Western Australian Government Gazette
ISSN 2204-4264 (online)
2451
PERTH, TUESDAY, 27 OCTOBER 2026 No. 137 SPECIAL
PUBLISHED BY AUTHORITY OF THE GOVERNMENT PRINTER
© STATE OF WESTERN AUSTRALIA

SHIRE OF JERRAMUNGUP

LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2026

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

BUSH FIRE BRIGADES LOCAL LAW 2026

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976

DOGS LOCAL LAW 2026

LOCAL GOVERNMENT ACT 1995

DUST, SAND AND EROSION LOCAL LAW 2026

LOCAL GOVERNMENT ACT 1995

PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2026

LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

SHIRE OF JERRAMUNGUP

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2026

CONTENTS

PART 1—PRELIMINARY
1.1 Citation
1.2 Commencement
1.3 Application
1.4 Terms Used
PART 2—KEEPING OF ANIMALS
2.1 Interpretation
2.2 Cleanliness
2.3 Animal enclosures
2.4 Cats
2.5 Conditions for keeping cats
2.6 Keeping of fauna
PART 3—KEEPING OF BIRDS
3.1 Keeping of poultry and pigeons
3.2 Conditions for keeping of poultry
3.3 Roosters, geese, turkeys and peafowl
3.4 Requirements for keeping of pigeons
3.5 Restrictions on pigeon nesting and perching
3.6 Conditions of keeping aviary birds
3.7 Nuisance caused by birds
PART 4—KEEPING OF FARM ANIMALS
Division 1—Farm animals
4.1 Application of this Division
4.2 Interpretation
4.3 Licence required to keep farm animals
4.4 Application for a licence to keep farm animals
4.5 Determination of application to keep farm animals
4.6 Conditions of licence to keep farm animals
4.7 Requirements for keeping farm animals
4.8 Keeping a miniature horse
4.9 Keeping a miniature pig
4.10 Requirements for farm animal shelters
Division 2—General
4.11 Livestock not to stray
4.12 Property to be fenced
PART 5—BUILDING, DEVELOPMENT AND LAND CARE
5.1 Application of this Part
5.2 Provision of refuse receptacles
5.3 Control of refuse
5.4 Removal of refuse and disused materials
5.5 Removal of unsightly overgrowth of vegetation
5.6 Storage of vehicles, vessels and machinery
5.7 Disposing of disused refrigerators or similar containers
PART 6—NUISANCES AND DANGEROUS THINGS
6.1 Application of this Part
6.2 Use of exterior lights
6.3 Emission or reflection of light

6.4 Notice may require specified action to prevent emission or reflection of light
6.5 Burning rubbish, refuse or other material
6.6 Burning of cleared vegetation prohibited
6.7 Escape of smoke, fumes, odours and other emissions
6.8 Disposal of swimming pool backwash
6.9 Containment of stormwater
6.10 Amusements nuisance
6.11 Restrictions on feeding of birds
6.12 Hazardous trees

PART 7—VEHICLE NUISANCE

7.1 Livestock vehicles
7.2 Truck noise from residential land

PART 8—LICENCES

8.1 Application for licence
8.2 Decision on application for licence
8.3 General restrictions on grant of licence
8.4 Amendment of licence
8.5 Compliance with conditions
8.6 Duration of licence
8.7 Renewal of licence
8.8 Transfer of licence
8.9 Cancellation of licence
8.10 Surrender of licence
8.11 Production of licence
8.12 Production of licence document for amendment
8.13 Return of licence document if licence no longer in effect
8.14 False or misleading statement

PART 9—NOTICES

9.1 Notice to remedy non-compliance
9.2 Notice requirements
9.3 Offence to fail to comply with notice
9.4 Local government may undertake requirements of notice
9.5 Entry into private land

PART 10—OBJECTIONS AND APPEALS

10.1 Objections and appeals

PART 11—ENFORCEMENT

11.1 Offences
11.2 General penalty
11.3 Prescribed offences
11.4 Form of infringement notices

Schedule 1—Prescribed offences

LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

SHIRE OF JERRAMUNGUP

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995*, the *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Jerramungup resolved on 1 September 2026 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Jerramungup Animals, Environment and Nuisance Local Law 2026*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Terms Used

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

Act means the *Local Government Act 1995*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 2015*;

amusement means anything usually conducted for amusement at a fair, a carnival or a show, whether conducted at a fair, a carnival or a show or elsewhere;

authorised person means a person authorised by the local government to perform any of the functions under this local law, and includes the CEO;

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

birds includes poultry;

builder means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;

building permit has the meaning given to it by the *Building Act 2011*;

building site means any lot for which a building permit is current;

cat has the meaning given to it in the *Cat Act 2011*;

CEO means the Chief Executive Officer of the local government;

Code of Practice—Pigeon Keeping means the document entitled *A Code of Practice—May 1994—Pigeon Keeping and Pigeon Racing* published in May 1994 by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation (Incorporated), as amended from time to time;

cow includes an ox, calf or bull;

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

development site includes any lot or lots for which there is currently 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;

district means the district of the local government;

disused means, in relation to any thing whatsoever, that the thing—

(a) is not in use for the purpose for which it was designed or appears to have been designed or intended; or

(b) has been stored or left stationary on land in the district for more than 1 month;

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;

equipment means equipment, machinery or vehicles used for, or in connection with, the development of land;

horse means a stallion, mare, gelding, Shetland pony, pony, colt or foal, and includes an ass, mule, donkey and any beast of whatever description used for burden or draught or for carrying persons;

land includes any building or structure on the land;

licence means a licence, permit or approval issued under this local law;

licence holder means a person who holds a valid licence;

livestock means any horse, cow, sheep, goat, swine, buffalo, deer, camel, llama or alpaca;

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

local government means the Shire of Jerramungup;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

lot has the meaning given to it by the *Planning and Development Act 2005*;

miniature horse means a horse which meets the standard and height for a miniature horse as described by the Miniature Horse Association of Australia Inc;

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

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's 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 is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and includes a builder or contractor;

owner has the meaning given in section 1.4 of the Act;

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

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

premises means any land or building, or part of any land or building, that is or is intended to be occupied as a separate residence from any adjacent tenement, and includes a mobile home;

refuse means any waste material including 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;

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

residential building has the meaning given to it in the Residential Design Codes of Western Australia as amended;

rural enterprise zone means any area zoned "Rural Enterprise" under a local planning scheme;

rural zone means any area zoned "Rural" under a local planning scheme;

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

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government under sections 6.16 to 6.19 of the Act;

special use zone means any area zoned "Special Use" under a local planning scheme;

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

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

thoroughfare has the meaning given to it in section 1.4 of the Act;

truck means a motor vehicle having a tare weight in excess of 3,000 kilograms;

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

vectors of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice;

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

written notice means a written notice issued in accordance with Part 9.

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

(3) Where, in this local law, 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 owner and occupier.

PART 2—KEEPING OF ANIMALS

2.1 Interpretation

In this Part, unless the context otherwise requires—

animal includes cats, dogs, rabbits and ferrets or the like;

catteries are premises registered for the breeding or caring of cats; and

member of a cat organisation means a person referred to in the *Cat Regulations 2012* regulation 23(c).

2.2 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal is kept shall—

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health, or to attract rats or other vectors of disease;

(b) when so directed by an authorised person, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease, by spraying with a residual insecticide or other effective means.

2.3 Animal enclosures

(1) This clause applies to premises that are not in a rural zone or rural enterprise zone.

(2) A person shall not keep or cause, or permit to be kept, any animals on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

(3) The owner or occupier of premises where animals are kept shall, when given written notice, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals.

2.4 Cats

(1) Subject to clause 2.5, a person shall not keep more than 3 cats over the age of 6 months on premises on any land not in a rural zone, without a licence from the local government.

(2) An owner or occupier of premises may apply to the local government for exemption from the requirements of subclause (1).

(3) The local government shall not grant a licence under subclause (2) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.

(4) An exemption granted under this clause shall specify—

(a) the owner or occupier to whom the exemption applies;

(b) the premises to which the exemption applies; and

(c) the maximum number of cats which may be kept on the premises.

(5) A person who is granted an exemption under subclause (2) may be subject to conditions, including but not limited to—

(a) replacement of a cat not permitted if it dies or is permanently removed from the premises;

(b) the licence holder will provide adequate space for the exercise of the cats;

(c) the premises shall be maintained in good order and in a clean and sanitary condition; and

(d) such other conditions, as the local government considers appropriate.

