LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

CAT ACT 2011

CITY OF SWAN

ANIMALS, NUISANCE AND PUBLIC HEALTH LOCAL LAW 2026

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CITY OF SWAN

ANIMALS, NUISANCE AND PUBLIIC HEALTH LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995, Dog Act* 1976, and the *Cat Act 2011* and under all other powers enabling it, the Council of the City of Swan resolved on 8 July 2026 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This Local Law may be cited as the *City of Swan Animals, Nuisance and Public Health Local Law 2026*.

1.2 Commencement

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

1.3 Purpose and Intent

(1) The purpose of this Local Law is to provide for the regulation, control and management of animals, nuisances and the public health as part of the local government's function to provide the good government of persons within its district and in order to enhance the quality of life of its citizens.

(2) The effect of this Local Law is to establish where appropriate standards and requirements in regard to the matters referred herein, and to provide enforcement powers and review rights.

1.4 Application

This Local Law shall apply to the whole of the district of the local government of the City of Swan together with any places to which the Governor has given approval for the Local Law or any part thereof to apply as provided in section 3.6 of the *Local Government Act 1995.*

1.5 Repeal

Parts 10, 11 and 12 and all amendments to them, of the *City of Swan Consolidated Local Law 2005* in relation to animals, nuisance and the public health and the City of Swan Health Local Law 2002 are repealed on the day that this Local Law comes into operation.

PART 2 – INTERPRETATION AND DEFINITIONS

2.1 Interpretation

(1) A reference to the local government having the power to do something or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any authorised person or any other person or any committee to whom or to which the local government has delegated the power of the doing of the thing, exercising such discretion or forming such opinion.

(2) A reference to the CEO or any other employee of the local government includes a person duly appointed to act or from time to time acting, in the position of that employee.

(3) In these Local Laws, unless the context otherwise requires, a reference to local government property, premises, a foreshore, a reserve or the like includes a reference to any part of, respectively, the local government property, premises, foreshore, reserve or the like.

(4) A reference in these Local Laws to a policy made by the local government means any policy adopted by the local government as amended from time to time.

(5) A reference to a urban, general rural, rural, special rural, Swan Valley rural, landscape, residential, special residential, resource, commercial or an industrial zone or zone or area is a reference to the zoning of land under a local planning scheme, and where the particular zoning description is not used or defined in a local planning scheme, then the most appropriate zoning description, in the opinion of the local government, shall apply.

2.2 Definitions

In this Local Law, unless the context specifies otherwise –

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

"animal" means any animal other than a dog;

"applicant" means a person who has applied for the grant of an approval, consent, licence, permit, exemption or the like under these Local Laws;

"approval" means an approval granted by the Council, the CEO or an authorised person;

"approved form" means the form determined or approved by the local government or the CEO;

“approved kennel establishment” means an approved kennel establishment referred to in section 27 of the *Dog Act;*

“areas where dogs are prohibited” means any public place or part of a public place, provided or set apart by the local government for public recreation or the playing of organised games and in which the local government has determined that dogs are prohibited and in which or near the boundaries of which, there are conspicuously exhibited by the local government at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part;

“authorised person” means a person appointed in writing by the CEO as an authorised person under section 9.10 of the Act for the purpose of all or any provisions of these Local Laws or a police officer;

“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” means a structure erected or placed on land;

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

“carriageway” means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayment, at the side or centre of the carriageway, used for the stopping or parking of vehicles and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

“Cat Act” means the *Cat Act 2011*;

“cattle” includes alpacas, asses, bulls, bullocks, calves, camels, colts, cows, deer, emus, fillies, foals, geldings, goats, heifers, horses, kangaroos, lambs, llamas, mares, mules, ostriches, pigs, sheep, stallions, steers, swine, water buffalo or other animals of a like kind;

“CEO” means the chief executive officer of the local government and includes in the absence of the chief executive officer, the acting chief executive officer of the local government;

“children’s play area” means any public place or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children under 14 years of age;

“cockroach” means any of the various insects in the order of Blattodea commonly known as cockroaches, including but is not limited to, *Blattella germanica*, *Periplaneta americana* and *Blatta orientalis;*

“Council” means the council of the local government;

“development approval” means approval under the *Planning and Development Act 2005* and/or the local planning scheme;

“district” means the district of the local government and any places to which the Governor has given approval for these Local Laws or any part of them to apply as provided in clause 3.6 of the Act;

“Dividing Fences Act” means the *Dividing Fences Act 1961*;

“Dog Act” means the *Dog Act 1976*;

“employee” means an employee of the local government;

“fee” means the fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act;

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

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

"keeper" in relation to cats and dogs means a person who —

(a) is the owner of the cat or dog;

(b) has the cat or dog in their possession or under their control; or

(c) is an owner or occupier of any premises in which the cat or dog is ordinarily kept or ordinarily permitted to live whether temporarily or permanently;

“kennel” means any land or building used for the boarding, housing and/or breeding of dogs for remuneration, or offered for sale or purchase;

“licence” means a licence issued under these Local Laws;

“licensee” means a person to whom a licence is granted under these Local Laws;

“litter” has the meaning given to it in the *Litter Act 1979*;

"livestock" means any horse, cattle, sheep, goat, swine, deer, pig or any other animal so classified by local government;

“local government” means the City of Swan;

“local government property” has the meaning given to it in the Act;

“Local Law” means these Local Laws;

“local planning scheme” means the local government’s local planning scheme for the time being in force made under the *Planning and Development Act 2005* applying zoning or classification to land within the district;

“local public notice” has the meaning given to it in the Act;

“lot” has the meaning given to it in the *Planning and Development Act 2005*;

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

“nuisance” means —

(a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for 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 their 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 given to it in the Act;

“owner” has the meaning given to it in the Act;

“owner or occupier” includes any person who at the time a written notice is served under these Local Laws is in control of any land, building, premises or place or part of any land, building, premises or place or is authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a land, building, premises or place, to perform any work in relation to any land, building, premises or place, and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor carrying out work on the any land, building, premises or place or part of the any land, building, premises or place in respect of which the written notice is served;

