



Health and Nuisances Local Law 2026

City of Cockburn

LOCAL GOVERNMENT ACT 1995

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CITY OF COCKBURN

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LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN

Health and Nuisances Local Law 2026

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Cockburn resolved on 12 May 2026 to make the following local law.

Part 1 - Preliminary

1.1 Title

This is the *City of Cockburn Health and Nuisances 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 Application

This local law applies throughout the district.

1.4 Amendments

- (1) The *City of Cockburn Health Local Laws 2000* is amended by deleting —
 - (a) Part 2, Div 1, clauses 5, 8-9, 11-13;
 - (b) Part 2, Div 2, clause 16;
 - (c) Part 3, Div 3, clauses 26-27;
 - (d) Part 3, Divisions 4-5;
 - (e) Parts 4-7; and
 - (f) Part 9.
- (2) The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting Part V, Divisions 1-5.

1.5 Interpretation

- (1) In this local law —

Act means the *Local Government Act 1995*;

applicant means a person who makes an application for a permit under this local law;

approval for subdivision means an approval for subdivision under Part 10 of the *Planning and Development Act 2005*;

approval holder means a person to whom an approval is granted under Division 2 of Part 2 of this local law;

approved means approved by the local government;

authorised person means a person appointed by the CEO under section 9.10(2) of the Act to perform any of the functions of an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

development application has the meaning in the *Planning and Development Act 2005*;

district means the district of the local government;

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

land includes premises on the land;

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

local government means the City of Cockburn;

local planning scheme means a local 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 constitutes a reasonable basis for legal liability in the tort of public or private nuisance;
- (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 in the Act, but does not include the local government;

owner has the meaning in the Act;

prescribed offence has the meaning in clause 7.5;

pigeon means those birds that are classified within the family Columbidae but does not include doves;

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

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

residential lot means a lot zoned Residential or Rural Living under a local planning scheme;

Schedule means a schedule to this local law;

stormwater, in relation to a site, means naturally occurring water that results from rainfall on or around the site, or water flowing onto the site; and

street means a highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and path.

- (2) A term that is used in this local law and is not defined has the meaning in the Act.
- (3) Where in this local law, a duty or liability is imposed on an **owner or occupier** the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.
- (4) If, under this local law in relation to any land, an act is required to be done or is prohibited, the owner or occupier of the land has, unless the contrary intent appears, the duty of causing to be done the act so required to be done, or of preventing from being done the prohibited act, as the case may be.
- (5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by this local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.
- (6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

1.6 Transitional

An approval issued in accordance with a clause of a local law that is repealed under clause 1.4 —

- (a) is taken to be an approval granted under this local law;
- (b) is to be valid for the period specified in the approval; and
- (c) may be earlier cancelled or suspended in accordance with this local law.

Part 2 - Nuisances

Division 1 - General prohibitions

2.1 Burning rubbish, refuse or other material

- (1) An owner or occupier of land must not set fire to, or cause to be set on fire, any rubbish, refuse or other material listed in Schedule 2 on the land, unless approved under a written law.
- (2) Subclause (1) does not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic charcoal or charcoal type fuel.

2.2 Escape of smoke, odours and other emissions

- (1) In this clause —

emission means any discharge of a material in the form of a fume, mist, gas, vapour or fine particulate.

- (2) An owner or occupier of land must take adequate and reasonable measures to prevent the escape of smoke, odour or other emission from the land in such quantity or of such a nature as to cause or to be a nuisance to any person, unless that owner or occupier has approval under a written law that permits the escape of smoke, odours or other emissions from the land.

2.3 Emission or reflection of light

- (1) An owner or occupier of land must not —
- (a) permit artificial light to be emitted or reflected from any thing on the land so as to illuminate premises outside that land at a level that causes a nuisance;
 - (b) permit natural light to be reflected from any thing on the land so as to cause a nuisance to any owner or occupier of adjoining land or any person using a street as a thoroughfare; or
 - (c) on land on which floodlights, lighting installations or other exterior lights are erected or used - allow the floodlights, lighting installation or other exterior lights to shine directly onto adjoining land so as to cause a nuisance.
- (2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice —
- (a) to avoid or abate the nuisance by, for example —
 - (i) preventing artificial light from being emitted or reflected from the land;
 - (ii) treating any reflective surfaces;
 - (iii) restricting the hours of use of the floodlights, lighting installations or other exterior lights; and/or
 - (iv) requiring alterations to the direction in which any lights are shining; and/or
 - (b) to take the actions specified in the notice that the local government considers are adequate and reasonable to avoid or abate the nuisance.
- (3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

2.4 Removal of refuse and disused materials

- (1) An owner or occupier of land must not keep, or permit to remain on the land, any refuse, rubbish or disused material which in the opinion of the local government is likely to give the land an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.
- (2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to remove the refuse, rubbish or disused material from the land.