2.5 Conditions for keeping cats

(1) The occupier of any premises shall not keep a cattery on those premises, unless the cattery is registered with the local government and the occupier has complied with the following conditions—

(a) the occupier shall obtain a licence from the local government to establish a cattery;

(b) upon receiving a licence to establish a cattery, the occupier shall apply for registration of the cattery in the form determined by the local government;

(c) the occupier shall have paid the set fee for annual registration;

(d) the occupier shall provide, for every cat, a properly constructed shelter with an enclosure, which shall comply with the following conditions—

(i) every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 3 months old that may be kept therein; and

(ii) the area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than 3 times the area of the shelter or group of shelters to which it is appurtenant;

(e) every shelter or enclosure shall be at least 10 metres from the boundary of any land not in the same ownership or possession, or at least 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises wherein food is manufactured, packed or prepared for human consumption; and

(f) all enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease and shall at any time be cleaned, disinfected or otherwise dealt with as an authorised person may direct.

(2) A certificate of registration of a cattery issued by the local government shall—

(a) be in the form approved by local government; and

(b) expire on 30 June next after the date of its issue.

2.6 Keeping of fauna

(1) In this clause—

fauna means any animal, bird or reptile indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal—

(a) any class of animal or individual member;

(b) the eggs or larvae; or

(c) the carcass, skin, plumage or fur unless it has been shed or discarded by the fauna in a normal or natural manner.

(2) Notwithstanding the provisions of this Part, a person may keep fauna for the period and under such conditions as may be authorised by the department of the Public Service principally assisting in the administration of the *Conservation and Land Management Act 1984*.

PART 3—KEEPING OF BIRDS

3.1 Keeping of poultry and pigeons

(1) An owner or occupier of land not in a rural zone or rural enterprise zone shall not keep or permit to be kept on the premises more than 12 poultry or pigeons.

(2) An owner of land in a rural enterprise zone may keep or permit to be kept on the premises up to 100 poultry or pigeons.

(3) An owner or occupier of land not in a rural zone or rural enterprise zone may apply to the local government to vary the requirements of subclause (1) or (2).

3.2 Conditions for keeping of poultry

(1) A person who keeps poultry or permits poultry to be kept shall ensure that—

(a) no poultry shall be kept less than 5 metres from any residential building on the land;

(b) no poultry is able to approach within—

(i) 9 metres of the property's primary public thoroughfare;

(ii) 3 metres of any other public thoroughfare; or

(iii) 15 metres of a neighbouring residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold;

(c) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and

(d) where the structure has an impervious floor, it is laid with a fall to the front of at least 1 in 50.

(2) An owner or occupier of a premises who keeps poultry or permits poultry to be kept may apply to the local government to vary the requirements of subclause (1)(b) or (d).

3.3 Roosters, geese, turkeys and peafowl

(1) An owner or occupier of land not in a rural zone or rural enterprise zone shall not keep or permit to be kept on the premises—

(a) roosters;

(b) geese;

(c) turkeys;

(d) peafowls; or

(e) guinea fowl.

(2) An owner or occupier of premises land not in a rural zone or rural enterprise zone may apply to the local government to vary the requirements of subclause (1).

3.4 Requirements for keeping of pigeons

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

(a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;

(b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;

(c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and

(d) no opening to a pigeon loft, including openings for ventilation, is within—

(i) 9 metres of a public thoroughfare; or

(ii) 15 metres of a neighbouring residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.

(2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice—Pigeon Keeping, subject to the provisions of this local law.

3.5 Restrictions on pigeon nesting and perching

The local government may give written notice to an owner or occupier of a house on or in which pigeons are, or are in the habit of nesting or perching, to take adequate steps to prevent them from continuing to do so.

3.6 Conditions of keeping aviary birds

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

(a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 5 metres from a residential building 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 other than that intended for immediate consumption is stored in vermin proof containers; and

(e) effective measures are taken to prevent the attraction or harbourage of vermin.

3.7 Nuisance caused by birds

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

(a) are or create a nuisance; or

(b) emit an unreasonable noise.

PART 4—KEEPING OF FARM ANIMALS

Division 1—Farm animals

4.1 Application of this Division

(1) This Division applies only to land not in a rural zone or rural enterprise zone.

(2) Premises in a special use zone shall comply with the requirements of the zone as determined by the local government in consideration of its intended use.

4.2 Interpretation

In this Part, unless the context otherwise requires—

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

farm animal includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government; and

manure receptacle means a receptacle constructed of smooth, impervious material and in such a manner as to be easily cleaned, which has a tight fitting lid or cover to prevent the release of odours and prevent the entry of vectors of disease or vermin.

4.3 Licence required to keep farm animals

Subject to clause 4.4, an owner or occupier of land shall not keep, or allow to be kept, any farm animal unless—

(a) in accordance with a valid licence authorising the keeping of such a farm animal issued in relation to the land pursuant to clause 4.4; or

(b) in accordance with the provisions of any local planning scheme applicable to that zone.

4.4 Application for a licence to keep farm animals

In addition to the requirements of clause 8.1, an application for a licence required by clause 4.3(a) shall include the following information—

(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 residential building, public building or 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 to be provided for the animal;

(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 set fees.

4.5 Determination of application to keep farm animals

(1) Subject to clauses 4.6 and 8.2(1)(a), the local government may—

(a) refuse to determine an application for a licence which does not comply with clause 4.4;

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

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

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

(3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a licence in the form determined by the local government.

(4) A licence is valid from the date of issue until 30 June the following year, unless it is cancelled prior to that date under this local law.

4.6 Conditions of licence to keep farm animals

(1) A licence shall not be granted pursuant to clause 4.4—

(a) unless the land for which the licence is sought is of such dimensions and configuration as will permit the subject animal to be confined in a minimum cleared area of 150 square metres and prevented from approaching within 15 metres of any residential building, public building or 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 licence is sought has a minimum area of 1 hectare; and

(c) for the keeping of any pig (other than a miniature pig).

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

(3) A licence to keep a farm animal may be issued subject to conditions, including but not limited to—

(a) that a stable or shelter is provided for housing the approved animal;

(b) that a manure receptacle is provided in a position convenient to the shelter or place where the approved animal is kept, and that the receptacle is used for the receipt of all manure produced on the premises; and

(c) any other conditions that the local government considers necessary for the protection of the health and amenity of the neighbourhood.

4.7 Requirements for keeping farm animals

(1) An 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) ensure that any farm animal or farm animals kept on the premises does not cause or constitute a nuisance;

(c) maintain the premises free from flies or other vermin by spraying with residual insecticide or other effective means;

(d) if a manure receptacle is 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; and

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

(e) not permit any farm animal to approach within 15 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.

(2) Notwithstanding clause 4.1, an owner or occupier of premises in a rural zone or a rural enterprise zone shall not keep more than 6 pigs other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 1911*, except with a licence from the local government.

4.8 Keeping a miniature horse

(1) An owner or occupier of a premises shall not keep a miniature horse on land less than 1,000 square metres.

(2) An owner or occupier may keep a sterilised miniature horse on land more than 1,000 square metres in area provided it is registered with the local government and the set fee for annual registration is paid.

(3) An owner or occupier of premises shall—

(a) not keep more than one miniature horse on land without a licence from the local government or an authorised person; and

(b) not permit a miniature horse to come within 9 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.

(4) The local government or an authorised person may refuse to register a miniature horse or may state the conditions under which a registered miniature horse may be kept.

4.9 Keeping a miniature pig

(1) Except for a miniature pig, and subject to subclause (2) no person shall keep a pig or pigs.

(2) A person shall not keep a miniature pig without a licence from the local government or an authorised person.

(3) An owner or occupier of premises where a miniature pig is kept shall—

(a) only keep a sterilised animal and retain written proof of its sterilisation;

(b) confine the animal on the property at all times;

(c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust, or odour;

(d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tapeworm is current; and

(e) not permit the animal to come within 9 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.

(4) The local government or an authorised person may refuse to register a miniature pig or may state the conditions under which a miniature pig may be kept.

