

***Local Government Act 1995***

***City of Joondalup***

***Animals Amendment Local Law 2016***

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**Animals Amendment Local Law 2016**

**CONTENTS**

**Part 1 – Preliminary**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Purpose and effect

**Part 2 – Amendments**

- 2.1 *City of Joondalup Animals Local Law 1999* amended
- 2.2 Clause 10 deleted
- 2.3 Clause 26 deleted
- 2.4 First Schedule amended
- 2.5 Second Schedule deleted
- 2.6 Third Schedule deleted

**Local Government Act 1995**

**City of Joondalup**

**Animals Amendment Local Law 2016**

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

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *City of Joondalup Animals Amendment Local Law 2016*.

**1.2 Commencement**

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

**1.3 Purpose and effect**

- The purpose of this local law is to remove the setting aside of the horse exercise area at Hillarys Beach and remove the ability under the local law to establish dog exercise areas and dog prohibited areas in the district.
- The effect of this local law is to remove the ability for horses to be exercised at Hillarys Beach and remove redundant provisions within the local law relating to dog exercise areas and dog prohibited areas.

**Part 2 - Amendments**

**2.1 City of Joondalup Animals Local Law 1999 amended**

This part of the local law amends the *City of Joondalup Animals Local Law 1999* published in the *Government Gazette No 162 of 27 August 1999* and as amended and published in the *Government Gazette No 136 of 10 July 2000, No 7 of 15 January 2002, No 51 of 28 March 2008 and No 22 dated 18 February 2011*.

**2.2 Clause 10 deleted**

Delete Clause 10.

**2.3 Clause 26 deleted**

Delete Clause 26.

**2.4 First Schedule amended**

Delete penalty items 1, 16, 17 and 18 from the First Schedule.

**2.5 Second Schedule deleted**

Delete the Second Schedule including Diagram 1.

**2.6 Third Schedule deleted**

Delete the Third Schedule including Diagram 2.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

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

.....

TROY PICKARD

MAYOR

.....

GARRY HUNT

CHIEF EXECUTIVE OFFICER

(Extract from Government Gazette (No 162) of 27 August 1999)

## LOCAL GOVERNMENT ACT 1995

### The Municipality of the City of Joondalup

#### ANIMALS LOCAL LAW 1999

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13<sup>th</sup> July, 1999.

#### ARRANGEMENT

PART 1 - PRELIMINARY .....	Clauses 1 - 6
PART 2 - DOGS .....	Clauses 7 - 14
PART 3 - APPROVED DOG KENNEL ESTABLISHMENT .....	Clauses 15 - 22
PART 4 - LIVESTOCK .....	Clauses 23 - 27
PART 5 - PIGEONS .....	Clauses 28 - 36
PART 6 - BEES .....	Clause 37
PART 7 - ANIMALS, BIRDS AND POULTRY.....	Clauses 38 - 50
PART 8 - MISCELLANEOUS .....	Clauses 51 - 54
PART 9 - PENALTIES .....	Clauses 55 - 59
SCHEDULES 1 - 4	

#### PART 1 - PRELIMINARY

##### Title

- 1 This local law may be referred to as the City of Joondalup Animals Local Law 1999.

##### Commencement

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

##### Purpose and Intent

- 3
  - (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.

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## Repeal

4 The following by laws of the former City of Wanneroo:

- By Law B2: Keeping of Bees, published in the Government Gazette - 19 August 1983;
- By Law D2: Dog Kennels, published in the Government Gazette - 1 February 1980 and amendments;
- By Law D3: Relating to Dogs, published in the Government Gazette - 21 November 1986 and amendments;
- Local Law P6: Keeping of Pigeons, published in the Government Gazette - 27 February 1998;
- Clauses 9 and 9A, By Law R3: Reserves and Foreshores, published in the Government Gazette - 28 September 1990 and amendments;

are repealed on the day this local law comes into operation.

