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LOCAL GOVERNMENT ACT 1995

CITY OF KALAMUNDA

RURAL AND URBAN ENVIRONMENT AND NUISANCE LOCAL LAW 2026

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Under the powers conferred on it by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Kalamunda resolved on 27 October 2026 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law is the City of Kalamunda Rural and Urban Environment and Nuisance Local Law 2026.

1.2 Commencement

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

1.3 Repeal

This local law repeals—

(a) The Shire of Kalamunda Bee Keeping Local Law 2008, published in *Government Gazette* No. 164 on 26 September 2008; and

(b) The Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, published in *Government Gazette* No. 169 on 5 September 2011, as amended.

1.4 Local law amended

The Shire of Kalamunda Health Local Law 2011, published in *Government Gazette* No. 188 on 7 October 2011, is amended by deleting—

(a) Part 4;

(b) Part 5, Divisions 1—4 inclusive; and

(c) clauses 5.23—5.25 inclusive.

1.5 Purpose and effect

(1) The purpose of this local law is to manage nuisances arising from the rural, urban and built environment in the district.

(2) The effect of this local law is that every person and property owner conducting activity governed by this local law is subject to the local law.

1.6 Application

(1) This local law applies throughout the district.

(2) Where in this local law there is an inconsistency between the local government's local planning scheme and this local law, the local planning scheme prevails to the extent of the inconsistency.

1.7 Interpretation

(1) Subject to the operation of the *Interpretation Act 1984*, in this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

affiliated person means a person that is a member of a pigeon or poultry association, which is an incorporated body under the *Associations Incorporation Act 2015*;

amusement means entertainment provided by equipment operated for hire or reward which provides entertainment or amusement through movement of the equipment, or part of the equipment, or when passengers travel on, around or along the equipment or move the equipment through self–powered motion;

associated building or facilities includes a feed room, gear room, shoeing area, hosing down area, lunging yard, rolling yard, veterinary treatment area, and a vehicle and float storage area used in the keeping, caring or management of horses;

authorisation includes a permit or approval granted under this local law;

authorised person means a person appointed by the CEO under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

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

bee means a honey bee from the insect genus *Apis*;

beehive means a movable or fixed structure, container or object which contains a bees nest and in which bees are kept;

building site means any land for which a building permit issued under *Building Act 2011* is current and upon which building work has commenced;

CEO means the Chief Executive Officer of the local government;

Code of Practice means the Code of Practice for Pigeon Keeping and Racing in Western Australia, administered by the Department of Primary Industries and Regional Development/Agriculture and Food, as amended from time to time, in conjunction with the Pigeon Racing Federation WA Inc. and the Independent Racing Pigeon Federation Inc.;

commencement day means the day on which this local law comes into operation;

demolition site means any land for which a demolition permit issued under the *Building Act 2011* is current and upon which the demolition work has commenced, or is being undertaken;

development has the meaning given to it in the *Planning and Development Act 2005* and includes construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works;

development site includes any land for which there is a current development or subdivision approval granted under a local planning scheme, and any land upon which development is taking place or has taken place, whether or not such development is subject to a development or subdivision approval granted under a local planning scheme;

district means the district of the local government;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non–organic matter and sand, but does not include smoke;

dwelling means a building or portion of a building being used, adapted or designed, or intended to be used, for the purpose of human habitation;

farm animal includes cow, sheep, goat, pig, horse, ass, mule, donkey, pony, camelid or other hoofed mammal;

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

land has the same meaning as in the *Planning and Development Act 2005*;

liquid waste means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated storm water;

livestock means a farm animal;

local government means the City of Kalamunda;

local planning scheme has the same meaning as in the *Planning and Development Act 2005*;

manure receptacle means a receptacle, of sufficient capacity to receive all manure produced in one week on land upon which a farm animal or farm animals, a horse or horses 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;

mosquito means any of the two–winged insect constituting the family *Diptera Culicidae* and commonly known as mosquito;

nuisance means—

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

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

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

occupier has the same meaning as in the Act;

owner has the same meaning as in the Act;

pigeon includes homing pigeons and other domesticated breeds of the family *Columba*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Biodiversity, Conservation and Attractions;

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

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

recycling waste means—

(a) paper and cardboard;

(b) plastic containers comprised of polyethylene terephthalate or high–density polyethylene;

(c) glass containers;

(d) steel containers;

(e) aluminium containers;

(f) liquid paper board; and

(g) any other waste determined by the local government to be recycling waste;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

residential zone includes any land zoned Residential, Residential Bushland or Urban Development under a local planning scheme;

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

rural zone means any land zoned Rural or otherwise zoned for rural purposes under a local planning scheme;

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

slaughter means to kill an animal for food;

stable means any building used for the keeping, breeding, caring, feeding and rearing of horses;

stable shelter in relation to stabling of horses means a three or four walled and fully roofed structure with or without a concrete floor provided for the substantial protection of horses from inclement weather that is provided and approved in lieu of a stable;

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

street means any highway or thoroughfare which the public are entitled to use, and includes every part of the highway or thoroughfare, including the verge and other things including bridges and culverts appurtenant to it;

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

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or is likely to cause damage to human food, habitation or possessions;

water resources includes watercourses, waterways and their estuaries, inlets and floodplains, wetlands, groundwater, surface water, storm water and drainage.