4.10 Requirements for farm animal shelters

(1) Any stable, enclosure or shelter provided for the keeping of farm animals, whether or not a licence is required for the keeping of such farm animals pursuant to clause 4.4, shall—

(a) not be situated within 15 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold;

(b) not be situated within 1 metre of any lot boundary;

(c) be constructed of materials approved by an authorised person;

(d) have on each side of the building between the wall and roof a clear opening of at least 150 millimetres in height, and of sufficient length, to provide adequate ventilation to the stable, enclosure or shelter;

(e) when required by the local government have a separate stall for each horse, cow or other approved animal, the shortest dimension of which shall be at least twice the length of the animal housed therein; and

(f) subject to subclause (2), have a floor, the upper surface of which shall—

(i) be raised at least 75 millimetres above the surface of the surrounding ground;

(ii) be constructed of cement, concrete or other similar impervious material; and

(iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable or shelter.

(2) A stable or shelter constructed with a sand floor may be approved by an authorised person subject to—

(a) the site being well drained, with the sand floor being at least 1.5 metres above the highest known ground water level;

(b) a 300 millimetre thick bed of crushed limestone being laid under the sand of the stable;

(c) the sand, whether natural or imported, being clean, coarse and free from dust;

(d) footings to the stable or shelter being a minimum of 450 millimetres below ground level; and

(e) the design of the stable allowing for the access of small earthmoving machinery, such as a skid steer loader, into each stall to maintain the correct floor height.

(3) An owner or occupier of any land upon which a stable or shelter is located must ensure that the stable or shelter complies in all respects with the requirements of subclause (1), and, where the licence referred to in subclause (2) has been granted, with the requirements of subclause (2).

Division 2—General

4.11 Livestock not to stray

The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a thoroughfare, public place or upon private property without the consent of the property owner.

4.12 Property to be fenced

The owner or occupier of property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.

PART 5—BUILDING, DEVELOPMENT AND LAND CARE

5.1 Application of this Part

(1) This Part applies only to land not in a rural zone or rural enterprise zone.

(2) Premises in a special use zone shall comply with the requirements of the zone as determined by the local government in consideration of its intended use.

5.2 Provision of refuse receptacles

The owner or occupier of a building site or development site shall at all times provide and maintain a refuse receptacle, available for use on the site, which includes a suitable cover, to the satisfaction of an authorised person, of such design as will—

(a) contain any refuse likely to be produced on the site; and

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

5.3 Control of refuse

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

(a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;

(b) keep the site free from any refuse;

(c) maintain the verge, footpath and any other reserve, immediately adjacent to the site, free of refuse from the site; and

(d) ensure the refuse receptacle is emptied when full.

(2) The owner or occupier of a building site or development site shall ensure that within 2 days of completion of works on the site, the site and the verge and footpath immediately adjacent to it, is cleared of all refuse and all refuse receptacles are removed from the site.

5.4 Removal of refuse and disused materials

(1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatever nature or kind which in the opinion of the local government or an authorised person is likely to give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) The local government or an authorised person may give written notice to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time specified in the notice.

5.5 Removal of unsightly overgrowth of vegetation

(1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) The local government or an authorised person may give written notice to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

5.6 Storage of vehicles, vessels and machinery

Unless in accordance with a local planning scheme, the owner or occupier of a lot shall not—

(a) store, or allow to remain in public view on any lot, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;

(b) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;

(c) store, or allow to remain in public view on any lot, any 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.

5.7 Disposing of disused refrigerators or similar containers

A person shall 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.

PART 6—NUISANCES AND DANGEROUS THINGS

6.1 Application of this Part

(1) This Part applies only to land not in a rural zone or rural enterprise zone.

(2) Premises in a special use zone shall comply with the requirements of the zone as determined by the local government in consideration of its intended use.

6.2 Use of exterior lights

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 premises.

6.3 Emission or reflection of light

An owner or occupier of land shall ensure that—

(a) 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; and

(b) 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.

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

(1) The local government may by written notice direct the owner or occupier to take such actions as an authorised person considers necessary within the time specified in the notice 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

(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.

(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;

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

(d) any combination of these measures that the local government believes to be appropriate to the circumstances.

6.5 Burning rubbish, refuse or other material

(1) A person shall not set fire to rubbish, refuse or other materials unless—

(a) a licence has first been obtained from the local government;

(b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;

(c) the material does not include any plastic, rubber, food scraps or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;

(d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and

(e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of a licence as determined by the local government.

(2) Subclause (1) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

(3) Subclause (2) is subject to any fire danger rating as determined by the Bureau of Meteorology.

6.6 Burning of cleared vegetation prohibited

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

6.7 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises shall not cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.

6.8 Disposal of swimming pool backwash

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

(2) Subclause (1) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an authorised person.

6.9 Containment of stormwater

(1) Subject to subclause (2), the owner or occupier of a lot shall ensure that all stormwater received by any building, house, other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

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

6.10 Amusements nuisance

A person shall not, without written authorisation from the local government, provide or conduct any amusement on land so as to create or be a nuisance to any owner or occupier of land in the district.

6.11 Restrictions on feeding of birds

(1) A person shall not feed a bird—

(a) so as to cause a nuisance, or

(b) with a food or substance that is not a natural food of a bird.

(2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the authorised person may give the person written notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

6.12 Hazardous trees

(1) Where a tree on a lot endangers any person or thing on adjoining land, the local government may give written notice to the owner or the occupier of the lot to remove, cut, move or otherwise deal with that tree so as to make the tree safe.

(2) Where a tree on a lot presents a serious and immediate danger to any person or thing, the local government may take any remedial action it considers appropriate in order to make the tree safe without having given the owner or occupier written notice pursuant to subclause (1).

(3) The local government reserves its right to recover any costs incurred by the local government for remedial action taken in terms of subclause (2).

PART 7—VEHICLE NUISANCE

7.1 Livestock vehicles

(1) This clause applies only to land not in a rural zone or rural enterprise zone.

(2) Premises in a special use zone shall comply with the requirements of the zone as determined by the local government in consideration of its intended use.

(3) A person shall not park a vehicle containing livestock for a period in excess of 30 minutes.

(4) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.

(5) If a person parks a vehicle containing livestock in accordance with subclause (1), then the person does not contravene subclause (2).

7.2 Truck noise from residential land

A person shall not start or drive a truck on land zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day without first obtaining the written consent of the local government.

PART 8—LICENCES

8.1 Application for licence

(1) Where a person is required to obtain a licence under this local law, that person shall apply for the licence in accordance with subclause (2).

(2) An application for a licence under this local law shall—

(a) be in the form determined by the local government;

(b) be signed by the applicant;

(c) provide the information required; and

(d) be forwarded to the local government together with any set fee.

(3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a licence.

(4) An authorised person may require an applicant to give public notice of the application for a licence.

(5) An authorised person may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

8.2 Decision on application for licence

(1) An authorised person may—

(a) approve an application for a licence unconditionally or subject to any conditions; or

(b) refuse to approve an application for a licence.

(2) If an authorised person approves an application for a licence, written notice of approval is to be issued to the applicant.

(3) If an authorised person refuses to approve an application for a licence, written notice of that refusal is to be given to the applicant.

(4) An authorised person may, at any time, amend a condition of a licence and the amended condition takes effect when written notice of it is given to the licence holder.

8.3 General restrictions on grant of licence

(1) An authorised person shall not grant a licence if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.

(2) An authorised person shall not grant a licence unless satisfied that—

(a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;

(b) the public place at which the activity is to be provided is suitable for that purpose;

(c) a licence or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and

(d) the applicant is considered to be a fit and proper person to carry on the activity.

8.4 Amendment of licence

(1) An authorised person may, by written notice given to the licence holder, amend a licence—
  (a) imposing any new condition; or
  (b) change or remove any existing condition.

(2) An amendment may be made on application made by the licence holder or on the initiative of an authorised person.

(3) An amendment will come into effect on the day that written notice is given to the licence holder, or some other date as specified in the notice.

8.5 Compliance with conditions

Where an application for a licence has been approved subject to conditions, the licence holder shall comply with each of those conditions, as amended.

8.6 Duration of licence

A licence is valid for one year from the date on which it is issued, unless it is—
  (a) otherwise stated in this local law or in the licence; or
  (b) cancelled under this Division.

8.7 Renewal of licence

(1) A licence holder may apply to the local government for the renewal of a licence.

