Quality Management Plan subject to such conditions as it considers appropriate; or,

(c) if it appears that the Plan is not adequate to effectively manage air quality issues and cannot easily be made to do so, or the detail required by Schedule 13 is not provided, refuse to approve the Air Quality Management Plan.

(5) An owner or occupier shall not commence any earthworks, clearing of scrub, trees or overgrowth or any other site works likely to generate dust without the City having approved an Air Quality Management Plan.

(6) An owner or occupier who undertakes any earthworks, clearing of scrub, trees or overgrowth or any other site works when the City has approved an Air Quality Management Plan shall comply with the provisions of that Plan and any conditions imposed thereon at all times.

(7) Notwithstanding the City's approval of an Air Quality Management Plan, an owner or occupier of any development or building site shall take all practicable measures to ensure that any sand deposited on that site is not released or does not escape from the site, whether by means of wind, water or any other cause.

Prevention of erosion and the escape of sand and dust

42. An owner or occupier of any land shall take all practicable measures to ensure that—

(a) no sand is carried by water

(i) off the particular lot or lots of land; or

(ii) directly or indirectly into any creek, stream, river or any other natural water course; and

(b) no sand is released from or escapes from the particular lot or lots, whether by means of wind or any other cause.

Notice may require specified action to prevent erosion and the escape of dust or sand

43. (1) Where it appears to an authorised person that sand is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land, the authorised person may, by notice in writing, direct the owner or occupier to, within a time specified in the notice—

(a) submit to the City for its approval an Erosion Management Plan, Air Quality Management Plan or both; or

(b) take such other actions as the authorised person considers necessary to prevent or minimise the escape, release or carriage of sand from the land.

(2) The Air Quality or Erosion Management Plans to which reference is made in subclause (1)(a) shall be accompanied by a face sheet in the form of Schedule 13.

(3) The City may—

(a) approve the Air Quality or Erosion Management Plan;

(b) approve the Air Quality or Erosion Management Plan subject to such conditions as it considers appropriate; or,

(c) if it appears that the Plan is not adequate to effectively manage air quality or erosion issues, whichever may be the case, and cannot easily be made to do so, or the detail required by Schedule 13 is not provided, refuse to approve the Air Quality or Erosion Management Plan.

(4) A person who has been required to submit to the City an Erosion or Air Quality Management Plan pursuant to sub clause (1)(a) shall not continue or commence any works on the land without the City having approved the Erosion or Air Quality Management Plan.

Sand or dust which has escaped to be cleaned up

44. When any sand has been released, escaped or been carried from any land, an authorised person may by notice in writing direct the owner or occupier of the land from which the sand has been released, escaped or been carried to, within a time specified in the notice, clean up the sand and make good any damage resulting from that release or escape.

Division 3—Smoke

Burning of cleared vegetation prohibited

45. (1) An owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt.

(2) In any case in which vegetation or other material cleared from a building or development site is being burnt, the City may direct its officers or agents to enter the site and cause actions or works to be undertaken to effectively extinguish any fire on, or otherwise prevent the emission of smoke from, the site.

Division 4—Special Water Conservation Provisions

Prohibition on the sinking of wells or bores in specified area

45A Within the area described in the City's Town Planning Scheme Nº 2 as Special Use Zone 66, and shown shaded in Schedule 11, no person shall sink any water bore or well, other than for the purpose of providing water to the golf course.

(Division 4 inserted GG 22 of 1st February 2005)

PART 4—NUISANCES AND DANGEROUS THINGS

(Heading amended by GG 66 of 11th April 2006)

Division 1—Light

Use of exterior lights

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

Emission or reflection of light

47. An owner or occupier of land shall ensure that—

artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land to more than 50 lux or so as to cause or be a nuisance to any person; and *(Amended GG No. 15 of 6 February 2009)*

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

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

48. (1) Where—

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

(b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux or so as to cause or be a nuisance to any person; or *(Amended GG No. 15 of 6 February 2009)*

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

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

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

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

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

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

or any combination of these measures that an authorised person believes to be appropriate to the circumstances.