## Application of Local Law

5 This local law applies throughout the district.

## Definitions

6 In this local law unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“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 authorised by the local government under section 9.10 of the Act, to carry into effect the provisions of this local law;

“beehive” means a moveable or fixed structure, container or object in which a colony of bees is kept;

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

“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, International Standard Book Number (ISBN 0 958 6677 0 5), Part 1 (ISBN 0 958 6677 2 1), Part 2 (ISBN 0 958 6677 1 3) published May 1994 as amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;

“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 an environmental health officer appointed under the Health Act 1911 and includes an acting or assistant environmental health officer;

“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;

“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, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) 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;

“lot” means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

“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) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

“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 place to which the public has access;

“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;

“rural area” means any land situated within a rural zone as classified by the town planning scheme;

“special rural area” means any land situated within a special rural zone as classified by the town planning scheme;

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

“town planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district;

“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.

## **PART 2 - DOGS**

### **Pound**

- 7 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.

### **Impounding Dogs**

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

### **Pound Fees**

- 9 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.

### **Dog Exercise Areas**

- 10 (1) All public reserves vested in or under the care, control and management of the local government, excluding road and street reserves and the areas specified in the Second Schedule to this local law, are designated as dog exercise areas for the purposes of the Dog Act. The area designated by the Third Schedule to this local law as a horse exercise area, is subject to restrictions as a dog exercise area in accordance with clause 26(5) of this local law.
- (2) A person may exercise a dog on the coastal dual use path that extends through the Foreshore Reserve 47831 and abutting reserves and road reserves, provided the dog remains under effective control on a leash at all times.

Amd  
GG No 7  
15.01.02 &  
GG No 51  
28.03.08

### **Prohibited Places**

- 11 (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.

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**Fouling of Streets and Public Places**

- 12 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.

**Fencing Requirements**

- 13 (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.
- (3) Subsections (1) and (2) shall not apply to any rural area.

**Maximum Number of Dogs**

- 14 A person shall not keep or permit to be kept on any premises more than:
- (a) 2 dogs over the age of 3 months and the young of those dogs under that age; or
- (b) 6 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural area or comprise a lot in a special rural area having an area of 4 hectares or more,
- unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26 (3) of the Dog Act.

Amd  
GG No 7  
15.01.02

**Footnote:**

The provisions of section 29 of the Dog Act will apply to dogs seized and placed in a pound in relation to:

- Notification of Owner;
- Release of dogs from the pound;
- Sale of dogs; and
- Destruction of dogs.

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### **PART 3 - APPROVED DOG KENNEL ESTABLISHMENT**

#### **Approved Kennel Establishment Licence**

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

#### **Notice of Application for Kennel Establishment Licence**

- 16 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 the Fourth Schedule, 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 the Fourth Schedule 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.

#### **Application for Kennel Establishment Licence**

- 17 An application for a licence to keep an approved kennel establishment shall be on Form 2 of the Fourth Schedule and shall be accompanied by:
- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 16 (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.

#### **Determination of Application**

- 18 (1) The local government may refuse an application for a licence:
- (a) that does not comply with the requirements of clause 17;
  - (b) for which the processes required by clause 16 have not been completed;

- (c) after considering any submissions or representations received within the specified period in accordance with clause 16 (a);
  - (d) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under any relevant town 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.

### **Licence and Fees**

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

### **Duties of Licence Holder**

- 20 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.

### **Limit on Number and Breed of Dogs**

- 21 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.

### **Kennel Establishment Requirements**

- 22 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 1.8m<sup>2</sup> of floor space and every yard not less than 2.5m<sup>2</sup>;
- (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 - LIVESTOCK**

##### **Livestock Not to Stray**

- 23 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.

##### **Property to be Fenced**

- 24 (1) 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.
- (2) The minimum fencing requirements to confine livestock in a rural or special rural area shall be a sufficient fence, a permissible fence or other barrier which is continuously capable of confining livestock and in the case of a dividing fence, as agreed between the adjoining property owners.

Amd  
GG No 136  
10.07.00

### **Livestock may be Impounded**

- 25 (1) An authorised person may impound livestock found straying in contravention of clause 23.
- (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.

### **Horse Exercise Area**

- 26 (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 the Third Schedule, is a designated horse exercise area.

Amd  
GG No 22  
18.02.11

Amd  
GG No 22  
18.02.11

Amd  
GG No 7  
15.01.02 &  
GG No 51  
28.03.08

### **Fouling of Public Places**

- 27 Any person liable for the control of a horse who permits that horse to excrete on any 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.

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## PART 5 - PIGEONS

### Certificate of Registration

- 28 (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.

