

10.3 FINAL ADOPTION OF CITY OF VINCENT ANIMAL LOCAL LAW 2021

- Attachments:**
1. City of Vincent Animal Local Law 2022 Final version for adoption
 2. Animal Local Law 2021 - Advertised Version
 3. Summary of feedback from the Department of Local Government, Sport and Cultural Industries (DLGSC)
 4. Graphical summary of survey responses - draft Animal Local Law 2021
 5. Summary of written comments from respondents, draft Animal Local Law 2021

RECOMMENDATION:**That Council:**

1. **GIVES NOTICE** that the purpose of the Animal Local Law 2021 is to:
 - 1.1 provide for the effective management, control, and regulation of the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
 - 1.2 effectively control and manage cats, consistent with the State Government review findings from November 2019 of the Statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013*; and
 - 1.3 to effectively deter failing to comply with select provisions of the proposed Animal Local Law 2021;
2. **GIVES NOTICE** that the effect of the Animal Local Law 2021 is to:
 - 2.1 introduce regulations, conditions, and penalties relating to the keeping of dogs, cats, large animals, animals of potential burden, poultry, pigeons, miscellaneous birds and bees within the City;
 - 2.2 introduce a regulatory framework for the control and management of cats; and
 - 2.3 introduce modified penalties for failing to comply with select provisions of the proposed Animal Local Law 2021;
3. **MAKES BY ABSOLUTE MAJORITY**, the Animal Local Law 2022 at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer.

PURPOSE OF REPORT:

To consider the submissions received on the advertised Animal Local Law 2021 and adoption of the City of Vincent *Animal Local Law 2021*.

BACKGROUND:

On 7 March 2017, Council resolved to review the City of Vincent Health Local Law 2004 (Health Local Law) *"to consider the easing of provisions relating to restrictions on keeping poultry"*. The Health Local Law is enabled by the *Health (Miscellaneous Provisions) Act 1911*. This Act will be superseded during Stage 5 of the *Public Health Act 2016* (Public Health Act) implementation, which is now scheduled for 2022-2023 after being delayed due to the COVID-19 pandemic. Once this has occurred a full review of the Health Local Law would be required so that it aligns with the *Public Health Act*.

Since this decision, there has been a proposal for cat requirements to be included within a local law, in the same way dog requirements are captured in the City of Vincent Dog Local Law 2007 (Dog Local Law). It was considered that all animal-based requirements could be included in one local law.

This has resulted in the proposal to develop and introduce an Animal Local Law, which would be formed under the *Local Government Act 1995*. This local law would consolidate all animal-based requirements from existing local laws. This approach has been implemented by other local governments.

At its 12 October 2021 Meeting (Item 9.3) Council authorised the Chief Executive Office to provide local public notice of:

1. The repeal of the City of Vincent Dog Local Law 2007;
2. The repeal of Divisions 2, 3, and 4 of Part 5, and Division 6 of Part 6 of the City of Vincent Health Local Law 2004; and
3. The draft City of Vincent Animal Local Law 2021.

The submission period for the public notice was between 27 November 2021 – 28 January 2022.

Several minor changes have been made to the draft *Animal Local Law 2021* following consideration of public submissions and advice from the Department of Local Government, Sport and Cultural Industries (DLGSC).

DETAILS:

Local public notice of the proposed *Animal Local Law 2021* was given in accordance with section 3.12(3)(a) of the *Local Government Act 1995*.

Public notice and consultation on the proposed Animal Local Law included the following:

- a notice published in the West Australian on 27 November 2021;
- a notice published in The Perth Voice newspaper on 27 November 2021;
- a consultation page displayed on the City's website (Imagine Vincent) on 10 November 2021;
- inclusion of a News Item on the City's website on 26 November 2021;
- promotion on the City of Vincent's Facebook page on 29 November 2021; and
- inclusion on notice boards at the City of Vincent's Administration building and Library on 26 November 2021.

A copy of the draft *Animal Local Law 2022* recommended for adoption is at **Attachment 1**. This attachment includes modifications to the Animal Local Law as it was advertised. A copy of the advertised *Animal Local Law 2022* with the proposed minor changes is at **Attachment 2**. This includes modifications that were made following review of consultation submissions, comments obtained from the Department of Local Government, Sport and Cultural Industries (DLGSC), and suggestions from external legal advice. After including these amendments, the Animal Local Law is not significantly different to what was advertised, therefore it does not trigger the requirement to recommence the making of the local law under section 3.13 of the *Local Government Act 1995*.

In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, Administration provided the Minister for Local Government with a copy of the advertised Animal Local Law. DLGSC provided minor editing suggestions for the Animal Local Law, and these can be found at **Attachment 3**. Administration have incorporated the Department's feedback into the draft local law.

Given the significant number of submissions received throughout the consultation period, Administration have broken down the summary of submissions into two key documents:

1. A graphical summary of survey results, with an accompanying key statement for each question, (received via the Imagine Vincent website during the public consultation period) is at **Attachment 4**; and
2. An extract of 'written text' submissions received both via the Imagine Vincent website and by email, with Administration's response to these submissions, is at **Attachment 5**.

The submission period was open between 27 November 2021 and 28 January 2022. The City received 249 submissions during the consultation period, with the key themes summarised below.

- Dogs
Respondents were given the opportunity to give their feedback on the current dog exercise areas, and whether any additional areas could be considered. Administration has taken this feedback on board, and based on the feedback received, has assessed that the current dog exercise areas available address community requirements.

The most common feedback was the request to have enclosed dog exercise areas, to ensure that sporting activities, organised functions and children's playgrounds, were not impacted by dogs exercising off leash.

Comments relating to dog excrement were also noted and have been addressed in the local law.

In considering the recommendation provided by the DLGSC, clause 2.4 relating to dog exercise areas was removed, as the intent can be met by a Council resolution stating that the dog exercise area is a dog prohibited area at those specific times whilst approved sport or activity is taking place.

- Cats
The most common feedback was for the request for all public areas to be declared a cat prohibited area, and also for cats to be restricted and confined to their own property, including the introduction of a cat curfew. These suggestions are not able to be facilitated as they go beyond what the City is empowered to do under the Cat Act. A list of the proposed cat prohibited areas is at Schedule 4 in this Local Law.
- Poultry
The following provides Administration's response to the key themes received through the consultation process associated with the 'keeping of poultry':

Perceived 'easing of restrictions'

The proposed Animal Local Law looks to remove former prescriptive provisions, including the 'prohibited zone', and set back distances (from dwellings, roads etc.) regarding the keeping of poultry. Some community members expressed concern that this would be inviting opportunity for more negative impacts on neighbouring properties to those keeping poultry.

The new approach strikes an effective balance between allowing more of the Vincent community access to the ability to keep poultry, whilst retaining provisions to control any potential negative impacts of such activities (such as cleanliness' and 'nuisance' provisions).

Rodents

Some submitters expressed concern about the possibility for increased rodent activity associated with the keeping of poultry because of the proposed removal of the prohibited zone and prescriptive setbacks in the poultry provisions.

By reducing the permitted maximum number of poultry from 12 to 6, and introducing 'cleanliness' provisions within the draft local law, there is adequate protections to address any demonstrated impacts associated with the keeping of poultry.

How will a 'nuisance' be established

Some submitters expressed concern with the lack of clarity around the term 'nuisance' and how the City would establish whether a nuisance was being created.

The inclusion of a defined term for 'nuisance', along with the development and implementation of processes and procedures around the assessment of such matters, ensures that 'nuisance' matters are addressed on a consistent basis.

'Risks' associated with the keeping of poultry

Some respondents expressed concern around the risks, both personal and public, associated with the keeping of poultry including but not limited to – possibility for disease/illness, proliferation of flies, soil contamination and others.

If the Animal Local Law is adopted, Administration will provide the community with updated information, via our website and other media forms, on best practice approaches to poultry keeping that minimise potential adverse impacts.

Increased penalties

Several respondents called for an increase to the 'modified penalties' applicable should an offence against a specified provision of the Animal Local Law be confirmed.

The proposed penalties are appropriate and comparable with other local governments and would generally be a last resort when it comes to administering the Local Law.

- Bees

There were limited written responses provided in respect to the keeping of bees. Some submitters raised concern with naturally existing bees and bee species, however this is outside the City's control. The City's Parks Team can, when advised, address swarming bees on City owned land.

If adopted, the Animal Local Law would be gazetted and provided to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). While the Local Law has been prepared with legal consultation and advice from DLGSC, the JSCDL may still exercise its discretion to disallow part or all of the *Animal Local Law 2022*.

CONSULTATION/ADVERTISING:

Following Gazettal, the City would provide local public notice that the *Animal Local Law 2022* has been published in the Government Gazette, in accordance with s3.12(6) of the *Local Government Act 1995*. The notice would include the following details:

- the title of the local law;
- the purpose and effect of the local law;
- the day the local law comes into operation; and
- advise that copies of the local law can be inspected and obtained from the City's office and website.

LEGAL/POLICY:

Section 3.12 of the *Local Government Act 1995* sets out the procedural requirements for the making of a local law:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2a) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give local public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

And

 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
** absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the gazette and give a copy of it to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister.*

- (6) *After the local law has been published in the gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The minister may give directions to local governments requiring them to provide to the parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Section 3.13 of the *Local Government Act 1995* provides:

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Other related legislation/regulations:

- *City of Vincent Dog Local Law 2007;*
- *City of Vincent Health Local Law 2004;*
- *Local Government Act 1995;*
- *Dog Act 1976;*
- *Cat Act 2011;*
- *Health (Miscellaneous Provisions) Act 1911; and*
- *Public Health Act 2016.*

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to approve the Animal Local Law 2021. There is a risk that the Joint Standing Committee may reject the Local Law, or part of the Local Law once it has reviewed the document. The City will need to address any undertakings that the Committee may require.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community.
Our community is aware of what we are doing and how we are meeting our goals.*

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced exposure to environmental health risks

FINANCIAL/BUDGET IMPLICATIONS:

The introduction of infringement notices in the Animal Local Law may generate a small amount of revenue for the City.

COMMENTS:

Adoption of the Animal Local Law would create a consolidated local law that contains animal requirements which previously sat under three local laws. This local law contains new initiatives relating to management of cats and modernisation of certain requirements, including permitting poultry and bees in accordance with good risk management principles.

CITY OF VINCENT ANIMAL LOCAL LAW 2022

DOG ACT 1976

CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

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DOG ACT 1976

CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

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

Part 1 – Preliminary

1.1 Short Title

This local law may be cited as the *City of Vincent Animal Local Law 2022*.

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 effect

- (1) The purpose of this local law is to provide for the regulation, control and management of the keeping of dogs, cats, other animals and bees within the district.
- (2) The effect of this local law is to establish the requirements that owners and occupiers of premises within the district must comply with in order to keep dogs, cats, other animals, and bees and provide the means of enforcing the local law.

1.4 Application

This local law applies throughout the district of the City.

1.5 Repeal

- (1) The City's Dogs Local Law 2007 published in the *Government Gazette* on 21 November 2007 and all amendments thereto are hereby repealed on the day this local law comes into operation.
- (2) Divisions 2, 3, and 4 of Part 5, and Division 6 of Part 6 of the City's Health Local Law 2004 published in the *Government Gazette* on 8 December 2004 are deleted on the day this local law comes into operation.

1.6 Terms used

Act means the *Local Government Act 1995*;

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authorised person means a person appointed under section 9.10 of the Act to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the City;

City means the City of Vincent;

Council means the City's Council constituted under the Act;

district means the district of the City;

licence means a licence issued by the City;

licence holder means a person who holds a valid licence;

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

Schedule means a schedule in this local law;

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

local planning scheme has the meaning given in section 4(1) the *Planning and Development Act 2005* which applies throughout the whole or a part of the district; and

vermin means 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.

Part 2 – Dogs

2.1 Terms used

(1) In this part:

authorised person has the meaning given in section 3(1) of the Dog Act;

dangerous dog has the meaning given in section 3(1) of the Dog Act;

Dog Act means the Dog Act 1976;

Dog Regulations means the *Dog Regulations 2013*;

excrete means to expel waste matter from the body but does not include urine;

kennel establishment means the kennel, yards and premises used to house a dog for commercial purposes, gain or reward;

land has the meaning given in section 7 of the *Property Law Act 1969*;

occupier has the meaning given in the Act;

owner in relation to a dog, has the meaning given in section 3(1) of the Dog Act;

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

pound means a dog management facility established under section 11 of the Dog Act and used for the purposes of keeping dogs seized or impounded under the Dog Act or this local law;

premises has the meaning given in section 3(1) of the Dog Act;

public place has the meaning given in section 3(1) of the Dog Act.

- (2) Other words and expressions used in this part have the meanings respectively given to them in and for the purpose of the Dog Act and Dog Regulations.

Division 1 – Impounding of Dogs

2.2 Impounding of Dogs

- (1) An authorised person shall be in attendance at the pound to facilitate the return of a dog that has been seized pursuant to section 29 of the Dog Act, at the times and on the days of the week as determined by the CEO.
- (2) Where a dog that has been seized is to be returned to an owner, the owner must produce to an authorised person:
- (a) proof of ownership of the dog;
 - (b) proof of registration of the dog in accordance with the Dog Act;
 - (c) payment of any moneys due to the City in relation to the dog; and
 - (d) if another person other than the owner is to take delivery of the dog on the owner's behalf, a written authority authorising that person to do so.

Division 2 – Dogs in Public Places

2.3 Failure to remove excrement

- (1) If a dog excretes on:
- (a) any public place; or
 - (b) any land without the consent of the occupier,
- every person liable for the control of the dog at the time must immediately remove the excrement.
- (2) If a dog excretes and the person liable for the control of the dog fails to remove the excrement in accordance with subclause (1), that person commits an offence.

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Division 3 – Requirements and Limitations of the Keeping of Dogs**2.4 Maximum Number of Dogs**

- (1) The owner or occupier of premises must not keep or permit to be kept on the premises more than 2 dogs over the age of 3 months and the young of those dogs under that age.
- (2) Subclause (1) does not apply to premises which have been:
 - (a) licensed under Part 2 Division 4 of this local law as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Dog Act.

2.5 Fencing Requirements

- (1) An owner or occupier of premises on which a dog is kept must—
 - (a) 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;
 - (b) ensure the fence used to confine a dog and every gate or door in the fence is 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;
 - (c) ensure that every gate or door in a fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined);
 - (d) ensure that every gate or door in a fence is fitted with an effective and operative latching mechanism or system;
 - (e) maintain the fence, gates and doors in good working order and condition; and
 - (f) where no part of the premises consists of open space, yard or garden, or there is no open space, yard or garden to which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than tethering the dog) for effectively confining the dog within the premises.
- (2) Notwithstanding subclause (1), the confinement of dangerous dogs is dealt with in the Dog Act.

Division 4 – Dog Kennel Establishments**2.6 Approved Kennel Establishment Licence**

A person must not keep a kennel establishment without having first obtained:

- (a) a licence under this local law; and
- (b) planning approval under the local planning scheme.

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2.7 Notice of Application for Kennel Establishment Licence

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

- (a) publish in a newspaper circulating in the district a notice of their intention to submit an application for a licence being in the form determined by the City, specifying that any interested person may within 21 days after the date of such publication object to the application in writing to the City; and
- (b) forward a copy of the notice, being in the form determined by the City, to the owners and occupiers of all land within a radius of 500 metres of the boundaries of the land upon which it is proposed to establish the kennel.

2.8 Notice of Application for Kennel Establishment Licence

An application for a licence to keep an approved kennel establishment must be in the form of that in Schedule 1 and must be accompanied by—

- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 2.7;
- (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 City may require;
- (c) a report of an acoustic consultant verifying that the operational noise levels (including from any plant and machinery) will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*; and
- (d) payment of fees and charges as determined by the City.

2.9 Determination of Application

(1) In determining an application for a licence, the City is to have regard to—

- (a) the matters referred to in clause 2.8;
- (b) any written submissions received within the specified period in accordance with clause 2.7; and
- (c) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under the local planning scheme.

(2) The City may, in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application subject to the conditions in Schedule 2 or any other conditions the City considers appropriate.