"permit holder" means a person who holds a permit granted under this Division of the local law;

“person” has the meaning given to it in the *Interpretation Act 1984*;

“person liable for the control of a horse” means each of the following —

(a) the registered owner of the horse;

(b) the owner of the horse;

(c) the occupier of any premises where the horse is ordinarily kept or ordinarily permitted to live*;* or

(d) a person who has the horse in their possession or under their control, but does not include —

  (i) a registered veterinary surgeon or a person acting on their behalf, in the course of their professional practice*;* or

  (ii) a police officer or other person acting under a statutory duty or power or in the administration of the Act;

“Police Force” means the Western Australian Police Force;

“police officer” means a person appointed under the *Police Act 1892* as an officer or constable of the Police Force, other than as the Commissioner of Police;

“potable water” means water that is safe for human consumption;

“poultry” means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, pea fowl and other birds kept for the production of eggs or meat for domestic consumption;

“pound” means a pound established and maintained by the local government including a pound established under section 11 of the *Dog Act;*

“premises” includes any land or building or part of a building or vehicle;

“public place” means any place to which the public may lawfully have access including a thoroughfare, way or place which the public are allowed to use, whether the thoroughfare, way or place is or is not on private land set apart for the use and enjoyment of the inhabitants of the district and includes all land vested in or under the care, control or management of the local government;

“Regulations” means the L*ocal Government (Functions and General) Regulations 1996*;

"reserve" means Crown land for the time being reserved under section 41 of the *Land Administration Act 1997;*

"retailer" means the proprietor of retail premises which provides shopping trolleys for the use of its customers;

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

"rubbish" includes stones, bricks, lime, timber, iron, steel, metal sheeting, fibro sheeting, timber panels, roofing tiles, paving bricks, plastics, guttering, piping, plastic goods or any other building materials of a similar kind broken, discarded from building;

"rural' includes rural-residential, special rural, rural living, resource, landscape and general rural as defined by in local planning scheme and swan valley rural as defined in the Swan Valley Planning Scheme;

"sand" includes any granular or particulate material consisting of small, eroded fragments of rocks finer than gravel, and dust and organic matter;

"school grounds" means any property occupied or used for a purpose connected with the conduct of a government school or non-government school, other than any property used for a residence or the curtilage of a residence;

"shopping premises" means a shop or shopping arcade or shopping complex, including any part of it that is used by the public for parking or access to shops;

"shopping trolley" means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;

"thoroughfare" means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

"thoroughfare verge" and **"verge"** means that part of a thoroughfare between land which abuts the thoroughfare and a carriageway, but does not include a footpath or a bicycle path;

"vehicle" has the same meaning given to it in the *Road Traffic (Administration) Act 2008* but does not include a wheeled toy or wheeled recreational device and includes—

(a) a shopping trolley; and

(b) where the context permits, an animal driven or ridden,

but excludes—

(c) a wheelchair or any other device designed for use by a physically disabled person on a footpath; and

(d) a pram, a stroller or a similar device;

and whether currently licensed or not.

PART 3 – ANIMALS

Division 1 – Dogs

In this Part 3 Division 1, unless the context indicates otherwise, where a term is used that is not defined in this Local Law, but is defined in the Dog Act or its related regulations, then the definition contained in the Dog Act or its related regulations, shall apply in constructing that term.

3.1 Dog exercise areas

(1) The local government may, by absolute majority of Council, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area for the purposes of section 31(3A) of the Dog Act.

(2) A dog is exempt from the requirements of section 31(1) of the Dog Act if it is in a dog exercise area unless it is an identified dangerous dog.

(3) Any person liable for the control of a dangerous dog must not permit it in a dog exercise area.

3.2 Prohibited areas

The local government may, by absolute majority of Council, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —

(a) at all times; or

(b) at specified times,

for the purposes of section 31(2A) of the Dog Act.

3.3 Fouling thoroughfares and public places

Any person liable for the control of the dog shall not allow it to excrete on any thoroughfare or public place within the district unless the excreta is removed immediately and disposed of in a receptacle provided by the local government for that purpose.

3.4 Fencing requirements

(1) The owner or occupier of premises on which a dog is kept shall not cause the premises to be enclosed in a manner incapable of confining the dog.

(2) The owner or occupier of premises must enclose the premises and in particular ensure that —

(a) any fence or wall used to confine the dog shall be of a type, height and construction which, having regard to the species, age, size and physical

condition of the dog, prevents the dog from passing over, under or through the fence;

(b) any gate or door within a fence is kept closed at all times except when the dog is not on the premises, however nothing in this clause 3.4 shall prevent a person from opening the gate in order to immediately enter or leave the premises;

(c) every gate or door within a fence has fitted a self-closing/self-latching and/or permanently locking mechanism and the mechanism and the gate or door is maintained in good order and condition;

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

(e) where a dog is a dangerous dog (declared) or a dangerous dog (restricted breed), the enclosure required for the keeping of the dangerous dog is not to include the premise's boundary fencing.

3.5 Produce dog

An owner or occupier of premises or a person liable for the control of the dog must not refuse to produce a dog to an authorised person or police officer when directed to do so.

3.6 Limit on number of dogs

(1) The limit on the number of dogs which may be kept on any premises is, for the purposes of section 26(4) of the Dog Act —

(a) two dogs over the age of three months and the young of those dogs under that age, unless otherwise exempted under subclause 3.6(2); and

(b) four dogs over the age of three months and the young of those dogs under that age where —

(i) the premises are within the general rural zone under the local planning scheme;

(ii) the premises are not less than 100 hectares in area; and

(iii) the owner or occupier of the premises comply with the provisions of these Local Laws and any other written law relating to the keeping of animals.