2.5 Removal of unsightly growth or vegetation

- (1) The owner or occupier of land must not permit to remain on the land any unsightly overgrowth of vegetation that gives the land an untidy appearance and does not conform with the general appearance of other land in that part of the district.
- (2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such reasonable actions as the local government considers necessary to remove the overgrowth of vegetation.

2.6 Storage of vehicles and machinery

- (1) The owner or occupier of a residential lot must not —
 - (a) store or allow to remain on the land any vehicle or machinery (or part thereof) in a state of disrepair or disuse; or
 - (b) wreck, dismantle or break up any vehicle or machinery (or part thereof).
- (2) Subclause (1) does not apply if the vehicle or machinery (or part thereof) is inside a building or within an area enclosed by a fence or wall not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining land.

2.7 Containment of stormwater

- (1) Subject to subclause (5), the owner or occupier of land must take adequate and reasonable measures to ensure that all stormwater received on the land is contained within the land and is not permitted to discharge onto or run-off onto adjacent land.
- (2) The owner or occupier of land must ensure that all stormwater drainage systems on the land are maintained in a good state of repair and free from obstruction.
- (3) If the local government is satisfied that an owner or occupier of land has not complied with subclauses (1)-(2), the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice —
 - (a) to comply with subclauses (1)-(2); and/or
 - (b) to take the actions specified in the notice that the local government considers are adequate and reasonable to ensure compliance with subclauses (1)-(2).
- (4) An owner or occupier of land to whom a notice is given under subclause (3) must comply with the requirements of the notice within the time specified in the notice.
- (5) Subclause (1) does not prevent the discharge of stormwater from the land into an approved stormwater drainage system on the land.

2.8 Prevention of erosion and the escape of sand and dust

- (1) An owner or occupier of land must take adequate and reasonable measures to —
 - (a) stabilise sand on the land; and

- (b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.
- (2) If the local government is satisfied that an owner or occupier of land has not complied with subclause (1) in respect of any sand or dust, the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to do one or more of the following —
 - (a) to comply with subclause (1) in respect of any sand or dust;
 - (b) to clean up and make good any damage resulting from the release or escape of sand or dust from the land; and/or
 - (c) to take the actions specified in the notice that the local government considers are adequate and reasonable to stabilise sand on the land and/or to prevent or stop the escape, release or carriage of sand or dust from the land.
- (3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.
- (4) If the local government is satisfied that sand or dust is likely to be released or escape as a result of an activity to be carried out on any land, the local government may give to the owner or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

Division 2 - Dust management plans

2.9 Works requiring approval

- (1) Where there is a development application or approval for subdivision involving the clearing, excavation or filling of any land that has the potential to cause significant sand or dust release, the owner or occupier of the land to which the development application or approval for subdivision relates must prepare and submit for approval to the local government a dust management plan in accordance with this clause.
- (2) A dust management plan must be approved by the local government prior to any clearing, excavation or filling of the land commencing.

2.10 Application for approval

- (1) An application for approval must —
 - (a) be in the form determined by the CEO;
 - (b) be made and signed by the owner or occupier of the land;
 - (c) include an outline of the strategies, control measures and contingency arrangements to prevent or minimise the release of sand or dust;
 - (d) provide any other information required by the form; and
 - (e) be forwarded to the local government together with any fee imposed by the local government under sections 6.16 to 6.19 of the Act.
- (2) Before determining an application for approval, the local government may request the applicant —

- (a) within a specified time of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or
 - (b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.
- (3) The local government may refuse to consider an application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the prescribed time.
 - (4) A person must not make a false or misleading statement in connection with an application in respect of an approval.

2.11 Determining an application

- (1) The local government may —
 - (a) approve an application unconditionally or subject to conditions; or
 - (b) refuse to approve an application.
- (2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 2.10(1) and any request made under clause 2.10(2).
- (3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 2.10(1)(e) is to be refunded to the applicant.
- (4) If an application is approved, the local government is to issue to the applicant a notice of approval in the form determined by the CEO.
- (5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

2.12 Compliance with plan, conditions and variation of conditions

- (1) The approval holder must comply with the dust management plan approved by the local government under clause 2.11.
- (2) Where an approval is given subject to conditions, the approval holder must also comply with each of the conditions.
- (3) The local government may, at any time, amend a condition of an approval and the amended condition takes effect —
 - (a) 14 days after the written notice of it is given to the approval holder; or
 - (b) if a later date is specified in the written notice, on the later date.
- (4) If the local government is satisfied that an approval holder has not complied with subclause (1) or (2), the local government may give the approval holder a written notice requiring the approval holder, within the time specified in the notice, to comply with the condition/s.