(2) Headings used in this local law are for the purpose of convenience and have no effect on the interpretation and application of the local law.

1.8 Transitional

(1) From and after commencement day, a permit, licence, consent, or authorisation issued in accordance with a local law that is repealed under clause 1.3—

(a) is taken to be a permit, licence, consent, or authorisation issued under this local law;

(b) is to be valid for the period specified on the permit, licence, consent or authorisation; and

(c) may be cancelled, suspended or withdrawn in accordance with this local law.

(2) Where in this local law there is a requirement prescribed for the location or placement of a structure, a structure lawfully established prior to commencement day is deemed to comply with this local law unless the structure is enlarged, relocated, or substantially reconstructed after commencement day.

PART 2—MATTERS RELATING TO ANIMALS

Division 1—Keeping of animals

2.1 Cleanliness

(1) An owner or occupier of land on which an animal is kept must keep such land—

(a) free from excrement, filth, food waste and all other matter which causes, or is likely to cause a nuisance, become offensive or injurious to health or to attract vermin; and

(b) so far as possible, free from flies or other vermin, by spraying with a residual insecticide or by other effective means.

(2) When directed by an authorised person, an owner or occupier of land upon which an animal is kept shall clean and disinfect any portion of such land.

2.2 Disposal of dead animals

(1) An owner or occupier of land, other than a veterinary practice, on which there is a dead animal, must dispose of the dead animal—

(a) as soon as practicable; and

(b) in a manner that does not create a nuisance, become offensive, or attract vermin.

(2) A person must not dispose of a dead animal within 100 metres of any water resources.

Division 2—Farm animals

2.3 Keeping of farm animals

An owner or occupier of land in a residential zone must not keep, or permit to be kept, any farm animals on such land.

2.4 Conditions for keeping farm animals

The owner or occupier of land upon which farm animals are kept shall ensure—

(a) all farm animals are prevented from approaching within 18 metres of any dwelling, public building, or building used for commercial purposes or food business;

(b) that the land on which the farm animals are kept is fenced or walled in a manner capable of confining such animals and, having regard to the species, age, size and condition of the animals, capable of preventing the animals from escaping;

(c) rotten fruit or vegetable matter used as animal feed is disposed of;

(d) water troughs and other water sources provided for farm animals are kept free from slime and filth; and

(e) such animals are kept in accordance with the provisions of any local planning scheme applicable to that zone.

2.5 Requirements for farm animal shelters

The owner or occupier of land on which farm animals are kept shall ensure that any stable, enclosure or shelter provided for the keeping of farm animals is not situated within—

(a) 18 metres of any dwelling, building used for commercial purposes or food business on an adjacent lot;

(b) 9 metres of any dwelling, building used for commercial purposes or food business within the same lot;

(c) a 30 metre radius of any private bore, well or dam; or

(d) 9 metres of any street in the case of a corner site.

2.6 Slaughter of farm animals

A person must not slaughter any farm animal on any land in the district unless—

(a) the slaughter of an animal is at premises approved under a written law for that purpose; or

(b) it is euthanasia of an animal by a veterinarian or at a veterinary practice; or

(c) by the owner or occupier of rural zoned land preparing meat for their own consumption.

2.7 Waste and manure management

The owner or occupier of land where any farm animal is kept must ensure that—

(a) no manure receptacle is situated closer than 10 metres from any dwelling on an adjacent property;

(b) waste and manure are not permitted to create a nuisance, become offensive or injurious to health or attract vermin; and

(c) manure is disposed of in accordance with any applicable written law.

Division 3—Keeping of poultry, pigeons and aviary birds

2.8 Keeping of poultry and pigeons

(1) Subject to subclause (2) and (3), an owner or occupier of land must not keep or permit to be kept—

(a) any poultry or pigeons in a residential zone, if the area of the land is less than 600 square metres;

(b) more than 6 poultry or pigeons in a residential zone, if the area of the land is more than 600 square metres but less than 2000 square metres; or

(c) more than 25 poultry or pigeons in a residential zone where the area of the land is more than 2000 square metres.