(2) The local government may exempt a premises from subclause 3.6(1)(a) if —

(a) the owner or occupier of the premises lodges an application for an exemption, or the holder of a current exemption lodges an application for renewal of that exemption, accompanied by any fee imposed in relation to the application; and

(b) that the local government is satisfied that:

(i) where the premises are in a residential zone, all owners and occupiers of property within 50 metres of a boundary of the premises;

(ii) where the premises are in a rural zone, all owners and occupiers of property within 100 metres of a boundary of the premises; or

(iii) where the premises are in a rural zone and abut a residential area, all owners and occupiers of property within 50 metres of a boundary of the premises,

have been informed in writing of the application to keep additional dogs and advised that any objection must be made in writing and lodged with the local government within 21 days of the local government's written request;

(c) where the premises on which the dogs are to be kept are leased or rented, the written consent of the property owner is required for the keeping of three or more dogs on that property, and a signed copy of that consent must be provided with the application for exemption;

(d) the local government has not received any written objection within 21 days from the date of the local government's written request;

(e) no dogs are on the premises that are over three months of age and are not subject to the application;

(f) all dogs at the premises are microchipped, registered and sterilised in accordance with the Dog Act;

(g) the premises has adequate fencing, area and location appropriate to the number, breed and size of dogs proposed to be kept and the keeping of such dogs will not create a nuisance or adversely affect the amenity of neighbouring premises;

(h) no dogs to be used for breeding or the supply of dogs;

(i) the premises will be maintained in a clean and sanitary condition, and kept free from excessive accumulations of urine, excrement, faeces, food waste, or any other matter or substance that may attract vermin, pests, cause odour, create a nuisance or pose a risk to the health, safety or welfare of any person or animal;

(j) the applicant, any person liable for the control of the dogs or any owner or occupier of the premises has not been convicted of an offence under this Local Law or any of the following laws —

(i) Dog Act;

(ii) Cat Act; or

(iii) *Animal Welfare Act 2002*.

(3) Short-term exemptions up to six months may be granted by the local government based on extenuating temporary circumstances after written applications have been reviewed by the local government only.

(4) The local government may revoke an exemption granted under subclause 3.6(2) if any of the following occur —

(a) the local government becomes aware of any circumstances, whether existing at the time of application or arising thereafter, that would have prevented the granting of the exemption under subclause 3.6(2);

(b) the continued keeping of the dogs subject to the exemption is likely to cause a nuisance or adversely affect the amenity of neighbouring premises; or

(c) the breach of any condition imposed on an exemption granted under subclause 3.6(2).

(5) An exemption granted under subclause 3.6(2) remains valid until any of the following occur; —

(a) the exemption is revoked under subclause 3.6(4);

(b) the exemption expires;

(c) the applicant vacates the premises;

(d) the applicant or any person liable for the control of any of the dogs is convicted of an offence under this Local Law or under any of the following laws—

(i) Dog Act;

(ii) Cat Act; or

(iii) *Animal Welfare Act 2002*;

(e) where the premises are leased or rented, the property owner revokes their consent for the dogs to be kept on the premises;

(f) the applicant ceases to be a person liable for the control of the dog, being any dog the subject of the exemption; or

(g) the applicant replaces any of the dogs the subject of the exemption.

(6) The local government may impose such conditions as it considers necessary for the purpose of ensuring compliance with this Local Law and any other written laws relating to the keeping of animals, in addition to those provided for in subclause 3.6(2).

(7) A person must comply with any condition imposed on an exemption granted by the local government to keep more than two dogs.

Division 2 – Dog Kennel Establishment Licences

In this Part 3 Division 2, unless the context indicates otherwise, where a term is used that is not defined in this Local Law, but is defined in the Dog Act, then the definition contained in the Dog Act shall apply in constructing that term.

3.7 Notice of application for a kennel establishment licence

An applicant for a licence to keep an approved kennel establishment shall—

(a) give local public notice of their intention to submit an application for a licence, specifying that any interested person may within 21 days after the date of the publication of the notice give any written objections or representations in respect of the proposed application to the CEO; and

(b) provide a copy of the local public notice prior to or immediately after the publication of the local public notice to the owners and occupiers of all land within 200 metres of a boundary of the premises upon which it is proposed to establish the kennel.

3.8 Application for kennel establishment licence

An application for a licence to keep an approved kennel establishment on any premises shall be in the approved form accompanied by—

(a) evidence that local public notice of the proposed use of the premises has been given in accordance with clause 3.7;

(b) a plan showing the details and specifications of all kennels and adjacent yards and the distances from the kennels to the boundaries of the premises, and all buildings on the premises;

(c) a report of a suitably qualified acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*; and

(d) such additional information as the local government requires.

3.9 Refusal to determine an application

The local government may refuse to determine an application for a licence to keep an approved kennel establishment where —

(a) the applicant has not complied with the requirements of clause 3.7 of this Local Law;

(b) where the application does not satisfy the requirements of clause 3.8 of this Local Law; or

(c) the use is contrary to a provision of the local planning scheme.

3.10 Determination of application

In respect of an application for a licence to keep an approved kennel establishment, the local government may —

(a) approve the application subject to any conditions; or

(b) refuse to approve it where —

(i) the applicant has not complied with clause 3.7;

(ii) the application does not satisfy the requirements of clause 3.8; or

(iii) in consideration of any written objections or representations given to the local government within 21 days after the date of the publication of the local public notice referred to in subclause 3.7(a).

3.11 Development approval not to negate licence requirement

The requirement to obtain development approval for a kennel establishment does not remove the requirement to also obtain a kennel establishment licence under these Local Laws.

3.12 Duration of licence

(1) A licence has effect for the period set out in section 27(5) of the Dog Act.

(2) A licence issued under clause 3.10 is to be renewed once a compliant inspection has been undertaken by an authorised person and if the fee for the renewal of such a licence is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence, the terms and conditions of the licence applying immediately prior to its renewal continue to have effect.

3.13 Duties of licence holder

The holder of a licence to keep an approved kennel establishment must —

(a) maintain the establishment in a clean, sanitary and tidy condition;

(b) dispose of all refuse, faeces and food waste daily in a manner approved by the local government;

(c) take all practical measures for the destruction of fleas, flies and other vermin;

(d) not keep or permit to be kept on the establishment more than the number of dogs specified in the licence or dogs of a breed different to the breed or breeds (if any) specified in the licence; and

(e) ensure that all kennels are designed and maintained in accordance with the requirements listed in Schedule 2.

