

*Cat Act 2011*

*Dog Act 1976*

*Local Government Act 1995*

City of Joondalup

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Contents

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Under the powers conferred by the Cat Act 2011, Dog Act 1976, Local Government Act 1995 and by all other powers enabling it, the Council of the City of Joondalup resolved on [insert] to make the following local law.

### **Part 1 – Preliminary**

#### **1.1 Title**

This local law may be cited as the *City of Joondalup Animals Local Law 2024*.

#### **1.2 Commencement**

This local law comes into operation 14 days after the date of its publication 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 the keeping of animals within the City of Joondalup.
- (2) The effect of this local law is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.

#### **1.4 Repeal**

The following local laws are repealed on the day that this local law comes into operation –

- (1) *City of Joondalup Animals Local Law 1999*, as published in the *Government Gazette* on 27 August 1999.
- (2) Clauses 7 to 7.7 of the *City of Joondalup Amendment Local Law 2000*, as published in the *Government Gazette* on 10 July 2000.
- (3) Clauses 5 to 5.6 of the *City of Joondalup Amendment Local Law 2001*, as published in the *Government Gazette* on 15 January 2002.

- (4) *City of Joondalup Animals Amendment Local Law 2008*, as published in the *Government Gazette* on 28 March 2008
- (5) *City of Joondalup Animals Amendment Local Law 2010*, as published in the *Government Gazette* on 18 February 2011.
- (6) *City of Joondalup Animals Amendment Local Law 2016*, as published in the *Government Gazette* on 10 January 2017.
- (7) *City of Joondalup Animals Amendment Local Law 2018*, as published in the *Government Gazette* on 3 August 2018.

## 1.5 Application

This local law applies throughout the district.

## 1.6 Interpretation

- (1) In this local law unless the context otherwise requires –

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

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

**application** means the completed form lodged by an applicant as required by this local law;

**applicant** means a person who has lodged an application for an approval, certificate or licence required for any activity by this local law;

**approved fees** means the fees and charges determined by the local government from time to time, for putting into effect the provisions of this local law;

**Authorised Person** means a person appointed by the local government under section 9.10 of the Act, to perform any of the functions of an Authorised Person under this local law;

**caravan park** means an area of land on which caravans or caravans and camps situated for habitation;

**Cat Act** means the *Cat Act 2011*;

**cattery keeper** means a person registered to keep a cattery;

**certificate of registration** means a certificate of registration to keep pigeons issued pursuant to this local law;

**City** means the City of Joondalup;

**Code of Practice** means the Code of Practice – Pigeon Keeping and Pigeon Racing in Western Australia as amended from time to time and as approved by the Pigeon Racing Federation of Western Australia (Inc) and the Independent Racing Pigeon Federation (Inc);

**Council** means the council of the City of Joondalup;

**cow** includes an ox, calf or bull;

**district** means the district of the City;

**Dog Act** means the *Dog Act 1976*;

**environmental health officer** means a person appointed as an environmental health officer under section 17 of the *Public Health Act 2016*;

**food premises** means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public either directly or indirectly;

**grouped dwelling** means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise;

**horse** includes an ass, mule, donkey, shetland pony or pony;

**keeper** in relation to a cat means each of the following persons –

- (a) The owner of the cat;
- (b) A person by whom the cat is ordinarily kept;
- (c) A person who has or appears to have immediate custody or control of the cat;
- (d) A person who keeps the cat, or has the cat in his or her possession for the time being; or
- (e) A person who occupies any premises in which the cat is ordinarily kept or ordinarily permitted to live;

**land** means land in the district and includes houses, buildings, works and structures, in or upon the land;

**large animal** includes a sheep, cow, goat, cattle, horse (excluding a miniature horse), buffalo, camel, llama, deer, alpaca or any other animal so classified by the local government;

**livestock** means any horse, cattle, sheep, goat, ~~swine~~, buffalo, deer, camel, llama and alpaca;

**local government** means the City of Joondalup;

**local planning scheme** means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

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

**miniature horse** means a horse that does not exceed 870 millimetres in height as an adult and is classified as a miniature by the Miniature Horse Association of

Australia;

**miniature pig** means a pig that does not exceed 650 millimetres in height as an adult and weighs between 45 - 55 kilograms.

**multiple dwelling** means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other;

**nuisance** means -

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**occupier** where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land;

**pigeon** includes homing pigeon and racing pigeon;

**poultry** means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock;

**pound** means a building or yard established by the local government or authorised person for the impounding of dogs or animals for the purposes of this local law;

**public place** means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes park lands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the control or management of, the local government;

**residential area** means any land situated within a residential zone as classified by the town planning scheme and includes land predominately used for residential purposes;

**Schedule** means a schedule to this local law;

**stablehand room** means a room or rooms used for occasional overnight occupation to facilitate husbandry to pregnant or sick animals.