(2) Subclause (1) does not apply to—

(a) premises approved by the local government for veterinary purposes or intensive agriculture; or

(b) poultry that is less than 3 months of age.

(3) A person may apply to the local government for approval to keep poultry or pigeons otherwise than in accordance with subclause (1)(b) or (c).

(4) An application to the local government for approval pursuant to subclause (3) is to include—

(a) a statement outlining the reasons why approval is sought;

(b) the number of poultry or pigeons proposed to be kept;

(c) a site plan showing land size, location of enclosure, the distance of the enclosure from any boundaries and buildings on adjoining land and any nearby water resources;

(d) where applicable, proof of affiliation to a poultry or pigeon keeping association;

(e) proof of registration as a livestock owner where required by the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and

(f) any fee determined by the local government.

(5) Prior to determining an application for approval, the local government may seek and consider the views and concerns of any owner or occupier of an adjoining property.

(6) The local government may grant approval of an application pursuant to subclause (3) with or without conditions, or refuse to grant approval.

(7) Where an approval pursuant to subclause (3) is granted subject to conditions, the holder of the approval must comply with those conditions.

(8) A grant of approval is personal to the applicant and applies only to the land described in the approval.

(9) The applicant must notify the local government of any change in the circumstances on which the grant of an approval was based as soon as any change occurs.

(10) An approval can be cancelled by the local government in the event that –

(a) the holder does not comply with any conditions set by the local government;

(b) there is a change in the circumstances upon which the approval was granted; or

(c) the granting of the approval causes a nuisance in the opinion of the local government.

2.9 General requirements for keeping of poultry

An owner or occupier of land upon which poultry are kept, other than for veterinary purposes or intensive agriculture, must ensure that—

(a) all poultry are kept in a properly constructed and securely fastened enclosure;

(b) the enclosure is not located within the front setback area of the lot;

(c) poultry are prevented from approaching within 9 metres of any dwelling on any other lot, or land used for a public building, commercial purposes or food business;

(d) poultry are able to freely access clean drinking water within the enclosure;

(e) the enclosure is kept in clean condition and in good repair at all times; and

(f) effective measures are taken to control vermin and eradicate offensive odours.

2.10 Requirement for keeping of pigeons

(1) An owner or occupier of land upon which pigeons are kept must ensure that—

(a) all pigeons are kept in a properly constructed enclosure and confined in that enclosure except where registered homing pigeons are freed for exercise;

(b) no opening to an enclosure, including openings for ventilation, is within 9 metres of any street, dwelling, public building, building used for commercial purposes or food business; and

(c) the enclosure is kept in a clean condition and in good repair at all times, with effective measures taken to control vermin and eradicate offensive odours.

(2) An owner or occupier of land referred to in subclause (1) who is an affiliated person must ensure that all pigeons are kept in accordance with the Code of Practice for Pigeon Keeping and Racing in Australia and subject to the provisions of this local law.

2.11 Roosters, geese, turkeys and peafowl

Other than on land within a rural zone, an owner or occupier of land must not keep or permit to be kept any roosters, geese, turkeys, or peafowl.

2.12 Requirements for keeping of aviary birds

An owner or occupier of land shall ensure that any enclosure used for the keeping of aviary birds—

(a) is of sound, weatherproof construction;

(b) permits the effective and hygienic removal of waste matter, husks, seeds, feathers, dead birds and faecal matter;

(c) is kept in clean condition and good repair at all times; and

(d) is kept at least 5 metres from any building on any other land.

2.13 Nuisance caused by birds or poultry

An owner or occupier of land must not keep any bird or poultry which—

(a) causes a nuisance; or

(b) emits an unreasonable noise.

2.14 Restrictions on feeding of uncaged birds

(1) A person must not feed or permit the feeding of any uncaged bird in a way that causes a nuisance.

(2) If, in the opinion of an authorised person, a person has not complied with subclause (1), the authorised person may direct the person to stop feeding the uncaged bird and to clean up and properly dispose of any feed or waste products used or produced in connection with the feeding of the uncaged bird.

2.15 Pigeons nesting or perching

An authorised person may direct the owner or occupier of land on which pigeons nest or perch, to take adequate measures to prevent them from continuing to do so.

PART 3—KEEPING OF BEES

Division 1—General provisions relating to bees

3.1 Native bees excluded

The provisions of this local law do not apply to a bee hive, bee nest or bees that are fauna as defined by the *Biodiversity Conservation Act 2016*.