- (5) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.

Part 3 - Liquid waste

3.1 Restrictions on deposit or disposal

A person must not deposit or dispose of liquid waste from any land or premises otherwise than at a facility or place that is authorised under a written law to accept and/or treat the liquid waste.

3.2 Containment of liquid waste

- (1) An owner or occupier of land must take reasonable and effective measures to —
- (a) contain all liquid waste on the land; and
 - (b) ensure no liquid waste is released or escapes from the land whether by means of wind, water or any other cause.
- (2) If the local government is satisfied that an owner or occupier has not complied with subclause (1), the local government may give the owner and or occupier of the land a written notice requiring the owner and or occupier, within the time specified in the notice, to do one or more of the following —
- (a) to comply with subclause (1) in respect of any liquid waste;
 - (b) to clean up and make good any released or escaped liquid waste;
 - (c) to make good any damage resulting from the released or escaped liquid waste; and/or
 - (d) to take the actions specified in the notice that the local government considers are adequate and reasonable to prevent or stop the release or escape of liquid waste.
- (3) An owner or occupier of land to whom a notice is given under subclause (2) must comply with the requirements of the notice within the time specified in the notice.
- (4) If the local government is satisfied that liquid waste is likely to be released or escape as a result of an activity to be carried out on any land, the local government may give to the owner or occupier a notice providing that the activity may only be carried out subject to conditions specified in the notice.

Part 4 - Vermin

4.1 Mosquitoes

- (1) An owner or occupier of land must —
- (a) ensure that the land is kept free of water located so as to be, or to be liable to become, a breeding place for mosquitoes; and
 - (b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for mosquitoes.

- (2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to prevent the pooling of water or undertake control measures to prevent mosquito breeding.

4.2 Flies

- (1) An owner or occupier of land must —
 - (a) ensure that the land is kept free of waste food or other matter that is located so as to be, or to be liable to become, a breeding ground or flies; and
 - (b) take other measures that are adequate and reasonable to ensure that the land is not, and is not liable to become, a breeding place for flies.
- (2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to prevent waste food or other matter being located so as to be, or to be liable to become, a breeding place for flies or undertake control measures to prevent fly breeding.

4.3 Rodents

- (1) If there are indications of the presence of rodents on land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the rodents, keep the land free from rodents and prevent rodent breeding.
- (2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate rodents or undertake control measures to prevent rodent breeding.
- (3) This clause does not apply to rodents kept as pets or for research, scientific, education or commercial purposes.

4.4 Cockroaches

- (1) If there are indications of the presence of cockroaches in, on or about land, the owner or occupier of the land must take adequate and reasonable measures to eradicate the cockroaches, keep the land free from cockroaches and prevent cockroach breeding.
- (2) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate cockroaches or undertake control measures to prevent breeding of cockroaches.

4.5 Arthropod vectors of disease

- (1) In this clause, ***arthropod vectors of disease*** includes —
 - (a) fleas (Siphonaptera);
 - (b) bed bugs (Cimex lectularius);
 - (c) crab lice (Phthirus pubis);
 - (d) body lice (Pediculus humanis var. corporis); and
 - (e) head lice (Pediculus humanis var. capitis).

- (2) The owner or occupier of land must keep the land free from any arthropod vectors of disease.
- (3) An authorised person may direct an owner or occupier of land to take adequate and reasonable measures to eradicate arthropod vectors of disease.

Part 5 - Birds

5.1 Feeding of uncaged birds

- (1) A person must not feed or permit the feeding of any uncaged bird in a way that causes a nuisance.
- (2) If an authorised person is satisfied that a person has not complied with subclause (1), the authorised person may direct the person to stop feeding the uncaged bird and to clean up and properly dispose of any feed or waste products used or produced in connection with the feeding of the uncaged bird.

5.2 Pigeons nesting or perching

- (1) An owner or occupier of land must ensure that pigeons do not nest or perch on the land so as to cause a nuisance.
- (2) An authorised person may direct an owner or occupier of land on which pigeons nest or perch to take adequate and reasonable measures to prevent them from continuing to do so.

Part 6 - Objection and review

6.1 Objection and review rights

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government —

- (a) to refuse to grant an approval;
- (b) to vary or cancel an approval;
- (c) to impose or amend a condition of approval; and
- (d) to give a person a notice under clause 7.2.

Part 7 - Enforcement

7.1 Legal proceedings and evidence

Provisions relating to legal proceedings and evidence are contained in Subdivisions 3 and 4 of Division 2 of Part 9 of the Act.

7.2 Notices of breach

- (1) Where a breach of a 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 such action as specified in the notice for the purpose of remedying the breach.
- (2) A notice given under subclause (1) must specify —

- (a) the provision of this local law that has been breached;
 - (b) the particulars of the breach;
 - (c) the actions the person must take to remedy the breach; and
 - (d) the time and date by which the actions in the notice must be completed.
- (3) A person given a notice of breach must remedy the breach within the time specified in the notice.