**thoroughfare** has the meaning given to it in the Act;

**vermin** includes rats, mice, flies, fleas, mites, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely

to cause damage to human food, habitation or possessions;

**young birds** means any pigeon under 24 days of age and, unless the contrary can be shown, a pigeon shall be deemed under this local law to be a young bird if it is without feathers on the flesh under the wings.

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Cat Act 2011*, *Dog Act 1976*, *Local Government Act 1995*, the *Public Health Act 2016* or the *Public Health Regulations 2017*, unless the context requires otherwise.

## Part 2 – Dogs

### 2.1 Pound

The local government may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act or this local law.

### 2.2 Impounding dogs

A dog seized by the Police or by a person authorised by the local government may be placed in a pound.

### 2.3 Pound fees

The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29(4) of the Dog Act, are those approved by the local government from time to time.

### 2.4 Prohibited Places

- (1) A person liable for the control of a dog shall prevent that dog from entering or being in or on any public building, shop or business premises, with the exception of a shop or business premises where dogs are sold.
- (2) Subclause (1) does not apply to a person with a vision impairment or who is a trainer accompanied by a bona fide guide dog.

### 2.5 Fouling of streets and public places

Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.

### 2.6 Fencing requirements

- (1) The owner or occupier of premises within the local government on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in a manner which complies with this clause.
- (2) The fence used to confine a dog and every part of the fence 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.

## **2.7 Maximum number of dogs**

A person shall not keep or permit to be kept on any premises more than 2 dogs over the age of 3 months and the young of those dogs under that age unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26(3) of the Dog Act.

# **Part 3 – Approved Dog Kennel Establishment**

## **3.1 Approved kennel establishment licence**

A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the local planning scheme.

## **3.2 Notice of application for kennel establishment licence**

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

- (a) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence, being that of Form 1 of Schedule 3, specifying that any interested person may within 21 days after the date of such publication object to or make representations in respect of the application in writing directly to the local government; and
- (b) forward a notice, being that of Form 1 of Schedule 3 to the owners and occupiers of all land within a radius of 275 metres of the boundaries of the land upon which it is proposed to establish the kennel.

## **3.3 Application for kennel establishment licence**

An application for a licence to keep an approved kennel establishment shall be on Form 2 of Schedule 3 and shall be accompanied by:

- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 3.2 (a) and (b);
- (b) a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the local government may require; and
- (c) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

## **3.4 Determination of application**

- (1) The local government may refuse an application for a licence:



- (a) that does not comply with the requirements of clause 3.3;
- (b) for which the processes required by clause 3.2 have not been completed;
- (c) after considering any submissions or representations received within the specified period in accordance with clause 3.2 (a);
- (d) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under any relevant local planning scheme.

(2) The local government may, in respect of an application for a licence:-

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

### **3.5 Licence and fees**

A licence to keep an approved kennel establishment shall be that of Form 3 in Schedule 1 and fees payable to the local government on the issue and renewal of such licences shall be as approved by the local government.

### **3.6 Duties of licence holder**

The holder of a licence to keep an approved kennel establishment shall:

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

### **3.7 Limit on number and breed of dogs**

A person who conducts an approved kennel establishment shall not keep or permit to be kept thereon 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 without the written approval of the local government.

### **3.8 Kennel establishment requirements**

Dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following:

- (a) each kennel shall have an adjacent yard;
- (b) each kennel and each yard and every part thereof shall be at a distance of not less than 15 metres from the boundaries of the land in the occupation of the occupier;
- (c) each kennel and each yard and every part thereof shall be at a distance of not less than 24 metres from the front road or street;
- (d) each kennel and each yard and every part thereof shall be at a distance of not less than 10 metres from any dwelling house;
- (e) each yard shall be secured with a fence not less than 1.8 metres in height;
- (f) the upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the health requirements of the local government;

- (g) the floor of any yard shall be constructed in the same manner as the floor of any kennel and as provided in paragraph (f);
- (h) for each dog kept therein every kennel shall have not less than  $1.8\text{m}^2$  of floor space and every yard not less than  $2.5\text{m}^2$ ;
- (i) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleaned and disinfected when so ordered by a person authorised by the local government.

## Part 4 – Cats

### 4.1 Keeping of cats

- (1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.
- (2) A person who breeds cats may, with the written approval of the local government, keep up to 6 adult breeding cats on a property in the district, subject to:
  - (a) each cat being permanently confined in an effective cage system on the property; and
  - (b) under such terms and conditions that may be imposed by the local government from time to time.
- (3) A person may keep more than 3 cats over the age of 3 months in any commercial area or industrial area, if the owner or occupier of such lot has:
  - (a) obtained written approval from the local government to establish a cattery;
  - (b) paid to the local government, the annual fee for registration and certification of the premises as a cattery;

(The annual registration and certification fee shall be due each June 30th, except for the first issue which may be paid on a pro-rata basis.)