3.2 Keeping of bees on residential zoned land

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

(2) Subclause (1) does not apply where an occupier of land keeps bees on the land—

(a) for a continuous period not exceeding 8 weeks; and

(b) for the purpose of pollinating a crop on the land.

(3) Subclause (1) does not apply where a person keeps bees on Crown land.

3.3 Requirements for keeping of bees

(1) An owner or occupier of land must not keep, or permit to be kept, bees in any bee hive or bees nest unless—

(a) a good and sufficient water supply is located on the land which is readily accessible by the bees situated at a distance of less than 5 metres from the hive;

(b) the hive or nest is located near a screen or other barrier that prevents the bees flying low over a street, public place or adjoining land;

(c) each bee hive is kept as follows—

(i) at least 9 metres from any building on any other land;

(ii) at least 9 metres from any footpath, street, private street or public place;

(iii) at least 5 metres from the boundary of the land; and

(d) the owner or occupier is registered under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

(2) Unless clause 3.2 applies—

(a) no more than 2 bee hives are permitted to be kept on land less than 2000 square metres in area; and

(b) no more than 15 bee hives are permitted to be kept on land greater than 2000 square metres in area.

3.4 Nuisance caused by bees

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

Division 2—Permits

3.5 Application for a bee keeping permit

(1) An owner or occupier of land may apply in writing to the local government for a permit to keep bees that would otherwise contravene clause 3.2 or clause 3.3(2).

(2) An application for a permit must include—

(a) a statement outlining the reasons why an approval is sought;

(b) the number of bee hives proposed to be kept;

(c) a site plan showing land size, the location of bee hives, and the distance of the enclosure from any boundaries and buildings on adjoining land;

(d) proof of registration as a beekeeper under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and

(e) payment of any fee determined by the local government.

(3) Prior to determining an application, the local government may seek and consider the views and concerns of the owners and occupiers of adjoining land.

(4) The local government may grant a permit, with or without conditions, or refuse to grant a permit.

(5) Where a permit is granted subject to conditions, the holder of the permit must comply with those conditions.

(6) A permit is personal to the applicant and applies only to the land described in the permit.

(7) The applicant must notify the local government of any change in the circumstances on which the permit was based as soon as any change occurs.

(8) A permit may be cancelled by the local government in the event that—

(a) the holder does not comply with the conditions of the permit;

(b) there is a change in the circumstances upon which the permit was granted; or

(c) the granting of the permit causes a nuisance.

3.6 Notice to remove bees

(1) The local government may issue written notice to a person where—

(a) the person is the owner or occupier of land and has contravened this local law or the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* in respect of keeping of bees, bee nests or bee hives; or

(b) the person has contravened a permit, or conditions thereof, for the keeping of bees, bee nests or bee hives on land to which the permit relates; or

(c) the person is the owner or occupier of land and bees, bee nests or bee hives on the land are causing a nuisance.

(2) A notice issued under subclause (1) may require within the time specified in the notice to—

(a) remove the bees, bee nests or bee hives on the land; or

(b) comply with conditions of a permit issued by the local government for the keeping of bees, bee nests or bee hives on the land.

(3) Where a person fails to comply with a notice given under subclause (1), the person commits an offence.

PART 4—VERMIN CONTROL

Division 1—Mosquitoes

4.1 Mosquito control

(1) An owner or occupier of land must keep the land free of water or refuse that is or is liable to become, a breeding place for mosquitoes.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to prevent the pooling of water or undertake control measures to prevent mosquito breeding, including but not limited to ensuring—

(a) any water tank, well, cistern, vat or barrel is protected with a mosquito–proof cover and that all openings, except for the delivery outlet, are covered with wire mesh having openings no larger than 1.2 millimetres;

(b) all drains and channels in or on the land are kept in good order and free from obstructions;

(c) septic tanks installed on the land are kept in functional condition with any inlet vent being protected by wire mesh having openings no larger than 1.2 millimetres; or

(d) use of an approved larvicide in accordance with the directions on the container.

Division 2—Rodents

4.2 Measures to be taken to eradicate rodents

(1) Where there are indications of the presence of rodents, the owner or occupier of land must take adequate and reasonable measures to keep such land free from rodents and prevent rodent breeding, including but not limited to—

(a) protecting or covering the food stuffs of domestic or farm animals;

(b) the use of a rodenticide or a baited trap, having due regard for the prospect of impacts of either of those methods on native fauna;

(c) preventing rodents from having access to water on the premises;

(d) limiting or removing places where rodents may nest; and

(e) remove, alter, protect, cover or otherwise deal with any material, sewer, septic tank, pipe or other thing to prevent it from being used as access or harbourage for rodents.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate rodents or undertake control measures to prevent rodent breeding, or the harbourage of rodents.