### Application for Certificate of Registration

- 29 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.

Amd  
GG No 136  
10.07.00

### Adjoining Owners to be Consulted

- 30 Prior to granting any certificate of registration, the applicant shall seek the written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

### Approval Limitations

- 31 (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>.

### Duties of Certificate Holder

- 32 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

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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.

### **Limit on Number of Pigeons**

- 33 (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, rural area or special rural area.

### **Cage, Enclosure or Loft Requirements**

- 34 (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 of 50mm thick concrete;
  - (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.

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**Exercise of Pigeons**

- 35 (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.

**Alteration, Cancellation or Refusal of Certificate of Registration**

- 36 (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 35;
  - (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, has two or more convictions under this local law; or
  - (f) non payment of registration fees.

**PART 6 - KEEPING OF BEES**

- 37 (1) A person shall not keep a beehive in a residential area or a special rural area without written approval of the local government.
- (2) A person shall remove a beehive kept in contravention of this local law when directed to do so by the local government.

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## PART 7 - ANIMALS, BIRDS AND POULTRY

### General

- 38 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.

### Keeping of Large Animals

- 39 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.

### Keeping a Miniature Horse

- 40 (1) An owner or occupier of a premises may keep a sterilised miniature horse on land zoned residential, special residential or special rural 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 zoned residential, special residential or special rural, 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.

Amd  
GG No 136  
10.07.00

### Keeping of Pigs

- 41 (1) Except for a miniature pig, no person shall keep a pig or pigs, in any residential area, special residential area or special rural area or on any land zoned commercial or industrial under the town planning scheme.

Amd  
GG No 136  
10.07.00

- (2) Except on a licensed piggery, no person shall keep more than 2 pigs in any rural area without prior written approval of the local government.
- (3) The local government may prohibit the keeping of pigs, including a miniature pig, on any land or state the conditions under which they may be kept.
- (4) A person may keep 1 miniature pig in any residential area, special residential area or special rural area provided it is registered with the local government and the approved annual registration fee is paid.
- (5) On land zoned residential, special residential or special rural, 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.

Amd  
GG No 136  
10.07.00

Amd  
GG No 136  
10.07.00

### **Stables**

- 42 (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.

### **Stablehand Room**

- 43 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.

### **Manure Receptacle**

- 44 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.

### **Keeping of Cats**

- 45 (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 rural area, 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;

Amd  
GG No 7  
15.01.02

Amd  
GG No 136  
10.07.00

- (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.

Amd  
GG No 136  
10.07.00

### **Burial of Animals**

- 46 (1) The operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming shall not dispose of any dead animals or birds on their premises without written approval from the local government.
- (2) Owners and occupiers of properties in any rural or special rural area who occasionally need to bury an animal on their property, shall cover the carcass with lime before burial.

### **Keeping of Ostrich or Emu**

- 47 (1) A person shall not keep an ostrich or emu on any land in any residential area, or any land zoned commercial or industrial under the town planning scheme.
- (2) A person shall not keep an ostrich or emu in any special rural area without the written approval of the local government.

- 
- (3) A person shall not keep more than 3 adult pairs of ostrich or emu for each 2 hectares of land and no single pair shall be confined in any area less than 0.1 hectares.
  - (4) The local government may prohibit the keeping of any ostrich and emu on any land or state the conditions under which they may be kept.