  - (c) provided for each cat on the lot, a properly constructed shelter with an enclosure, which complies with the following specifications:
    - i. a floor area of not less than  $0.56\text{m}^2$  for each cat;
    - ii. the area of the enclosure adjacent to any shelter or group of shelters forming a cattery shall be at least 3 times the area of the shelter or the group of shelters;
    - iii. no shelter or enclosure shall be closer than 9 meters from the boundary of the lot of the keeper or any other building on the property of the keeper; and
    - iv. all enclosures, yards, runs and shelters within a cattery shall be maintained in a clean condition and shall be cleaned, disinfected or otherwise dealt with as an environmental health officer may direct.
- (4) A registration issued by the local government shall lapse upon the keeper vacating the premises although a transfer of the registration may be effected if the cattery operation remains continuous and the approved transfer fee is paid to the

local government.

#### **4.2 Cat prohibited areas**

- (1) The local government may make a determination in accordance with clause 11.2 to designate land as an area on which cats are prohibited from entering or remaining.
- (2) In designating land for the purpose of subclause (1), the local government may have regard to the following matters in relation to the land –
  - (a) whether the land is greater than 1 hectare in area;
  - (b) the nature of the fauna on the land;
  - (c) the nature of the vegetation on the land;
  - (d) whether the land has been recognised by any authority as having vegetation or fauna of local, regional or State significant; and
  - (e) whether the land is land to which the *Conservation and Land Management Act 1984* applies under section 5 of that Act;
- (3) A cat shall not be in a Cat Prohibited Area.
- (4) If a cat is at any time in a Cat Prohibited Area, the keeper of the cat at that time commits an offence., and the cat may be impounded pursuant to section 3.37 of the Act and regulation 29(1a) of the *Local Government (Functions and General) Regulations 1996*, unless the keeper of the cat has first obtained written authorisation from the local government.

#### **4.3 Control of cats**

- (1) A cat shall not be in a place that is not a public place unless consent to its being there has been given –
  - (a) by the occupier or a person apparently authorised to consent on behalf of the occupier;
  - (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 (1), the keeper of the cat commits an offence and the cat may be impounded pursuant to section 3.37 of the Act and regulation 29(1a) of the *Local Government (Functions and General) Regulations 1996*.

## **Part 5 – Livestock**

#### **5.1 Livestock not to stray**

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

#### **5.2 Property to be fenced**

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

### **5.3 Livestock may be impounded**

- (1) An authorised person may impound livestock found straying in contravention of clause 5.1.
- (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.

### **5.4 Horse exercise area**

- (1) The local government may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse.
- (2) A person shall not ride, drive or bring a horse onto any reserve or foreshore or any part thereof that has not been set aside for that purpose.
- (3) A person shall not ride, drive, exercise or train a horse on any part of a reserve or foreshore set aside under subsection (1), faster than walking pace or in a manner so as to create a danger or become a nuisance to the public or to any person.
- (4) A person may only ride, drive or bring a horse onto a designated horse exercise area between the times of midnight and midday, Monday to Saturday.
- (5) A person may exercise a dog on an area of reserve or foreshore set aside as a horse exercise area provided the dog remains under full control on a leash during the times set out in subclause (4). A dog may be exercised within a designated horse exercise area off leash at all other times.
- (6) All that section of Foreshore Reserve 47831 as specified in Schedule 2, is a designated horse exercise area.

## **Part 6 – Pigeons**

### **6.1 Certificate of registration**

- (1) A person shall not keep pigeons on any land in the district without having first obtained a certificate of registration from the local government.
- (2) A certificate of registration shall be valid from its date of issue until the next 30 June.

### **6.2 Restrictions on pigeon and dove nesting or perching**

- (1) An environmental health officer may order an owner or occupier of premises in or on which pigeons or doves are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier must comply with an order made under this clause.

### **6.3 Application for certificate of registration**

An application for certificate of registration shall be:

- (1) lodged by the applicant on the form approved by the local government from time to time.
- (2) in the case of an initial application or where any variations to the original application are required, lodged with specifications, site and construction plans of proposed cages, enclosure or lofts; and
- (3) lodged with the registration fee set by the local government.

### **6.4 Adjoining owners to be consulted**

Prior to granting any certificate of registration on an initial application, the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

### **6.5 Approval limitations**

- (1) Pigeons shall not be kept within a caravan park or on any land on which is situated a group dwelling or multiple dwellings except for land on which 2 grouped dwellings are permitted; and
- (2) Unless previously approved by the local government prior to this local law coming into effect, pigeons shall not be kept on any land which has an area of less than 600m<sup>2</sup>.

### **6.6 Duties of certificate holder**

The holder of a certificate of registration to keep pigeons shall:

- (a) keep all pigeons confined continuously in cages, enclosures and lofts approved by the local government except that homing pigeons and racing pigeons registered in accordance with this local law may be released in accordance with this local law;
- (b) keep all cages, enclosures, lofts and their immediate surrounds clean and maintained in good order and condition at all times and the minimum standard to be adhered to shall be that which is specified in the Code of Practice; and
- (c) dispose of all loft litter by immediate burial or by being bagged and deposited in a household rubbish bin to ensure no nuisance occurs.