Division 2—Smoke, Dust, Fumes and Other Emissions

Burning prohibited except in certain circumstances

49. (1) Nothing in this Clause shall be construed as being in derogation of the *Bush Fires Act 1954* or any regulations or local laws made there under, and if there is any inconsistency between the provisions of this Clause and that Act or its regulations or local laws, the provisions of the Act prevail to the extent of the inconsistency.

(2) Except when specifically authorised to do so for purpose of fuel reduction by a bush fire control officer appointed by Council under the provisions of the *Bush Fires Act 1954*, an owner or occupier of land shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse whatsoever on that land—

(a) on a Sunday or a day that is a public holiday; or

(b) except as provided in subclause (3), if the land area does not exceed 1,200 square metres. (*Amended GG 114 of 3rd July 2012)*

(3) An owner or occupier of land in an industrial zone may set fire to refuse or rubbish in an incinerator located on that land provided that—

[(a) Deleted.] *(Clause 49(3)(a) deleted GG 114 of 3rd July 2012)*

(b) the use of the incinerator has been approved by the Council, subject to such conditions as it considers appropriate; (*Amended GG 114 of 3rd July 2012)*

(c) the incinerator is used strictly in accordance with the approval referred

to in paragraph (b); and

(d) the material that is burnt will not result in the emission of gases or vapours in such quantities or of such nature as to be likely to have an adverse effect upon the environment or human health.

[(4) Deleted.] *(Clause 49(4) deleted GG 114 of 3rd July 2012)*

(5) If an owner or occupier fails to comply with the requirements of conditions of approval for use that have been imposed by the Council under the provisions of subclause (3), the Council may in writing withdraw its approval. *(Amended GG 114 of 3rd July 2012)*

[(6) Deleted.] *(Clause 49(6) deleted GG 114 of 3rd July 2012)*

(7) A person must not light a fire on land to burn, cause or allow to be burnt any—

(a) green or wet material;
(b) non timber based building materials;
(c) rubber or plastic, including plastic mulch, plant pots and packaging materials;
(d) furnishings and carpet;
(e) manufactured chemicals;
(f) petroleum or oil products;
(g) paint, including any container in which paint is kept;
(h) food waste;
(i) manure and straw; or
(j) other offensive, noxious or toxic matter

that is likely to cause a nuisance or a public health risk to any other person. *(Amended GG 114 of 3rd July 2012)*

[(8) Deleted.] *(Clause 49(8) deleted GG 114 of 3rd July 2012)*

[(9) Deleted.] *(Clause 49(9) deleted GG 114 of 3rd July 2012)*

[(10) Deleted]. *(Clause 49(10) deleted GG 114 of 3rd July 2012)*

[(11) Deleted.] *(Clause 49(11) deleted GG 114 of 3rd July 2012)*

[(12) Deleted.] *(Clause 49(12) deleted GG 114 of 3rd July 2012)*

[(13) Deleted.] *(Clause 49(13) deleted GG 114 of 3rd July 2012)*

[(14) Deleted.] *(Clause 49(14) deleted GG 114 of 3rd July 2012)*

(15) Burning shall not take place during any period for which the Western Australian Bureau of Meteorology has issued an air dispersion or haze alert.

(49 deleted and substituted GG 22 of 1st February 2005)

Certain industries required to operate in accordance with Codes of Practice

50. (1) An owner or occupier of premises upon which there is conducted an industry or industries for which an Environmental Code of Practice has been published by the Western Australian Department of Environment shall ensure that, with respect to—

(a) control of air borne particles, fumes, dust or other emissions;

(b) prevention of escape of any matter which may enter surface or ground waters and management of waste water generally;
(c) control of odours;
(d) waste disposal;
(e) control of noise; and
(f) control of lighting

the industry is operated in accordance with the latest version of the Environmental Code of Practice appropriate to that industry.

(50(1) amended GG 174 of 4th November 2003)

(2) Notwithstanding the provisions of subclause (1), where an owner or occupier—

(a) proposes an alternative method of operation from that described within the relevant Environmental Code of Practice; and
(b) provides to the City documented evidence showing that the alternative method of operation will achieve the objective or objectives sought by the Environmental Code of Practice

the City may, if it is satisfied that the objective or objectives can be achieved by the proposed alternative method of operation, issue written approval to the owner or occupier for that alternative method of operation.