(2) An application for renewal shall—
  (a) be in the form determined by the local government;
  (b) be signed by the licence holder;
  (c) provide the information required by the form;
  (d) be forwarded to the local government no later than 28 days before the expiry of the licence, or within a shorter period that the local government in a particular case permits; and
  (e) be accompanied by any set fee.

(3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

8.8 Transfer of licence

(1) An application for the transfer of a valid licence is—
  (a) to be made in writing;
  (b) to be signed by the licence holder and the proposed transferee of the licence;
  (c) to include such information as an authorised person may require to enable the application to be determined; and
  (d) to be forwarded to the local government together with any set fee.

(2) An authorised person may—
  (a) approve an application for the transfer of a licence;
  (b) approve the application subject to any conditions; or
  (c) refuse to approve the application.

(3) Where an authorised person approves an application for the transfer of a licence, the transfer may be effected by an endorsement on the licence signed by the authorised person.

(4) Where an authorised person approves the transfer of a licence, the local government is not required to refund any part of any set fee paid by the former licence holder.

8.9 Cancellation of licence

A licence may be cancelled by an authorised person if—
  (a) the licence was obtained improperly;
  (b) the licence holder has persistently or frequently contravened a term or condition of the licence, or a provision of this local law; or
  (c) there are reasonable grounds for believing that the continued provision of the activity constitutes or would constitute an unacceptable risk to the safety of the public.

8.10 Surrender of licence

A licence holder may, at any time by notice in writing to the local government, surrender the licence.

8.11 Production of licence

A licence holder shall produce to an authorised person their licence immediately after being required to do so by that authorised person.

8.12 Production of licence document for amendment

If an authorised person amends or renews a licence, the licence holder shall, if required by an authorised person, produce the licence document to the authorised person for amendment within the period specified by the authorised person.

8.13 Return of licence document if licence no longer in effect

(1) The person who was the licence holder shall as soon as practicable return the licence document to the local government if a licence—

(a) has expired or has not been renewed;

(b) has been cancelled; or

(c) has been surrendered.

(2) On the cancellation of a licence under clause 8.10 the licence holder is to be taken to have forfeited any fees paid in respect of the licence.

8.14 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a licence under this local law.

PART 9—NOTICES

9.1 Notice to remedy non-compliance

Where any thing is required to be done or not permitted to be done by this local law, an authorised person may give written notice—

(a) to the owner or the occupier of the property or property which abuts that portion of the thoroughfare where the thing has been done or not done; or

(b) to any other person who may be responsible for the thing done or not done, requiring the person to comply with the requirements of this local law.

9.2 Notice requirements

(1) Written notice given under this Part shall—

(a) be in writing;

(b) be given to the person referred to in clause 9.1;

(c) specify the reason for giving the notice;

(d) specify the action that is required to be undertaken; and

(e) specify the time within which the work or action is to be undertaken.

(2) At the discretion of the local government, the action that may be required to be undertaken is—

(a) to take or cease such action as may be required for compliance with this local law;

(b) reinstate the property or thing to the state it was in before the removal, damage or interference;

(c) replace that property or thing; or

(d) pay for the costs of reinstatement or replacement.

9.3 Offence to fail to comply with notice

A person who fails to comply with written notice given to him or her under this local law commits an offence.

9.4 Local government may undertake requirements of notice

If a person fails to comply with written notice referred to in clause 9.1, the local government may—

(a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference;

(b) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and

(c) recover all costs from the person, as a debt.

9.5 Entry into private land

This local law is subject to sections 3.25, 3.27 and schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 10—OBJECTIONS AND APPEALS

10.1 Objections and appeals

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment or cancellation of a licence or consent.

PART 11—ENFORCEMENT

11.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

11.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding $10,000 and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of the day during which the offence has continued.

11.3 Prescribed offences

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

(2) The amount of a modified penalty for a prescribed offence is the number specified adjacent to the clause in Schedule 1.

11.4 Form of infringement notices

(1) 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 referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Schedule 1—Prescribed offences

[clause 11.3]

Item	Clause	Nature of offence	Modified penalty $
1	2.2(a)	Failure to keep premises clean	200
2	2.2(b)	Failure to comply with directions of an authorised person	350
3	2.2(c)	Failure to control vectors of disease	200
4	2.3(2)	Keeping animals in a building that is not effectively drained	200
5	2.3(3)	Failure to comply with directions of an authorised person	350
6	2.4(1)	Keeping more than 3 cats without a licence on land not in a rural zone	200
7	2.4(5)	Failure to comply with conditions for keeping cats	200
8	2.5(1)	Failure to keep a cattery in accordance with conditions	200
9	3.1(1)	Keeping more than 12 poultry or pigeons on land not in a rural zone or rural enterprise zone	200
10	3.1(2)	Keeping more than 100 poultry or pigeons on land in a rural enterprise zone	200
11	3.2(1)	Failure to comply with requirements for keeping poultry	200
12	3.3(1)	Keeping of roosters, geese, turkeys or guinea fowl on land not in a rural zone or rural enterprise zone	200
13	3.4(1)	Failure to comply with requirements for keeping pigeons	200
14	3.5	Failure to comply with direction to control nesting pigeons	200
15	3.6	Failure to comply with requirements for aviary birds	200
16	3.7	Keeping birds which create a nuisance or unreasonable noise	200
17	4.3	Keeping farm animals without a licence or not in accordance with a local planning scheme	200
18	4.6(3)	Failure to keep farm animals in accordance with conditions of licence	200
19	4.7(1)	Failure to keep farm animals in accordance with requirements of the local law	200
20	4.8(1)	Keeping a miniature horse on land less than 1,000 square metres	200
21	4.8(3)	Failure to keep a miniature horse in accordance with requirements of the local law	200

Item	Clause	Nature of offence	Modified penalty $
22	4.8(4)	Failure to comply with the conditions for keep a miniature horse	200
23	4.9(2)	Keeping a miniature pig without a licence	200
24	4.9(3)	Failure to keep a miniature pig in accordance with requirements of the local law	200
25	4.9(4)	Failure to comply with the conditions to keep a miniature pig	200
26	4.10(1)	Failure to comply with requirements for an enclosure or shelter	200
27	4.10(2)	Failure to comply with conditions for an enclosure or shelter	200
28	4.11	Permitting livestock to stray	350
29	4.12	Failure to adequately fence land on which livestock is kept to prevent straying	350
30	5.2	Failure to provide or maintain a refuse receptacle on a building or development site	500
31	5.3	Failure to control refuse on a building or development site	500
32	5.4	Release or escape of dust or liquid waste from land	500
33	5.5	Failure to remove unsightly overgrowth of vegetation	200
34	5.6(a)	Storing, or allow to remain on land, more than one vehicle, vessel or machinery in a state of disrepair	500
35	5.6(b)	Storing, or allow to remain on land, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	500
36	5.6(c)	Storing, or allow to remain on land, any vehicle, vessel or machinery parts (including tyres)	500
37	5.6(d)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	500
38	5.6(d)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	500
39	5.6(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	500
40	6.2	Allowing exterior lights to shine directly onto other premises	200
41	6.3(a)	Failure to control emission or reflection of artificial light	200
42	6.3(b)	Failure to control the reflection of natural light	200
43	6.5(1)	Unauthorised burning of rubbish, refuse or other materials	350
44	6.6	Burning of cleared vegetation or other material from a building or development site	500
45	6.7	Permitting the escape of smoke, fumes, odour or other emissions to be a nuisance	200
46	6.8(1)	Failure to control swimming pool backwash water	200
47	6.9	Failure to control stormwater	200
48	6.10	Conducting an amusement causing a nuisance	200
49	6.11(1)	Feeding a bird so that it is a nuisance, or with food not natural to the bird	200
50	8.14	Making a false or misleading statement	500
51	9.3	Failure to comply with requirements of written notice	350
52	11.3(1)	Other offence not elsewhere specified	250

Dated 10 September 2026,

The Common Seal of the Shire of Jerramungup was affixed by authority of a resolution of Council in the presence of—

NATHAN BROWN, President.
MARTIN CUTHBERT, Chief Executive Officer.

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

SHIRE OF JERRAMUNGUP

BUSH FIRE BRIGADES LOCAL LAW 2026

Under the powers conferred by the *Bush Fires Act 1954,* the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Jerramungup resolved on 1 September 2026 to make the following local law.