### **6.7 Limit on number of pigeons**

- (1) Subject to subclause (2), the maximum number of pigeons which shall be kept on land the subject of a certificate of registration pursuant to each certificate of registration shall not exceed 20, excluding young birds.
- (2) A person who on or before 30 June each year produces to the local government, satisfactory proof that the person is a current financial member of a recognised incorporated racing pigeon body, or is a registered pigeon fancier, may be permitted by the local government to keep up to 150 pigeons, excluding young birds, in any residential area.

### **6.8 Cage, enclosure or loft requirements**

- (1) An approved cage, enclosure or loft used to house pigeons shall aesthetically blend with its surrounds, be constructed of new materials and shall be constructed to the following minimum requirements:
  - (a) the base floor of any loft shall be constructed of a suitable impervious material as approved by an environmental health officer;
  - (b) in the case of an elevated loft the suspended floor shall be constructed and maintained in accordance with the requirements in the Code of Practice;
  - (c) cladding of a loft, including the roof shall be of smooth fibro cement sheeting, sheet metal or other smooth material;
  - (d) except as provided in paragraph (e), a loft height shall not exceed 2.4 metres at any point when measured from ground level; and
  - (e) where a loft has a gable roof the loft height shall not exceed 3 metres at any point when measured from ground level.
- (2) A cage, enclosure or loft shall not be located nearer than:
  - (a) 1.2 metres from the boundary of any land adjacent to the land, the subject of an application;
  - (b) 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises; or
  - (c) 9 metres from any road reserve or street.

### **6.9 Exercise of pigeons**

- (1) A person who is approved to keep registered homing pigeons or racing pigeons may only release such homing pigeons or racing pigeons for exercise between the hours set out in the Code of Practice, unless otherwise authorised by the local government.
- (2) A person shall not release more than 60 registered homing or racing pigeons may be released for exercise or training at any one time.

### **6.10 Alteration, cancellation or refusal of certificate of registration**

- (1) At any time the local government may amend the conditions contained in or relating to a certificate of registration and without limiting the generality of the same, where any complaint of a nuisance is received, the local government may vary the hours for release of pigeons and impose any other conditions deemed necessary to minimise any nuisance from the keeping of pigeons or any associated activity.
- (2) The local government may cancel, refuse to approve or refuse to renew a certificate of registration for any one or more of the following reasons:
  - (a) the land is not maintained in accordance with this local law;
  - (b) the cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease;
  - (c) the pigeons are being released outside the times permitted in clause 6.9;
  - (d) a condition imposed in accordance with this local law or a certificate of registration has not been complied with in the time limits set out for doing so;
  - (e) the applicant or holder of the certificate of registration as the case may be,

- (f) has two or more convictions under this local law; or non payment of registration fees.

## Part 7 – Bees

### 7.1 Definitions

In this Part -

**bee** means an insect belonging to the super family Apoidea (Order: Hymenoptera), commonly known as a bee;

**beehive** means a moveable or fixed structure, container or object, either standing alone or in a group of 2 or more, which contains a bees nest and in which bees are kept;

**permit** means a permit issued under this Part and includes the conditions (if any) to which that permit is subject; and

**permit holder** means a person who holds a valid permit.

### 7.2 Limit on beehives

A person must not keep or permit to be kept on any land a beehive -

- (a) without obtaining a permit from the City; and
- (b) except in accordance with a valid permit issued in relation to that land.

### 7.3 Application for a permit

(1) An application for a permit must –

- (a) be in the form determined by the City;
- (b) include –
  - (i) a site plan detailing the proposed location of the beehive or beehives and any significant structures, barriers or water sources on the land, and potential flight paths for bees; and
  - (ii) any further information that may be required by the City; and
- (c) pay any application fee imposed by the City under sections 6.16 – 6.19 of the Act.

(2) On an application for a permit under subclause 7.3(1) the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned or occupied by the applicant.

### 7.4 Determining an application

(1) The City may refuse to consider an application that does not comply with clause 7.3(1).

(2) The City may –

- (a) approve an application, subject to any conditions that it considers to be appropriate; or

- (b) refuse an application.
- (3) If the City approves an application, it is to issue to the applicant a permit in the form determined by the City.
- (4) The City may vary a condition to which a permit is subject by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (5) A permit holder must comply with each condition to which the permit is subject including any varied condition under subclause (4).
- (6) A permit is valid from the date of issue until it is cancelled under this local law.
- (7) A permit is personal to the permit holder and applies only to the land described in the permit.

### **7.5 Cancellation of a permit**

The City may cancel a permit if –

- (a) the permit holder requests the City to do so;
- (b) 12 continuous months elapse during which the permit holder has not kept any bees on the land to which the permit applies; or
- (c) the permit holder fails to comply with a notice under clause 7.7 within the time specified in the notice or commits any other offence under this local law.