(3) Where a dead rodent is on land, the owner or occupier of the land must ensure the carcass of a dead rodent is disposed of immediately in a manner that does not cause a nuisance.

Division 3—Cockroaches

4.3 Measures to be taken to eradicate cockroaches

(1) Where there are indications of the presence of cockroaches in, on or about land or a building on land, the owner or occupier of such land must take adequate and reasonable measures to keep the land or building free from cockroaches and prevent cockroach breeding.

(2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate cockroaches or undertake control measures to prevent breeding of cockroaches.

PART 5—NUISANCES

Division 1—General nuisances

5.1 Operation of amusements

A person must not provide or conduct any amusements on land so as to create or cause a nuisance to any owner or occupier of land in the district, without the approval of the local government.

5.2 Premises etc. to be cleaned after use

An owner or occupier of a theatre or other place of entertainment or amusement to which the public is invited whether indoor or outdoor, is to ensure the premises is cleaned immediately after the last occasion on which the premises have been used on that day, or if the use extends after midnight, then immediately after that use.

5.3 Emission or reflection of light

An owner or occupier of land must not—

(a) permit artificial light to be emitted or reflected from anything on the land so as to illuminate premises outside that land at a level that causes a nuisance to any owner or occupier of adjoining land or person using a street as a thoroughfare; or

(b) permit natural light to be reflected from anything on the land so as to create or be a nuisance to any owner or occupier of adjoining land or person using a street as a thoroughfare.

5.4 Use of exterior lighting

An owner and or occupier of land on which floodlights, lighting installations or other exterior lights are erected or used must not allow the floodlights or other exterior lights to shine directly onto adjoining land.

5.5 Notice to abate nuisance caused by lights

Where in the opinion of the local government an owner or occupier of land has contravened clause 5.3 or clause 5.4, the local government may give a notice to the owner or occupier of land to abate the nuisance within the time specified in the notice by—

(a) preventing artificial light from being emitted or reflected from the land;

(b) treating any reflective surfaces;

(c) restricting the hours of use of the floodlights, lighting installations or other exterior lights; or

(d) requiring alterations to the direction in which any lights are shining.

Division 2—Smoke, fumes, odours and other emissions

5.6 Burning rubbish, refuse or other material

(1) An owner or occupier of land must not set fire to, or cause to be set on fire, any rubbish, refuse, chemically treated wood or any material on that land, unless—

(a) the wood or material is dry plant or tree matter; or

(b) the burning is permitted under a written law.

(2) Subject to the operation of the *Bush Fires Act 1954* and any directions given by an authorised person pursuant to that Act, subclause (1) does not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic charcoal or charcoal type fuel.

5.7 Fibreglassing and spray painting

(1) A person must not—

(a) apply, use, manufacture or repair fibre reinforced plastics or resins; or

(b) carry out spray painting using powered spray painting equipment

so as to cause a nuisance by way of fumes, odour, overspray or particulate matter to other land, or persons in a public place.

(2) Where in the opinion of an authorised person, a person contravenes subclause (1) an authorised person may—

(a) direct the person to take such measures as are specified by the authorised person to prevent or minimise the nuisance; or

(b) direct the person to cease and not recommence the activity that causes the nuisance.

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

An owner or occupier of land must take reasonable measures to prevent the escape of smoke, fumes or odours from the land in such quantity or of such a nature as to cause or to be a nuisance to any person, unless that owner or occupier has approval under a written law that permits the escape of smoke, fumes or odours from the land.

5.9 Use or storage of offensive matter as fertiliser

An owner or occupier of premises must not use or keep for the purpose of use as fertiliser, any pig manure, human faeces or urine.

5.10 Storage and dispatch of artificial fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for use or for sale must—

(a) keep all artificial fertiliser in a building—

(i) of which all internal surfaces are constructed of durable and non–absorbent materials finished internally with a smooth surface;

(ii) that protects it from the absorption of moisture; and

(iii) that is adequately ventilated;

(b) take adequate measures to prevent the emission of dust or offensive fumes or odour from the building; and

(c) ensure that all artificial fertiliser dispatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

5.11 Storage of fertiliser and compost

(1) An owner or occupier of land must not store fertiliser or compost inside a dwelling house.

(2) Fertiliser and compost may be stored—

(a) in a building such as a shed, garage or storage room which is fully enclosed, well ventilated and separated from any habitable areas of a dwelling house; or

(b) in an outside area.

(3) The owner or occupier of land on which fertiliser or compost is stored or used must—

(a) take reasonable measures to prevent the escape of odours, dust or particles of fertiliser or compost;

(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for vermin; and

(c) store only such amounts of fertiliser or compost as can be readily used within a reasonable period.