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2.10 Licence and Fees

- (1) A licence to keep an approved kennel establishment, and the application to renew or transfer such licence, must be in the form determined by the City.
- (2) A licence must be valid commencing on the date of its issue and expire on 30 June the following year, or on cancellation of the licence by the City, whichever is earlier.
- (3) Fees and charges as determined by the City are payable for licence applications, renewals and transfers.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

2.11 Duties of Licence Holder

- (1) The holder of a licence to keep an approved kennel establishment must—
 - (a) maintain the establishment in a clean, sanitary and tidy condition;
 - (b) dispose of all refuse, excrement and food waste daily in a manner approved by the City; and
 - (c) take all practical measures for the destruction of fleas, flies and other vermin.
- (2) A licence holder who fails to comply with a condition of a licence commits an offence.

2.12 Limit on Number and Breed of Dogs

A person who conducts an approved kennel establishment must 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 City.

2.13 Kennel Establishment requirements

Dogs in an approved kennel establishment must 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 must have an adjacent yard;
- (b) each kennel and each yard and every part thereof must 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 must be at a distance of not less than 25 metres from the front road or street;
- (d) each kennel and each yard and every part thereof must be at a distance of not less than 20 metres from any dwelling house;
- (e) each yard must be secured with a fence not less than 1.8 metres in height;

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- (f) the upper surface of the floor of each kennel must be set at least 100mm above the surface of the surrounding ground and must be constructed of granolithic cement finished to a smooth surface and must have a fall of not less than 1 in 100. The entire yard must be surrounded by a drain which must be properly laid, ventilated and trapped. Floor washing must pass through this drain and must be disposed of in accordance with the health requirements of the City;
 - (g) the floor of any yard must be constructed in the same manner as the floor of any kennel and as provided in paragraph 2.13(f);
 - (h) for each dog kept therein every kennel must have not less than 1.8m² of floor space and every yard not less than 2.5 square metres; and
 - (i) all kennels and yards, and all feeding and drinking vessels, must be maintained in a clean condition and cleaned and disinfected when so ordered by an authorised person.

2.14 Inspection of Kennel Establishments

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

Part 3 – Cats**3.1 Interpretation**

- (1) In this Part -

cat has the meaning given in section 3(1) of the Cat Act;

cattery means any premises where more than 3 cats are boarded, bred, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;

Cat Act means the *Cat Act 2011*;

cat management facility has the meaning given in section 3(1) of the Cat Act;

cat prohibited area means an area as outlined in Schedule 4;

Cat Regulations means the *Cat Regulations 2012*;

effective control in relation to a cat means any of the following methods —

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

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nuisance in relation to a cat means —

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

owner in relation to a cat, has the meaning given in section 4 of the Cat Act;

premises has the meaning given in section 3(1) of the Cat Act;

- (2) Other words and expressions used in this part have the meanings respectively given to them in and for the purpose of the Cat Act and Cat Regulations.

3.2 Keeping of Cats for which a licence is required

- (1) Subject to subclause (3), a person is required to have a licence to—
 - (a) keep more than 3 cats at a premises; or
 - (b) use any premises as a cattery or cat management facility.
- (2) A person who breeds cats may, with the written approval of the City, keep up to 6 adult breeding cats on any premises in the district, subject to—
 - (a) each cat being permanently confined in an effective cage system on the premises; and
 - (b) the terms and conditions in Schedule 3 or any conditions the City considers appropriate.
- (3) A licence is not required under subclause (1) if the premises concerned are—
 - (a) a refuge of the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia or any other incorporated animal welfare organisation;
 - (b) a veterinary surgery; or
 - (c) a pet shop.

3.3 Application for licence

An application for a licence under clause 3.2 must be—

- (a) made in writing, by an occupier of premises in relation to those premises;
- (b) in a form approved by the City, describing and specifying the number of cats to be kept on the premises;

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- (c) accompanied by brief reasons for the request;
 - (d) accompanied by the plans of the premises to which the application relates, to the specification and satisfaction of the City;
 - (e) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates; and
 - (f) accompanied by the application fee for the licence determined by the City from time to time.

3.4 Refusal to determine application

The City may refuse to determine an application for a licence if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

- (1) In determining an application for a licence the City may have regard to—
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under the local planning scheme;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the owners and occupiers of adjoining premises;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;
 - (h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
 - (i) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (j) such other factors which the City may consider to be relevant in the circumstances of the particular case.
- (2) The City may require an applicant to—
 - (a) subject to subclause (3) consult with adjoining occupiers and owners; and
 - (b) notify other adjoining occupiers and owners that they may make submissions to the City on the application within 14 days of receiving that notice.
- (3) The City may direct the nature and extent of consultation required with adjoining occupiers and owners.

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3.6 Decision on application

- (1) Upon receiving an application for a licence, the City may—
 - (a) approve the application for a licence subject to the conditions in clause 3.7 and any other conditions the City considers appropriate; or
 - (b) refuse the application for a licence.
- (2) If the City approves an application under subclause (1), then it shall issue to the applicant a licence in the form determined by the City.
- (3) If the City refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

3.7 Conditions

- (1) Every licence is issued subject to the following conditions—
 - (a) each cat kept on the premises to which the licence relates must comply with the requirements of the Cat Act;
 - (b) each cat must be contained on the premises unless under the effective control of a person;
 - (c) the licence holder will provide adequate space for the exercise of each cat kept on the premises;
 - (d) the premises must be maintained in good order and in a clean and sanitary condition; and
 - (e) the conditions contained in Schedule 3.
- (2) A licence holder who fails to comply with a condition of a licence commits an offence.

3.8 Duration of licence

Unless otherwise specified, in a condition on a licence, a licence commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—

- (a) it is revoked; or
- (b) the licence holder ceases to occupy the premises to which the licence relates.

3.9 Revocation

The City may revoke a licence if the licence holder fails to observe any provision under this Part Part 3 or a condition of a licence.

3.10 Licence not transferable

A licence is not transferable either in relation to the licence holder or the premises.

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3.11 Licence to be kept at the premises and available for view

- (1) A licence issued by the City must be kept at the premises to which it applies and must be provided to an authorised person on demand.
- (2) In the case of a registered cattery, the licence must be displayed in a prominent place within the premises.

3.12 Cat not to be a nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where, in the opinion of an authorised person, a cat is creating a nuisance, an authorised person may give written notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the City in the notice which shall not exceed 28 days.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

3.13 Cat prohibited areas

- (1) A cat prohibited area is an area listed in Schedule 4 to this local law.
- (2) A cat must not be in a cat prohibited area at any time.
- (3) If a cat is in a cat prohibited area contrary to subclause (1), the owner of the cat commits an offence.

Part 4 – Animals**4.1 Interpretation**

In this Part -

Affiliated Person means a person who is a member of a pigeon club that is affiliated with the Pigeon Racing Federation of Western Australia (Inc);

animal means any living animal, tame or wild, kept by a person and includes a fish, amphibian bird, cat, dog, reptile, cow, cattle, goat, horse, miniature horse, pig, miniature pig, marsupial, poultry, peacock, peahen, llama, alpaca, deer, sheep, ostrich, emus, native animal or the like;

approved animal means a large animal the subject of an approval by the City under clause 4.7;

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

bees means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

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beekeeper has the meaning given in regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

bee hive means a moveable or fixed structure, container or object in which a colony of bees is kept;

bird includes galahs, parrots, budgerigars, finches, pigeons, doves, birds of prey and the like;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey, Shetland pony or pony;

large animal includes a sheep, cow, goat, horse (including a miniature horse), deer, camel, llama, kangaroo, alpaca, pig (including a miniature pig), emu, ostrich;

miniature horse means a horse that does not exceed 870mm 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 650mm in height and does not exceed 55 kilograms in weight as an adult;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person or their ownership or occupation of premises;
- (c) interference which causes material damage to premises or other property on the premises affected by the nuisance; or
- (d) in relation to a dog, any of the behaviours described in section 38(1) of the Dog Act;

premises has the meaning given to it in section 4 of the *Public Health Act 2016*;

pigeon means birds of the species *columba livia* and includes homing pigeon, racing pigeon and dove; and

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

Division 1 – Keeping of Animals

4.2 Cleanliness

An owner or occupier of premises in or on which an animal is kept shall—

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

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- (b) when so directed by an authorised person, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from insect, pests or vermin by spraying with a residual insecticide or other effective means.

4.3 Nuisance Animals

- (1) An owner or occupier of premises in or on which an animal is kept shall ensure the keeping of the animal does not cause or create a nuisance.
- (2) If an authorised person considers that a person has contravened subclause (1), the City may give the owner and/or occupier of the premises a written notice requiring them to abate the nuisance within the time specified in the notice.

4.4 Animal Enclosures

- (1) A person shall not keep or cause or permit to be kept any animal on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The City may give written notice to the owner or occupier of premises where an animal is kept to pave, grade or drain the ground surface or floor of a structure or enclosure in which animals are kept.

4.5 Slaughter of Animals

- (1) Subject to subclause (2), a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply where the slaughter of an animal is at premises approved for that purpose.

4.6 Disposal of Deceased Animals

- (1) An owner or occupier of premises on which there is a deceased animal shall immediately arrange for its removal and disposal at an approved disposal site.
- (2) An owner, or a person having the care, of any animal that dies in a public place shall immediately arrange for its removal and disposal at an approved disposal site.

Division 2 – Keeping of Large Animals**4.7 Approval Required to Keep a Large Animal**

- (1) A large animal or animals in such numbers that may cause a nuisance as determined by the City shall not be kept on any premises within the district unless prior written approval has been given by an authorised person.
- (2) The City may approve in exceptional temporary circumstances the keeping of a large animal and may impose any conditions it considers necessary to ensure that public health standards are not compromised.

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4.8 Proximity of Approved Animals to another Premises

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of another premises.

4.9 Manure Receptacle

An owner or occupier of premises on which an approved animal is kept shall—

- (a) provide in a position convenient to a stable, a receptacle for manure, constructed of an impervious and durable material which has a smooth surface, provided with a tight-fitting hinged cover, and with no part of the base of the receptacle lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause all manure produced on the premises to be collected daily and placed in the receptacle;
- (d) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other insects; and
- (e) keep the receptacle so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means.

Division 3 – Keeping of Poultry, Pigeons and Aviary Birds

4.10 Limitation on Numbers of Poultry and Pigeons

(1) Subject to clauses 4.11 and 4.12, an owner or occupier of premises—

(a) shall not keep more than the maximum number of poultry listed in the following table:

| Residential premises (other than multi-residential premises, flat or unit) | Multi-residential premises, flat or unit |
|--|--|
| 6 | 0 |

(b) who is not an Affiliated Person, shall not keep a combined total of more than 12 poultry or pigeons; and

(c) who is an Affiliated Person, shall not keep a combined total of more than 50 poultry or pigeons,

on any premises.

(2) An owner or occupier of premises must not, without the written approval of the City, keep on any premises a rooster, turkey, goose, peafowl or more than the maximum number of poultry and pigeons detailed in subclause (1).

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- (3) The City may impose such conditions as to the number of poultry, pigeons, or aviary birds on any premises within the district as it considers appropriate.
- (4) The City may prohibit the keeping of poultry, pigeons, or birds at a premises, if the conditions in this Part have not been complied with or if unreasonable noise or a nuisance is being caused.

4.11 Conditions on Keeping Poultry and Aviary Birds

Any person who keeps poultry or aviary birds or permits poultry or aviary birds to be kept shall ensure that —

- (a) they provide a properly constructed and securely fastened structure or enclosure;
- (b) the enclosure or structures within which poultry or aviary birds are kept are maintained at all times in a clean and sanitary condition; and
- (c) all feed for poultry and aviary birds be stored in vermin proof containers.

4.12 Conditions for Keeping Pigeons

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

- (a) none are able to approach within 15 metres of another premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed and securely fastened structure or enclosure that—
 - (i) is located so that no pigeon is able to approach within 1 metre of any boundary;
 - (ii) the structure or enclosure is kept in a clean and sanitary condition and good repair at all times; and
 - (iii) is in a yard having an otherwise unobstructed area of at least 30 square metres.

4.13 Non-Conforming Structure or Enclosure

An authorised person may give written notice to an owner or occupier of premises directing them to take such actions as an authorised person considers necessary to remove or alter a structure or enclosure in which poultry, pigeons or aviary birds are kept in order to comply with the requirements under this Part.

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4.14 Restrictions on Pigeon Nesting or Perching

An authorised person may give written notice to an owner or occupier of premises in or on which pigeons are, or are in the habit of, nesting, perching or habitually feeding to take adequate steps to prevent them continuing to do so.

4.15 Restriction on Feeding of Birds

A person shall not feed pigeons, doves, ibis, ravens, seagulls, ducks, swans or other wild birds so as to cause a nuisance.

Division 4 – Bees**4.16 Conditions required to keep bees**

A person who keeps bees or bee hives or permits bees or bee hives to be kept shall –

- (a) unless exempted under Regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*, be registered as a beekeeper;
- (b) keep bees and bee hives in accordance with the Western Australian Apiarists' Society Best-Practice Guidelines for Urban Beekeepers;
- (c) provide a good and sufficient water supply on the premises which is readily accessible by the bees;
- (d) in relation to all premises, not keep —
 - (i) more than two bee hives on premises of 400 m² or less;
 - (ii) more than four bee hives on premises more than 400 m²; and
- (e) ensure bee flight paths do not affect adjoining premises.

4.17 Nuisance bees

- (1) A person must not keep or allow to be kept bees or bee hives, or both, on a premises so as to create a nuisance.
- (2) If an authorised person considers that a person has contravened any provision of this local law which relates to the keeping of bees or bee hives, the City may give the owner and/or occupier of the premises a written notice requiring them to abate the nuisance or remove any bee hives from the premises within the time specified in the notice.

Part 5 – Miscellaneous**5.1 Fees and Charges**

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

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5.2 City may Undertake Requirements of Notice

Where a person fails to comply with a notice served under this local law, the City may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

5.3 Powers of entry onto private land

This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by the City under this local law are subject to Part 3, Division 3, Subdivision 3 of the Act.

5.4 Appeal and Review Rights

When the City 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; or
- (c) give a person a notice,

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

Part 6 – Enforcement**6.1 Offences and Penalties**

- (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) Any person who commits an offence under Part Part 2 of this local law may be liable, upon conviction, to a penalty not exceeding—
 - (a) in relation to a dog that is not a dangerous dog \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued; or
 - (b) in relation to a dog that is a dangerous dog, \$10,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$1,000 for each day or part of a day during which the offence has continued in relation to a dangerous dog.
- (3) Any person who commits an offence under Parts Part 3 or Part 4 of this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

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6.2 Modified Penalties and Offence Description

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence—
 - (a) in relation to Part Part 2, is the amount specified in—
 - (i) the fourth column of Schedule 5 if the dog is a dangerous dog;
 - (ii) the fifth column of Schedule 5 if the dog is not a dangerous dog; and
 - (b) in relation to Parts Part 3 or Part 4, is the amount specified in the fourth column of Schedule 55.
- (3) Where an authorised person as defined under any Part of this local law has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person an infringement notice in the form required.

6.3 Form of Notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is to be in or substantially in the form of Form 1 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (d) for the purposes of Part Part 3, the issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the *Cat Act 2011*;
- (e) for the purposes of Part Part 3, an infringement notice given under the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*;
- (f) for the purposes of Part Part 3, a notice sent under the *Cat Act 2011* withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

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Schedule 1

Application for a licence for an approved kennel establishment

I/we (full name)

of (postal address)

(telephone number)

(facsimile number)

(E-mail address)

Apply for a licence for an approved kennel establishment at (address of premises)

.....

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from (insert date)

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at (insert address of residence)

on and from (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

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I confirm that I have read and agree to comply with the Code of Practice known as in the keeping of dogs at the proposed kennel establishment.

Signature of applicant

Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on *[insert date]*.