Division 3 – Horses

3.14 Horse exercise area

The local government may, by absolute majority of Council, specify a public place, or a class of public place, that is under the care, control or management of the local government as horse exercise areas where horses may be led, ridden or exercised from sunrise to sunset on any day of the week.

3.15 Prohibited areas

(1) The local government may, by absolute majority of Council, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where horses are prohibited —

(a) at all times; or

(b) at specified times.

(2) Any person liable for the control of a horse shall not allow the horse to enter a prohibited area as determined under subclause 3.15(1).

3.16 Fouling of public places

Any person liable for the control of a horse shall not allow it to excrete on a thoroughfare or any public place unless that the excreta is removed immediately and disposed of in such other manner as the local government or an authorised person may approve.

Division 4 – Cats

In this Part 3 Division 4, unless the context indicates otherwise, where a term is used that is not defined in this Local Law, but is defined in the Cat Act or its related regulations, then the definition contained in the Cat Act or its related regulations, shall apply in constructing that term.

3.17 Prescribed premises

For the purposes of the definition of prescribed premises in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this Local Law limits the number of cats that may be kept at any premises within the district except –

(a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*; or

(b) a cat management facility operated by the City; or

(c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

3.18 Standard number of cats

For the purposes of the definition of 'standard number of cats' in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than two (2) cats may be kept on any premises.

3.19 Limit on number of cats

A person shall not keep more than the standard number of cats over the age of six (6) months on any premises that the person is ordinarily resident unless clause 3.20 or clause 3.21 applies.

3.20 Member of a cat organisation

If a person is a member of a cat organisation identified within Regulation 23(c) of the *Cat Regulations 2012*, the number of cats that may be kept at the premises that the person is ordinarily resident is three times the standard number of cats.

3.21 Application to keep additional number of cats

(1) A person who is ordinarily resident at a premises may apply to the local government for approval for a permit to keep an additional number of cats at the premises, which can be no more than six (6) cats.

(2) A person who is a member of a cat organisation referred to clause 3.20 does not need to apply for approval for a permit to keep up to six (6) cats.

(3) An application for approval for a permit under this clause 3.21 is to be made in the manner and form determined by the CEO.

(4) The local government may require the applicant to give the local government, within a specified time of not more than 21 days, any document or information that it requires to determine the application and may require the applicant to verify the information by statutory declaration.

(5) The local government may refuse to consider an application if the applicant does not comply with a requirement under subclause 3.21(3) within the specified time.

(6) Prior to determining an application for additional number of cats, the local government is to be satisfied that —

(a) where the premises are in a residential zone, all owners and occupiers of property within 50 metres of a boundary of the premises;

(b) where the premises are in a rural zone, all owners and occupiers of property within 100 metres of a boundary of the premises; or

(c) where the premises are in a rural zone and abut a residential area, all owners and occupiers of property within 50 metres of a boundary of the zoning of the land under the local planning scheme;

have been informed in writing of the application to keep additional cats and advised that any objection must be made in writing and lodged with the local government within 21 days of the local government's written request; and

(d) where the premises on which the cats are to be kept are leased or rented, the written consent of the property owner is required for the keeping of three or more cats on that property, and a signed copy of that consent must be provided with the application for a permit.

(7) In determining an application for a permit, the local government shall have regard to —

(a) the zoning of the land under the local planning scheme;

(b) the physical suitability of the premises for the proposed use;

(c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;

(d) the structural suitability of any enclosure in which any cat is to be kept;

(e) the likelihood of a cat causing a nuisance to an occupier of adjoining land;

(f) the likely effect on the amenity of the surrounding area of the proposed use;

(g) if any written objections were received within 21 days of being informed of the application by the local government;

(h) no cats are on the premises that are over six (6) months of age and that are not subject to the application;

(i) all cats at the premises are microchipped, registered and sterilised in accordance with the Cat Act;

(j) no cats are to be used for breeding or the supply of cats;

(k) the property will be maintained in a clean and sanitary condition, kept free from excessive accumulations of urine, excrement, faeces, food waste or other matter or substance that may attract vermin, pests, cause odour, create a nuisance or pose a risk to the health, safety or welfare or any person or animal;

(l) the applicant has not been convicted of an offence under this Local Law or any of the following laws —

(i) Cat Act;

(ii) Dog Act; or

(iii) *Animal Welfare Act 2002*.

(m) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and

(n) any other factors which the local government considers to be relevant in the circumstances of the application.

(8) The local government may —

(a) approve the application subject to any terms or conditions as it thinks fit; or

(b) refuse to approve the application.

(9) The local government may impose such conditions as it considers necessary for the purpose of ensuring compliance with this Local Law and any other written laws relating to the keeping of animals, in addition to those provided for in subclause 3.21(7).

(10) The local government may revoke or cancel the approval under subclause 3.21(8) if any of the following occur —

(a) the local government becomes aware of any circumstances, whether existing at the time of application or arising thereafter, that would have prevented the approval under subclause 3.21(8);

(b) the continued keeping of the cats subject to the approval is likely to cause a nuisance or adversely affect the amenity of neighbouring premises; or

(c) the breach of any condition imposed on the approval under subclause 3.21(8).

(11) Unless otherwise specified, an approval remains valid until any of the following occur —

(a) the approval is revoked or cancelled under subclause 3.21(10);

(b) the approval expires;

(c) the applicant vacates the premises;

(d) the applicant or any person residing at the premises is convicted of an offence under this Local Law or under any of the following laws —

(i) Cat Act;

(ii) Dog Act; or

(iii) *Animal Welfare Act 2002*;

(e) where the premises are leased or rented, the property owner revokes their consent for the cats to be kept on the premises;

(f) the applicant ceases to the person liable for the control of the cats the subject to the application; or

(g) the applicant replaces any of the cats subject to the approval.

(12) A permit shall be personal to the applicant and does not run with the land and is not transferable or assignable to any other person or premises.