The *Shire of Pingelly Bush Fire Brigades Local Law 2023* as published in the *Government Gazette* on 22 August 2023 is adopted as a local law of the Shire of Jerramungup with the following modifications—

A. Title

In the title of the local law—

(a) delete "Pingelly" and replace with "Jerramungup"

(b) delete "2023" and replace with "2026".

PART 1—

1.1 Preliminary

In Part 1 wherever "Pingelly" is mentioned substitute "Jerramungup".

1.2 Clause 1.1—Citation

In clause 1.1 delete "2023" and replace with "2026".

1.3 Clause 1.3—Definitions

(1) In clause 1.3(1)—

(a) in the definition of "Brigade officer" delete the words "he or she was" and replace with "they were";

(b) delete the definition of "Committee";

(c) insert after the definition of "District"—

Executive Committee means the Executive Committee of the Bush Fire Brigade;

(d) in the definition of "Local law" delete "2023" and replace with "2026.

(2) In clause 1.3(2)(d) insert the word "Bush" prior to the word "Fire".

1.4 Clause 1.4—Repeal

Delete the text of clause 1.4 and replace with—

The *Shire of Jerramungup Bylaws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades*, published in the *Government Gazette* on 13 July 1990 are repealed.

1.5 Clause 3.4—Functions of Advisory Committee

In the title of clause 3.4 insert the words "Bush Fire" prior to the word "Advisory".

1.6 Clause 3.5 –Advisory Committee to consider brigade motions

In the title of clause 3.5 insert the words "Bush Fire" prior to the word "Advisory".

1.7 Clause 3.7—Functions of a Bush Fire Control Officer

In clause 3.7—

(a) in subclause (3)(e) delete "(BFAC)";

(b) in subclause (3)(g) insert the word "Bush" prior to the word "Fire"; and

(c) in subclause (3)(h) delete "FES" and replace with "DFES".

1.8 Clause 3.9—Roles and duties of Chief Bush Fire Control Officer

In clause 3.9—

(a) in subclause (4)(b)—

(i) delete "AIIMS" and replace with "Australasian Inter-service Incident Management System"; and

(ii) delete "FCO" and replace with "Bush Fire Control Officer"; and

(b) in subclause (4)(e) insert the word "Bush" prior to the word "Fire".

1.9 Clause 4.1—Membership of a Bush Fire Brigade

In clause 4.1(f) delete ". A" and replace with ", providing that a".

1.10 Clause 4.2—Operational members

Delete clause 4.2 and replace with—

4.2 Operational members

Operational members are those persons being at least 16 years of age who—

(a) if less than 18 years of age—

(i) have the written consent of their parent or guardian; and

(ii) the brigade captain is satisfied that the person is able to perform the requisite duties; and

(b) undertake all normal brigade activities and have completed the required training qualification as determined by the local government.

1.11 Clause 4.4—Cadet members

In clause 4.4—

(a) in subclause (b) insert the word "written" prior to the word "consent"; and

(b) in subclause (d) delete "and" after "(f)".

PART 2—SCHEDULE 1

2.1 Clause 1.1—Interpretation

In clause 1.1(2)(b) delete the word "committee" and insert the words "Executive Committee".

2.2 Clause 2.2—Membership of executive Committee

In clause 3.2(1) insert the word "Bush" prior to the word "Fire".

2.3 Clause 3.1—Chain of command during fire fighting activities

In clause 3.1 delete the word "Pingelly" and replace with "Jerramungup".

2.4 Clause 3.2—Chain of command during fire fighting activities

In clause 3.2(b) delete the word "President" and replace with "Captain".

2.5 Clause 3.4—Fire Control Officer

In clause 3.4—

(a) delete the title of the clause and replace with "Bush Fire Control Officers";

(b) in subclause (1) delete "FCOs are" and replace with the words "Bush Fire Control Officers may be"; and

(c) in subclause (2) delete the words "the FCO" and replace with "Bush Fire Control Officers".

2.6 Clause 3.7—Equipment Officer

In clause 3.7(2) delete the word "CBFCO" and replace with the words "Chief Bush Fire Control Officer"

2.7 Clause 4.2—Applications for membership

Clause 4.2 is amended—

(a) re-number the existing text as subclause (1);

(b) after subclause (1) insert—

(2) The application to join a bush fire brigade is to be in the form as determined by DFES from time to time.

2.8 Clause 4.3—Decision on application for membership

In clause 4.3(2)—

(a) delete the words "he or she has" and replace with the words "they have"; and

(b) delete subclause (3).

2.9 Clause 4.4—Notification of membership

In clause 4.4(1) delete the words "made in accordance with clause 4.2" and replace with the words "approved in accordance with clause 4.3(1)".

2.10 Clause 5.2—Termination of membership

In clause 5.2(3) delete the words "he or she" and replace with the words "they".

2.11 Clause 6.1—Annual General Meeting

In clause 6.1(3)(b) delete the words "brigade's nominee for" and replace with the words "determine any brigade nominees for Bush".

2.12 Clause 6.6—Quorum

In clause 6.6(2) delete "CBFCO" and replace with "Chief Bush Fire Control Officer".

2.13 Clause 7.5—Termination of membership

In clause 7.5(1) delete the words "he or she" and replace with the words "they".

PART 3—SCHEDULE 2

3.1 Schedule 2—Membership form

Delete Schedule 2—Membership form.

Dated 10 September 2026.

The Common Seal of the Shire of Jerramungup was affixed by authority of a resolution of Council in the presence of—

NATHAN BROWN, President.
MARTIN CUTHBERT, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976

SHIRE OF JERRAMUNGUP

DOGS LOCAL LAW 2026

CONTENTS

PART 1—PRELIMINARY
1.1 Citation
1.2 Commencement
1.3 Application
1.4 Repeal
1.5 Terms used
PART 2—IMPOUNDING OF DOGS
2.1 Fees and charges
2.2 Attendance of authorised person at dog management facility
2.3 Release of impounded dog
2.4 Unauthorised release
2.5 No breaking into or destruction of pound
PART 3—KEEPING OF DOGS
3.1 Dogs to be confined
3.2 Limitation on the number of dogs
3.3 Application to keep additional dog or dogs
3.4 Determination of application
3.5 Where application cannot be approved
3.6 Conditions of approval
3.7 Variation of approved conditions
3.8 Revocation of approval to keep additional dogs
PART 4—APPROVED KENNEL ESTABLISHMENTS
4.1 Application for licence for approved kennel establishment
4.2 Notice of proposed use
4.3 Exemption from notice requirements
4.4 When application can be determined
4.5 Determination of application
4.6 Where application cannot be approved
4.7 Conditions of approval
4.8 Fees
4.9 Form of licence
4.10 Period of licence
4.11 Variation or cancellation of licence
4.12 Transfer
4.13 Notification
4.14 Inspection of kennel
PART 5—DOGS IN PUBLIC PLACES
5.1 Places where dogs are prohibited absolutely
5.2 Places which are dog exercise areas
PART 6—MISCELLANEOUS
6.1 Offence to excrete
6.2 False or misleading statement
6.3 Objections and appeals

PART 7—ENFORCEMENT

7.1 Offences

7.2 General penalty

7.3 Prescribed offences

7.4 Form of infringement notices

7.5 Withdrawal of infringement notice

Schedule 1—Application for a licence for an approved kennel establishment

Schedule 2—Conditions of a licence for an approved kennel establishment

Schedule 3—Prescribed offences

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976

SHIRE OF JERRAMUNGUP

DOGS LOCAL LAW 2026

Under the powers conferred by the *Dog Act 1976,* the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Jerramungup resolved on 1 September 2026 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Jerramungup Dogs Local Law 2026*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Jerramungup Dogs Local Law*, published in the *Government Gazette* on 7 February 2003 is repealed.