Schedule 2

Conditions of a licence for an approved kennel establishment

(clause 2.9(2)(b))

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

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

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-
- (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the City;
 - (g) all kennel floor washings must pass through the drain in item Schedule 2(f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the City;
 - (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
 - (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
 - (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
 - (i) 2 metres; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
 - (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the City;
 - (l) all external surfaces of each kennel must be kept in good condition;
 - (m) the roof of each kennel must be constructed of impervious material;
 - (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
 - (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
 - (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
 - (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
 - (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
 - (i) at the premises; or

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

Schedule 3

Conditions of a licence to use premises as a cattery

(clause 3.2(2)(b) and 3.7(1)(e))

Additional conditions—

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the City.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Wash basin with the minimum of cold water to be available.
- (7) The maximum number of cats to be kept on the premises stated on the licence is not to be exceeded.
- (8) A register is to be kept recording in respect of each cat the—
 - (a) date of admission;
 - (b) date of departure;
 - (c) breed, age, colour and sex; and
 - (d) the name and residential address of the owner.
- (9) The register is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) No sick or ailing cat to be kept on the premises.
- (12) Any other matter which in the opinion of the City is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

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Schedule 4
Cat Prohibited Areas

| Common Name | Physical Lot Boundaries | Description |
|------------------------|--|---|
| Britannia Road Reserve | Britannia Road, Mitchell Freeway, Brentham Street and Bourke Street | All bushland and parkland along physical boundaries and rear of residential properties of these roads. |
| Smiths Lake Reserve | Bourke Street, Kayle Street, Emmerson Street, Elven Street, Toorak Rise and Laroche Lane | All bushland, parkland, wetlands and vegetation along physical boundaries and rear of residential and industrial properties of these roads. |
| Robertson Park | Fitzgerald Street, Stuart Street, Palmerston Street and Randell Street | All bushland and parkland along the physical boundaries and rear of residential and industrial properties of these roads. |
| Banks Reserve | Joel Terrace and The Swan River | All bushland, parkland, wetlands and vegetation along physical boundaries and rear of residential properties of this road and estuary. |
| Hyde Park | Vincent Street, William Street, Glendower Street and Throssell Street | All bushland, parkland, wetlands and vegetation along physical boundaries and rear of residential properties of these roads. |

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Schedule 5

Offences and modified penalties

| Item No. | Clause No. | Nature of Offence | Modified Penalty – Dangerous Dog \$ | Modified Penalty \$ |
|----------------------|------------|--|--|------------------------|
| Part 2 – Dogs | | | | |
| 1. | 2.3(2) | Failure to remove excrement | 150 | 150 |
| 2. | 2.4(1) | Keeping more than the permitted number of dogs without approval | 400 | 200 |
| 3. | 2.5(1)(a) | Failure to install a fence capable of confining a dog to the premises | As provided in Dog Act | 250 |
| 4. | 2.5(1)(b) | Failure to install fence adequate to prevent the dog from passing over, under or through the fence | As provided in Dog Act | 250 |
| 5. | 2.5(1)(c) | Failure to keep gate or door closed when the dog is on the premises | As provided in Dog Act | 200 |
| 6. | 2.5(1)(d) | Failure to have a gate or door fitted with effective and operative latching mechanism or system | As provided in Dog Act | 200 |
| 7. | 2.5(1)(e) | Failure to maintain fences, gates and doors in good working order and condition | As provided in Dog Act | 200 |
| 8. | 2.5(1)(f) | Failure to ensure other means exist for effectively confining a dog within premises | As provided in Dog Act | 200 |

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|----------|------------|--|------------------------|
| 9. | 2.6 | Keeping a kennel establishment without a licence | 250 |

CITY OF VINCENT ANIMAL LOCAL LAW 2022

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|----------|------------|---|---------------------|
| 10. | 2.11(1)(a) | Failure to maintain a kennel establishment in a clean, sanitary and tidy condition | 250 |
| 11. | 2.11(1)(b) | Failure to dispose of refuse, excrement and food waste daily in approved manner | 250 |
| 12. | 2.11(1)(c) | Failure to take practical measures to destroy fleas, flies and other vermin | 200 |
| 13. | 2.12 | Keeping a greater number of dogs or different breed of dogs than licence. | 200 |
| 14. | 2.13 | Failure to keep approved kennel establishment secured, sited or maintained to the required standard | 250 |

| Part 3 – Cats | | | |
|---------------|-----------|--|-----|
| 15. | 3.1(1)(a) | Keeping more than 3 cats over the age of 6 months without a licence | 200 |
| 16. | 3.2(1)(b) | Using premises as cattery or cat management facility without a licence | 500 |
| 17. | 3.2(2)(a) | Failure to confine cats in effective cage system on the premises (cat breeder) | 200 |
| 18. | 3.2(2)(b) | Failure to comply with conditions imposed by a licence (cat breeder) | 250 |
| 19. | 3.7(1)(b) | Failure to contain each cat on premises | 200 |
| 20. | 3.7(1)(c) | Failure to provide adequate space for exercise of each cat | 200 |
| 21. | 3.7(1)(d) | Failure to maintain premises in good order and in a clean and sanitary condition | 200 |
| 22. | 3.7(1)(e) | Failure to comply with condition contained in Schedule 3 | 250 |
| 23. | 3.12(1) | Cat causing a nuisance | 250 |
| 24. | 3.12(4) | Failure to comply with an abatement notice | 250 |
| 25. | 3.13(3) | Cat in cat prohibited area | 250 |

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CITY OF VINCENT ANIMAL LOCAL LAW 2022

| Part 4 – Animals | | | |
|-------------------------|--------|---|-----|
| 26. | 4.2(a) | Failure to keep premises free of excrement, filth, food waste and other matter which is likely to be offensive or injurious to health or attract vermin | 200 |
| 27. | 4.2(b) | Failure to clean and disinfect premises when directed by an authorised person | 200 |
| 28. | 4.2(c) | Failure to keep the premises, so far as possible, free from insects, pests or vermin by spraying with a residual insecticide or other effective means | 200 |
| 29. | 4.3(1) | Failure to keep an animal so as to not cause or create a nuisance | 200 |
| 30. | 4.3(2) | Failure to comply with an abatement notice | |
| 31. | 4.4(1) | Failure to keep or cause or permit to be kept any animal, on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building | 200 |
| 32. | 4.4(2) | Failure to comply with written notice | 200 |
| 33. | 4.5(1) | Slaughtering any animal within the district | 200 |
| 34. | 4.6(1) | Failure to immediately remove deceased animal from premises and dispose of the deceased animal at an approved disposal site | 200 |
| 35. | 4.6(2) | Failure to immediately remove deceased animal from public place and dispose of the deceased animal at an approved disposal site | 200 |
| 36. | 4.7(1) | Keeping a large animal on any premises within the district without approval | 200 |
| 37. | 4.8 | Permitting an approved animal to approach within 15 metres of another premises | 200 |
| 38. | 4.9(a) | For an approved animal, failing to provide a receptacle for manure, constructed of an impervious and durable material which has a smooth surface, provided with a tight-fitting hinged cover, and with no part of the base of the receptacle lower than the surface of the adjoining ground | 200 |
| 39. | 4.9(b) | For an approved animal, failing to keep the lid of the receptacle closed except when manure is being deposited or removed | 200 |

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CITY OF VINCENT ANIMAL LOCAL LAW 2022

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| 40. | 4.9(c) | For an approved animal, failing to cause all manure produced on the premises to be collected daily and placed in the receptacle | 200 |
| 41. | 4.9(d) | For an approved animal, failing to cause the receptacle for manure to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other insects | 200 |
| 42. | 4.9(e) | For an approved animal, failing to keep the receptacle for manure so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means | 200 |
| Poultry, Pigeons and Aviary Birds | | | |
| 43. | 4.10(1)(a) | Keeping more than maximum number of 6 poultry on residential (other than multi-residential premises, flat or unit) or keeping any number of poultry on multi-residential premises, flat or unit | 200 |
| 44. | 4.10(1)(b) | Keeping more than 12 poultry or pigeons if not an Affiliated Person | 200 |
| 45. | 4.10(1)(c) | Keeping more than 50 poultry or pigeons if an Affiliated Person | 200 |
| 46. | 4.10(2) | Keeping a rooster, turkey, goose, peafowl or more than the maximum number of poultry and pigeons without approval | 200 |
| 47. | 4.11(a) | Where poultry or aviary birds are kept, failing to provide a properly constructed and securely fastened structure or enclosure | 200 |
| 48. | 4.11(b) | Where poultry or aviary birds are kept, failing to ensure the enclosure or structures within which poultry are kept are maintained at all times in a clean and sanitary condition | 200 |
| 49. | 4.11(c) | Where poultry or aviary birds are kept, failing to ensure all feed for poultry be stored in vermin proof containers | 200 |
| 50. | 4.11(d) | Where poultry or aviary birds are kept, failing to ensure the enclosure is located at least 1 metre from any boundary and at least 5 metres from a residential premises | 200 |
| 51. | 4.12(a) | Where doves or pigeons are kept, failing to ensure none is able to approach within 15 metres of a | 200 |

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CITY OF VINCENT ANIMAL LOCAL LAW 2022

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|-------------|--------------|--|-----|
| | | dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold | |
| 52. | 4.12(b)(i) | Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is located so that no pigeon is able to approach within 1m of any boundary | 200 |
| 53. | 4.12(b)(ii) | Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is kept in a clean and sanitary condition and good repair at all times | 200 |
| 54. | 4.12(b)(iii) | Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is in a yard having an otherwise unobstructed area of at least 30 square metres | 200 |
| 55. | 4.15 | Feeding pigeons, doves, ibis, ravens, seagulls, ducks, swans or other wild birds so as to cause a nuisance | 200 |
| Bees | | | |
| 56. | 4.16(a) | Failing to be registered as a beekeeper, unless exempted under Regulation 13 of the <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i> | 200 |
| 57. | 4.16(b) | Failing to keep bees and bee hives in accordance with the WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers | 200 |
| 58. | 4.16(c) | Failing to provide a good and sufficient water supply on the premises which is readily accessible by the bees | 200 |
| 59. | 4.16(d)(i) | Keeping more than two bee hives on premises of 400 m ² or less | 200 |
| 60. | 4.16(d)(ii) | Keeping more than four bee hives on premises more than 400m ² | 200 |
| 61. | 4.16(e) | Failing to ensure bee flight paths do not affect adjoining premises | 200 |

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CITY OF VINCENT ANIMAL LOCAL LAW 2022

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| 62. | 4.17(1) | Failing to keep bees or bee hives on premises so as to not create a nuisance | 200 |
| Other | | | |
| 63. | 6.1(1) | Failing to comply with a notice or direction | 200 |
| 64. | | All other offences not specified | 200 |

CITY OF VINCENT ANIMAL LOCAL LAW 2022

Dated 2022

The common seal of the City of Vincent)
was affixed by authority of a resolution of the)
Council in the presence of:)

Emma Cole
Mayor

David MacLennan
Chief Executive Officer

CITY OF VINCENT ANIMAL LOCAL LAW 2022

DOG ACT 1976

CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

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2.14 Inspection of Kennel Establishments

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

Part 3 – Cats

3.1 Interpretation

(1) In this Part -

cat has the meaning given in section 3(1) of the Cat Act;

cattery means any premises where more than 3 cats are boarded, bred, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;

Cat Act means the Cat Act 2011;

cat management facility has the meaning given in section 3(1) of the Cat Act;

cat prohibited area means the portions of land under the care, control or management of the City that the Council, by resolution, has declared as an area which cats are prohibited from entering;

Cat Regulations means the Cat Regulations 2012;

effective control in relation to a cat means any of the following methods —

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

nuisance in relation to a cat means —

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

owner in relation to a cat, has the meaning given in section 4 of the Cat Act;

premises has the meaning given in section 3(1) of the Cat Act;

vehicle has the meaning given in section 3(1) of the Cat Act.

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(3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the City in the notice which shall not exceed 28 days.

(4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

3.13 Cat prohibited areas

(1) A cat prohibited area is an area listed in Schedule 4 to this local law.

(2) A cat must not be in a cat prohibited area at any time.

(3) If a cat is in a cat prohibited area contrary to subclause (1), the owner of the cat commits an offence.

Part 4 – Animals

4.1 Interpretation

In this Part -

Affiliated Person means a person who is a member of a pigeon club this is affiliated with the Pigeon Racing Federation of Western Australia (Inc);

animal means any living animal, tame or wild, kept by a person and includes a fish, bird, cat, dog, reptile, cow, cattle, goat, horse, miniature horse, pig, miniature pig, poultry, peacock, peahen, llama, alpaca, deer, sheep, ostrich, emus or the like;

approved animal means a large animal the subject of an approval by the City under clause 4.7;

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

bees means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

beekeeper has the meaning given in regulation 3 of the Biosecurity and Agriculture Management Regulations 2013;

bee hive means a moveable or fixed structure, container or object in which a colony of bees is kept;

bird includes galahs, parrots, budgerigars, finches, pigeons and doves and the like;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey, Shetland pony or pony;

large animal includes a sheep, cow, goat, horse (including a miniature horse), deer, camel, llama, kangaroo, alpaca, pig (including a miniature pig), emu, ostrich;

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

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(b) the form of the infringement notice referred to in section 9.17 of the Act is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;

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

(d) for the purposes of Part Part 3, the issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the *Cat Act 2011*;

(e) for the purposes of Part Part 3, an infringement notice given under the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*;

(f) for the purposes of Part Part 3, a notice sent under the *Cat Act 2011* withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

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Schedule 1

Application for a licence for an approved kennel establishment

I/we (full name)
of (postal address)
(telephone number)
(facsimile number)
(E-mail address)

Apply for a licence for an approved kennel establishment at (address of premises)

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from (insert date)

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at (insert address of residence)

on and from (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

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I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant

Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on [insert date].

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Schedule 4
Cat Prohibited Areas

| <u>Common Name</u> | <u>Physical Lot Boundaries</u> | <u>Description</u> | | |
|-------------------------------|---|--|--|--|
| <u>Britannia Road Reserve</u> | <u>Britannia Road, Mitchell Freeway, Brentham Street and Bourke Street</u> | <u>All bushland and parkland along physical boundaries and rear of residential properties of these roads.</u> | | |
| <u>Smiths Lake Reserve</u> | <u>Bourke Street, Kayle Street, Emmerson Street, Elven Street, Toorak Rise and Laroche Lane</u> | <u>All bushland, parkland, wetlands and vegetation along physical boundaries and rear of residential and industrial properties of these roads.</u> | | |
| <u>Robertson Park</u> | <u>Fitzgerald Street, Stuart Street, Palmerston Street and Randell Street</u> | <u>All bushland and parkland along the physical boundaries and rear of residential and industrial properties of these roads.</u> | | |
| <u>Banks Reserve</u> | <u>Joel Terrace and The Swan River</u> | <u>All bushland, parkland, wetlands and vegetation along physical boundaries and rear of residential properties of this road and estuary.</u> | | |
| <u>Hyde Park</u> | <u>Vincent Street, William Street, Glendower Street and Throssell Street</u> | <u>All bushland, parkland, wetlands and vegetation along physical boundaries and rear of residential properties of these roads.</u> | | |

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Schedule 5
Offences and modified penalties

| Item No. | Clause No. | Nature of Offence | Modified Penalty – Dangerous Dog \$ | Modified Penalty \$ |
|----------------------|------------|--|-------------------------------------|---------------------|
| Part 2 – Dogs | | | | |
| 1. | 2.3(2) | Failure to remove excrement | 150 | 150 |
| 2. | 2.4(1) | Keeping more than the permitted number of dogs without approval | 400 | 200 |
| 3. | 2.5(1)(a) | Failure to install a fence capable of confining a dog to the premises | As provided in Dog Act | 250 |
| 4. | 2.5(1)(b) | Failure to install fence adequate to prevent the dog from passing over, under or through the fence | As provided in Dog Act | 250 |
| 5. | 2.5(1)(c) | Failure to keep gate or door closed when the dog is on the premises | As provided in Dog Act | 200 |
| 6. | 2.5(1)(d) | Failure to have a gate or door fitted with effective and operative latching mechanism or system | As provided in Dog Act | 200 |
| 7. | 1.1(1)(a) | Failure to maintain fences, gates and doors in good working order and condition | As provided in Dog Act | 200 |
| 8. | 1.1(1)(a) | Failure to ensure other means exist for effectively confining a dog within premises | As provided in Dog Act | 200 |