### **7.6 General conditions for keeping beehives**

A permit issued under this Part may include, but not limited to, one or more of the following conditions –

- (a) the beehive is to be maintained in a clean and tidy condition;
- (b) the beehive is screened or positioned in such a manner as to ensure, as far as practicable, that the bees do not create a nuisance or threat to people in the locality or the public in general;
- (c) the flight path of any bees entering or exiting the land from the beehive is to be at least 2 metres above natural ground level;
- (d) the continual provision of an adequate water supply on the land for the bees; or
- (e) any maintenance or activities relating to a beehive, including but not limited to the collection of honey, is carried out at such times as to not to create a nuisance.

### **7.7 Notice to remove**

- (1) If, in the opinion of an environmental health officer, bees on any land (whether or not the subject of a permit) are likely to endanger the safety of any person or create a serious public nuisance, the environmental health officer may give to the owner or occupier of that land a written notice requiring the owner or occupier (as the case may be) to remove the bees before the date specified in the notice.
- (2) If, in the opinion of an environmental health officer, a person has breached a provision of this local law, an environmental health officer may give to that person a written notice requiring him or her to remedy that breach before the date specified in the notice.



## Part 8 – Animals, Birds and Poultry

### 8.1 General

The owner or occupier of a premises where a dog, cat or other 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 environmental health officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free of flies and when directed by an environmental health officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

### 8.2 Keeping of large animals

An owner or occupier of a premises shall:

- (a) not keep a large animal on any land less than 2000m<sup>2</sup> in area;
- (b) not permit any large animal to approach within 9 metres of a habitable room, shop, church or any premises where food is stored, manufactured or sold.

### 8.3 Keeping a miniature horse

- (1) An owner or occupier of a premises may keep a sterilised miniature horse on land of not less than 1000m<sup>2</sup> in area, provided it is registered with the local government and the approved annual registration fee is paid.
- (2) An owner or occupier of a premises shall:
  - (a) not keep more than one miniature horse on land without the written approval of the local government; and
  - (b) not permit a miniature horse within 9 metres of any house.
- (3) The local government may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

### 8.4 Keeping of pigs

- (1) Subject to clause 8.4(2) a person shall not keep a pig on any land within the district.
- (2) A person may keep 1 miniature pig on land provided it is registered with the local government and the approved annual registration fee is paid.
- (3) On land zoned residential, the occupier of any premises where a miniature pig is kept shall:
  - (a) only keep a sterilised animal and retain written proof of its sterilisation;
  - (b) confine the animal on the property at all times;
  - (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust or odour; and
  - (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tape worm is current.

### 8.5 Stables

- (1) The owner or occupier of any land where a stable is erected shall:

- (a) not permit a stable within 9 metres of a house or other building;
  - (b) have a floor area of 6m<sup>2</sup> per animal;
  - (c) ensure the stable has walls and a roof, constructed of impervious material;
  - (d) have on all sides of the building between the walls and the roof, a clear opening of at least 50 millimetres in height; and
  - (e) provide a floor, which shall have an upper surface:
    - i. at least 75 millimetres above the ground; and
    - ii. be constructed of cement, concrete, compacted limestone or similar approved material.
- (2) The owner or occupier of a premises where a stable is located shall:
- (a) keep all parts of the stable free from flies; and
  - (b) when directed by an environmental health officer, spray the stable, or such parts as may be indicated, with a residual insecticide.

### **8.6 Stablehand room**

The owner or occupier of a premises shall not permit a habitable room, including a stablehand's room, to open directly into a stable area.

### **8.7 Manure receptacle**

An owner or occupier of a premises where a large animal, miniature horse or miniature pig is kept shall:

- (a) provide in a convenient position, an impervious receptacle with a tight fitting lid, for storage of manure;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects; and
- (d) cause all manure produced on the premises to be collected daily and placed in the receptacle.

### **8.8 Keeping of ostrich or emu**

A person shall not keep an ostrich or emu on any land within the district.

### **8.9 Keeping poultry**

- (1) A person shall not keep or suffer to remain on any land within the district a rooster, turkey, goose or geese, peacock or a peahen.
- (2) Notwithstanding sub-clause 8.9(1), the owner or occupier of land within the district shall not keep thereon or permit to be kept thereon any poultry otherwise than under the following conditions:
  - (a) no poultry is able to approach within 9 metres of a dwelling or within 1 metre from a boundary of the lot;
  - (b) poultry must be provided a shed or hut designed to permit a deep litter system in accordance with the following specifications:
    - i. the floor shall be concrete, brick paving, compressed limestone or any other suitable impervious surface;
    - ii. frames shall be of timber, steel, brick or other approved material;

- iii. cladding shall be of sheet metal, brick, weatherboard or other materials approved by an environmental health officer;
  - iv. the roof shall have sufficient slope to shed storm water;
  - v. the poultry shed to be constructed in a sound and weatherproof manner and to be between 1.5m to 2.0 m in height;
  - vi. provision must be made for adequate ventilation to the shed during hot weather;
  - vii. the minimum size of any shed must allow for at least 0.3m<sup>2</sup> for each and every bird kept therein;
  - viii. the roof, walls, floor, doors and ventilating panels must be maintained in good order and condition at all times;
  - ix. the floor must be covered with a layer of dry sand or sawdust at least 75 millimetres deep; and
  - x. the sawdust or sand must be kept dry at all times and be changed at least once every 6 months or when directed by an environmental health officer.
- (3) A person shall not permit a poultry shed to be nearer than 1 metre from the boundary of land in other occupation or 9 metres from any dwelling house or street.
- (4) A person shall not keep more than 6 poultry (including a maximum of 2 ducks) in any residential area.