1.5 Terms used

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6m in width;

authorised person means a person appointed by the local government under section 9.10 of the *Local Government Act 1995* to perform all or any of the functions conferred on an authorised person under this local law and includes the CEO;

CEO means the Chief Executive Officer of the local government;

community notice means such notice as the local government considers necessary—

(a) stipulating duration and placement of notices as is considered relevant to inform the community;

(b) not requiring compliance with local public notice under section 1.7 of the Act; and

(c) which may be placed by the local government as a notice on the local government's website or other means of informing the public;

dangerous dog has the meaning given to it by section 3(1) of the Act;

district means the district of the Shire of Jerramungup;

dog management facility has the meaning given to it in section 3(1) of the Act, and includes a kennel establishment;

infringement notice means the notice referred to in clause 7.4;

kennel establishment means any premises where more than the number of dogs under clause 3.3 over the age of three months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the dogs;

licence means a licence to keep an approved kennel establishment on premises granted under clause 4.4;

licensee means the holder of a licence granted under clause 4.4;

local government means the Shire of Jerramungup*;*

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005;*

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's ownership or occupation of land; or

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

owner in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 4.1;

Regulations means the *Dog Regulations 2013*;

rural zone means any area zoned "Rural" under a local planning scheme;

residential enterprise zone means any area zoned "Rural Enterprise" under a local planning scheme;

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*;

special use zone means any area zoned "Special Use" under a local planning scheme;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.12.

PART 2—IMPOUNDING OF DOGS

2.1 Fees and charges

The following set fees and charges are to be imposed and determined by the local government—

(a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;

(b) the additional set fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and

(c) application for additional costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to an authorised person or if absent, to the CEO.

(2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an authorised person, evidence—

(a) of her or his ownership of the dog or of her or his authority to take delivery of it; or

(b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised release

Unauthorised release of dogs is dealt with by section 43 of the Act.

2.5 No breaking into or destruction of pound

A person commits an offence who—

(a) unless he or she is an authorised person, releases or attempts to release a dog from a pound; or

(b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—

(i) any pound; or

(ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog.

PART 3—KEEPING OF DOGS

3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

(a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;

(b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

(c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;

(d) maintain the fence and all gates and doors in the fence in good order and condition; and

(e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Notwithstanding subclause (1) the confinement of dangerous dogs is dealt with in the Act and the Regulations.

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been—
  (a) licensed under Part 4 of this local law as an approved kennel establishment; or
  (b) granted an exemption under section 26(3) of the Act.

(2) Premises in a special use zone shall comply with the requirements of the zone as determined by the local government in consideration of its intended use.

(3) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
  (a) two dogs over the age of three months and the young of those dogs under that age if the premises are not in a rural zone or rural enterprise zone; or
  (b) six dogs over the age of three months and the young of those dogs under that age if the premises are in a rural zone or rural enterprise zone.

3.3 Application to keep additional dog or dogs

(1) Subject to clause 3.5, the local government may consider an application to keep one additional dog on premises that are not in a rural zone or rural enterprise zone that—
  (a) provides sufficient detail regarding the reason for keeping more than two dogs;
  (b) provides written consent from owners and occupiers of any premises adjoining the premises; and
  (c) in the case of a tenanted property, provides written consent from either the landowner or their appointed real estate agent.

(2) Where an application to keep an additional dog or dogs has complied with subclause(1) the local government shall have regard to—
  (a) the property is deemed suitable by the local government—
    (i) having sufficient space capable of confining all dogs;
    (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
    (iii) the care and welfare of the dogs is considered adequate;
  (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
  (c) sufficient reason has been provided, including but not limited to—
    (i) replacement of an elderly or sick dog not expected to live;
    (ii) a family emergency resulting in the dog being inherited;
    (iii) merging of two households; and
    (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority.

3.4 Determination of application

In determining an application for approval to keep additional dogs, the local government is to have regard to—
  (a) any policy adopted by Council;
  (b) the matters referred to in clause 3.3 and clause 3.5;
  (c) the effect which approval of the application may have on the environment or amenity of the neighbourhood; and
  (d) whether approval of the application will create a nuisance for the owners and occupiers of adjoining premises.

3.5 Where application cannot be approved

The local government will not approve an application to keep an additional dog or dogs where any dog already kept on the premises is a dangerous dog.

3.6 Conditions of approval

(1) The local government may approve an application to keep an additional dog or dogs subject to any conditions as considered appropriate.

(2) Approval of an application is not transferable to successive owners or occupiers of the premises.

(3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

3.7 Variation of approved conditions

The local government may vary the conditions of approval by giving not less than 14 days notice.

3.8 Revocation of approval to keep additional dogs

Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the approval to keep an additional dog or dogs.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Application for licence for approved kennel establishment

An application for a licence containing the information specified in Schedule 1, must be lodged with the local government together with—

(a) plans and specifications of the kennel establishment, including a site plan;

(b) copies of the notices to be given under clause 4.2(1);

(c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;

(d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government;

(e) any other information reasonably required by the local government; and

(f) the set fee for the application for a licence.

4.2 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

(a) in a community notice within the district; and

(b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

(a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and

(b) the application, plans and specifications may be inspected at the offices of the local government.

(3) The local government may refuse to determine the application for a licence until the community notice or community notices, as the case may be, is given in accordance with its directions where—

(a) a community notice given under subclause (1) does not clearly identify the premises; or

(b) a community notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises.

4.3 Exemption from notice requirements

The requirements of clauses 4.1(b), 4.2 and 4.4(a) do not apply in respect of the application for a licence where under a local planning scheme an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

(a) permitted use; or

(b) use which the local government may approve subject to compliance with specified notice requirements.

4.4 When application can be determined

An application for a licence is not to be determined by the local government until—

(a) the applicant has complied with clause 4.1;

(b) the applicant submits proof that the notices referred to in clause 4.2(1) have been given in accordance with that clause; and

(c) the local government has considered any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises.

4.5 Determination of application

In determining an application for a licence, the local government is to have regard to—

(a) the matters referred to in clause 4.6;

(b) any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises;

(c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;

(d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;

(e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and

(f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.6 Where application cannot be approved

The local government cannot approve an application for a licence where—

(a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or

(b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.7 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

(3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

4.8 Fees

(1) On lodging an application for a licence, the applicant is to pay a set fee to the local government.

(2) On the issue or renewal of a licence, the licensee is to pay a set fee to the local government.

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a set fee to the local government.

4.9 Form of licence

The licence is to be in the form determined by the local government from time to time and is to be issued to the licensee.

4.10 Period of licence

(1) The period of effect of a licence is set out in section 27(5) of the Act.

(2) A licence is to be renewed if the set fee is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence.

(2) The local government may cancel a licence—

(a) on the request of the licensee;

(b) following a breach of the Act, the Regulations or this local law; or

(c) if the licensee is not considered to be a fit and proper person in the opinion of the local government.

(3) The date a licence is cancelled is to be, in the case of—

(a) paragraph (a) of subclause (2), the date requested by the licensee; or

(b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.

(4) If a licence is cancelled the set fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

(1) A written application for the transfer of a valid licence from the licensee to another person must be—

(a) made by the transferee;

(b) made with the written consent of the licensee; and

(c) lodged with the local government together with—

(i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence;

(ii) the set fee for the application for the transfer of a licence; and

(iii) any other relevant information required.

(2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

(3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.13(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

(a) an applicant for a licence of the local government's decision on her or his application;

(b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;

(c) a licensee of any variation made under clause 4.11(1);

(d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;

(e) a licensee when her or his licence is renewed;

(f) a licensee of the cancellation of a licence under clause 4.11(2)(a); and

(g) a licensee of the cancellation of a licence under clause 4.11(2)(b) or (c) which notice is to be given in accordance with section 27(6) of the Act.

4.14 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

(1) Designation of places where dogs are prohibited absolutely is dealt with in the Act.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

(3) Subclause (2) does not apply to a dog who is being used as an assistance animal as defined in the *Disability Discrimination Act 1992* (Commonwealth).

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

PART 6—MISCELLANEOUS

6.1 Offence to excrete

(1) A dog must not excrete on—

(a) any thoroughfare or other public place; or

(b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

6.2 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a licence under this local law.

6.3 Objections and appeals

Any person who is aggrieved by the conditions imposed in relation to a licence, the revocation of a licence, or by the refusal of the local government to grant a licence may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 7—ENFORCEMENT

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

7.2 General penalty

(1) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding $5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding $100 for each day or part of the day during which the offence has continued.

(2) Notwithstanding subclause (1) a person who commits an offence under clause 6.1(2) is liable, on conviction, to a penalty not exceeding $1,000.

7.3 Prescribed offences

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog.

7.4 Form of infringement notices

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 8 in Schedule 1 of the *Dog Regulations 2013*.