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| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
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| 9. | 2.6 | Keeping a kennel establishment without a licence | 250 |
| 10. | 2.11(1)(a) | Failure to maintain a kennel establishment in a clean, sanitary and tidy condition | 250 |
| 11. | 2.11(1)(b) | Failure to dispose of refuse, excrement and food waste daily in approved manner | 250 |
| 12. | 2.11(1)(c) | Failure to take practical measures to destroy fleas, flies and other vermin | 200 |
| 13. | 2.12 | Keeping a greater number of dogs or different breed of dogs than licence. | 200 |
| 14. | 2.13 | Failure to keep approved kennel establishment secured, sited or maintained to the required standard | 250 |

| Part 3 – Cats | | | |
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| 15. | 3.1(1)(a) | Keeping more than 3 cats over the age of 6 months without a licence | 200 |
| 16. | 3.2(1)(b) | Using premises as cattery or cat management facility without a licence | 500 |
| 17. | 3.2(2)(a) | Failure to confine cats in effective cage system on the premises (cat breeder) | 200 |
| 18. | 3.2(2)(b) | Failure to comply with conditions imposed by a licence (cat breeder) | 250 |
| 19. | 3.7(1)(b) | Failure to contain each cat on premises | 200 |
| 20. | 1.1(1)(a) | Failure to provide adequate space for exercise of each cat | 200 |
| 21. | 3.7(1)(d) | Failure to maintain premises in good order and in a clean and sanitary condition | 200 |
| 22. | 3.7(1)(e) | Failure to comply with condition contained in Schedule 3 | 250 |
| 23. | 3.12(1) | Cat causing a nuisance | 250 |

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| 24. | 3.12(4) | Failure to comply with an abatement notice | 250 |
| 25. | 3.13(3) | Cat in cat prohibited area | 250 |
| Part 4 – Animals | | | |
| 26. | 4.2(a) | Failure to keep premises free of excrement, filth, food waste and other matter which is likely to be offensive or injurious to health or attract vermin | 200 |
| 27. | 4.2(b) | Failure to clean and disinfect premises when directed by an authorised person | 200 |
| 28. | 4.2(c) | Failure to keep the premises, so far as possible, free from insects, pests or vermin by spraying with a residual insecticide or other effective means | 200 |
| 29. | 4.3(1) | Failure to keep an animal so as to not cause or create a nuisance | 200 |
| 30. | 4.3(2) | Failure to comply with an abatement notice | |
| 31. | 4.4(1) | Failure to keep or cause or permit to be kept any animal, on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building | 200 |
| 32. | 4.4(2) | Failure to comply with written notice | 200 |
| 33. | 4.5(1) | Slaughtering any animal within the district | 200 |
| 34. | 4.6(1) | Failure to immediately remove deceased animal from premises and dispose of the deceased animal at an approved disposal site | 200 |
| 35. | 1.1(1) | Failure to immediately remove deceased animal from public place and dispose of the deceased animal at an approved disposal site | 200 |
| 36. | 4.7(1) | Keeping a large animal on any premises within the district without approval | 200 |

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| 46. | 4.10(2) | Keeping a rooster, turkey, goose, peafowl or more than the maximum number of poultry and pigeons without approval | 200 |
| 47. | 4.11(a) | Where poultry or aviary birds are kept, failing to provide a properly constructed and securely fastened structure or enclosure | 200 |
| 48. | 4.11(b) | Where poultry or aviary birds are kept, failing to ensure the enclosure or structures within which poultry are kept are maintained at all times in a clean and sanitary condition | 200 |
| 49. | 4.11(c) | Where poultry or aviary birds are kept, failing to ensure all feed for poultry be stored in vermin proof containers | 200 |
| 50. | 4.11(d) | Where poultry or aviary birds are kept, failing to ensure the enclosure is located at least 1 metre from any boundary and at least 5 metres from a residential premises | 200 |
| 51. | 4.12(a) | Where doves or pigeons are kept, failing to ensure none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold | 200 |
| 52. | 4.12(b)(i) | Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is located so that no pigeon is able to approach within 1m of any boundary | 200 |
| 53. | 4.12(b)(ii) | Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is kept in a clean and sanitary condition and good repair at all times | 200 |

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| <u>54.</u> | 1.1(1)(a)(i) | <u>Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is in a yard having an otherwise unobstructed area of at least 30 square metres</u> | <u>200</u> |
| <u>55.</u> | 4.15 | <u>Feeding pigeons, doves, ibis, ravens, seagulls, ducks, swans or other wild birds so as to cause a nuisance</u> | <u>200</u> |
| Bees | | | |
| <u>56.</u> | 4.16(a) | <u>Failing to be registered as a beekeeper, unless exempted under Regulation 13 of the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</u> | <u>200</u> |
| <u>57.</u> | 1.1(1)(a) | <u>Failing to keep bees and bee hives in accordance with the WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers</u> | <u>200</u> |
| <u>58.</u> | 4.16(c) | <u>Failing to provide a good and sufficient water supply on the premises which is readily accessible by the bees</u> | <u>200</u> |
| <u>59.</u> | 4.16(d)(i) | <u>Keeping more than two bee hives on premises of 400 m² or less</u> | <u>200</u> |
| <u>60.</u> | 4.16(d)(ii) | <u>Keeping more than four bee hives on premises more than 400m²</u> | <u>200</u> |
| <u>61.</u> | 1.1(1)(a) | <u>Failing to ensure bee flight paths do not affect adjoining premises</u> | <u>200</u> |
| <u>62.</u> | 4.17(1) | <u>Failing to keep bees or bee hives on premises so as to not create a nuisance</u> | <u>200</u> |
| Other | | | |
| <u>63.</u> | 6.1(1) | <u>Failing to comply with a notice or direction</u> | <u>200</u> |
| <u>64.</u> | | <u>All other offences not specified</u> | <u>200</u> |

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Dated 2022

The common seal of the City of Vincent was affixed)
by authority of a resolution of the Council in the presence)
of:

Emma Cole David MacLennan
Mayor Chief Executive Officer

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Moved up [9]: Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is located so that no pigeon is able to approach within 1m of any boundary

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Failing to be registered as a beekeeper, unless exempted under Regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*

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Failing to keep bees and bee hives in accordance with the WA Apiarist Society Best-Practice Guidelines for

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SUMMARY OF FEEDBACK FROM THE DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES (DLGSC)

In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, Administration provided the Minister for Local Government with a copy of the advertised Animal Local Law. DLGSC provided the following advice regarding the Animal Local Law:

- Clause 2.4 – Dog Exercise Area. Clause 2.4(2) attempts to place restrictions on the use of dog exercise areas. Currently, the Dog Act allows local governments to pass resolutions declaring specific portions of land to be dog exercise areas. The Act also allows local governments to specify when dogs are absolutely prohibited from a specified area, which can be at all times or at specific times. It is uncertain if local laws can place any additional restrictions on dog exercise areas beyond the restrictions provided for in the Act. If the City wishes to keep dogs from being exercised in children's playgrounds and thoroughfares, these portions of land should be left out of any council declarations establishing a dog exercise area. This may require the council to word the resolution in a way that clearly excludes the playground or thoroughfare. If the City wishes to prohibit dogs from being present in a dog exercise area when functions or sporting events are being held, the council can pass a resolution stating that the dog exercise area is a dog prohibited area at those specific times.
- Clause 2.7 – Fencing Requirements for Dangerous Dogs. Clause 2.7 relates to general fencing requirements. The Dog Act currently provides stricter fencing rules and higher penalties in relation to the confinement of dangerous dogs. It is possible that a reader who looks at clause 2.7 may not realise this fact. For this reason, it is suggested that the following subclause be inserted to clause 2.7. Notwithstanding subclause (1), the confinement of dangerous dogs is dealt with in the Act.
- Clause 3.13 – Banning cats from Public Areas. Clause 3.13 provides that a cat must not be in public except when authorised in writing by the City. Currently, the Cat Act allows local governments to make local laws which set aside specific portions of land where cats are prohibited absolutely. For example, the local law could declare that a specific nature reserve is cat prohibited for the purposes of protecting fauna on that reserve. However, the Parliament's Delegated Legislation Committee has previously formed the view that the Cat Act does not contemplate local laws that (a) ban cats from all public areas, (b) place conditions on when a cat may be permitted in a public area, or (c) attempts to restrict all cats to their owner's premises. It is suggested that the local law be amended so that cat prohibited areas are restricted to specific portions of land listed in a Schedule rather than all public areas generally. It is also suggested that the City delete the reference to cats being allowed in prohibited areas with approval. If this does not occur, it is possible the Committee may seek the local law's amendment or recommend its disallowance in Parliament. Further information on this issue can be found in item 7.8 of the Committee's 78th Report in the Annual Report 2014.
- Seizure of Cats in Prohibited Area. Clause 3.13(3) provides that if a cat is found in a prohibited area, it may be seized "pursuant to the Cat Act". Currently, the Cat Act allows for cats to be seized when (a) they are suspected to be in breach of a section of the Act (eg lack of registration), (b) they are on premises without consent and the owner of the premises requests the cat's removal, or (c) the seizure is authorised by a court warrant. It is possible that 3.13(3) is inconsistent with the Cat Act, since it seems to allow cats to be seized in circumstances beyond those mentioned in the Act.
- Determination Device – definition of "large animal". Clause 4.1 defines a *large animal* to include any animal "so classified by the City". This definition will essentially allow the City to redefine the word at will, without needing to formally amend the local law to do so. It is possible the Delegated Legislation Committee may object to the open-ended nature of this definition.
- Clause 5.2 – Entry into Private Land. Clause 5.2 provides that if a person fails to comply with a notice, the City can carry out the required action and recover any costs as a debt owed. Currently, the *Local Government Act 1995*, doesn't provide any general power for local government staff to enter private land. While the Act does provide some powers of entry, these powers are restricted. A large portion of the proposed local law relates to private property. As a result, it is suggested that the following clause be added to Part 5 to reflect the limitations regarding powers of entry. 5.4 Powers of entry into private land – this local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any

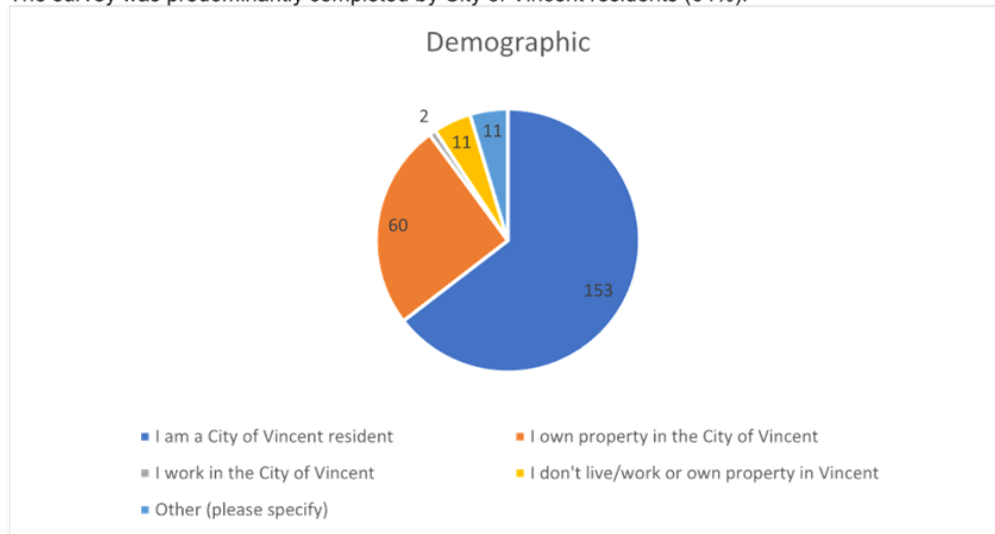
power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

- Modified Penalties – “10% rule”. Section 45A of the *Dog Act 1976* provides that a modified penalty for an offence in a local law must not exceed 10% of the unmodified penalty. Clause 6.1 of the City’s local law sets an unmodified penalty of \$1,000 for offences under Part 2, with a higher penalty of \$2,000 for offences involving dangerous dogs. This means that the maximum modified penalties will be \$100 and \$200 respectively. The penalties in Schedule 4 relating to Part 2 exceed these limits and should be reduced accordingly.
- Minor Edits. The following minor edits are suggested:
 - It would be useful for the local law to have a contents page. However, if the City chooses to include one, it would be advisable to omit page numbers, so it doesn’t clash with the Gazette’s existing page system. So long as the contents has the clause numbers and clause titles, this will be sufficient to navigate the document.
 - Clause 1.5:
 - In subclause (1) change “City’s Dogs Local Law 2007” to “Town of Vincent Dogs Local Law 2007”
 - In subclause (2) change “repealed” to “deleted” and change “City’s Health Local Law 2004” to “Town of Vincent Health Local Law 2007”.
 - Clause 1.6:
 - Move the word “district” to the next line.
 - Move the word “licence” to the next line.
 - Clause 2.3. This clause might be unnecessary, since section 43 of the Dog Act already contains an offence for unlawful release of dogs.
 - Clause 2.4. Change “section 1.9” to “section 31(3A)”.
 - Clause 2.11(2)(b). Change “Schedule 4” to “Schedule 2”.
 - Clause 3.11. This clause contains two sentences. It suggested the sentences be merged together or alternatively, assigned to separate subclauses.
 - Clause 4.1:
 - In the definition for *nuisance* remove the bold from “(d)”.
 - Move the definition for *premises* to a new line.
 - Clause 4.10(1). This subclause mentions that it is subject to “subclause (5)” but that subclause doesn’t exist. The City should double check and correct the reference accordingly.
 - Clause 4.17(d). As a result of the wording of paragraph (d), it is uncertain how many hives are permitted on a property of exactly 400m² in size. The City should amend subparagraph (i) or (ii) so it reflects the City’s intent, depending on whether it wants 2 or 4 hives on such lots.
 - Schedule 4. In the fourth column, the penalties for failing to have sufficient fencing for dangerous dogs can be changed to “As provided in Dog Act”.
 - Ensure that the text of clauses, subclauses and paragraphs are aligned consistently
 - If a clause only has one subclause, the designation “(1)” is unnecessary and can be deleted.

GRAPHICAL SUMMARY OF SURVEY RESPONSES - DRAFT ANIMAL LOCAL LAW 2021

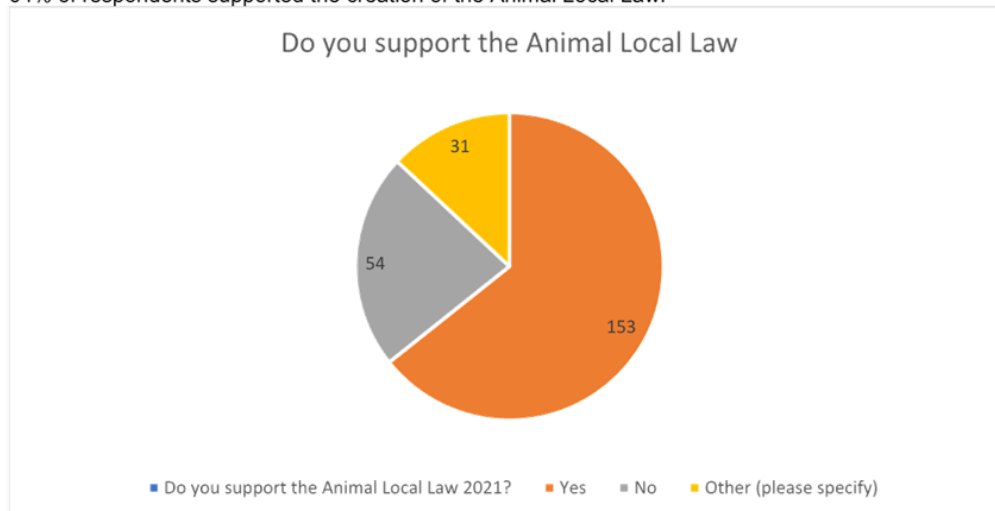
Question 1. Are you a City of Vincent Resident, property owner, worker or neither?

The survey was predominantly completed by City of Vincent residents (64%).