Division 3—Storm water and wastewater

5.12 Containment of storm water, rainwater and wastewater

An owner or occupier of land shall ensure that all rainwater and storm water received on the land, and all wastewater generated on the land is disposed of on the land or discharged into a drainage structure or sewerage apparatus approved by the local government.

5.13 Containment and disposal of swimming pool and other wastewater

(1) An owner or occupier of land must not discharge or permit the discharge of swimming pool water, swimming pool filter backwash water or wastewater onto—

(a) any adjoining land;

(b) any street or public place;

(c) any drain in a street or thoroughfare; or

(d) any water resources.

(2) An owner or occupier of land must ensure that swimming pool water, swimming pool backwash water or wastewater is disposed of—

(a) in the case of swimming pool water or swimming pool backwash water, on the land that contains the swimming pool, in a manner that prevents water from dripping or running onto other land; or

(b) in the case of wastewater, at a disposal facility approved by the local government.

(3) Subclause (1) does not apply where the discharge is authorised under a written law.

PART 6—LAND CARE, BUILDINGS AND DEVELOPMENT ON LAND

Division 1—Unsightly land and disused materials and vehicles

6.1 Removal of refuse and disused materials

The owner or occupier of land must not keep, or permit to remain on the land, any refuse, rubbish or disused material of any nature or kind which is likely to give the land an untidy appearance and which does not conform with the general appearance of other land in that particular part of the district.

6.2 Removal of unsightly overgrowth of vegetation

The owner or occupier of land must not permit any unsightly overgrowth of vegetation on the land that gives the premises an untidy appearance and which does not conform with the general appearance of other land or premises in that particular part of the district.

6.3 Storage of vehicles and machinery

(1) The owner or occupier of land must not—

(a) store, or allow to remain in public view on that land, 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 that land, 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 that land, any disused vehicle, vessel or machinery parts (including tyres);

(d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed—

(i) inside a building; or

(ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the thoroughfare and from adjoining properties; or

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

(2) Subclause (1) does not apply to land zoned for general industry or light industry under a local planning scheme.

(3) A person who is permitted to store a disused vehicle on land because of the operation of subclause (1), must ensure the compartments of the vehicle are rendered incapable of being closed in a manner that would accidentally entrap a person or animal.

6.4 Disposing of disused refrigerators or similar containers

A person must not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first—

(a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or

(b) rendering every door and lid incapable of being fastened.

Division 2—building, development and land care

Subdivision 1—Litter and refuse on building sites, development sites and demolition sites

6.5 Provision of refuse and recycling receptacles

(1) The owner or occupier of a building site, development site or demolition site must at all times provide and maintain, in accordance with subclause (2), a refuse receptacle and recycling receptacle, available for use on the land.

(2) A refuse receptacle and recycling receptacle under subclause (1) must include a suitable cover, to the satisfaction of an authorised person, of such design as will—

(a) contain any refuse and recycling waste likely to be produced on the land; and

(b) prevent refuse and recycling waste being blown from the receptacle by wind.

6.6 Requirements to control refuse and recycling waste

(1) From the time of commencement of works on a building site, development site or demolition site until the time of completion of such work, the owner or occupier of the land must ensure—

(a) all refuse on the land is placed and contained in the refuse waste receptacle;

(b) all recycling waste on the land is placed and contained in the recycling waste receptacle;

(c) the site is kept as free as is reasonably practicable from any refuse and recycling waste;

(d) all refuse and recycling waste are contained in the receptacles are prevented from being blown from the site by wind;

(e) the street verge immediately adjacent to the land is kept free of refuse and recycling waste from the site; and

(f) the refuse and recycling waste receptacle is emptied when full.

(2) The owner or occupier of a building site, development site or demolition site must ensure that within 2 days of completion of works on the site or when directed by an authorised person—

(a) the land and the street verge immediately adjacent to it is cleared of all refuse;

and recycling waste; and

(b) all recycling and refuse receptacles are removed from the land.

Subdivision 2—Prevention of dust and liquid waste

6.7 Containment of dust and liquid waste

(1) An owner or occupier of land must take effective measures to—

(a) stabilise dust on the land;

(b) contain all liquid waste on the land; and

(c) ensure no dust or liquid waste is released or escapes from the land whether by means of wind, water, or any other cause.

(2) An owner or occupier of land must notify the owners or occupiers of adjoining land in writing 48 hours prior to the commencement of any activity that has the potential to cause the release or escape of dust or liquid waste from the land, giving details of—

(a) the nature of the activity;

(b) the proposed commencement time, frequency, duration time and location of the activity; and

(c) the name of the person responsible for carrying out the activity and how and where that person may be contacted.