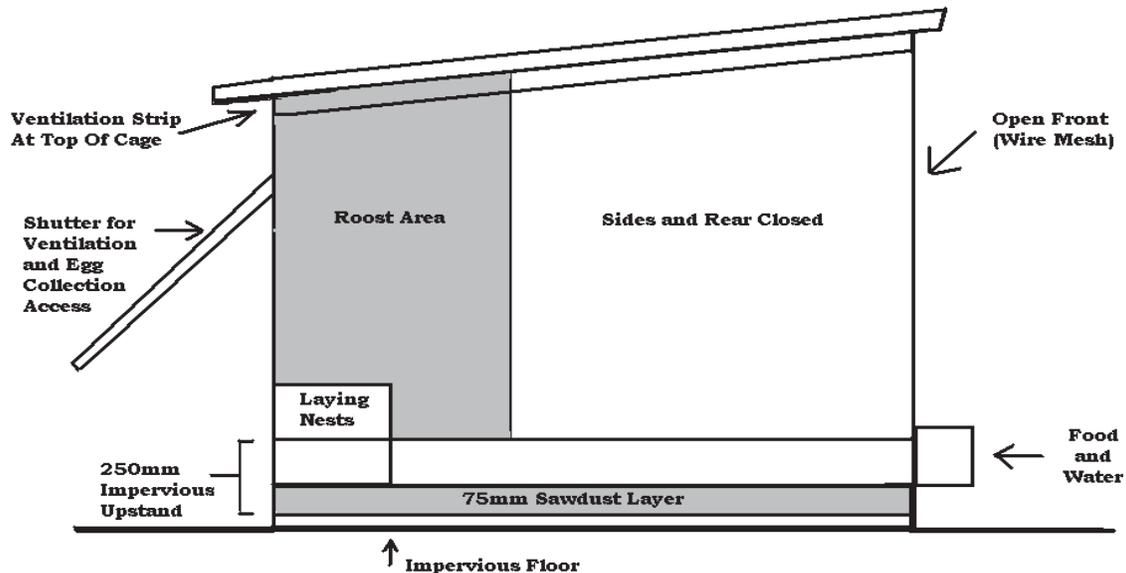
### **Keeping Poultry in Residential Areas**

- 48 (1) A person shall not keep or suffer to remain, in any residential area a rooster, turkey, goose or geese, peacock or a peahen.
- (2) Notwithstanding sub-clause (1), the owner or occupier of a premises situated in any residential area shall not keep thereon or permit to be kept thereon any poultry otherwise than under the following conditions:
- (a) no poultry shall be kept in an open yard;
  - (b) poultry must be kept in a shed or hut designed to permit a deep litter system in accordance with the diagram which follows this clause and 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 12 poultry (including a maximum of 2 ducks) in any residential area.

## DIAGRAM

### Specification for a domestic deep litter poultry shed



### Keeping of Poultry in Special Rural Areas

- 49 The occupier of premises situated in any special rural area, shall not keep or permit to be kept thereon, poultry other than under the following conditions:
- in a shed designed to permit the use of a deep litter system or in open yards with a shed that has concrete floor at least 50 millimetres thick;
  - the shed shall be of sound construction and its yard shall be maintained in a clean condition at all times;
  - the shed must be between 1.5m to 1.8m in height to allow easy entry for cleaning;
  - the shed shall not be nearer than 1 metre from the boundary of land in other occupation or 15 metres from any dwelling house or 15 metres from a street; and

- (e) no more than 25 head of poultry without the written approval of the local government.

### **Keeping Poultry in Rural Areas**

- 50 The occupier of premises in any rural area, shall not keep or permit to be kept thereon, more than 50 head of poultry, without written approval from the local government.

## **PART 8 - MISCELLANEOUS**

### **False or Misleading Statement**

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

### **Licence Fees and Charges**

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

### **Limit on Liability**

- 53 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.

### **Date of Birth to be Given on Demand**

- 54 Clause deleted

Amd  
GG No 136  
10.07.00

## **PART 9 - PENALTIES**

### **Offences**

- 55 (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 the First Schedule 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.

### **Infringement and Infringement Withdrawal Notices**

56 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; and

### **Offence Description and Modified Penalty**

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

### **Prosecution for Offences**

58 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 a Court of Petty Sessions.

### **Records to be Kept**

59 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

### **Footnote:**

### **Right of Appeal**

1 When the local government makes a decision as to whether it will:

- (a) grant a person a licence or certificate of registration under this local law; or
- (b) renew, vary, or cancel a licence or certificate of registration that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

## FIRST SCHEDULE

### CITY OF JOONDALUP

#### ANIMALS LOCAL LAW 1999

#### Offences and Modified Penalties

##### Part 2 - Dogs

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	10	Permitting a dog to be in a Reserve prohibited as a Dog Exercise Area	100
2	11	Permitting a dog to be in a public building, shop or business premises	100
3	12	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100
4	13(1)	Failing to install and maintain a fence capable of confining a dog to the premises	100
5	13(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100
6	13(3)(a)	Failing to keep gate closed when the dog is at the premises	100
7	13(3)(b)	Failing to have a gate fitted with self closing/self latching and/or permanently locking mechanisms	100
8	14	Keeping more than permitted number of dogs without approval	100