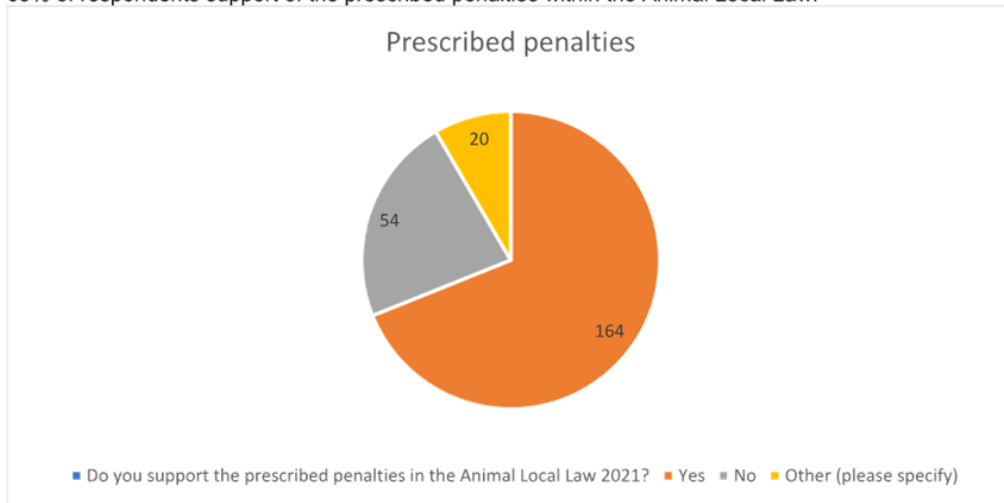
Question 2. Do you support the Animal Local Law 2021?

64% of respondents supported the creation of the Animal Local Law.



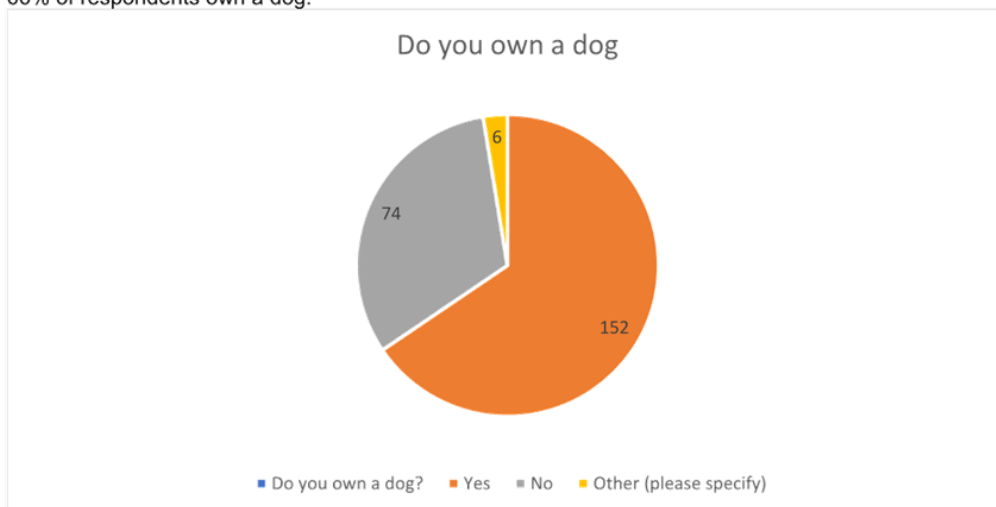
Question 3. Do you support the prescribed penalties in the Animal Local Law 2021?

69% of respondents support of the prescribed penalties within the Animal Local Law.



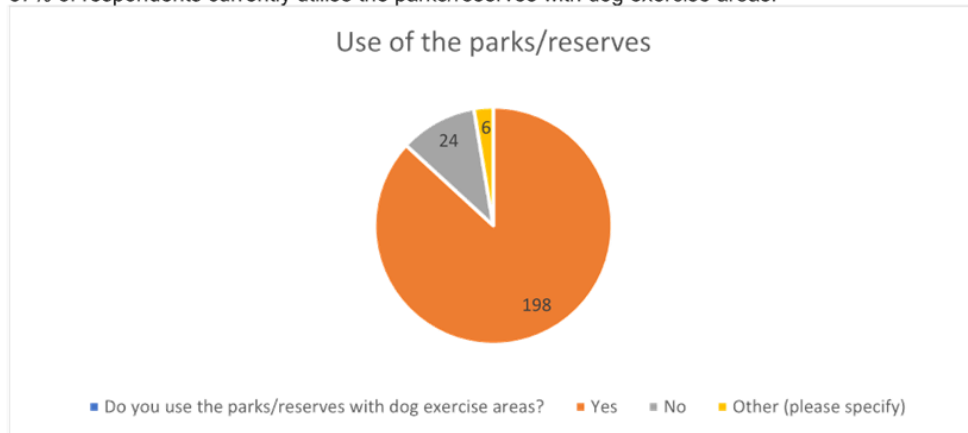
Question 4. Do you own a dog?

66% of respondents own a dog.



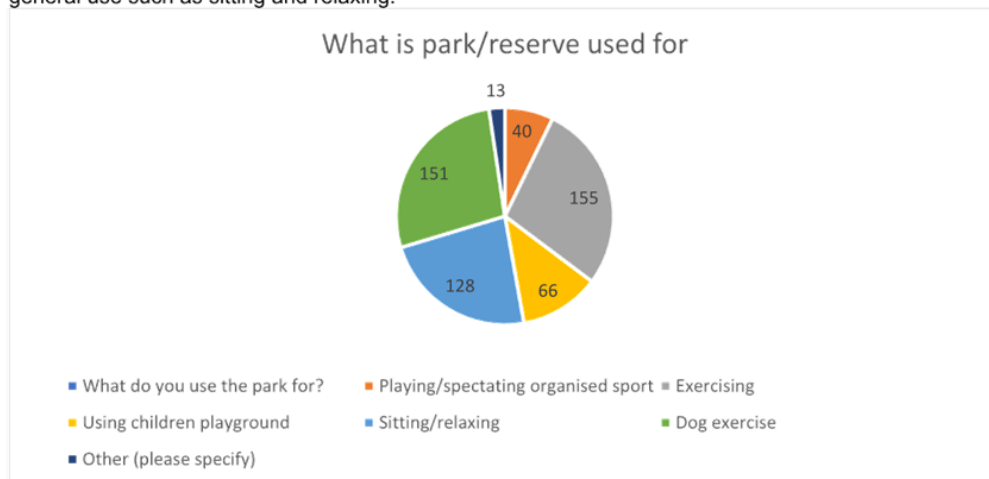
Question 5. Do you use the parks/reserves with dog exercise areas?

87% of respondents currently utilise the parks/reserves with dog exercise areas.



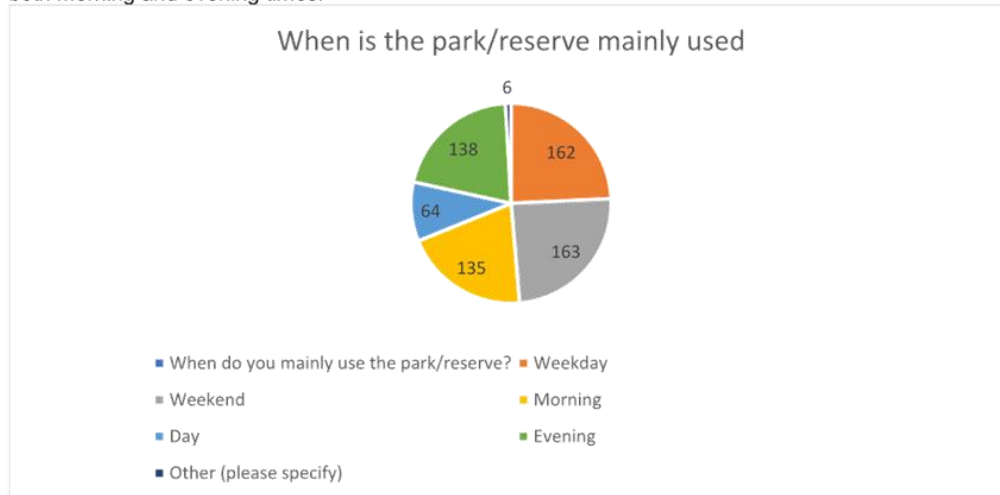
Question 6. What do you use the park for?

There was a diverse mix of uses, the most common of which were for exercising, dog exercising and general use such as sitting and relaxing.



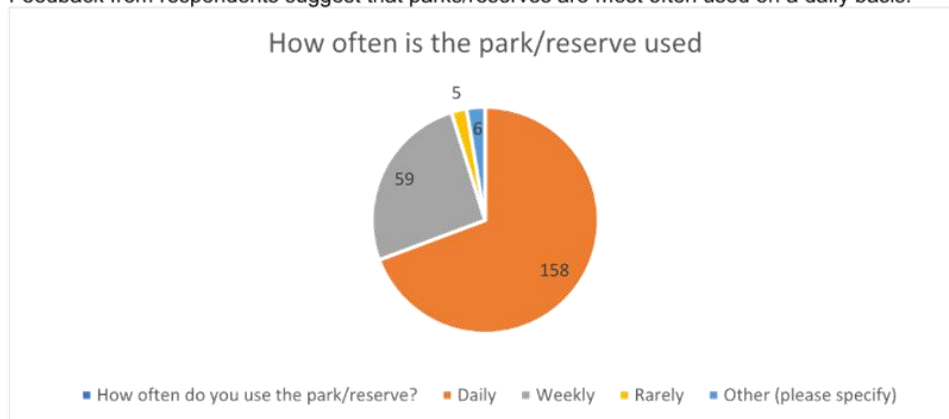
Question 7. When do you mainly use the park/reserve?

Respondents advise that parks/reserves are used equally on both weekdays and weekends, and at both morning and evening times.



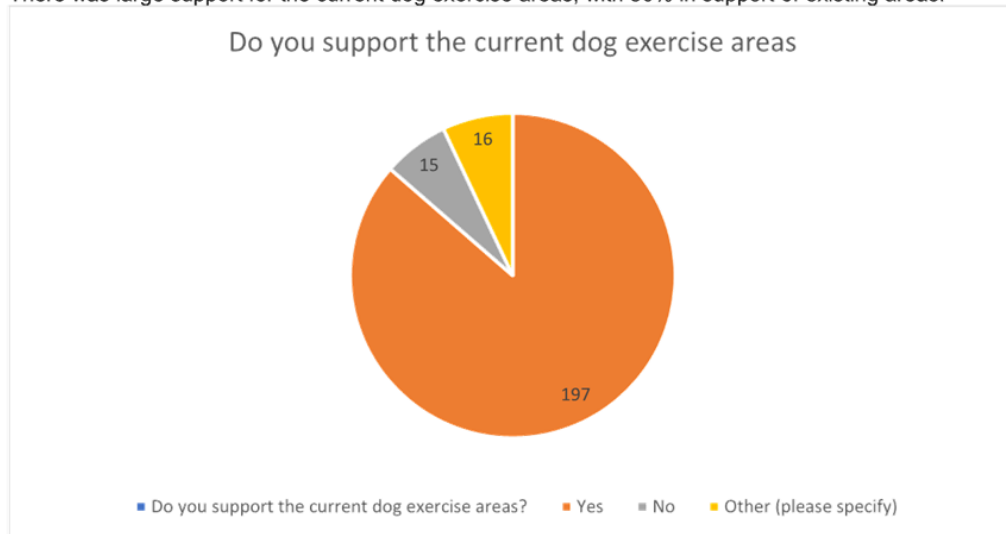
Question 8. How often do you use the park/reserve?

Feedback from respondents suggest that parks/reserves are most often used on a daily basis.



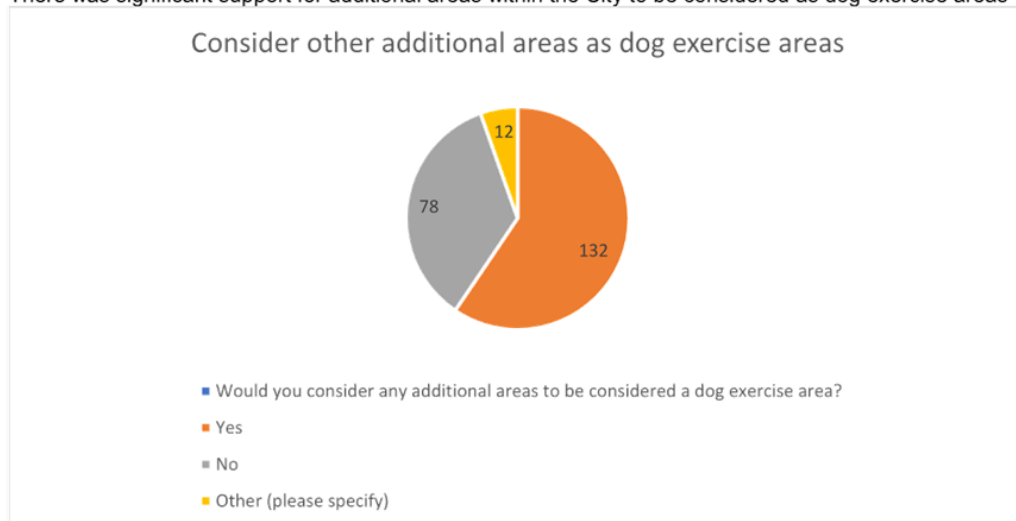
Question 9. Do you support the current dog exercise areas?

There was large support for the current dog exercise areas, with 86% in support of existing areas.



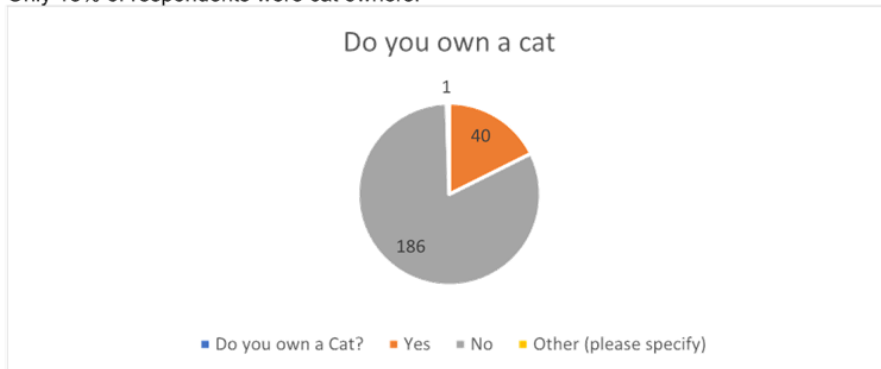
Question 10. Would you consider any additional areas to be considered a dog exercise area?

There was significant support for additional areas within the City to be considered as dog exercise areas



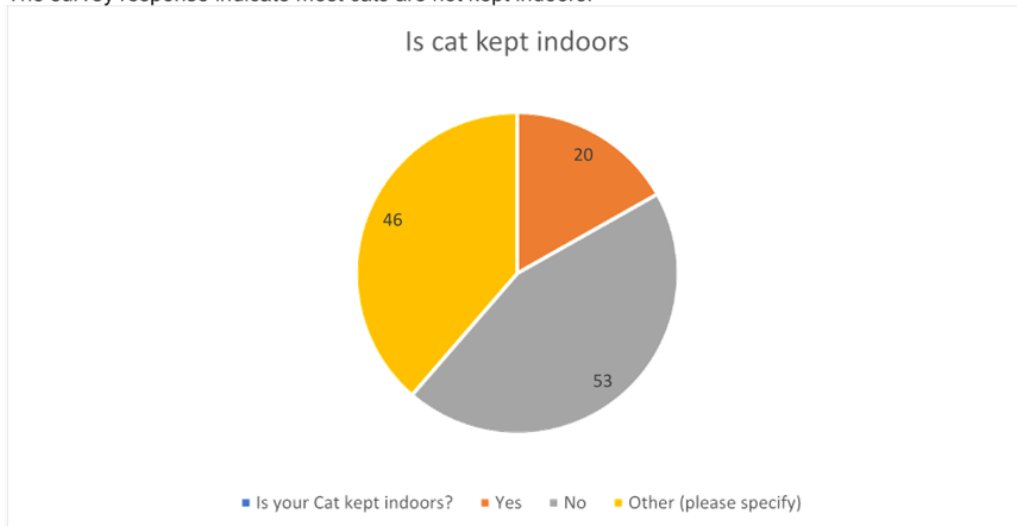
Question 11. Do you own a cat?

Only 18% of respondents were cat owners.