(13) A cat to which an approval relates must be identified in accordance with the Cat Act.

(14) A person granted an approval under clause 3.21(8) must comply with all conditions of the approval.

(15) Short-term exemptions up to six (6) months may be granted by the local government based on extenuating temporary circumstances after written applications have been reviewed by the local government only.

3.22 Control of cats

(1) A keeper of a cat shall not allow that cat to be in a place that is not a public place unless consent to it being there has been given —

(a) by the occupier or a person apparently authorised to consent on behalf of the occupier; or

(b) if the place is unoccupied, by the owner or a person apparently authorised to consent on behalf of the owner.

(2) If a cat is at any time in a place in contravention of subclause 3.22(1), the cat may be impounded by an authorised person.

3.23 Cat prohibited areas

(1) The local government may, by absolute majority of Council, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where cats are prohibited —

(a) at all times; or

(b) at specified times.

(2) In designating public place as a cat prohibited area for the purposes of subclause 3.23(1), the local government may have regard to the following matters —

(a) that the public place should preferably be greater than 1 hectare in area;

(b) the nature of the fauna of the public place;

(c) the nature of the vegetation of the public place;

(d) whether the public place has been recognised by any authority as having vegetation or fauna of local regional or State significance; and

(e) whether the public place is land to which the *Conservation and Land Management Act 1984* applies under clause 5 of that Act.

(3) If a cat is at any time in a place identified as a cat prohibited area, the cat may be impounded by an authorised person.

Division 5 – Livestock

3.24 Livestock not to stray

The owner or person in charge of livestock shall not —

(a) permit that livestock to stray or be at large in a street, public place or upon private property without the consent of the property owner or occupier;

(b) permit livestock to be tethered or kept in any thoroughfare or accessway; or

(c) permit livestock to be unsupervised in any thoroughfare or public place.

3.25 Property to be fenced

The owner or occupier of a property on which livestock is kept, shall not cause the property or a portion of the property to be fenced in a manner incapable of confining the livestock, to that portion where the livestock kept.

3.26 Livestock may be impounded

(1) An authorised person may impound livestock found straying in contravention of clause 3.24.

(2) Livestock being impounded shall be placed in —

(a) a pound established and maintained by the local government; or

(b) a secured portion of private property with the consent of the property owner.

3.27 Interference with impounded livestock

A person must not interfere with, release, or in any way tamper with livestock that has been impounded or that an authorised person is attempting to impound.

Division 6 - General

3.28 Keeping large animals

(1) Subject to the provisions of the local planning scheme —

(a) an owner or occupier of premises shall not keep a large animal on any land less than 2,000m^2 in area or in a commercial lot or industrial lot; and

(b) a large animal includes a horse, cow, sheep, goat, pig, buffalo, deer, camel, llama, alpaca, emu, ostrich, or any other animal so classified by the local government.

(2) The owner or occupier of premises where a large animal is kept shall —

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

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

(c) not keep large animals or permit large animals to remain on any premises in such numbers that they are, or are likely to be in the opinion of the local government, a nuisance.

Division 7 – Keeping of poultry, pigeons and birds

3.29 Requirements for keeping poultry

(1) Subject to subclause 3.29(2), an owner or occupier of premises upon which poultry are kept, other than for veterinary purposes or intensive agriculture, must ensure that the poultry are at all times contained on the premises and provided with a suitable enclosure.

(2) Poultry may be permitted to range outside the enclosure provided they remain contained within the property boundary.

3.30 Roosters, geese, turkeys and peafowl

Except on premises in a rural zone an owner or occupier of premises must not keep or permit to be kept any –

(a) roosters;

(b) geese or ganders;

(c) turkeys; or

(d) peacocks or peahens.

3.31 Restrictions on feeding wild birds

(1) A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird so as to cause a nuisance.

(2) Where an authorised person forms the opinion that a person has not complied with subclause 3.31(1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice and the person comply with the notice.

PART 4 – NUISANCES

Division 1 – Burning

4.1 Burning rubbish or refuse on private land

(1) An owner or occupier shall not allow or permit on any land, with an area less than 2000m^2, to be set fire to or cause to be set on fire, any rubbish, refuse or other material.

(2) An owner or occupier shall not allow or permit on any land that is 2000m^2 or greater in area, set fire to rubbish, refuse or other material unless the burning complies with the *Bush Fires Act* 1954, and the annual fire hazard reduction notice issued by the local government.

(3) An owner or occupier shall not allow or permit, on any land that is 2000m^2 or greater in area, to be set fire or cause to be set on fire any rubbish, refuse or other material –

(a) listed in Schedule 3, unless approved under a written law;

(b) is of mixed material and not only natural dry vegetation (green waste), or

(c) when a haze alert has been issued by the Bureau of Meteorology for the time that the burning is to take place.

(4) Subclauses 4.1(1), 4.1(2) and 4.1(3)(b) shall not apply to any fire pit, barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

4.2 Burning within a thoroughfare

(1) No person shall, within any thoroughfare, set fire to or cause to be set on fire anything, unless —

(a) otherwise approved in writing by the CEO or an authorised person; or

(b) it is permitted under another written law.

(2) An approval shall only be issued where —

(a) The applicant successfully demonstrates that reasonable alternatives do not exist and the potential for pollution is low;

(b) the material to be burnt does not include any green garden materials or other materials listed in Schedule 3; and

(c) where an approval has been issued to set on fire any rubbish, refuse or other material, any person responsible for the control of the fire shall ensure that they comply with —

(i) the *Bush Fires Act 1954*;

(ii) all conditions imposed by the local government upon the approval; and

(iii) ensure that the burning occurs the hours of 10.00am and 6.00pm on any day.

(3) Where a written approval has been issued to set on fire any rubbish, refuse or other material, no person shall set on fire any rubbish, refuse or other material, on a day when a haze alert has been issued by the Bureau of Meteorology for the time that the burning is to take place.