7.5 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of the First Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

Schedule 1—Application for a licence for an approved kennel establishment

[cl. 4.1]

Shire of Jerramungup

An application for a licence for an approved kennel establishment shall contain the following information—

(a) full name of applicant;
(b) postal address;
(c) email address;
(d) landline and mobile telephone numbers as appropriate;
(e) facsimile number if appropriate;
(f) address of proposed kennel premises;
(g) number of dogs;
(h) breed of dogs if appropriate;
(i) either—
  (i) name and contact details of the person residing on the premises, and date from which taking up residence on the premises; or
  (ii) name, address and contact details of the person sufficiently close to the premises so as to control the dogs and ensure their health and welfare, and date from which taking up responsibility for the premises;
(j) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
(k) plans and specifications of the proposed kennel establishment;
(l) copy of proposed community notice of proposed use to appear in newspaper;
(m) copy of community notice of proposed use to be given to adjoining premises;
(n) written evidence that a person will reside—
  (i) at the premises; or
  (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
(o) if the person in item (n) is not the applicant, written evidence that the person is a person in charge of the dogs; and
(p) signed by the applicant.

Schedule 2—Conditions of a licence for an approved kennel establishment

[cl. 4.7]

Shire of Jerramungup

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

(a) each kennel, unless it is fully enclosed, must have a yard attached to it;
(b) each kennel and each yard must be at a distance of not less than—
  (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  (ii) 10m from any dwelling; and
  (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
(c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
(d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
(e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
(f) the upper surface of the kennel floor must be—
  (i) at least 100mm above the surface of the surrounding ground;
  (ii) smooth so as to facilitate cleaning;
  (iii) rigid;
  (iv) durable;

(v) slip resistant;

(vi) resistant to corrosion;

(vii) non-toxic;

(viii) impervious;

(ix) free from cracks, crevices and other defects; and

(x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;

(g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;

(h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;

(i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;

(j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—

(i) 2m; or

(ii) four times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;

(k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;

(l) all external surfaces of each kennel must be kept in good condition;

(m) the roof of each kennel must be constructed of impervious material;

(n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;

(o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;

(p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;

(q) suitable water must be available at the kennel via a properly supported standpipe and tap; and

(r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—

(i) at the premises; or

(ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3—Prescribed offences

[cl.7.3]

Item	Clause	Nature of offence	Modified penalty $
1	3.1	Failing to provide means for effectively confining a dog	250
2	3.6	Failure to comply with conditions of approval to keep additional dog or dogs	250
3	4.7	Failure to comply with conditions of a licence	250
4	6.1	Dog excreting in prohibited place	100
5	6.2	Making a false or misleading statement	500
6	7.1	All other offences not otherwise specified	250

Dated 10 September 2026.

The Common Seal of the Shire of Jerramungup was affixed by authority of a resolution of Council in the presence of—

NATHAN BROWN, President.
MARTIN CUTHBERT, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF JERRAMUNGUP

DUST, SAND AND EROSION LOCAL LAW 2026

CONTENTS

PART 1—PRELIMINARY
1.1 Citation
1.2 Commencement
1.3 Application
1.4 Repeal
1.5 Transitional provisions relating to repealed local law
1.6 Terms used
PART 2—DUST, SAND AND EROSION
2.1 Dust and sand management plan
2.2 Erosion management plan
2.3 Notice may require specified action
2.4 Dust, sand or material which has escaped
PART 3—MISCELLANEOUS PROVISIONS
3.1 Notices
3.2 Offence to fail to comply with notice
3.3 False or misleading statement
3.4 Local government may undertake requirements of notice
PART 4—OBJECTIONS AND REVIEW
4.1 Objections and review
PART 5—OFFENCES AND PENALTIES
5.1 Offences
5.2 General penalty
5.3 Prescribed offences
5.4 Form of infringement notices
SCHEDULE 1—Prescribed offences

LOCAL GOVERNMENT ACT 1995

SHIRE OF JERRAMUNGUP

DUST, SAND AND EROSION LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Jerramungup resolved on 1 September 2026 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This Local Law may be cited as the *Shire of Jerramungup Dust, Sand and Erosion Local Law 2026*.

1.2 Commencement

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

1.3 Application

(1) This local law applies throughout the district.

(2) This local law does not apply to activities undertaken by the local government.

1.4 Repeal

The *Shire of Jerramungup Dust and Sand Local Law 2011*, published in the *Government Gazette* on 22 November 2011 is repealed.

1.5 Transitional provisions relating to repealed local law

(1) An application for, or the renewal of a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.

(2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.6 Terms used

(1) In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

authorised person means a person appointed pursuant to the provisions of Section 9.10(1) of the Act to perform all or any of the functions of an authorised person under this local law, and includes the CEO;

builder means—

(a) any person who holds, or will hold, a building permit issued in respect of building works on a building site, or

(b) any person who has, or will have, effective control of a building site;

building permit has the meaning given to it by the *Building Act 2011*;

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

(a) the current building permit is issued in respect only of a pergola, patio, outbuilding or other Class 10 building as classified by the NCC; and

(b) means of collection and removal of rubbish other than that specified within this local law, is in place;

CEO means the Chief Executive Officer or an acting Chief Executive Officer of the local government;

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 local government;

district means the district of the local government and includes any area placed under the jurisdiction of the local government pursuant to any written law;

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

DSMP means a dust and sand management plan in accordance with clause 2.1(2);

EMP means an erosion management plan in accordance with clause 2.2(2) for minimising the likelihood of carriage by water, wind or other means of sand or other material off any lot of land, incorporating the principles within the latest version of the publication '*Erosion and Sediment* Control Manual for the Darling Range, Perth, Western Australia', published by the Upper Canning/Southern Wungong Catchment Team;

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

land includes any building or structures on the land;

local government means the Shire of Jerramungup;

NCC means the latest edition of the *National Construction Code* 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 that Code;

nuisance means—

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

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

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

occupier has the meaning—

(a) given to it by the Act; and

(b) where the context permits, includes any person who, at the time a written 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 includes a builder or contractor;

owner has the meaning given to it by the Act;

person has the meaning given to it by section 5 of the *Interpretation Act 1984*, but does not include the local government;

set fee means a fee—

(a) as prescribed by legislation; or

(b) in any other instance, as fixed by the local government from time to time under sections 6.16 to 6.19 of the Act; and

written notice means a notice issued in accordance with clause 3.1.

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

PART 2—DUST, SAND AND EROSION

2.1 Dust and sand management plan

(1) When on any land, any earthworks, clearing of scrub, trees or overgrowth or any other site works likely to generate dust are intended or have commenced, an authorised person may require the owner or occupier to submit a DSMP to the local government.

(2) The DSMP shall be accompanied by the set fee, be in the form determined by the local government and shall include but is not limited to the information on the following areas—

(a) introduction (program scope and objectives);

(b) background (contextual information);

(c) proposed work and potential impacts;

(d) controls, triggers and contingencies;

(e) monitoring program and design;

(f) rehabilitation or reinstatement;

(g) any additional information reasonably required by an authorised person; and

(h) any approval required under environmental protection legislation.

(3) When deemed appropriate by the local government, a bond, to fund the cost of rehabilitation or reinstatement, shall be lodged prior to approval of an DSMP.

(4) The local government may—

(a) approve the DSMP;

(b) approve the DSMP subject to such conditions as it considers appropriate; or

(c) refuse to approve the DSMP if it appears that the DSMP is not adequate to effectively manage air quality issues and cannot easily be made to do so, or the detail required by subclause (2) is not provided.

(5) An owner or occupier shall not commence or continue any earthworks, clearing of scrub, trees or overgrowth or any other site works likely to generate dust or sand without an approved DSMP as may be required under subclause (1).

(6) An owner or occupier who undertakes any earthworks, clearing of scrub, trees or overgrowth or any other site works shall comply with the provisions of that approved DSMP and any conditions imposed.

2.2 Erosion management plan

(1) When on any land, any earthworks, clearing of scrub, trees or overgrowth or any other site works likely to cause erosion are intended or have commenced, an authorised person may require the owner or occupier to submit an EMP to the local government.

(2) The EMP shall be accompanied by the set fee, be in the form determined by the local government and shall include but is not limited to the information on the following areas–

(a) for all practicable measures to ensure that no sand or dust is carried by water, wind or other cause—

(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;

(b) rehabilitation or reinstatement;

(c) any additional information reasonably required by an authorised person; and

(d) any approval required under environmental protection legislation.