##### Part 3 - Approved Dog Kennel Establishments

9	15	Keeping a kennel establishment without a licence	100
10	20(a)	Failing to maintain establishment in a clean, sanitary and tidy condition	100
11	20(b)	Failing to dispose of refuse, faeces and food waste daily in approved manner	100
12	20(c)	Failing to take practical measures to destroy fleas, flies and other vermin	100
13	21	Keeping a greater number or breed of dogs than specified in the licence	100

##### Part 4 - Livestock

14	23	Permitting livestock to stray or be at large in a street, public place or private property without consent	100
15	24	Failing to keep property fenced in a manner capable of confining livestock	100
16	26(2)	Ride, drive or bring an animal onto a reserve or foreshore not set aside for the purpose	100

## **Livestock (continued)**

<b>Item No</b>	<b>Clause No</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
17	26(3)	Ride, drive, exercise or train an animal on a reserve or foreshore so as to create a danger or cause a nuisance	100
18	26(4)	Ride, drive or bring an animal on to a reserve or foreshore set aside for exercise of dogs	100
19	27	Permitting a horse to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100

## **Part 5 - Pigeons**

20	28	Keeping of pigeons without Council approval	100
21	31(1)	Keeping of Pigeons within: a caravan park; a grouped dwelling (not being one of only two grouped dwellings) a premises classified as part of a "multiple dwelling"	100 100 100
22	32(b)	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in Code of Practice	100
23	32(c)	Failing to dispose of loft litter in approved manner to ensure no nuisance occurs	100
24	33(1)	Keeping more than 20 pigeons for each Certificate of Registration	100
25	33(2)	Keeping more than maximum number of birds approved	100
26	35(1)	Releasing registered pigeons outside hours permitted	100
27	35(2)	Releasing more than 60 pigeons for exercise or training at any one time	100

## **Part 6 - Keeping of Bees**

28	37(1)	Keeping a beehive in a residential area or special rural area without approval	100
29	37(2)	Failing to remove a beehive when directed	100

## **Part 7 - Animals, Birds and Poultry**

30	38(a)	Fail 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.	100
31	38(b)	Fail to clean and disinfect premises when directed by an environmental health officer	100
32	38(c)	Fail to keep premise free of flies or when directed, spray premises with residual insecticide to kill or repel flies	100

**Animals, Birds and Poultry (continued)**

33	39(a)	Keep large animal on land less than 2000m <sup>2</sup> in area	100
34	39(b)	Permit large animal to approach within 9 m of habitable room, shop, church, or any premises where food is stored, manufactured or sold.	100
35	40(1)	Keep a sterilised miniature horse on land less than 1000m <sup>2</sup> not registered with local government and registration fee paid.	100
36	40(2)(a)	Keep more than one miniature horse on land zoned residential, special residential or special rural without approval	100
37	40(2)(b)	Permit a miniature horse within 9m of a house.	100
38	41(1)	Keep a pig on land zoned residential, special residential, special rural, commercial or industrial area	100
39	41(2)	Keep more than two pigs in rural area without prior written approval of local government.	100
40	41(4)	Keep an unregistered miniature pig in residential, special residential or special rural area and/or not pay registration fee.	100
41	41(5)(a)	Keep an unsterilised pig or fail to retain written proof of its sterilisation.	100
42	41(5)(b)	Fail to confine animal on property at all times.	100
43	41(5)(c)	Fail to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour.	100
44	41(5)(d)	Fail to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current.	100
45	42(1)(a)	Permit a stable within 9m of house or other building.	100
46	42(1)(b)	Fail to have stable floor area of 6m <sup>2</sup> per animal.	100
47	42(1)(c)	Fail to have stable floor or roof constructed of impervious material.	100
48	42(1)(d)	Fail to have on all sides of stable building clear opening 50 ml in height between all walls and roof	100
49	42(1)(e)(i)	Fail to have upper surface of stable floor at least 75mm above ground.	100
50	42(1)(e)(ii)	Fail to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material.	100
51	42(2)(a)	Fail to keep stable free from flies.	100
52	42(2)(b)	Fail to spray stable with residual insecticide when directed by environmental health surveyor.	100
53	43	Permit a habitable room including a stablehand's room to open directly into a stable.	100
54	44(a)	Fail to provide in convenient position, an impervious receptacle with tight fitting lid, for manure	100
55	44(b)	Fail to keep lid of manure receptacle closed except when manure being deposited or removed.	100