(3) Whenever the City has issued an approval under the provisions of subclause (2), and the objectives of the relevant Environmental Code of Practice are subsequently found not to be achieved, the City may in writing withdraw its approval for the alternative method of operation.

Escape of smoke, fumes, odours, dust and other emissions

51. An owner or occupier of any land or premises shall not cause or permit the escape of smoke, air borne particles, fumes, odours, dust, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance to any person.

Notice may require specified action to prevent a nuisance or pollution

52. Where it appears to an authorised person that, as a result of any activity that has taken place, is taking place or is likely to take place on any premises there is or may be—

(a) escape of smoke, air borne particles, fumes, odours, dust or other emissions in such quantity or of such nature as to cause a nuisance to any person;
(b) escape of any matter which may enter surface or ground waters;
(c) inadequate management of waste water; or
(d) inadequate management of other solid or liquid waste

the authorised person may by notice in writing direct the owner or occupier to take such actions as the authorised person considers necessary to prevent or minimise the escape of the smoke, air borne particles, fumes, odours, dust or other emissions

or correct the inadequate management, as the case may be, within the time specified in the notice.

Division 3 – Parking of commercial vehicles

Livestock Vehicles *Headings Amended GG 114 of 3rd July 2012*

53. (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 conducted as a business, or part of a business, in compliance with the requirements of the City's Town Planning Scheme.

(2) A person shall not park a vehicle which contains or has been used for the carriage of livestock 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.

(4) The owner or person having charge of a livestock vehicle shall maintain it, as far as is practicable, in condition of sufficient cleanliness as will not—

(a) result in emission of offensive odours to an extent that is unreasonable taking into account the nature of the use of the vehicle; or

(b) unduly attract or provide a breeding place or harbourage for vermin.

Notice may require cleansing of livestock vehicles

54. Where it appears to an authorised person that a livestock vehicle which—

(a) does not at the time contain livestock; and

(b) is usually parked within the district

is not maintained in accordance with the provisions of Clause 53, the authorised person may by notice in writing direct the owner or person in charge of the vehicle to take such action as the authorised person considers necessary to prevent or minimise the emission of offensive odours or attraction or harbourage of vermin within the time specified in the notice.

Commercial vehicle noise from residential land

55. A person shall not-

(1) start or drive a commercial vehicle on any lot adjoining land zoned, approved or used for residential purposes in compliance with the requirements of the City's Town Planning Scheme; or

(2) have a refrigeration unit running while the commercial vehicle is parked;

between the hours of 10.00 p.m. on any day and 7.00 a.m. on the following day, or where the following day is a Sunday or a public holiday, 9.00 a.m. on that day.

(*Amended GG 114 of 3rd July 2012)*

Division 4—Dangerous Excavations

(Deleted GG No15 of 6 February 2009)

PART 5—ENFORCEMENT

Division 1—Undertaking of Work required by Notices

City may undertake work when there is default in compliance with requirements of a notice

56. Where a person fails to comply with the requirements of a notice to cause to be undertaken any actions or work, the City may undertake or cause to be undertaken the actions or work specified in the notice.

Division 2—Recovery of Expenses

Procedure for recovery of expenses

57. (1) Where the City undertakes or causes to be undertaken any actions or work under the provisions of these local laws, whether as a consequence of the failure of any person to comply with the requirements of a notice issued or served by an authorised person or not, it may cause to be given to—

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

(b) any other person who, as a result of failure to comply with the requirements of a notice or other conduct has rendered necessary the actions or work

written notice of the amount expended by the City in carrying out those actions or that work.

(2) An owner, occupier or other person upon whom notice is served pursuant to subclause (1) shall, within 30 days of the service of the notice, pay to the City the amount specified in that notice.

(3) In any case in which the amount specified is not paid to the City within 30 days from the service of the notice, the City may recover that amount, and interest thereof, as well as the costs of proceedings, in a court of competent jurisdiction.