(3) When deemed appropriate by the local government, a bond, to fund the cost of rehabilitation or reinstatement, shall be lodged prior to approval of an EMP.

(4) The local government may—

(a) approve the EMP;

(b) approve the EMP subject to such conditions as it considers appropriate; or

(c) refuse to approve the EMP if it appears that the EMP is not adequate to effectively manage issues of erosion by water, wind or other cause and cannot easily be made to do so, or the information required by subclause (2) is not provided.

(5) An owner or occupier shall not commence or continue any earthworks, clearing of scrub, trees or overgrowth or any other site works likely to be subject to erosion without an approved EMP as may be required under subclause (1).

(6) An owner or occupier who undertakes any earthworks, clearing of scrub, trees or overgrowth or any other site works shall comply with the provisions of that approved EMP and any conditions imposed.

2.3 Notice may require specified action

Where it appears to an authorised person that dust or sand is escaping, being released or being carried by wind or water or other cause, or is likely to escape, be released or be carried, from any land, or erosion has occurred or is likely to occur, an authorised person may, by notice given in accordance with clause 3.1, direct the owner or occupier to, within a time specified in the notice—

(a) submit to the local government for its approval a DSMP or an EMP or both in accordance with clause 2.1 or 2.2; or

(b) take such other actions as the authorised person considers necessary to prevent or minimise—

(i) the escape, release or carriage of dust or sand from the land, or erosion occurring; or

(ii) the causing or potential causing of a nuisance.

2.4 Dust, sand or material which has escaped

When any dust, sand or other materials has been released, escaped or been carried from any land, an authorised person may, by notice given in accordance with clause 3.1, direct the owner or occupier of the land.to take such measures as is considered appropriate to—

(a) alleviate the immediate matter, and

(b) undertake rehabilitation or reinstatement; or

(c) rectify any nuisance and implement action to prevent any future nuisance.

PART 3—MISCELLANEOUS PROVISIONS

3.1 Notices

Where a notice, other than an infringement notice, is given under this local law, the notice must—

(a) be in writing;

(b) specify the reason for giving the notice;

(c) specify the work or action that is required to be undertaken;

(d) specify the conditions which must be followed; and

(e) specify the time within which the work or action is to be taken.

3.2 Offence to fail to comply with notice

A person who fails to comply with written notice given to him or her under this local law commits an offence.

3.3 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a licence under this local law.

3.4 Local government may undertake requirements of notice

(1) If a person fails to comply with a written notice referred to in clause 3.1 the local government may—

(a) do or cause to be done, the thing specified in the written notice, including replace the plants or other materials, or reinstate the property to the state it was in before the removal, damage or interference;

(b) execute the work required by the written notice; and

(c) recover all costs from the person, as a debt, in addition to any penalty for which that person may be liable under this local law.

(2) This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the Act 1995 and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 4—OBJECTIONS AND REVIEW

4.1 Objections and review

When a decision is made under this local law and a person is given written notice, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply.

PART 5—OFFENCES AND PENALTIES

5.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

5.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding $10,000, and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.

5.3 Prescribed offences

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

(2) The amount of a modified penalty for a prescribed offence is the number specified adjacent to the clause in Schedule 1.

5.4 Form of infringement notices

(1) 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 referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

SCHEDULE 1—Prescribed offences

[clause. 5.3]

Item	Clause	Description	Modified penalty $
1	2.1(1)	Failure to submit a DSMP when required by an authorised person	1,000
2	2.1(5)	Commencing or continuing earthworks without an approved DSMP when required	1,000
3	2.1(6)	Failure to comply with provisions and conditions of approved DSMP	1,000
4	2.2(1)	Failure to submit an EMP when required by an authorised person	1,000
5	2.2(5)	Commencing or continuing earthworks without an approved EMP when required	1,000
6	2.2(6)	Failure to comply with provisions and conditions of approved EMP	1,000
7	3.2	Failure to comply with requirements of written notice	1,000
8	3.3	Making a false or misleading statement	1,000
9	5.1	All other offences not otherwise specified	250

Dated 10 September 2026.

The Common Seal of the Shire of Jerramungup was affixed by authority of a resolution of the Council in the presence of–

NATHAN BROWN, Shire President.
MARTIN CUTHBERT, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF JERRAMUNGUP

PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Jerramungup resolved on 1 September 2026 to adopt the following local law.

1. Citation

This local law may be cited as the *Shire of Jerramungup Parking and Parking Facilities Amendment Local Law 2026*.

2. Principal Local Law amended

This local law amends the *Shire of Jerramungup Parking and Parking Facilities Local Law 2005* as published in the *Government Gazette* on 5 August 2005.

3. Commencement

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

4. Clause 1.3 amended

Clause 1.3 is amended—

(a) delete all Notes appearing after the defined term;

(b) delete the definition 'ACROD sticker';

(c) in the definition of 'Authorised Person" after the words "Local Law"' insert the words "and includes the CEO";

(d) after the definition 'commercial vehicle' insert—

'disability parking permit' has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

(e) in the definition of 'GVM' delete the word "Code" and replace with the words "*Road Traffic (Vehicles) Act 2012*";

(f) in the definition of 'motor vehicle' after the word "cycle" insert the words ", a motorised wheelchair, motorised scooter, electric rideable device or electric personal carrier";

(g) in the definition of "symbol" delete the numerals "1742.11-1989" and replace with the numerals "1742.11:2025"; and

(h) delete the definition of 'taxi' and insert—

'taxi' has the meaning given to it by the Code;

5. Clause 1.7 amended

In clause 1.7 after the word "which:" delete the remaining text and replace with—

(a) lies beyond the sign;

(b) lies between the sign and the next sign beyond that sign; and

(c) is on that side of the thoroughfare nearest the sign.

6. Clause 1.9 inserted

1.9 Traffic signs

Where the local government makes a resolution under clause 2.1, it will erect signs to give effect to that resolution.

7. Clauses 2.3 to 2.7 deleted

Delete clauses 2.3 to 2.7.

8. Clause 2.8 amended

In clause 2.8(3)—

(a) in subclause (a) delete the words "an ACROD sticker" and replace with the words "a disability parking permit"; and

(b) in subclause (b) delete the words "ACROD sticker" and replace with the words "disability parking permit".

9. Clause 3.1 amended

In clause 3.1(2)(a)—

(a) in subclause (i) delete the words "an ACROD sticker" and replace with the words "a disability parking permit"; and

(b) in subclause (ii) delete the words "ACROD sticker" and replace with the words "disability parking permit".

10. Clause 3.9 deleted

Delete clause 3.9.

11. Clause 3.11 deleted

Delete clause 3.11.

12. Clause 6.15 amended

In clause 6.15(1)(a) delete the words "an ACROD sticker" and replace with the words "a disability parking permit".

13. Clause 7.6 amended

In clause 7.6(1) delete the words "the local government" and replace with the words "an authorised person".

14. Clause 7.7 inserted

After clause 7.6 insert—

7.7 False or misleading statement

A person shall not make a false or misleading statement in connection with any matter under this local law.

15. Clause 8.1 amended

In clause 8.1(3)—

(a) delete the amount "$1,000" and replace with the amount "$10,000"; and

(b) delete the amount "$100" and replace with the amount "$500".

16. Clause 8.2 amended

Deleted clause 8.2 and insert—

8.2 Form of infringement notices

(1) 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 *Local Government (Functions and General) Regulations 1996*;

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

(c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

17. Schedule 2

Schedule 2 is amended as follows—

(a) amend item 69 by deleting "69" and replacing with "70";

(b) amend the modified penalty for items 3, 5, 20, 25, 26, 37, 38, 56, 57 and 68 to 250;

(c) amend the modified penalty of item 67 to $500;

(d) insert after item 68—

69	7.7	Making a false or misleading statement	500

(e) amend the modified penalty of all other items to $150.

18. Schedule 3

Delete Schedule 3.

19. Schedule 4

Inset the word "Nil" as the text of the Schedule.

Dated 10 September 2026.

The Common Seal of the Shire of Jerramungup was affixed by authority of a resolution of Council in the presence of—

NATHAN BROWN, President.
MARTIN CUTHBERT, Chief Executive Officer.