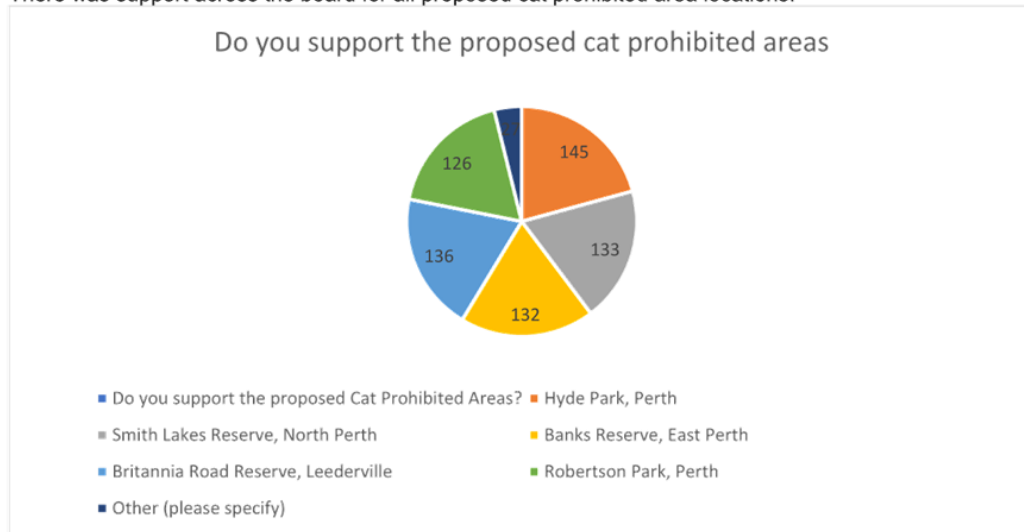
Question 12. Is your cat kept indoors?

The survey response indicate most cats are not kept indoors.



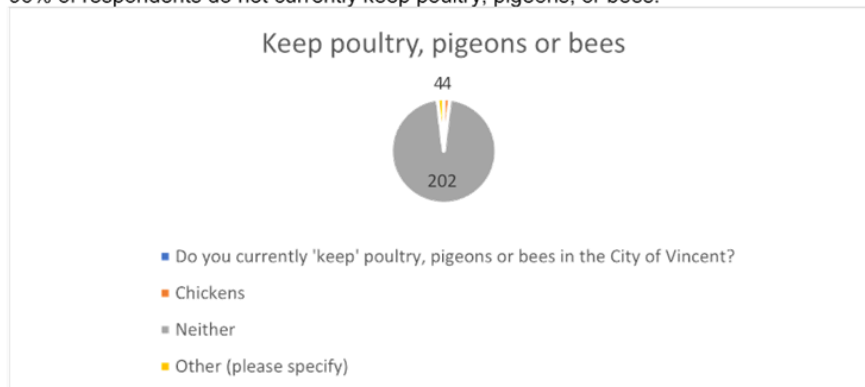
Question 13. Do you support the proposed cat prohibited areas?

There was support across the board for all proposed cat prohibited area locations.



Question 14. Do you currently keep poultry, pigeons, or bees in the City of Vincent?

96% of respondents do not currently keep poultry, pigeons, or bees.



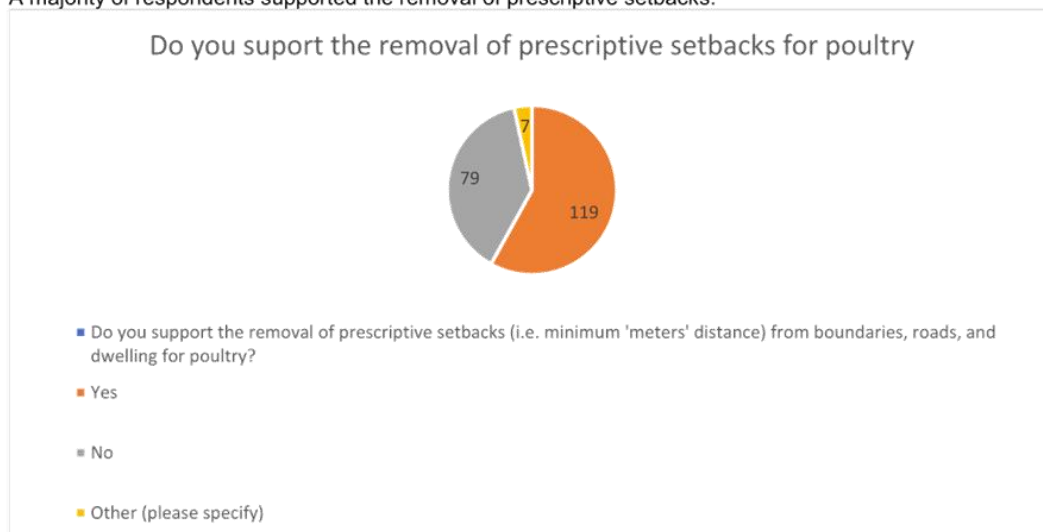
Question 15. Do you support the removal of prohibited areas, which means more properties in Vincent will be eligible to keep poultry or pigeons?

62% of respondents were in favour of removing the 'prohibited areas' within the City.



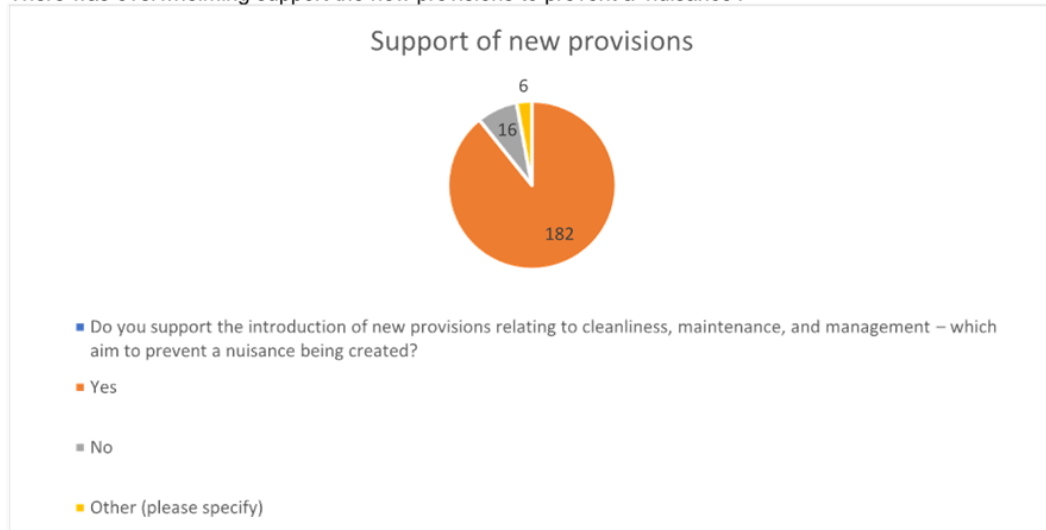
Question 16. Do you support the removal of prescriptive setbacks (ie minimum metres distance from boundaries, roads and dwelling for poultry?)

A majority of respondents supported the removal of prescriptive setbacks.



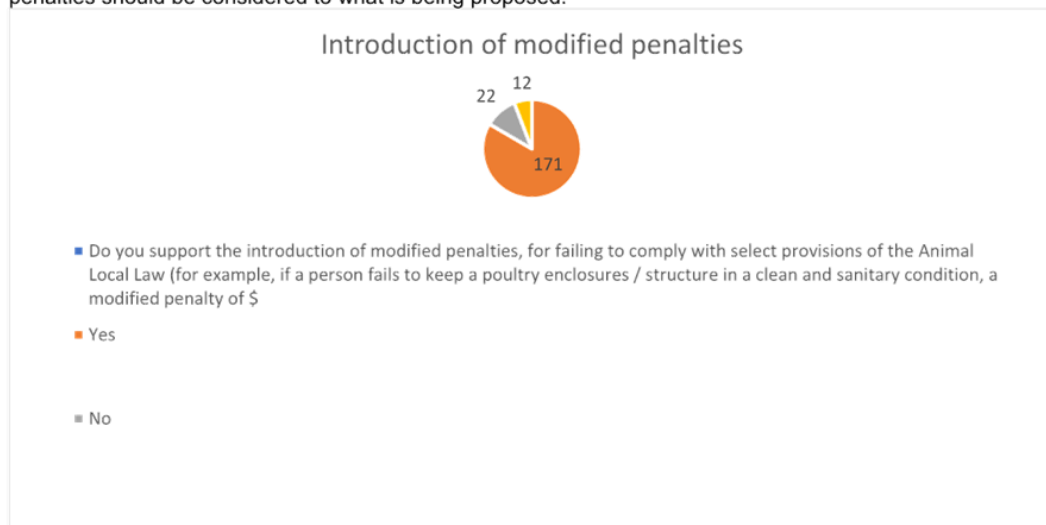
Question 17. Do you support the introduction of new provisions relating to cleanliness, maintenance, and management – which aim to prevent a nuisance being created?

There was overwhelming support the new provisions to prevent a 'nuisance'.



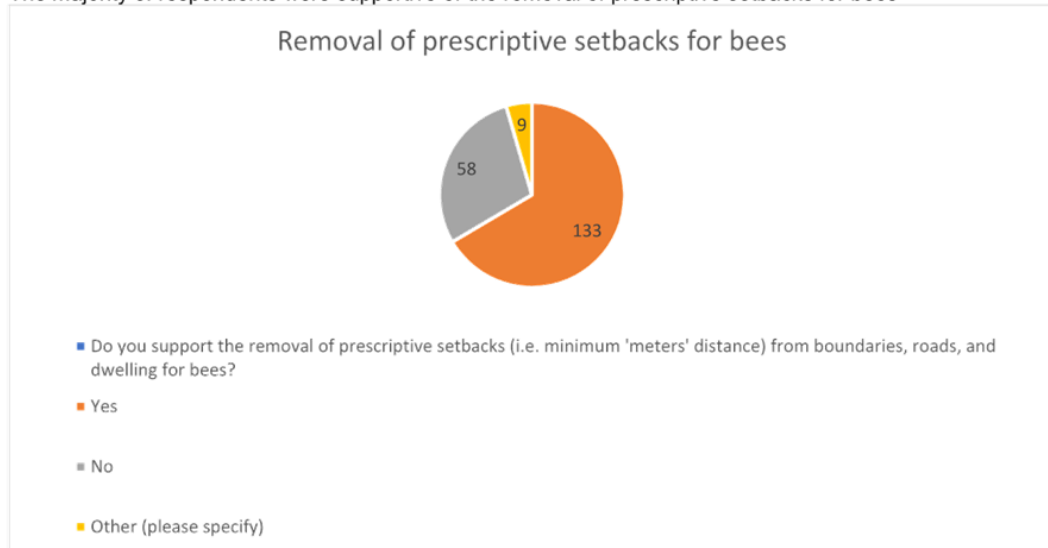
Question 18. Do you support the introduction of modified penalties for failing to comply with select provisions of the Animal Local Law (Poultry)?

Respondents were well in favour of introducing of modified penalties, with many suggesting high penalties should be considered to what is being proposed.



Question 19. Do you support the removal of prescriptive setbacks (ie minimum metres distance) from boundaries, roads and dwelling for bees?

The majority of respondents were supportive of the removal of prescriptive setbacks for bees



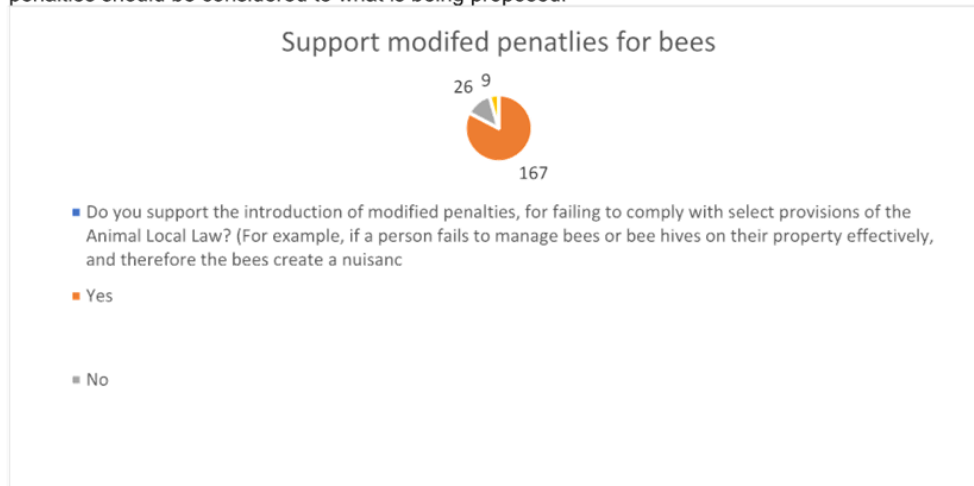
Question 20. Do you support the adoption of the 'WA Apiarist Society Best Practice Guidelines for Urban Beekeepers'? This approach would be more flexible for owner/occupiers within the City to keep bees.

There was large support for the adoption of the best-practice guidelines.



Question 21. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (Bees)?

Respondents were well in favour of introducing of modified penalties, with many suggesting high penalties should be considered to what is being proposed.



SUMMARY OF WRITTEN COMMENTS FROM RESPONDENTS - DRAFT ANIMAL LOCAL LAW 2021

| Respondent | Comments from respondent | Administration Comments |
|------------|---|--|
| 1 | No additional comments | Noted |
| 2 | Cats should be kept indoors or in secured cat enclosures when outside. Although I like cats If they are left to roam they are no good for the wildlife. Cat fighting at night time is also an issue which can wake residents up. The other issue is using peoples property has a toilet. | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 3 | 1. There are far too many feral (and non feral cats) roaming the city at night preying on native fauna. I support reducing the number of cats out an about. 2. Cats kill a lot of birds and mammals. I support controlling this. | 1. Under the Cat Act 2011, there is no power given to Local Governments to contain cats on the property. Cat prohibited areas are proposed, which may see a reduction in cat numbers roaming. 2. Noted |
| 4 | I think all cats should be kept indoors especially at night to protect our wildlife. | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 5 | I would like a curfew for cats. I own and live in a ground floor apartment and have a garden to attract birds. I have had to chase cats from my garden at night | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 6 | 1. If a fully enclosed space existed in the city of Vincent I would feel more comfortable taking my dog there. Currently none are properly secure therefore not safe for my dog. 2. Everywhere in the city of Vincent. Cats should be kept indoors unless on a lead to stop decimating our native bird population as well as defecating in people's backyards. Our neighbour's cat constantly comes into our front yard which also upsets my dogs leading to increased barking. They need to be controlled just like dogs - I've never understood why the rules are different for them when they are so destructive. It also increases the likelihood of them being injured or killed by cars | 1. Jack Marks Reserve, located on the corner of Wright Street and Turner Street in Highgate is fully enclosed. 2. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 7 | In line with the scientific evidence, and some other progressive councils, I would very much like to see a ban on outdoor cats. Cat prohibited areas will not be able to be policed - I previously had problems with roaming cats in my yard, and the ranger couldn't do anything to help me. This is a big problem. | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas cannot be extended to private property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance. |
| 8 | Support the current dog exercise areas as they currently operate - rather than they are listed in the local law. | Noted |
| 9 | No additional comments | Noted |
| 10 | No additional comments | Noted |
| 11 | No additional comments | Noted |
| 12 | No additional comments | Noted |
| 13 | 1. There does not appear to be prescribed penalties for dog owners who disregard section 2.4 (2), particularly those who flagrantly disregard organised sporting activity in public areas. 2. I think dog exercise areas are important and i have no objection to any of the public areas listed, however the conflict between organised sport and dog owners is a real issue. As a dog owner I will not exercise my dog where organised sport is being played or as a minimum will ensure my dog is on a lead. Unfortunately many dog owners believe their rights outweigh organised sport and refuse to restrain dogs which causes conflict, results in disruption to sport and injury. There needs to be stricter messaging, signage, enforcement and penalties for those who continue to disregard organised sport in dog exercise areas. Where no organised sport is on dog exercise areas then they should be utilised unrestricted, however restrictions should apply when sporting activities are being conducted. | 1. After consideration of the comments received the DLGSC, this clause has been removed. 2. Noted. |
| 14 | I believe the part where having a dog park where there is sport and exercise happening is definitely a big no. For example woodville reserves condition has deteriorated severely in the last 3 years since it has been also considered a dog park. Dog poo everywhere and also holes in the reserve which have made it so dangerous | Noted. Parks to continue maintenance checks wth Ranger patrols. |