Amd  
GG No 136  
10.07.00

Amd  
GG No 136  
10.07.00

**Animals, Birds and Poultry (continued)**

56	44(c)	Fail to empty manure receptacle to prevent it becoming offensive or breeding place for flies.	100
57	44(d)	Fail to collect all manure produced on premises and place in receptacle.	100
58	45(1)	Keep more than 3 cats over three months.	100
59	45(2)	Keep more than 3 adult cats for breeding without written approval of the local government.	100
60	45(2)(a)	Fail to confine cats in effective cage system on the property.	100
61	45(2)(b)	Fail to comply with conditions imposed by the local government.	100
62	45(3)(a)	Keep more than 3 cats over 3 months in rural area, commercial area or industrial area without approval to establish a cattery.	100
63	45(3)(b)	Fail to pay the annual registration and certification fee for a cattery	100
64	45(3)(c)	Fail to provide for each cat a properly constructed shelter/enclosure to comply with specifications.	100
65	46(1)	Dispose of dead animals or birds without written approval of the local government.	100
66	46(2)	Fail to cover the carcass of dead animal with lime before burial on any rural or special rural area.	100
67	47(1)	Keep an ostrich or emu on any land in residential area or land zoned commercial or industrial.	100
68	47(2)	Keep an ostrich or emu on any special rural area without written approval of the local government.	100
69	47(3)	Keep more than 3 adult pairs of ostrich or emu for each 2 hectares or single pair in less than 0.1 hectares.	100
70	48(1)	Keep or suffer to remain in a residential area a rooster, turkey, goose or geese, peacock or a peahen.	100
71	48(2)	Keep or permit to be kept in any residential area any poultry, not in accordance with conditions of local law.	100
72	48(3)	Construct or permit a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street.	100
73	48(4)	Keep more than 12 poultry (including maximum 2 ducks) in any residential area.	100
74	49	Keep or permit to be kept in any special rural area any poultry, not in accordance with conditions.	100
75	50	Keep or permit to be kept in any rural area more than 50 head of poultry without written approval of the local government.	100

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GG No 136  
10.07.00

**Miscellaneous**

76		Other offences not specified.	100
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GG No 136  
10.07.00

SECOND SCHEDULE

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**Prohibited Dog Exercise Areas**

- 1 Neil Hawkins Park, Joondalup, being Reserve No 28544;  
Central Node Foreshore Reserve, Hillarys, being Reserve 39497;  
Mawson Park, Hillarys, being Reserve No 33401;  
MacDonald Reserve, Padbury, being Reserve No 33072;  
Heathridge Park, Heathridge, being Reserve No 34330;  
Blue Lake Park, Joondalup, being Reserve No 41893;  
Percy Doyle Reserve, Duncraig, being Reserve No 33894;  
“Central Park”, Lakeside Drive and Grand Boulevard, Joondalup being Lot 1101,  
Reserve No 48354;  
Tom Simpson Park, Mullaloo, being Reserve No 32074 and Lot 1 (5) Oceanside  
Promenade, Mullaloo.

Amd  
GG No 7  
15.01.02 &  
GG No 51  
28.03.08

Amd  
GG No 51  
28.03.08

Amd  
GG No 7  
15.01.02
  
- 2 Foreshore Reserve 47831, within the City of Joondalup, other than:

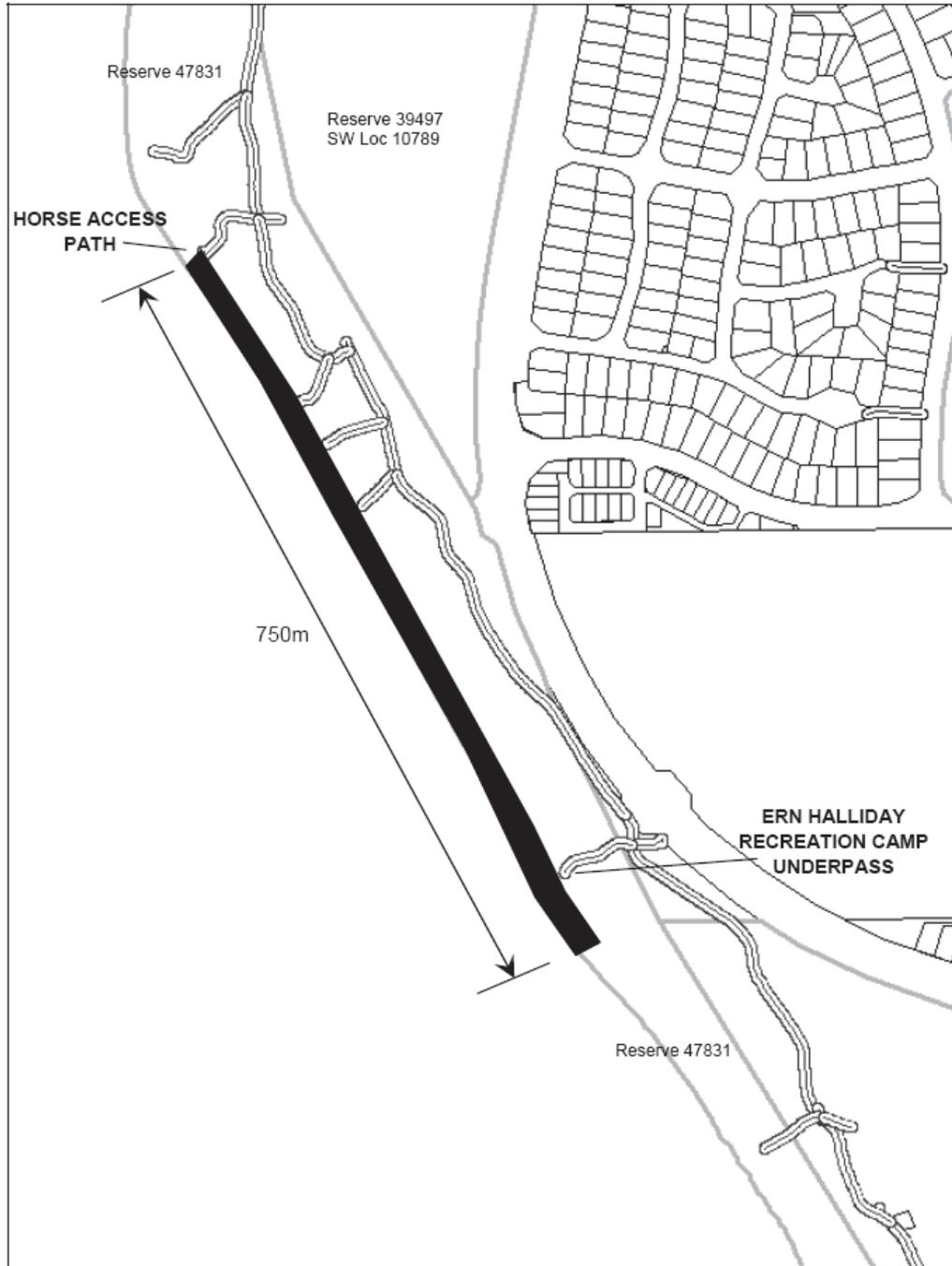
Amd  
GG No 51  
28.03.08

All that area of the Foreshore Reserve 47831 as shown delineated in black on  
Diagram 1 - Dog Exercise Area, from the constructed horse access path  
southwards for a distance of 750 metres as designated by signs.

Amd  
GG No 7  
15.01.02 &  
GG No 51  
28.03.08 &  
GG No 22  
18.02.11

# DIAGRAM 1 – DOG EXERCISE AREA

Amd  
GG No 51  
28.03.08 &  
GG No 22  
18.02.11



THIRD SCHEDULE

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**Restricted Horse and Dog Exercise Area**