Division 2 – Smoke and odours

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

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

(2) Where an owner or occupier of premises does any act or thing, or permits any act or thing to occur, which in the opinion of the local government causes or is likely to cause a nuisance, the local government may by notice in writing direct the owner or occupier to, within the time specified in the notice —

(a) take any actions or measures as the local government considers necessary;

(b) discontinue any activity which, in the opinion of the local government, is likely to cause, or continue to cause, a nuisance; or

(c) abate the nuisance.

4.4 Pet excrement on premises

An owner or occupier of premises must not permit excrement from a pet to accumulate on the premises to an extent that, in the opinion of an authorised person, it is likely to attract flies, cause offensive odours, or constitute a nuisance.

Division 3 – Liquid Waste and Stormwater

4.5 Stormwater

(1) Subject to subclause 4.5(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.

(2) Subclause 4.5(1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain.

4.6 Containment and disposal of swimming pool wastewater

Wastewater and backwash water from swimming pool filtration systems or other water storage systems associated with a swimming pool shall be contained within and disposed onto or into the lot on which the swimming pool is located unless connected to the mains sewer.

4.7 Liquid waste

(1) A person shall not discharge or cause or permit to be discharged any liquid waste material listed in Schedule 4 –

(a) on a street;

(b) in a stormwater disposal system; or

(c) on any land or place other than land or a place approved for that purpose under another written law.

(2) Subclause 4.7(1) does not apply if –

(a) the material discharged is a detergent and the detergent –

(i) was used as a wetting agent on a lawn or in a garden and was applied or used at a frequency or rate that was not in excess of that recommended by its manufacturer; or

(ii) was used during the washing of a vehicle.

(b) the material discharged is a pesticide or horticultural product that was applied or used at a frequency or rate that was not in excess of that recommended by its manufacturer; or

(c) the discharge of the material was undertaken in connection with a business or commercial activity.

Division 4 – Shopping Trolleys

4.8 Abandoned shopping trolleys

(1) In this Part 4 Division 4 –

"retailer" means the proprietor of retail premises which provides shopping trolleys for the use of its customers; and

"shopping trolley" means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

(2) A retailer shall clearly mark its trading name or name on any shopping trolley it makes available for the use of customers, and the information must be legible and conspicuously displayed.

(3) It is an offence for a retailer to fail to clearly mark its trading name or name on any shopping trolley it makes available for the use of customers.

(4) No person shall leave a shopping trolley in a place other than in an area set aside by the retailer for the storage of shopping trolleys.

(5) If a shopping trolley is found in a public place, other than an area set aside for the storage of shopping trolleys the local government may notify either verbally or in a written form the retailer whose name is marked on the trolley, of the location of the trolley.

(6) Notwithstanding the preceding sub-clause, if a shopping trolley is found in a place other than in an area set aside by the retailer for the storage of shopping trolleys then the local government may seize and impound the shopping trolley

and give an infringement notice to the retailer and an infringement notice may relate to one or more shopping trolleys.

(7) A retailer shall pay any fee imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act within the period specified by the local government to claim the shopping trolley, otherwise the local government may dispose of the shopping trolley as it so determines.

(8) It is an offence for a retailer to fail to claim a shopping trolley referred to in an infringement notice given under subclause 4.8(5) within the period stated in the notice.

(9) The retailer of a shopping trolley impounded or disposed of under this Local Law will have no cause of action for damages, conversion or otherwise against the local government, an authorised person or other person acting in accordance with a local law.

(10) In the absence of proof to the contrary the retailer whose name appears on the trolley shall be deemed to be the lawful owner of the trolley, for the purposes of this Local Law.

PART 5 – PEST CONTROL

Division 1 – Mosquitoes

5.1 Mosquito control

(1) An owner or occupier of premises shall ensure that the premises is kept free from possible mosquito breeding sites and shall follow any direction or notice of an authorised person for the purpose of -

(a) controlling the prevalence of mosquitoes;

(b) eradication of mosquitoes; and

(c) effectively preventing the breeding of mosquitoes.

(2) An owner or occupier of premises where there is a water tank, well, cistern, vat or barrel, shall –

(a) keep it protected with a mosquito-proof cover; and

(b) screen all openings, other than the outlet, with wire mesh having openings no larger than 1.2 millimetres in area

Division 2 – Rodents

5.2 Rodent control

(1) An owner or occupier of premises must at all times take adequate and reasonable measures to keep the premises free from rodents and prevent rodent breeding.

(2) An owner or occupier of premises shall cause –

(a) any part of the land; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.

(3) Subclause 5.2(1) does not apply to rodents kept for commercial or scientific purposes provided that the rodents are kept in an enclosure designed for that purpose at all times.

Division 3 – Cockroaches

5.3 Cockroaches

(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

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

PART 6 – PREVENTION AND ABATEMENT OF SAND DRIFT

Division 1 – Preliminary

6.1 Interpretation

(1) Where in this Part 6 a duty, obligation or liability is imposed on an owner or occupier the duty shall be deemed to be imposed jointly and severally on each of the owner and occupier.

(2) Where, under this Part 6, an act is required to be done or forbidden to be done in relation to any land, the owner or occupier of the land has the duty of causing to be done the act so required to be done or of preventing from being done the act forbidden to be done.

Division 2 – Prohibited Activities

6.2 Prevention

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

(1) stabilise sand on such land; and

(2) ensure no sand is released or escapes from the land whether by means of wind, water or any other cause.

6.3 Notice

(1) Where —

(a) an owner or occupier has not complied with subclause 6.2(1); or

(b) sand is released or escapes from the land whether by means of wind, water or any other cause such as to cause a nuisance, risk to health, a hazard or environmental damage,

the local government may serve on the owner or occupier of the land a notice requiring the owner or occupier to —

(c) comply with subclauses 6.2(1) or 6.2(2);

(d) clean up and make good any damage resulting from the release or escape; and

(e) take effective measures to stop any further release or escape of sand.

(2) The requirements set out in a notice issued under subclause 6.3(1) must be complied with within the time specified in the notice.

6.4 Notice conditions

Where sand may be released or escape as a result of an activity being carried on or likely to be carried on from any land, the local government may give to the owner or occupier of the land a notice providing that the activity can only be carried on subject to the conditions specified in the notice.