Notice for payment of expenses by the City may be cancelled

58. Where a notice under Clause 57 is served on an owner, occupier or other person and he, she or it, as the case may be, satisfies the Chief Executive Officer within 14 days from the date of the giving of the notice that—

(a) he, she or it was not responsible for the failure to comply with the terms of the notice or other conduct in respect of which the City undertook or caused to be undertaken any actions or work;

(b) he, she or it took all reasonable precautions to comply with, or cause compliance with, the terms of the notice or took all reasonable steps prevent the conduct, as the case may be; and

(c) where another person was responsible for the failure to comply with the terms of the notice or the conduct, he, she or it identifies the person responsible sufficiently to enable the notice to be issued to that person

the Chief Executive Officer may cancel the notice.

Offences and penalties

59. (1) A person who—

(a) fails to do anything required or directed to be done under these local laws;

(b) fails to comply with the requirements of a notice issued under these local laws by an authorised person; or

(c) does anything which under these local laws that person is prohibited from doing

commits an offence.

(2) Where, under these local laws, 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 these local laws 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.

(4) An offence against a Clause specified in the Schedule is a prescribed offence for the purposes of Section 9.16(1) of the Act.

(5) The amount of the modified penalty for a prescribed offence is that specified adjacent to the Clause in Schedule 14.

Clause 9

Schedule 1
City Of Armadale
Local Government Act 1995
Application for a permit to keep bees on land other than a Rural Zone

Given Names	Family Name	
Residential Address		
		Post Code
Address at which it is proposed the bees are to be kept		
		Post Code

I hereby apply for approval to keep bees at the premises indicated and submit herewith—

- a 1:200 scale diagram of the property clearly showing its dimensions, where it is proposed that the hives are to be kept, the location proposed for the water supply for the bees and the distance of that location from neighbouring houses; and
- the prescribed application fee; and
- the prescribed permit fee.

I understand that—

- approval, if granted, is subject to such conditions as Council sees fit to impose, and that they may be varied, or the approval withdrawn, at Council's discretion; and
- if the approval is not granted, the permit fee only will be refunded.

Signature…….Date…….

Clause 10

Schedule 2
City Of Armadale
Local Government Act 1995
Permit to keep bees on land other than a Rural Zone

Given Names	Family Name	
Residential Address		
		Post Code
Address at which the bees are to be kept		
		Post Code
Number of hives		

Conditions—
1.
2.

This Certificate is valid until 30 June 20….

Signature:……
Principal or Managing Environmental Health Officer

Clause 24(1)

Schedule 3
City Of Armadale
Local Government Act 1995
Species of birds of which no more than two may be kept other than on a lot of area not less than 2000 square metres

Common name	Other Names	Genus and Species
Galah	Goulie, Roseatte Cockatoo, Rose Breasted Cockatoo, Willie Willock	*Cacatua roseicapella*
Little Corella	Bare Eyed Cockatoo, Blood Stained Cockatoo, Short Billed Cockatoo	*Cacatua sanguinea*
Long Billed Corella	Corella, Slender Billed Corella, Long Billed Cockatoo, White Cockatoo	*Cacatua tenuirostris*

(*Schedule 3 amended GG 190 of 22nd October 2002)*

Clause 24(2)

Schedule 4
City Of Armadale
Local Government Act 1995
Species of birds which may not be kept other than under authority of a permit

Common name	Other Names	Genus and Species
Major Mitchell's Cockatoo	Leadbeater's Cockatoo, Pink Cockatoo	*Cacatua leadbeateri*
Sulphur Crested Cockatoo	White Cockatoo	*Cacatua galerita*
Eclectus Parrot	Red Sided Parrot, Rocky River Parrot	*Eclectus roratus*
Palm Cockatoo	Great Black Cockatoo, Goliath Cockatoo, Black Macaw	*Probosciger atterimus*
Red Tailed Black Cockatoo	Banks' Black Cockatoo, Banksian Cockatoo, Great Billed Cockatoo, Red Tailed Cockatoo	*Calyptorhynchus magnificus*
Glossy Black Cockatoo	Casuarina Cockatoo, Leach's Black Cockatoo, Leach Red-tailed Cockatoo, Latham's Cockatoo	*Calyptorhynchus lathami*;
Yellow Tailed Black Cockatoo	Funereal Cockatoo, Yellow Eared Black Cockatoo, Wylah	*Calyptorhynchus funereus*
White Tailed Black Cockatoo	Baudin's Black Cockatoo	*Calyptorhynchus baudinii*
Gang-gang Cockatoo	Red Crowned Cockatoo, Helmeted Cockatoo, Red Headed Parrot	*Callocephalon fimbriatum*