## **Part 9 – Miscellaneous**

### **9.1 False or misleading statement**

A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

### **9.2 Fees and charges**

All fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

### **9.3 Limit on liability**

A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

### **9.4 Objections and review**

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to –

- (a) refuse an application for a licence;
- (b) impose or vary a condition of a licence; or
- (c) revoke a licence.

## Part 10 – Enforcement

### 10.1 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) 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.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

### 10.2 Infringement and infringement withdrawal notices

For the purposes of this local law:

- (a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*.

### 10.3 Offences description and modified penalty

The amount appearing in the final column of Schedule 1 directly opposite an offence described in that Schedule is the modified penalty for that offence.

### 10.4 Prosecution for offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in the relevant Court.

## Part 11 – Determinations

### 11.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 11.2 –
  - (a) Prohibiting cats in certain areas in accordance with clause 4.2.
  - (b) Setting aside specified local government property for the pursuit of horse exercise in accordance with clause 5.4.

### 11.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –

- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected at or obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) amend the proposed determination, in which case subclause (5) will apply; or
  - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause 2(c), the Council is to –
- (a) consider those submissions; and
  - (b) decide –
    - (i) whether or not to amend the proposed determination; or
    - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice -
- (a) of the effect of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination is to have effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

### **11.3 Discretion to erect sign**

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

### **11.4 Determination to be complied with**

A person shall comply with a determination.

**11.5 Register of determinations**

- (1) The local government is to keep a register of determinations made under clause 11.1, and of any amendments to or revocations of determinations made under clause 11.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

**11.6 Amendment or revocation of a determination**

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 11.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

**SCHEDULE 1****CITY OF JOONDALUP ANIMALS LOCAL LAW 2024****PRESCRIBED OFFENCES**

<b>Item No</b>	<b>Clause No</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
	2.4	Permitting a dog to be in a public building, shop or business premises	\$250
	2.5	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	\$250
	2.6(1)	Failing to install and maintain a fence capable of confining a dog to the premises	\$250
	2.6(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	\$250
	2.7	Keeping more than permitted number of dogs without approval	\$250
	3.1	Keeping a kennel establishment without a licence	\$250
	3.6(a)	Failing to maintain establishment in a clean, sanitary and tidy condition	\$250
	3.6(b)	Failing to dispose of refuse, faeces and food waste daily in approved manner	\$250
	3.6(c)	Failing to take practical measures to destroy fleas, flies and other vermin	\$250
	3.7	Keeping a greater number or breed of dogs than specified in the licence	\$250
	4.1(1)	Keeping more than 3 cats over three months	\$250
	4.1(2)	Keeping more than 3 adult cats for breeding without written approval of the local government	\$250
	4.1(2)(a)	Failing to confine cats in effective cage system on the property	\$250
	4.1(2)(b)	Failing to comply with conditions imposed by the local government	\$250
	4.1(3)(a)	Keeping more than 3 cats over 3 months in, commercial area or industrial area without approval to establish a cattery	\$250
	4.1(3)(b)	Failing to pay the annual registration and certification fee for a cattery	\$250
	4.1(3)(c)	Failing to provide for each cat a properly constructed shelter/enclosure to comply with specifications	\$250
	4.2 (3)	Cat in Cat Prohibited Area.	\$250

	4.3 (1)	Cat in place that is not a public place	\$250
	5.1	Permitting livestock to stray or be at large in a street, public place or private property without consent	\$250
	5.2	Failing to keep property fenced in a manner capable of confining livestock	\$250
	5.4(2)	Riding, driving or bringing an animal onto a reserve or foreshore not set aside for the purpose	\$250
	5.4(3)	Riding, driving, exercising or training an animal on a reserve or foreshore so as to create a danger or cause a nuisance	\$250
	5.4(4)	Riding, driving or bringing an animal on to a reserve or foreshore set aside for exercise of dogs	\$250
	6.1	Keeping of pigeons without approval	\$250
	6.2(2)	Failing to comply with an order to prevent the nesting or perching of pigeons or doves	\$250
	6.5(1)	Keeping of pigeons within: a caravan park; a grouped dwelling (not being one of only two grouped dwellings)	\$250
	6.6(b)	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in Code of Practice	\$250
	6.6(c)	Failing to dispose of loft litter in approved manner to ensure no nuisance occurs	\$250
	6.7(1)	Keeping more than 20 pigeons for each Certificate of Registration	\$250
	6.7(2)	Keeping more than maximum number of birds approved	\$250
	6.9(1)	Releasing registered pigeons outside hours permitted	\$250
	6.9(2)	Releasing more than 60 pigeons for exercise or training at any one time	\$250
	7.2	Keeping a beehive without a valid permit	\$250
	7.6	Failing to comply with a condition of a permit	\$250
	7.7(2)	Failing to remedy breach in notice	\$250
	8.1(a)	Failing to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attract rats, vermin or insects	\$250
	8.1(b)	Failing to clean and disinfect premises when directed by an environmental health officer	\$250
	8.1(c)	Failing to keep premise free of flies or when directed, spray premises with residual insecticide to kill or repel flies	\$250
	8.2(a)	Keeping a large animal on land less than 2,000m <sup>2</sup> in area	\$250