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PART 7 – SANITATION

Division 1 – Toilets

7.1 Dwelling House

A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one operating toilet connected to the sewer or an approved effluent disposal system.

7.2 Premises other than a dwelling house

The owner or occupier of a premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, such premises unless –

(a) the premises have toilets in accordance with the National Construction Code – Volume 1; and

(b) the toilets required by subclause 7.2(a) are situated within a reasonable distance and are easily accessible to the persons for whom they are provided.

7.3 Maintenance of toilets and fittings

The occupier of premises shall keep clean, in good condition and repair all toilets including sanitary fittings in or on the premises.

Division 2 – Kitchens

7.4 Kitchens

A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with –

(a) a stove, oven or other appliance used for or in connection with the cooking of food; and

(b) a sink which shall have an adequate supply of hot and cold potable water.

PART 8 – HOUSING AND GENERAL

Division 1 – Water Supply

8.1 Water Supply to a dwelling house

(1) The owner of a dwelling house shall ensure that it is connected with a separate and independent potable water supply from the mains of a licensed water service operator or other potable water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of potable water to each tap in the house.

(3) The water supply to toilets, or for garden use may be from an alternative source, not necessarily potable water.

8.2 Rainwater tanks

The owner or occupier of a house for which part of the water supply is drawn from a rainwater tank shall –

(a) maintain in a clean condition –

(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rainwater tank is fitted with a tight-fitting cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank; and

(c) when directed by an authorised person, empty, clean and disinfect any tank if water from the tank is used for human consumption.

PART 9 – ENFORCEMENT OF LOCAL LAW

Division 1 – Preliminary

9.1 Obstruction

A person must not delay, threaten, obstruct or otherwise hinder an authorised person in the performance of a function under this Local Law.

Division 2 – Personal details and Notices

9.2 Personal details

An authorised person or a police officer who finds a person committing or who on reasonable grounds suspects of having committed a breach of any provisions of these Local Laws, may demand from the person that person's full name, current address, telephone number and date of birth and that person must give their full name, current address, telephone and date of birth to the authorised person or police officer.

9.3 Notice may be served

(1) Where a breach of any provision of this Local Law has occurred, the local government may give a notice in writing to the person alleged to be responsible for the breach, directing the person, within the time specified in the notice, to take action as specified in the notice for the purpose of remedying the breach.

(2) A notice given under subclause 9.3(1) must specify –

(a) the provision of this local law that has been breached;

(b) the particulars of the breach; and

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

9.4 Failure to comply with notice

If a person fails to comply with a notice referred to in clause 9.3, the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

9.5 Cost of carrying out works

(1) Where the local government undertakes or causes to be undertaken any work as required by any person, owner or occupier under these Local Laws, it may give to the owner or occupier of the premises written notice of the amount expended by the local government in carrying out that work.

(2) The amount specified in the notice must be paid to the local government within 28 days of the notice being given to the owner or occupier.

(3) If the amount specified is not paid to the local government within 28 days from the giving of the notice, the local government may recover it as well as the costs of proceedings and interest on the amount, in a Court of competent jurisdiction as a debt due and owing to the local government.

9.6 Cancellation of a notice

Where a notice is given to a person or the owner or occupier of any land under these Local Laws and the owner or occupier satisfies the local government within 14 days from the date of the giving of the notice that —

(a) it was not responsible for the conduct in respect of which the notice was given or the activity in respect of which conditions were imposed as the case may be;

(b) it took all reasonable precautions to prevent the conduct or all reasonable steps to comply with or cause the conditions to be complied with, as the case may be; and

(c) where another person was responsible for the conduct, it identifies the person responsible for the conduct sufficiently to enable a notice to be issued to that person,

the local government may cancel a notice at its discretion.

Division 3 – Offences and Penalty, Prescribed Offences and Modified Penalties

9.7 Offences and penalty

(1) A person who –

(a) fails to do anything required or directed to be done under this Local Law;

(b) fails to comply with the requirements of a notice issued under this Local Law by an authorised person; or

(c) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) The maximum penalty in respect of —

(a) an offence under these Local Laws where they have been made under the Act is $10,000 and where the offence is of a continuing nature the maximum daily penalty is $500 in respect of each day or part of a day during which the offence has continued; and

(b) an offence under these Local Laws where they have been made under an Act other than the Act, is the maximum penalty and the maximum daily penalty under that Act which can be specified for a breach of Local Laws made under that Act.

9.8 Prescribed offences and modified penalties

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

(2) The amount of the modified penalty for a prescribed offence is that specified in Schedule 1 of this Local Law —

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

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

(3) Where a modified penalty for a prescribed offence is not specified in Schedule 9.1, the modified penalty shall be $100.00.

(4) For the purposes of subclause 9.8(2) —

(a) the penalty for a first offence will apply if the alleged offender has not previously been convicted of an offence of that kind and has not previously paid a modified penalty under these Local Laws in respect of an alleged offence of that kind; and

(b) the penalty for a subsequent offence will apply if the alleged offender has previously been convicted of an offence of that kind, or has previously paid a modified penalty under these Local Laws in respect of an alleged offence of that kind.

(5) For the purposes of subclause 9.8(4), a prior conviction or payment of a modified penalty in respect of an alleged offence is not to be taken into account for the purposes of determining whether the alleged offender has previously been convicted of an offence or has previously paid a modified penalty unless —

(a) the prior conviction was recorded within the period of five (5) years immediately prior to the giving of an infringement notice in respect of the present alleged offence; or

(b) the modified penalty was paid in respect of the prior alleged offence within the period of five (5) years immediately prior to the giving of an infringement notice in respect of the present alleged offence.

9.9 Form of notices

(1) 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.

(2) 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.