Clause 25

Schedule 5
City Of Armadale
Local Government Act 1995
Application for a permit to keep certain birds

Given Names		Family Name	
Residential Address			
			Post Code
Type and number of birds which it is proposed to keep			
Nº	**Species**	**Nº**	**Species**
Address at which it is proposed the birds are to be kept:			
			Post Code

I hereby apply for approval to keep birds at the premises indicated and submit herewith—

- a 1:200 scale diagram of the property clearly showing its dimensions, where it is proposed that the aviaries/cages are to be located and the distance of that location from neighbouring houses;
- a detailed description of measures I/we propose to implement to prevent noise from the birds impacting adversely upon occupiers of other premises
- the prescribed application fee; and
- the prescribed permit fee.

I understand that—

- approval, if granted, is subject to such conditions as Council sees fit to impose, and that they may be varied, or the approval withdrawn, at Council's discretion
- in the event that there is any unreasonable noise or other nuisance caused I may be required to remove particular birds or species of birds; and
- if the approval is not granted, the permit fee only will be refunded.

Signature…….Date…….

Clause 26(4)

Schedule 6
City Of Armadale
Local Government Act 1995
Permit to keep certain birds

Given Names	Family Name		
Residential Address			
			Post Code
Type and number of birds which may be kept			
Nº	**Species**	**Nº**	**Species**
Address at which are to be kept—			
			Post Code

Conditions—

1.
2.
3.

This Certificate is valid until 30 June 20….

Signature:……
Principal or Managing Environmental Health Officer

(Clause 31)

Schedule 7
City of Armadale
Local Government Act 1995
Application for a permit to keep a farm animal in other than a Rural Zone

Given Names	Family Name
Residential Address	
	Post Code
Type of animal for which approval is sought	
Address at which it is proposed animal(s) is/are to be kept	
	Post Code

I hereby apply for approval to keep the animal(s) at the premises indicated and submit herewith—

- a 1:200 scale diagram of the property clearly showing its dimensions, where it is proposed that the animal(s) be kept and the distance of that location from neighbouring houses;
- a sketch plan at scale 1:100 indicating the nature of the shelter or housing to be provided for the animal(s) and
- a plan for management of manure.

I understand that approval, if granted, is subject to such conditions as the Council sees fit to impose, and that they may be varied, or the approval withdrawn, in the event that a nuisance is caused or otherwise at the Council's discretion.

Signature…….Date…….

Clause 32(3)

Schedule 8
City of Armadale
Local Government Act 1995
Permit to keep farm animal(s) in other than a rural zone

Given Names	Family Name	
Residential Address		
	Post Code	
Type of animal(s) for which approval is sought	Number of animals proposed	
Address at which the animal(s) is/are to be kept		
	Post Code	

Conditions—

1.
2.
3.

This Certificate is valid until 30 June 20….

Signature:……
Principal or Managing Environmental Health Officer

[Schedules 8A, 8B and 8C Deleted.]

(Deleted GG 114 of 3rd July 2012)

[Schedule 9 Deleted]

(Deleted GG 160 of 23rd October 2015)

(Amended GG No.54 of 4th April 2008)

[Schedule 10 Deleted]

Deleted GG 114 of 3rd July 2012

[Schedule 11 Deleted]

Deleted GG 160 of 23rd October 2015

[Schedule 12 Deleted.]