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| 15 | Yes, support the current dog exercise areas - but it would be good to have a fenced section so that dogs can be exercised off lead | Jack Marks Reserve, located on the corner of Wright Street and Turner Street in Highgate is fully enclosed. |
| 16 | I live near Edinboro Street Reserve for the last 23 years. This is a reserve that only dogs on a leash can use, and yet I would guess more than 30 dogs (without a leash) a day use this park as it is fenced in, hence uncontrollable dogs can exercise without running away. Can the council confirm how many infringement notices have been issued over the last 20 years. Why have laws been made, if the council ranges do not enforce them! | There have been four infringements issued for 'Dog off leash' and 'Dog causing a nuisance' |
| 17 | Cats shouldn't be allowed to roam the streets and neighbourhood. Same rules should apply as with dogs, to protect our native wildlife (and our gardens!). | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. The Dog Act 1976 deals with differing laws compared to the Cat Act. |
| 18 | 1. The penalties are ok for first offences. It would be nice to spell out repeated offences can be higher. I am really sick of Dog owners not cleaning up after them. 2. As a responsible cat owner, every park in the city area should be prohibited areas for cats. especially after dusk. | 1. Higher penalties cannot be applied for 2nd or repeat offenders. The City does have an option where it can escalate matters of repeat offenders to a prosecution level. 2. Noted. Recommended cat prohibited areas as proposed. |
| 19 | Do you support the Animal Local Law 2021? - not sure what the law is | Document link was provided on the Imagine Vincent page, along with the details for the surveys. |
| 20 | No additional comments | Noted |
| 21 | Please do not decrease the number of dog exercise areas. | Noted |
| 22 | 1. Do you support the Animal Local Law 2021? - Unclear what the changes are. Suggest you specify key changes on your website. 2. Do you support the removal of 'prohibited areas', which means more properties in Vincent will be eligible to keep poultry or pigeons? - Some concerns over rats etc Does the council also intend to spend some Budget on effective pest management in response to increase in bird/chickens? | 1. The purpose and effect of the Animal Local Law was detailed on the Imagine Vincent page, and also detailed in the public notice advertisement. 2. Rodents are common throughout metropolitan Perth. The City is committed to providing education and awareness to Owners of poultry or pigeons, to ensure proper management of food, water and waste - so the keeping of such animals should have no significant impact on the general rodent population. |
| 23 | Would you consider any additional areas to be considered a dog exercise area? - The park adjacent to Beatty Park. | Noted. Close proximity of Charles Veryard Reserve is available. This could be considered under a separate council resolution. |
| 24 | 1. I do use reserves form my personal exercise and unfortunately i have to use the same reserve's as the Dog exercise reserve's. 2. Neighbors cats come into my garden and excrement. 3. I would like - some reserves allocated just for Human's. Additionally all Dogs that are out from their owners yard should be on a leash and wear a muzzle. I have grandchildren and are very worried about the potential of Dog Attack's. 4. . Do you support the adoption of the 'WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers'? - Yes but with rules that dont allow for Bee Hives on medium strips | 1. Noted. 2. The Cat Act 2011 does not provide the powers to limit cats to their property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance. 3. The City's websites details all parks and reserves within the City. This page lists which parks are dog exercise areas, and which parks are not. The Dog Act 1976 doesn't require all dogs off leash to wear a muzzle. 4. Noted. Bee hives will not be 'approved' on medium strips. |
| 25 | 1. I support the local law, but have some concerns relating to the relaxation of setback provisions for Poultry and Bees. 2. I support the current dog exercise areas, however there needs to be an increase to the penalties for not having your dog under control at a dog exercise area. 3. Cot controls should be strengthened to ensure that they are contained on their property at all times. 4. Do you support the introduction of new provisions relating to cleanliness, maintenance, and management – which aim to prevent a nuisance being created? - I am concerned that the relaxation of these provisions will be difficult for the City to enforce. 5. Do you support the adoption of the 'WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers'? - I support the adoption of these guidelines. I believe that there need to be consideration given to protecting residents with serious allergies to bee stings. | 1. Noted 2. Under advice received from the DLGSC, this clause has been removed. 3. The Cat Act 2011 does not provide the powers to limit cats to their property. 4. Administration would prepare in-house processes and procedures to 'establish a nuisance' to ensure consistent application and enforcement. 5. Administration would consider that with proper management in accordance with the WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers, the keeping of bees should have no additional impact on residents. |

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| 26 | All cats should be prohibited outside after 6 pm | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 27 | 1. Cats should be banned from being outside at all times. The proposal doesn't go far enough. 2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All outdoor area's. | 1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. 2. Unable to list 'all' areas. Each specific area needs to be listed. |
| 28 | No additional comments | Noted |
| 29 | No additional comments | Noted |
| 30 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - No, I think this is very difficult to implement. A cat is a cat and will wonder - you cannot simply keep the cat inside. We live directly opposite Smith Lakes Reserve, North Perth and whilst we could keep our cat in during the evening, it would be impossible to make it a permanent thing. 2. Whilst I understand to a degree this discussion, I feel very strongly about the chemicals still being used to de-weed these particular areas. When the wind blows it is dangerous not to mention the children & animals that are in these areas, touching plants etc. It surely cannot be good for the habitat or environment if the people spraying are in protective clothing! | 1. Noted. 2. Noted, Parks use the chemical in accordance with the material data sheets and complaint standards. |
| 31 | No additional comments | Noted |
| 32 | 1. Do you support the proposed Cat Prohibited Areas? - No. I don't support banning the ownership of cats in any areas. 2. I hope you're not trying to ban cat owners from living in these areas... this is ridiculous. | 1. The prohibited areas listed are not impacting / restricting ownership of cats. 2. The areas proposed as prohibited areas are public open spaces. |
| 33 | Ban cats going out doors. Impose penalties, they destroy bird life | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 34 | 1. If there could be more dog friendly places were sports are not played on a regular basis. There are limited options for dogs and it is really frustrating when the local option is used for 3-4 nights of the week for sports. 2. As many dog friendly options as possible please. It's really hard to walk to shops (rather than driving) etc when it is hard to leave a dog for a couple of minutes while u grab the item. Instead you end up driving because you don't want to waste time walking if you cannot combine it with exercising the dog. | 1. Noted. Other public open spaces are available that do not have organise sport or activities. 2. Noted. |
| 35 | 1. 6 chickens maximum is a good number for large chickens but it seems a bit unfair for bantam owners. 2. Do you support the proposed Cat Prohibited Areas? - In principle, yes, but in practice it is very hard to tell a cat what to do. Can this be phased in so that existing outdoor cats can live out their lives as is, while any new cats to the neighbourhood should be indoors cats? 3. Do you support the introduction of new provisions relating to cleanliness, maintenance, and management – which aim to prevent nuisance being created? - More than 6 chickens for small chicken breeds would be nice. | 1. Noted 2. The Cat Act 2011 does not provide the powers to limit cats to their property, whilst it would be very difficult for the City to distinguish between which is a 'new cat to the neighbourhood'. 3. Noted |
| 36 | Some of the new laws seem ridiculous i.e. how do you stop a dog defaecating in a public place?? As long as people clean up I see no problem and while we are talking about excreta how do you stop men and boys urinating in a public place? There are public toilets readily available but this does not seem to make any difference! | The offence is not against the dog itself, it is against the owner of the dog, or person deemed to be in control of the dog at the time, and the onus is on that person to ensure compliance. |
| 37 | No additional comments | Noted |

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| 38 | <p>1. Tbh it's not exactly clear. Are we getting more or less dog exercise areas? Where? When? Will getting fenced in dog parks reduce the number of free roam parks?</p> <p>2. It wasn't included in the top of the dot points and I'm not dedicating more than five mins to this, but if it's penalties for letting cats out at night or securing your dog... yes. But the CoV has a long way to go in properly managing pets. Inability to have more than one tag, inability to have a login to update details of your dog, everything being manual, and discovering my dog was registered at the wrong address for years through admin error at CoV end suggests a way to go.</p> <p>3. Would you consider any additional areas to be considered a dog exercise area? - Not really they seem pretty good. I do think a low fence along one side of Menzies is warranted due to proximity to road and speeding cars - see previous budget submission i lodged on the subject.</p> <p>4. How do you make a cat prohibited area?</p> <p>5. Do you support the removal of 'prohibited areas', which means more properties in Vincent will be eligible to keep poultry or pigeons? - Maybe. I have lived next door to a rooster and that was awful, but everything else is fine - particularly bees. We need more.</p> | <p>1. This is the purpose of the survey, to gain feedback on whether more dog exercise areas are considered necessary.</p> <p>2. Noted. Both the Dog Act and Cat Act allows for only the one registration tag per animal. The City website does have an online animal renewal process where owners can update their details at the time of renewing their registration. A state led initiative is being explored to allow a central data base for animal registrations, which could allow owners the ability to manage their details through a self managed portal.</p> <p>3. Noted - will be followed up with the development of the Dog Exercise Strategy/Policy.</p> <p>4. Council will agree to creating a cat prohibited area, along the same lines as Council agree which areas are considered dog exercise areas.</p> <p>5. Roosters are not permitted to be kept per the existing City of Vincent Health Local Law 2004, and this provision is being carried over to the new Animal Local Law.</p> |
| 39 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - This is a comete waste of time and effort.</p> <p>2. Do you have any further comments? - Focus on antisocial human behaviours.</p> | <p>1. Noted.</p> <p>2. Noted</p> |
| 40 | <p>I absolutely support the cat curfew at night time. Cats fight and climb on roofs, both of which wake up residents. Dogs bark at them during the night also, which further adds disturbance. They are an absolute nuisance.</p> | <p>The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law.</p> |
| 41 | <p>Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Charles Veryard Reserve</p> | <p>Noted</p> |
| 42 | <p>1. Do you support the current dog exercise areas? - Yes I do but parks like Jacks Marks Reserve are too overcrowded! Too many big dogs trampling on little dogs causing injury! My Son has been bitten by a dog here and received medical treatment while making his way to the playground! My dog suffers long term injury to her hip from being railroaded by a greyhound. Owners too busy chatting and do not pay attention to their dogs. Poop everywhere, the park is disgusting. There needs to be more parks around as Jacks Marks is dangerous with overcrowding and residents suffer as lack of car park bays for their own usage. I'm now only use Forrest Park and keep my dog on a leash at all times.</p> <p>2. Would you consider any additional areas to be considered a dog exercise area? - Yes definitely! Non COV residents are taking over our parks. COV need more larger and safer dedicated dog parks without playgrounds.</p> | <p>1. Noted. There are nearby current dog exercise areas such as Forrest Park, Robertson Park or Banks Reserve, however there is no way to place a cap on the number of dogs allowed in the Park at any one time, nor which size dogs are allowed to use the Park.</p> <p>2. Noted.</p> |
| 43 | <p>No additional comments</p> | <p>Noted</p> |
| 44 | <p>Cat kept indoors mostly. His kept indoors at night. Stays within my property when out</p> | <p>Noted</p> |
| 45 | <p>What do you use the park for? - Nothing as it's filthy abs dangerous.</p> | <p>Noted</p> |
| 46 | <p>No additional comments</p> | <p>Noted</p> |
| 47 | <p>Do you support the Animal Local Law 2021? -Yes but be more specific on nuisance digs with regards to noise levels and frequency of noise.</p> | <p>Noise levels due to excessive barking etc, is covered under the Dog Act 1976 legislation.</p> |
| 48 | <p>1. Dog need more enclosed and offers areas to socialuse and play.</p> <p>2. I dont support cat prohibited areas</p> | <p>1. Noted. Budget considerations and consultation would need to be undertaken with regards to the feasibility to enclose current dog exercise areas.</p> <p>2. Noted</p> |
| 49 | <p>I support cat restrictions & the ability to keep chickens. I don't support removing dog exercise areas</p> | <p>Noted.</p> |

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| 50 | <p>1. My cat is indoor at night and has access to the street .</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - areas of higher conservation area?</p> <p>3. The parks you have listed are heavily used by people? They do not have high conservation areas especially Hyde park and Robertson park. It's a strange choice of parks.</p> <p>4. Bees are an exotic species I am not sure why there is such a push to promote their use over native species.</p> | <p>1. Noted.</p> <p>2. Noted.</p> <p>3. Noted.</p> <p>4. Noted.</p> |
| 51 | <p>1. Is your Cat kept indoors? - Indoors at night sits out the front of the house greeting people. Cats do that.</p> <p>2. People walk their cats in parks. You haven't considered this.</p> | <p>1. Noted.</p> <p>2. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash</p> |
| 52 | No additional comments | Noted |
| 53 | <p>1. Do you support the Animal Local Law 2021? - Haven't seen the new laws yet.</p> <p>2. Do you support the prescribed penalties in the Animal Local Law 2021? - Haven't seen the penalties yet</p> | <p>1. Animal local law was available for viewing or download on the Imagine Vincent website page.</p> <p>2. As per comment (1).</p> |
| 54 | <p>1. 4.11 says that you must keep your poultry inside the enclosure. When we had chooks we would let them out of the enclosure to wander around our secure back garden. They would always be put back in their enclosure at night. The new law will not allow for this.</p> <p>2. Do you support the adoption of the 'WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers'? - Unsure as I don't know enough about it.</p> | <p>1. The draft Animal Local Law has been amended to accommodate some movement of poultry.</p> <p>2. Noted.</p> |
| 55 | No additional comments | Noted |
| 56 | No additional comments | Noted |
| 57 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Everywhere. Cats should be kept on owners premises except on lead walking like dogs are required.</p> <p>2. Cats kill so much wildlife. They need to be contained within their owners premises (indoors/cat runs).</p> <p>3. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - I think the penalty should be more. \$200 is not enough of a penalty/deterrent. There are so many rats & chickens encourages them.</p> <p>4. Do you support the removal of prescriptive setbacks (i.e. minimum 'meters' distance) from boundaries, roads, and dwelling for bees? - I am all for bees but people and dogs can be highly allergic. They need to be well setback from footpaths.</p> <p>5. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - I think the penalty should be more. \$200 is not enough of a penalty/deterrent.</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law.</p> <p>2. As per response (1).</p> <p>3. Noted. Administration consider the prescribed penalty sufficient.</p> <p>4. Noted. Administration would consider that with proper management in accordance with the WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers, the keeping of bees should have no additional impact on residents.</p> <p>5. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 58 | No additional comments | Noted |

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| 59 | <p>1. It is not clear how these prohibited areas will be applied practically, or how owners could ensure their cats do not enter them unless any nearby cat owner keeps their cat inside all of the time</p> <p>2. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - Only if the penalty is appropriate to the level of nuisance being created, \$200 could be an ineffective penalty. There needs to be a range, with the ability to ban residents keeping animals if it continues.</p> <p>3. Do you support the adoption of the 'WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers'? - It is unclear to me what this actually means in practice.</p> <p>4. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - Only if the penalty is appropriate to the level of nuisance being created, \$200 could be an ineffective penalty. There needs to be a range, with the ability to ban residents keeping animals if it continues.</p> | <p>1. Noted. Rangers will monitor in their patrols the cat prohibited areas and action accordingly.</p> <p>2. Noted. Administration consider the prescribed penalty sufficient.</p> <p>3. Noted. The adoption of the WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers provides guidance on how to responsibly keep bees. The City may consider non-compliance with this guideline as cause to declare a nuisance is being created.</p> <p>4. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 60 | <p>1. Do you support the current dog exercise areas? - Need basic fencing to deter dogs from running into traffic on main roads.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All areas with nature reserves unless on a leash.</p> | <p>1. Noted. Budget considerations and consultation would need to be undertaken with regards to the feasibility to enclose current dog exercise areas.</p> <p>2. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash</p> |
| 61 | No additional comments | Noted |
| 62 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Cats outdoors and off leashes.</p> <p>2. Currently residents opposite Hyde park allow their cats to roam the streets unsupervised.</p> | <p>1. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash.</p> <p>2. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law.</p> |
| 63 | <p>1. Do you support the Animal Local Law 2021? - I don't understand the case for needing to change the law.</p> <p>2. Do you support the prescribed penalties in the Animal Local Law 2021? - I don't understand the case for needing to change the penalties.</p> <p>3. I don't see why all open spaces cannot be dog/animal exercise areas.</p> <p>4. I have kept poultry and bees but do not at present. I am considering keeping both again in the future. There is a 'wild' bee hive on my property.</p> <p>5. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - only as long as they are policed reasonably</p> | <p>1. The purpose and effect is detailed on the Imagine Vincent page, and also detailed in the public notice advertisement.</p> <p>2. The change in penalties is made in line with amendment to the relevant offences.</p> <p>3. There needs to be a balance between having open spaces available for use as dog exercise areas, scheduled sport activity, leisure activity etc.</p> <p>4. Noted</p> <p>6. Noted</p> |
| 64 | No additional comments | Noted |
| 65 | No additional comments | Noted |
| 66 | No additional comments | Noted |
| 67 | No additional comments | Noted |
| 68 | Please please please complete the fence around the dog exercise area in Robertson Park!! I've seen dogs run across Stuart St in front of cars multiple times, including my dog. I don't understand why it's taking so long | Noted |