	8.2(b)	Permitting a large animal to approach within 9 metres of habitable room, shop, church, or any premises where food is stored, manufactured or sold	\$250
	8.3(1)	Keeping a sterilised miniature horse on land less than 1,000m <sup>2</sup> not registered with local government and registration fee paid	\$250
	8.3(2)(a)	Keeping more than one miniature horse on land zoned residential without approval	\$250
	8.3(2)(b)	Permitting a miniature horse within 9 metres of a house	\$250
	8.4(1)	Keeping a pig on any land throughout the district	\$250
	8.4(4)	Keeping an unregistered miniature pig in residential area and/or not pay registration fee	\$250
	8.4(5)(a)	Keeping an unsterilised miniature pig or failing to retain written proof of its sterilisation	\$250
	8.4(5)(b)	Failing to confine animal on property at all times	\$250
	8.4(5)(c)	Failing to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour	\$250
	8.4(5)(d)	Failing to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current	\$250
	8.5(1)(a)	Permitting a stable within 9 metres of house or other building	\$250
	8.5(1)(b)	Failing to have stable floor area of 6m <sup>2</sup> per animal	\$250
	8.5(1)(c)	Failing to have stable floor or roof constructed of impervious material	\$250
	8.5(1)(d)	Failing to have on all sides of stable building clear opening 50mm in height between all walls and roof	\$250
	8.5(1)(e)(i)	Failing to have upper surface of stable floor at least 75mm above ground	\$250
	8.5(1)(e)(ii)	Failing to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material	\$250
	8.5(2)(a)	Failing to keep stable free from flies	\$250
	8.5(2)(b)	Failing to spray stable with residual insecticide when directed by environmental health officer	\$250
	8.6	Permitting a habitable room including a stablehand's room to open directly into a stable	\$250
	8.7(a)	Failing to provide in convenient position, an impervious receptacle with tight fitting lid, for manure	\$250
	8.7(b)	Failing to keep lid of manure receptacle closed except when manure being deposited or removed	\$250
	8.7(c)	Failing to empty manure receptacle to prevent it becoming offensive or breeding place for flies	\$250
	8.7(d)	Failing to collect all manure produced on premises and place in receptacle	\$250
	8.8	Keeping an ostrich or emu on any land throughout the district	\$250

	8.9(1)	Keeping a rooster, turkey, goose or geese, peacock or a peahen on any land throughout the district	\$250
	8.9(2)	Keeping or permitting to be kept poultry, not in accordance with conditions of local law	\$250
	8.9(3)	Constructing or permitting a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street	\$250
	8.9(4)	Keeping more than 6 poultry (including maximum 2 ducks) in any residential area	\$250
		Other offences not specified	\$250