Deleted GG 114 of 3rd July 2012

Clause 41

Schedule 13
City Of Armadale
Local Government Act 1995

AIR QUALITY/EROSION MANAGEMENT PLAN

(Delete whichever is not applicable)

DETAILS OF LAND					
Street				**Lot Nº**	
Locality					
OWNER DETAILS					
Name					
Address					
Telephone Nº	**Office/Home**		**Mobile**		
CONTRACTOR DETAILS					
Contractor Name					
Address					
Office Telephone Nº		**Fax Nº**		**Email**	
Supervisor Name					
Mobile Telephone Nº		**Fax Nº**		**Email**	
After Hours Contact Details (for rectification works if necessary)					
Name					
Telephone Nº	**Home**		**Mobile**		

Clause 59(4) & (5)

Schedule 14
City Of Armadale
Local Government Act 1995
Prescribed Offences for the Purposes of Section 9.16(1) of the Act

CLAUSE	DESCRIPTION	MODIFIED PENALTY ($)
8(1)	Failure to obtain a permit to keep bees	100
8(3)	Failure to provide an adequate accessible water supply when temporarily keeping bees	100
10(2)	Failure to comply with a condition of a permit to keep bees	100
13(3)	Failure to provide information required by written notice	250
15	Creation of nuisance from keeping of bees or beehives	100
17	Keeping a rooster, peafowl, guinea fowl, turkey or goose or more than 20 poultry	100
18(a)(b)(c)(d)	Failure to properly confine poultry	100
18(e)	Failure to keep a poultry enclosure in clean condition	250
19(1)(2) & (3)	Failure to comply with the Code of Practice-Pigeon Keeping or to properly confine pigeons, or keeping more than the prescribed number of pigeons.	100
23(b)(c)(d)(e)	Failure to keep aviaries in clean condition or otherwise discourage the presence of vermin	250
24	Keeping more than two of the birds listed in Schedule 3, or any of the birds listed in Schedule 4 without a permit	100
26(3)	Failure to comply with a condition of a permit to keep certain birds	100
30	Keeping a farm animal without a permit	100
35(1)(a)(b)(c) & (d)	Failure to keep a byre in clean condition or otherwise discourage the presence of vermin	250
35(1)(e)	Allowing a farm animal to approach within 15 metres of a dwelling on another lot or premises upon which food for sale is stored, handled, produced or prepared.	100
37	Failure to keeping a byre in accordance with prescribed structural requirements	100
40(1)	Failure to— • ensure all refuse arising on a building site is contained and prevented from being blown from the site by wind; • keep a building or development site as free as practicable of refuse; • maintain a street verge adjacent to a building or development site free from refuse; or • ensure a refuse receptacle is emptied when full	500
40(2)	Failure to clear building or development site two days after completion of construction work	250
41(5)	Commencing site works without approval of an Air Quality	500

	Management Plan	
41(6)	Failure to comply with the provisions of an Air Quality management Plan and any conditions imposed thereon	500
42	Failure to prevent escape of sand from site	500
45(1)	Burning of cleared vegetation	500
45A	Sinking a bore or well other than for the purpose prescribed	250
46	Allowing exterior lights to shine directly onto other premises	100
47	Allowing light to be emitted or reflected at an intensity of greater than 50 lux or so as to cause a nuisance	100
49(7)	Lighting a fire to burn, cause or allow to be burnt any material that is likely to cause a nuisance or a public health risk to any other person	250
50	Failure to operate an industry in accordance with an Environmental Code of Practice	500
51	Allowing the escape of smoke, dust, fumes or other emissions	100
53(1) & (2)	Parking a livestock truck for longer than 30 minutes or so as to cause a nuisance	100
53(4)	Failing to maintain a livestock truck in clean condition	250
55	Operating a commercial vehicle on any land adjoining land zoned, approved or used for residential purposes, or leaving the refrigeration unit of a parked commercial vehicle running during prohibited hours	250
59(1)(b)	Failure to comply with a notice served by an authorised person	250

(Schedule14 amended GG No.22 of 1st February 2005, GG No.54 of 4th April 2008;-GG No.15 of 6 February 2009, GG 114 of 3rd July 2012 and GG 160 23rd October 2015)

Passed by a resolution of a special majority of the Council of the City Of Armadale at its meeting held on 21st January 2002.

Dated this 25th day of January 2002.

The Common Seal of the City Of Armadale was hereunder affixed in the presence of—

…… ……

L Reynolds, JP, Mayor **R S Tame, Chief Executive Officer**