(3) Where in the opinion of an authorised person an owner or occupier has not complied with subclause (1), the local government may serve on the owner or occupier of the land a notice requiring the owner and or occupier to do one or more of the following—

(a) comply with subclause (1);

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

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

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

(4) A person given a notice under subclause (3) must comply with the notice—

(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.

(5) Where, in the opinion of an authorised person, dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may serve a notice on the owner and or occupier of the land or the operator of the equipment, as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.

(6) Where, in the opinion of an authorised person, dust or liquid waste is likely to be released or escape as a result of an activity to be carried out on any land, the local government may give to the owner or occupier of the land a notice providing that the activity may only be carried on subject to conditions specified in the notice.

PART 7—OBJECTIONS AND APPEALS

7.1 Objections and appeals

When the local government decides under this local law whether it will—

(a) grant a person a permit;

(b) renew, vary, or cancel a permit; or

(c) issue a notice to a person,

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

PART 8—ENFORCEMENT

Division 1—Notices given under this local law

8.1 Notice of contravention

(1) Where a person contravenes any provision of this local law, the local government may give a written notice to the person requiring that person to cease or remedy the contravention.

(2) A notice given under subclause (1) shall—

(a) specify the provision of this local law which has been contravened;

(b) specify the particulars of the contravention; and

(c) state that the manner in which the person is required to remedy the contravention to the satisfaction of the local government within the time specified in the notice.

(3) Where a person fails to comply with a notice referred to in subclause (1), the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

8.2 Offences and penalties

(1) A person who—

(a) fails to do anything required or directed to be done under this local law;

(b) fails to comply with the requirements of a notice issued under this local law; or

(c) does anything prohibited under this local law,

commits an offence.

(2) A person who commits an offence under this local law is liable to a maximum penalty of $10,000 and a maximum daily penalty of $1000 in respect of each day or part of a day during which the offence has continued.

8.3 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 of the Act.

(2) The amount of the modified penalty for a prescribed offence—

(a) for a first offence is that specified adjacent to the clause in the fourth column of Schedule 1; and

(b) for a subsequent offence is that specified adjacent to the clause in the fifth column of Schedule 1.

8.4 Form of infringement notices

For the purposes of this local law—

(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(c) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1—PRESCRIBED OFFENCES

City of Kalamunda Rural and Urban Environment and Nuisance Local Law 2026

[clause 8.3]

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY FIRST OFFENCE	MODIFIED PENALTY SECOND OFFENCE
1	2.1(2)	Fail to comply with direction of authorised person in relation to cleanliness of land	$150	$250
2	2.2(1)(a)	Fail to dispose of dead animal on land	$150	$250
3	2.2(1)(b)	Dispose of dead animal in a way that creates a nuisance, becomes offensive or attracts vermin	$150	$250
4	2.2(2)	Dispose of dead animal within 100 metres of a water resource	$250	$500
5	2.3	Keeping farm animals on residential zoned land	$250	$500
6	2.4(a)	Permit farm animals to approach within 18 metres of a premises prescribed by the local law	$250	$500
7	2.4(b)	Land on which farm animals kept not fenced in a manner capable of confining animals	$250	$500
8	2.5	Situate or maintain farm animal shelter contrary to the local law	$150	$250
9	2.6	Slaughter farm animal on land unless excused by the local law	$250	$500
10	2.7(a)	Locate manure receptacle within 10 metres of dwelling on adjacent property	$250	$500
11	2.7(b)	Allow manure to accumulate and cause a nuisance or attract vermin	$250	$500
12	2.7(c)	Dispose of manure contrary to the local law	$150	$250
13	2.8(1)(a)	Keep poultry or pigeons in residential zone on land less than 600 square metres	$250	$500
14	2.8(1)(b)	Keep more than 6 poultry or pigeons in residential zone on land more than 600 square metres but less than 2000 square metres without approval	$250	$500
15	2.8(1)(c)	Keep more than 25 poultry or pigeons in residential zone on land more than 2000 square metres without approval	$250	$500
16	2.9(b)	Locate poultry enclosure within front setback area of a lot	$150	$250