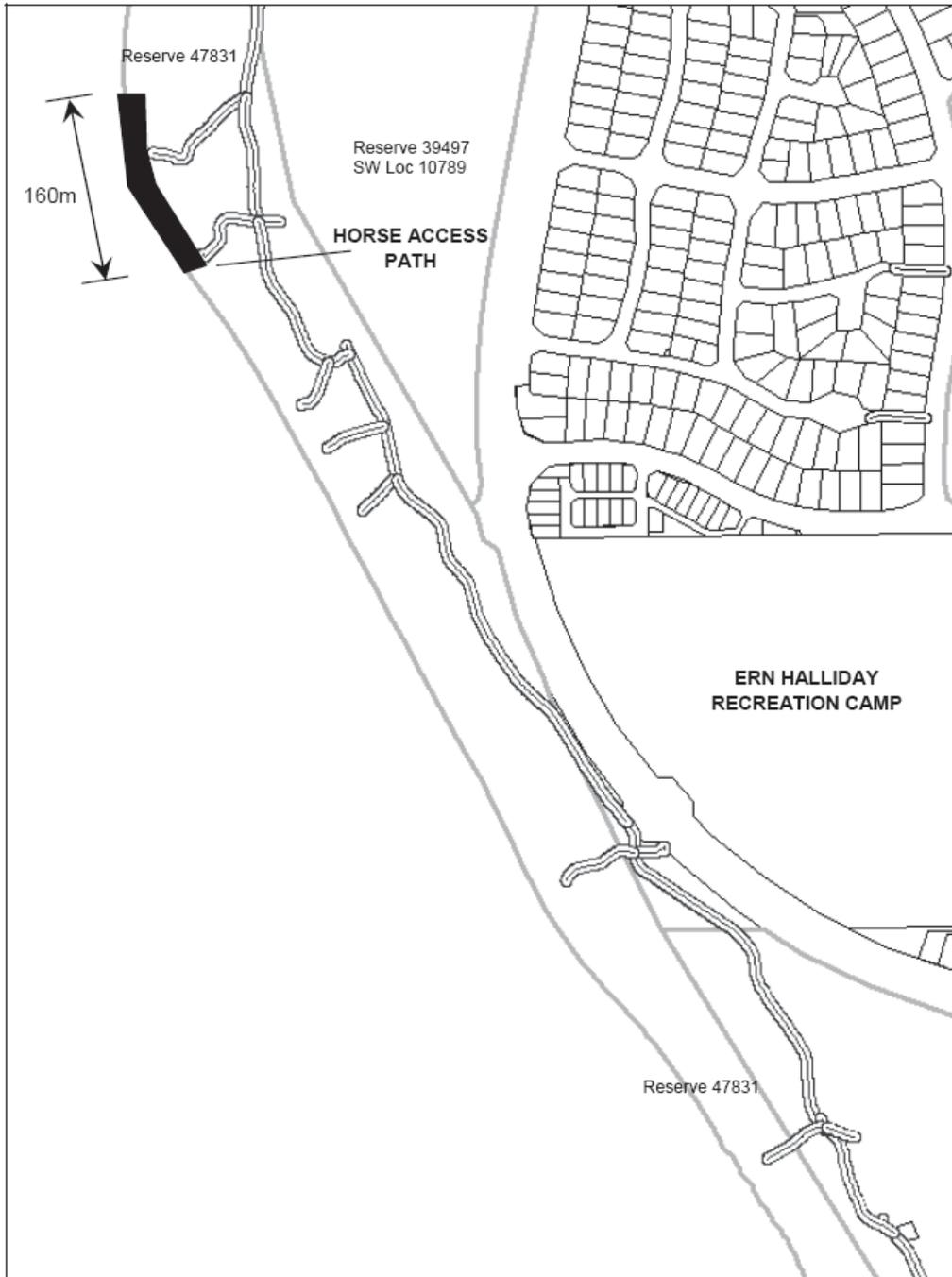
**(Refer to clause 26(4) of this local law)**

All that area of the Foreshore Reserve 47831 as shown delineated in black on Diagram 2 - Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.

Amd  
GG No 7  
15.01.02 &  
GG No 51  
28.03.08 &  
GG No 22  
18.02.11

**DIAGRAM 2 – RESTRICTED HORSE AND DOG EXERCISE AREA**

Amd  
GG No 51  
28.03.08 &  
GG No 22  
18.02.11



Fourth Schedule  
Form 1

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**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

Fourth Schedule  
Form 2

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**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 ..... 19.....

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.

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**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 ..... 19 .....

.....  
Chief Executive Officer