7.3 Local government undertaking work required by a notice

- (1) This clause applies in respect of a notice given under subclauses 2.3(2), 2.4(2), 2.5(2), 2.7(3), 2.8(2), 2.12(4) or 3.2(2) of this local law.
- (2) If a person fails to comply with a notice referred to in subclause (1), 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.
- (3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

7.4 Offences and general 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 a notice or direction issued or given to the person under this local law; or
 - (c) does an act or omits to do an act contrary to this local law,
- commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction —
- (a) to a penalty not exceeding \$10,000; and
 - (b) if the offence is a continuing offence, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

7.5 Prescribed offences and modified penalties

- (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) In accordance with section 9.16 of the Act, an authorised person who has reason to believe that a person has committed an 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.
- (3) In accordance with section 9.17 of the Act, a person who does not contest an allegation that they have committed the offence against this local law may, within the time specified in an infringement notice or within such further time as may, in any particular case, be

allowed by the CEO, pay the modified penalty for that offence which, in accordance with section 9.21 of the Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.

- (4) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1 —
 - (a) in the case of a first offence the modified penalty will be that prescribed in column 4 of that Schedule; and
 - (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of that Schedule.
- (5) Provisions relating to modified penalties in general are contained in Subdivision 2 of Division 2 of Part 9 of the Act.

7.6 Form of infringement notices

For the purposes of this local law —

- (a) the form of an infringement notice that may be given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (b) the form of the notice referred to in section 9.20 of the Act to withdraw an infringement notice is that of Form 3 in Schedule 1 of the Regulations.
-

Schedule 1 - Prescribed offences

Item no.	Clause no.	Description	Modified penalty	Modified penalty – subsequent offence
1	2.1(1)	Burning rubbish, refuse or other material	\$500	\$750
2	2.2(2)	Failure to prevent the escape of smoke, odour or other emission	\$250	\$500
3	2.3(1)(a)	Permitting artificial light to cause a nuisance	\$250	\$500
4	2.3(1)(b)	Permitting natural light to cause a nuisance	\$250	\$500
5	2.3(1)(c)	Permitting exterior lighting to cause a nuisance	\$250	\$500
6	2.4(1)	Permitting refuse or disused material to remain on land	\$250	\$500
7	2.5(1)	Permitting unsightly overgrowth of vegetation to remain on land	\$250	\$500
8	2.6(1)(a)	Unlawful storage of vehicle or machinery in state of disrepair or disuse	\$250	\$500
9	2.6(1)(b)	Unlawful wrecking or dismantling of vehicle or machinery	\$250	\$500
10	2.7(1)	Failure to ensure containment of stormwater	\$250	\$500
11	2.7(2)	Failure to maintain stormwater drainage system	\$250	\$500
12	2.8(1)(a)	Failure to stabilise sand	\$250	\$500
13	2.8(1)(b)	Failure to prevent release of sand or dust	\$250	\$500
14	2.9	Failure to obtain dust management plan approval	\$500	\$750
15	2.10(4)	Providing false or misleading statement in connection with approval application	\$250	\$500
16	2.12(1)	Failure to comply with dust management plan	\$500	\$750
17	2.12(2)	Failure to comply with conditions of approval	\$500	\$750
18	3.1	Unlawful deposit or disposal of liquid waste	\$500	\$750
19	3.2	Failure to contain liquid waste	\$500	\$750
20	4.1(1)	Failure to comply with mosquito control requirements	\$250	\$500
21	4.2(1)	Failure to comply with fly control requirements	\$250	\$500
22	4.3(1)	Failure to comply with rodent control requirements	\$250	\$500
23	4.4(1)	Failure to comply with cockroach control requirements	\$250	\$500
24	4.5(2)	Failure to comply with control requirements for arthropod vectors of disease	\$250	\$500
25	5.1(1)	Feeding an uncaged bird so as to cause a nuisance	\$250	\$500
26	5.2(1)	Failure to ensure that pigeons do not nest or perch on land so as to cause a nuisance	\$250	\$500
27		Each other offence not specified	\$250	\$500

Schedule 2 - Materials not to be burned

[Clause 2.1(1)]

The materials, in addition to rubbish and refuse, that must not be burned are —

- (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; and
 - (12) waste oil, fats or grease
-

Dated this 25 day of August 2026.

The Common Seal of the City of Cockburn was affixed by authority of a resolution of the Council
in the presence of -

.....
LOGAN K HOWLETT
MAYOR

.....
DANIEL SIMMS
CHIEF EXECUTIVE OFFICER