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY FIRST OFFENCE	MODIFIED PENALTY SECOND OFFENCE
17	2.9(c)	Allow poultry to approach within 9 metres of any dwelling on another lot or other premises prescribed	$150	$250
18	2.9(f)	Failure to control vermin and/or odour nuisance pertaining to poultry keeping	$250	$500
19	2.10(1)(a)	Failure to keep pigeons in proper enclosure unless exempted by the local law	$150	$250
20	2.10(1)(b)	Maintain openings of pigeon enclosure within 9 metres of a premises prescribed by the local law	$150	$250
21	2.10(1)(c)	Failure to control vermin and/or odour nuisance pertaining to pigeon keeping	$250	$500
22	2.11	Keep rooster, geese, turkeys or peafowl on land contrary to the local law	$250	$500
23	2.12(c)	Failure to maintain aviary bird enclosure in clean and good condition	$150	$250
24	2.12(d)	Install or maintain aviary bird enclosure less than 5 metres from premises on other land	$150	$250
25	2.13(a)	Keep birds or poultry which causes a nuisance	$150	$250
26	2.13(b)	Keep birds or poultry which emits unreasonable noise	$150	$250
27	2.14(1)	Feed uncaged birds in a way that causes a nuisance	$150	$250
28	2.14(2)	Failure to comply with directions of an authorised person	$150	$250
29	3.2(1)	Keep bees on residential zoned land without a permit	$250	$500
30	3.3(1)	Keep bees on land contrary to the requirements prescribed by the local law	$250	$500
31	3.3(2)(a)	Keep more than 2 bee hives on land less than 2000 square metres	$250	$500
32	3.3(2)(b)	Keep more than 15 bee hives on land greater than 2000 square metres	$250	$500
33	3.4	Keep or allow bees to be kept that create a nuisance	$250	$500
34	3.5(5)	Failure to comply with conditions of a bee keeping permit	$250	$500
35	4.1(2)	Failure to comply with directions of an authorised person to take measures in respect of prevention of mosquito breeding	$250	$500
36	4.2(2)	Failure to comply with directions of an authorised person to take measures in respect of prevention of rodent breeding or rodent harbourage	$250	$250
37	4.3(2)	Failure to comply with directions of an authorised person to take measures in respect of prevention of cockroach breeding	$250	$500
38	5.1	Operate amusement that causes nuisance to other owner or occupier of land	$250	$500
39	5.2	Failure to ensure premises cleaned after use	$250	$500
40	5.3(a)	Permit artificial light to be emitted or reflected onto other premises that causes a nuisance	$250	$500
41	5.4	Permit floodlights or other installed or exterior lights to shine onto other premises that causes a nuisance	$250	$500
42	5.5	Failure to comply with a notice issued for any of the matters prohibited by of cl. 5.3 or cl. 5.4	$250	$500

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY FIRST OFFENCE	MODIFIED PENALTY SECOND OFFENCE
43	5.6(1)	Burning rubbish, refuse or other material that is not untreated wood or dry plant matter	$500	$1000
44	5.7(1)(a)	Use or manufacture fibreglass or resin in a way that causes a nuisance	$250	$500
45	5.7(1)(b)	Spray paint in a way that causes a nuisance	$250	$500
46	5.7(2)(a)	Failure to take measures directed by an authorised person to prevent nuisance	$250	$500
47	5.7(2)(b)	Failure to cease and not recommence activity that causes nuisance	$500	$1000
48	5.8	Failure to prevent escape of smoke, fumes or odours from land that causes a nuisance unless permitted under a written law	$500	$1000
49	5.9	Use or storage of offensive matter as fertiliser	$500	$1000
50	5.10	Store or dispatch artificial fertiliser in a manner contrary to the local law	$250	$500
51	5.11(1)	Store fertiliser or compost inside a dwelling house contrary to the local law	$250	$500
52	5.13(1)	Discharge swimming pool water or waste water in a way prohibited by the local law	$500	$1000
53	6.4	Dispose of refrigerator or similar container without removing door hinges and disabling door latch/lock	$250	$500
54	6.6(1)	Failure to provide refuse or recycling receptacle	$500	$1000
55	6.7(1)	Failure to take reasonable measures to control refuse or recycling waste	$250	$500
56	6.6(2)(a)	Failure to clear refuse and recycling waste from the land and street verge within 2 days of completion of works when directed by an authorised person	$500	$1000
57	6.6(2)(b)	Failure to remove all refuse and recycling receptacles within 2 days of completion of works when directed by an authorised person	$500	$1000
58	6.7(4)	Failure to comply with the requirements of a notice issued under clause 6.7(3)	$500	$1000
59	6.7(5)	Failure to comply with a notice to cease activity immediately inclusive of use of equipment on land	$500	$1000
60	8.1(3)	Fail to comply with a notice issued for a breach of the local law unless offence otherwise specified	$500	$1000

Dated 3 November 2026.

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

MARGARET THOMAS JP, Mayor.
ANTHONY VULETA, Chief Executive Officer.