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

PART 10 – OBJECTIONS AND APPEALS

(1) When the local government makes a decision in relation to the granting, renewal, variation, cancellation, suspension of a licence or the issuance of a notice under these Local Laws, the objection and review provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

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SCHEDULES

SCHEDULE 1

Local Government Act 1995

(clauses 9.8)

City of Swan

ANIMALS, NUISANCE AND PUBLIC HEALTH LOCAL LAW 2026

An authorised person or police officer who has reason to believe that a person has committed a prescribed offence against this Local Law may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Item	Clause	Nature of Offence	Modified Penalty ($) First Offence	Modified Penalty ($) Subsequent Offence
1.	3.1(3)	Failure to prevent a dangerous dog entering into a dog exercise area.	500	1000
2.	3.2	Failing to prevent a dog entering into a dog prohibited area.	300	600
3.	3.3	Failure to remove and dispose of dog excreta.	250	500
4.	3.4(1)	Failure to comply with confinement requirements for a dog.	300	600
5.	3.5	Failure to produce a dog when requested.	300	600
7.	3.6(7)	Failure to comply with conditions imposed by exemption.	300	600
8.	3.13	Failure to comply with duties of licence holder.	300	600
9.	3.15(2)	Failure to prevent a horse entering into a horse prohibited area.	300	600
10.	3.16	Failure to remove and dispose of horse excreta.	250	500

Item	Clause	Nature of Offence	Modified Penalty ($) First Offence	Modified Penalty ($) Subsequent Offence
11.	3.19	Failure to comply with limits on number of cats.	300	600
14.	3.21(14)	Failure to comply with conditions of approval.	500	1000
15.	3.22(1)	Failure to prevent a cat entering into a place without consent.	300	600
16.	3.23(3)	Failure to prevent a cat entering into a cat prohibited area.	300	600
17.	3.24	Failure to control stray livestock.	300	600
18.	3.25	Failure to comply with confinement requirements for livestock.	300	600
19.	3.27	Interfering with impounded livestock.	300	600
20.	3.28	Failing to comply with requirements for keeping large animals.	300	600
21.	3.29(1)	Failing to comply with requirements for keeping poultry.	500	1000
22.	3.30	Keeping roosters, geese, turkeys and peafowl.	500	1000
23.	3.31	Feeding wild birds.	250	500
24.	4.1	Burning rubbish or refuse on private land.	500	1000
25.	4.2	Burning within a thoroughfare.	500	1000
26.	4.3	Failing to prevent escape of smoke, fumes, odours and other emissions.	500	1000
27.	4.4	Failing to control pet excrement on premises.	250	500
28.	4.5	Failure to contain stormwater on a lot.	250	500
29.	4.6	Failure to contain swimming pool wastewater on a lot.	250	500
30.	4.7(1)	Discharge of prohibited liquid waste.	500	1000
31.	4.8	Failing to comply with shopping trolley requirements.	500	1000
32.	5.1	Failure to ensure land is kept free from possible mosquito breeding sites.	500	1000
33.	5.2	Failure to take measures to prevent rodent breeding.	500	1000
34.	5.3	Failure to take measures to eradicate cockroaches.	250	500

Item	Clause	Nature of Offence	Modified Penalty ($) First Offence	Modified Penalty ($) Subsequent Offence
35.	6.2	Failing to prevent sand drift.	500	1000
36.	6.3	Failing to comply with notice.	500	1000
37.	7.1	Failing to have a toilet in a dwelling house.	500	1000
38.	7.2	Failing to have a toilet in a premises other than a dwelling house.	500	1000
39.	7.3	Failure to keep toilets and sanitary fittings clean and in good repair.	500	1000
40.	7.4	Failing to have a kitchen in a dwelling house.	500	1000
41.	8.1	Failing to have water supply in a dwelling house.	500	1000
42.	8.2	Failing to maintain rainwater tanks.	500	1000
43.	9.1	Obstructing an authorised person.	500	1000
44.	9.2	Failing to provide personal details.	500	1000
45.	9.3	Notice may be served.	500	1000

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SCHEDULE 2

Local Government Act 1995

(Clause 3.13(e))

City of Swan

ANIMALS, NUISANCE AND PUBLIC HEALTH LOCAL LAW 2026

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

An application for a licence for an approved kennel establishment may be approved subject to all or any of 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 shall be 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. 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 an approved apparatus for the treatment of sewage;

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

(i) 2m; or

(ii) four (4) 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 new zincalume or new pre-finished colour coated steel 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 provided at the kennel at all times by means of a properly supported standpipe and tap; and

(r) the licensee 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.

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SCHEDULE 3

Local Government Act 1995

(clause 4.1(3)(a) and 4.2(2)(b))

City of Swan

ANIMALS, NUISANCE AND PUBLIC HEALTH LOCAL LAW 2026

Hazardous Materials Illegal to Set on Fire and Burnt

1.	Batteries
2.	Carpet
3.	Electrical products
4.	Fabrics or textiles
5.	Solvent
6.	Paint
7.	Plastic, including polystyrene and the like
8.	Rubber
9.	Timber that has been treated with preservatives
10.	Tyres
11.	Vehicles or vessels and their parts
12.	Waste oil, fats or grease

SCHEDULE 4

Local Government Act 1995

(clause 4.7(1))

City of Swan

ANIMALS, NUISANCE AND PUBLIC HEALTH LOCAL LAW 2026

Liquid waste material that must not be discharged

1.	Acid with a pH less than 4
2.	Alkali with a pH more than 10
3.	Animal waste
4.	Animal oil, fat or grease
5.	Compounds or solutions of cyanide, chromium, cadmium, lead, arsenic, mercury, nickel, zinc or copper
6.	Degreaser
7.	Detergent
8.	Dye
9.	Engine coolant or engine corrosion inhibitor
10.	Mineral oil
11.	Organic solvent
12.	Paint
13.	Petrol, diesel or other hydrocarbon
14.	Pesticide
15.	Sewage
16.	Vegetable oil, fat or grease

Dated 29 July 2026

The COMMON SEAL of the CITY OF SWAN was affixed by authority of a resolution of the Council in the presence of:

	Stephen Cain
CHIEF EXECUTIVE OFFICER	(Please print name)
	Tanya Richardson
MAYOR	(Please print name)