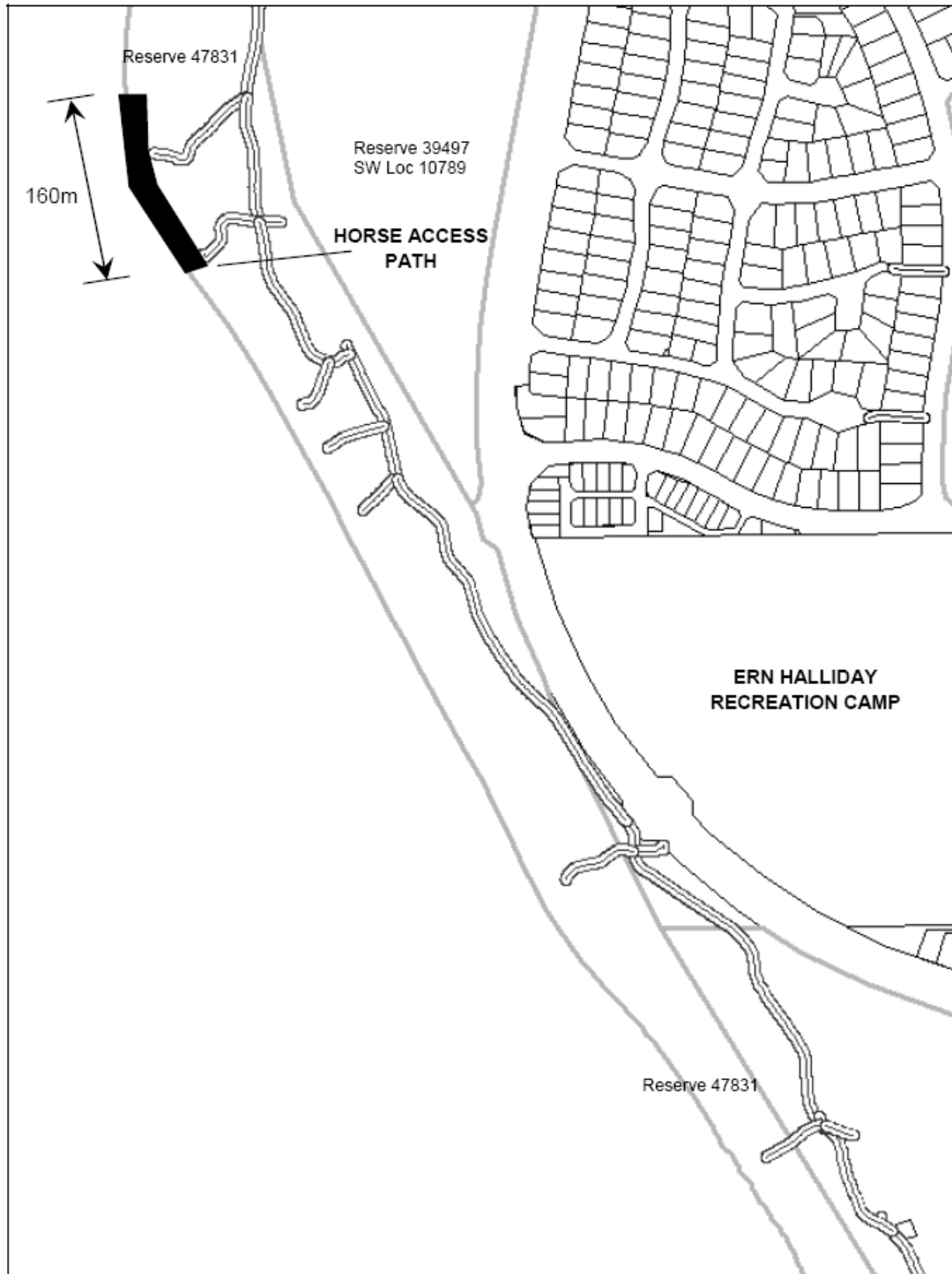
**SCHEDULE 2**

**CITY OF JOONDALUP ANIMALS LOCAL LAW 2024**

**RESTRICTED HORSE AREA**

All that area of the Foreshore Reserve 47831 as shown delineated in black on Diagram 1 - Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.

**DIAGRAM 1 – RESTRICTED HORSE EXERCISE AREA**



**SCHEDULE 3**

**Form 1**

***Dog Act 1976***

**CITY OF JOONDALUP  
ANIMALS LOCAL LAW 2024**

**NOTICE OF INTENTION TO MAKE APPLICATION FOR KENNEL LICENCE**

To Owners and Occupiers of .....

In accordance with Clause 16 (b) of the City of Joondalup Animals Local Law 1999, I advise my intention to make application to the City for an Approved Kennel Establishment Licence.

The issue of an Approved Kennel Establishment Licence is subject to compliance with the provisions of the abovementioned local law.

The land subject of this application is:

.....  
(insert address of proposed Kennel Establishment)

Please note any interested person may within 21 days of the date of this advice object to or make representations in respect of the application in writing directly to the:

Chief Executive Officer  
City of Joondalup

.....

.....

Name and Signature of Applicant

Date

**Form 2**  
***Dog Act 1976***

**CITY OF JOONDALUP**  
**ANIMALS LOCAL LAW 2024**

**APPLICATION FOR LICENCE OR RENEWAL OF LICENCE**  
**TO KEEP APPROVED KENNEL ESTABLISHMENT**

In accordance with the *Dog Act 1976*, and the local laws of the City of Joondalup:

I/We (full name) .....

of .....

hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable) to keep an approved kennel establishment at:

.....

Attached hereto are:

- (a) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specifications of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) particulars of the number and breed of dogs to be kept in the kennels;
- (e) a remittance for the fee of \$.....

Dated the ..... day of .....20.....

Signature of Applicant .....

Note: Items (a), (b), (c) and (d) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

**Form 3**  
***Dog Act 1976***

**CITY OF JOONDALUP**  
**ANIMALS LOCAL LAW 2024**

**LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT**

..... is/are the holder(s) of a  
licence to keep an approved kennel establishment at .....

..... for ..... dogs  
of ..... breed(s).

This licence has effect for a period of 12 months from the date hereof.

Dated the ..... day of .....20 .....

.....  
Chief Executive Officer

Dated xxxx of xxxx

The Common Seal of the City of Joondalup )  
was affixed by authority of a resolution )  
of the Council in the presence of )

.....

HON. ALBERT JACOB, JP  
MAYOR

.....

JAMES PEARSON  
CHIEF EXECUTIVE OFFICER