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| 69 | <p>1. There is only 1 dog exercise area in Mount Hawthorn (Menziess Park), which is also used for many sporting matches and training. Football training impacts almost every weekday afternoon/evening and games during weekend daytime in the season. Cricket matches impact significantly on Saturdays in summer when they often last till well after 6pm. Social games can be at any unpredictable time. An alternative area would help. The small park bounded by Scarborough Beach Rd, Egina and Blackford Sts could relieve the pressure if fenced and designated a dog exercise area.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All areas outside the owners property unless the cat is on a leash.</p> <p>3. Cats should be confined to the owner's property, preferably at all times but definitely at night.</p> | <p>1. Can be considered as part of the Dog Exercise Strategy/Policy?</p> <p>2. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash.</p> <p>3. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law.</p> |
| 70 | <p>1. Do you support the current dog exercise areas? - Yes. I like that dogs are not allowed to be in the childrens play area! It'd be good if this was sign posted too.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Anywhere we have lots of native birds.</p> <p>3. Do you support the removal of 'prohibited areas', which means more properties in Vincent will be eligible to keep poultry or pigeons? - Yes but I'm worried about the local rodent population increasing.</p> | <p>1. Signage can be followed up with the City Parks team to implement.</p> <p>2. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area.</p> <p>3. Rodents are common throughout metropolitan Perth. The City is committed to providing education and awareness to Owners of poultry or pigeons, to ensure proper management of food, water and waste - so the keeping of such animals should have no significant impact on the general rodent population.</p> |
| 71 | No additional comments | Noted |
| 72 | Do you support the introduction of new provisions relating to cleanliness, maintenance, and management – which aim to prevent a nuisance being created? - If law introduced then this is a necessity. | Noted |
| 73 | No additional comments | Noted |
| 74 | <p>1. I support penalties, though I feel the standard (and minimum) \$200 fine for most offenses is inordinate, especially as offenses vary in severity, as well as there is no disincentive for repeat offenders who don't see \$200 as a significant punishment.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - children's play areas, specifically and especially sandpits.</p> <p>3. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - As previously stated, a blanket \$200 fine is inordinate and does not take into account repeat offenses.</p> <p>4. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - As above. PS. There is an issue with the punishment for dog excreting. It states that all people who are responsible for the dog are liable for a fine if it excretes in a banned area, but only the person who removes the excretion is then exempt from penalty. This implies that if more than one person is walking a dog that excretes in a prohibited area, all present people other than the one who removes the excretion have failed to comply with city law.</p> | <p>1. Noted.</p> <p>2. This would be difficult to patrol and enforce. Each play area would need to be listed, couldn't list this as a blanket coverage.</p> <p>3. Noted. Administration consider the prescribed penalty sufficient.</p> <p>4. Clause states every person liable for the 'control' of the dog.</p> |
| 75 | No additional comments | Noted |
| 76 | Would you consider any additional areas to be considered a dog exercise area? - Yes. Due to congenital eyesight disability I need easily accessible dog off leash park to my home. | Noted |

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| 77 | <p>1. I support the dog exercise areas if adequate fencing is in place to separate dogs from bike paths and children play areas.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Include the riverside areas surrounding banks reserve, as there's a variety of bird life in the area. Cat prohibited areas should include any wildlife corridors between parks selected as Cat Prohibited Areas.</p> <p>3. Recommend legislating the use of bells for all cats and that they should be kept indoors or secured on owners property. We have issues with cats jumping our fence and defaecating in our garden (on produce we consume and where our child plays)</p> | <p>1. Consideration of this suggestion can be address in the development of the Dog Exercise Strategy/Policy.</p> <p>2. Noted.</p> <p>3. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law.</p> |
| 78 | <p>1. Do you support the Animal Local Law 2021? - Section 2.4 specifies that a dog exercise area must not be used if there is 'an event attended by people'. The nature of this phrasing is too broad, and leaves dog owners vulnerable to offence for using areas where informal gatherings are occurring. Suggest narrowing this meaning to formal, council approved gatherings (e.g. BBQ bookings in specified areas). The term 'must not use' is also problematic within this section, and could be narrowed to 'no off-lead exercise'. Section 2.5 of the proposed local government law 'Offence to excrete' is written in a manner that leaves responsible dog owners vulnerable to fines and persecution from private property owners and City of Vincent. Specifically, the term 'excrete' is not defined to mean solid excretion. Dog urination as written may be considered an offence which it should not be, given the innocuous nature of the excretion.</p> <p>2. Do you support the prescribed penalties in the Animal Local Law 2021? - Supported with the caveats specified per Question 2</p> | <p>1. Noted. On advice received from the DLGSC, this clause has been removed.</p> <p>2. Noted. As per (1).</p> |
| 79 | No additional comments | Noted |
| 80 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - River foreshores | Noted |
| 81 | I would love to see more on lead dog exercise areas. And for off leash dog exercise areas to be better patrolled to ensure that owners of off lead dogs do exercise proper control and management of their dogs | Noted. The City's Ranger Services will be authorised to monitor compliance with this Law. |
| 82 | <p>1. Do you support the Animal Local Law 2021? - Mostly support the new Law. Registration of Dogs and Cats tabs, owner information and animal name on collars not included. Inserting a chip in dogs and cats could also be included.</p> <p>2. Would you consider any additional areas to be considered a dog exercise area?</p> <p>3. Do you support the proposed Cat Prohibited Areas? - Any parkland area that contains local species of birds and animals.</p> <p>4. All cats should be sterilized.</p> | <p>1. This is covered under the relevant Dog Act and Cat Act, which is the over arching legislation.</p> <p>2. Noted.</p> <p>3. Noted.</p> <p>4. This is legislated under the Cat Act 2011.</p> |
| 83 | <p>1. Do you support the proposed Cat Prohibited Areas? - how can you specify which areas are cat prohibited? Dog owners believe they have right of way to allow their dogs to walk with no leash.</p> <p>2. I believe all cats should be kept in doors but they too need to go for a walk and due to not being a home owner i need to take my cat out for 30 mins at night. I do not agree with most of Leederville residents allowing their dogs to roam free</p> | <p>1. Current legislation under the Dog Act prohibit dogs off leash, unless in approved off leash areas. Ranger patrols would follow up on this.</p> <p>2. Dogs roaming is an offence under the Dog Act. The Cat Act 2011 does not provide the powers to consider such restrictions such as Cats being kept indoors. Cat prohibited areas have been proposed within this local law.</p> |
| 84 | No additional comments | Noted |
| 85 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Charles Veryard Reserve | Noted. |
| 86 | <p>1. Car should not leave private property ever.</p> <p>2. Cats should not be able to leave private property ever. If found off site owners should be fined \$2000. They are destroying native wildlife.</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law.</p> <p>2. As per response (1).</p> |

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| 87 | No additional comments | Noted |
| 88 | think this law is severely discriminatory towards cat owners that take their cats out to exercise on a harness and lead. It is the same as taking your dog out and I don't see you people proposing a dog prohibition law!? Please rethink this one because it really doesn't make sense to do this | Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash. |
| 89 | No additional comments | Noted |
| 90 | <p>1. I believe there needs to be better rules around dog exercise areas and public places such as markets where dogs are permitted</p> <p>2. Do you use the parks/reserves with dog exercise areas? - I used to until my dog was attacked several times, unprovoked .</p> <p>3. Do you support the current dog exercise areas? - As mentioned above not all owners have control over their dogs. I agree with the exercise areas however owners should have recall.</p> <p>4. Do you support the removal of 'prohibited areas', which means more properties in Vincent will be eligible to keep poultry or pigeons? - Need to have strict controls on odour, noise and escaped animals.</p> | <p>1. Laws are defined.</p> <p>2. Noted.</p> <p>3. Ranger patrols to check adherence to laws.</p> <p>4. Administration would prepare in-house processes and procedures to 'establish a nuisance' to ensure consistent application and enforcement.</p> |
| 91 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All parks and reserves.</p> <p>2. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosure / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - \$200 is a bit low.</p> <p>3. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - Should be a higher penalty</p> | <p>1. Noted. Wouldn't consider all parks and reserves.</p> <p>2. Noted. Administration consider the prescribed penalty sufficient.</p> <p>3. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 92 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Everywhere | Noted. Unlikely to prohibit cats from all areas. |
| 93 | I do not support any reduction in dog exercise areas. People who drive to a park that is a dog exercise area have no difficulty in driving to a park that is not a dog exercise area if they wish to avoid dogs. I do agree that dogs should be socialised and not aggressive if off the lead | Noted |
| 94 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Any area outside a cat's home boundary, unless on a leash.</p> <p>2. I like cats, but they have a huge detrimental impact on indigenous fauna!</p> <p>3. Do you currently 'keep' poultry, pigeons or bees in the City of Vincent? - I would love to keep a single beehive</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will prohibit cats to be walked, whether on or off a leash.</p> <p>2. Noted.</p> <p>3. Noted</p> |
| 95 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Belmont, vic park.</p> <p>2. enclosed area for dogs n cats thank you.</p> | <p>1. These areas are outside of the City of Vincent.</p> <p>2. Would need to look at budget considerations and public consultation.</p> |

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| 96 | <p>How can you possibly restrict a local cat living near a park from entering it without locking the cat indoors for life . Many pet owners would not have adopted them knowing they could never go out as they don't have sufficient room indoors to give their animals an enriched life or do not want to live with animal faeces in the house. Are we now to surrender our animals to a suburb where they can have a decent quality of life, move with all the costs and inconvenience that includes or spend ridiculous sums of money to enclose our gardens or courtyards and ourselves by extension into cages. I am a responsible pet owner. My rescued cats are sterilised, vaccinated, microchipped, registered, collared and belled. They are kept inside at night and allowed to wander during the day. They have never brought home a bird or mouse or marsupial. To imprison them in a small house denying them sunshine, grass under their paws, chasing each other on the front lawn, seems cruel beyond measure especially to take it away from them after having know these pleasures and joys. The only way to make this law fair is to not make it retroactive. Any cat registered with your council prior to the introduction of this law should not have its owner fined if captured in a "cat free zone". I also would very much like to know how you intend to capture these animals without causing them any harm? And will stray cats caught be handed over to shelters or fosters or are you planning on killing them?</p> | <p>Comments noted. Cat trapping is carried out by procedure in line with the Animal Welfare Act 2002 . Any cats trapped are taken to the Cat Haven.</p> |
| 97 | <p>No additional comments</p> | <p>Noted</p> |
| 98 | <p>It is unfair that all of Britannia Reserve is now a dog exercise area. There should be a dog free area where people who are afraid of dogs can feel relaxed and comfortable in the park. That is how it used to be</p> | <p>Noted</p> |
| 99 | <p>Any location that could be considered a hub for wildlife (such as birds, tortoises, and marsupials) should be considered as a cat prohibited area to increase the native wildlife safety and survival</p> | <p>Noted.</p> |
| 100 | <p>No additional comments</p> | <p>Noted</p> |

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| 101 | <p>1. I support the tighter control of cats however I do not believe that the proposal will be effective in controlling free roaming cats. The proposed law is inequitable in that it allows owners to have only two dogs but allows three cats without a licence. I believe dog and cat owners should be responsible for their pet at all times. Clearly a cat which is allowed to roam unsupervised is not within the owners control. Furthermore a cat is capable of accessing property and habitat that dogs are not able to. Cats are much more invasive than a dog can ever be and therefore as a threat to wildlife and as an invasive pest they are much more potent. As such I believe cat owners should be subject to the same obligation as dog owners - requiring their animals to be restricted to their property or under the owners control when not on their property. Damage that unrestricted cats cause includes Killing of native birds and wildlife Defacating wherever they wish - including in vegetable plots Fighting / mating at night with other cats creating a noise issue Whilst dogs may create a nuisance, because they must be restricted to home or controlled, it is easy to identify the owner of the pet and deal with the issue. As cats are often left to roam and are very quick and agile, identifying the owner is very difficult especially when a great deal of the cats damaging / nuisance behaviours occur at night.</p> <p>2. I believe that the prohibition of cats from certain areas is not workable and starts from the opposite point as dogs. Dogs are not allowed anywhere off leash except certain dog exercise areas where they must still be under the owners control. I believe the same position should be applied to cats. If the council is unable or unwilling to protect the community and its fauna from free roaming cats and chooses instead to adopt a band aid solution of prohibiting cats from specified areas then I think it is a small improvement however I think it is unworkable. Who will be patrolling / policing these areas - particularly at night when cats are more active and since cats are expert in stealth.</p> <p>3. Cats should be controlled everywhere other than cat exercise areas.</p> <p>4. The City needs to take a proactive bold stance in managing cats instead of allowing these efficient predators free rein to decimate local wildlife and allowing cat owners to take no responsibility for the actions and whereabouts of their pets</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law.</p> <p>2. As per (1). Ranger patrols will continue, whilst on shift. Problematic or reported areas, could also have cat trapping procedures initiated.</p> <p>3. As per (1).</p> <p>4. Noted. This is the intention of this local law, to take steps in this direction.</p> |
| 102 | <p>The new dog law seems to prohibit dogs from using exercise areas when organised sport is occurring. Which is not very sensible, because many park areas such as Britannia Reserve are so large that a cricket match at one end is not affected by some dogs playing at the other end. I think the law needs to recognise the common shared space that is available to be used by sporting groups, events and dog walkers co-operatively and concurrently. As long as no nuisance is being created or maybe as long as 3m space from the boundary is provided at all times?</p> | <p>On advice received from the DLGSC, this clause has been removed.</p> |
| 103 | <p>Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Outdoor areas on Public land and streets within 300m of a park or currently proposed cat prohibited area.</p> | <p>Logistically it wouldn't suit to have a distance included. An actual area, defined by name, would be more suited and more easily identifiable</p> |
| 104 | <p>Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All outdoor areas unless on a lead.</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will prohibit cats to be walked, whether on or off a leash.</p> |
| 105 | <p>No additional comments</p> | <p>Noted</p> |
| 106 | <p>1. Everywhere should be a cat prohibited area unless on a leash. 2. Cats should only be allowed outdoors if on a leash.</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will prohibit cats to be walked, whether on or off a leash.</p> <p>2. As per (1).</p> |

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| 107 | 1. Everywhere should be a cat prohibited area unless on a leash. 2. Cats should only be allowed outdoors if on a leash. | 1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will prohibit cats to be walked, whether on or off a leash. 2. As per (1). |
| 108 | No additional comments | Noted |
| 109 | 1. I moved to Perth from Brisbane 10 years ago, and rules there ensured cats had a curfew. Cats were not to be outside after dark. Predominantly that was to protect possums and koalas, but we have quenda and other small animals here. Cats are predators and should be treated as such. If a dog bites another dog or a person it is put down. Cats kill on a regular basis with no retribution. 2. Do you support the removal of 'prohibited areas', which means more properties in Vincent will be eligible to keep poultry or pigeons? - Chickens only | 1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. 2. Noted. |
| 110 | No additional comments | Noted |
| 111 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All outdoor public spaces. | Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area. |
| 112 | No additional comments | Noted |
| 113 | 1. Do you support the current dog exercise areas? - Keep the dog exercise area as is in Banks Reserve. Fence off the children's playground. 2. Would you consider any additional areas to be considered a dog exercise area? - The more the better. Neighbours get to socialise in dog exercise areas as well as keeping their dogs healthy and happy. 3. Cats should be kept inside at night. | 1. Noted. 2. Noted. 3. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 114 | Cats should be contained indoors or a cat run | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 115 | No additional comments | Noted |
| 116 | No additional comments | Noted |
| 117 | No additional comments | Noted |
| 118 | No additional comments | Noted |
| 119 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Backyards 2. Would like to keep bees. | 1. The assumption is neighboring back yards, if so, then unable to accommodate as guided by the Cat Act 2011. 2. Noted. |
| 120 | No additional comments | Noted |
| 121 | Our neighbour has recently got a cat and has little control over it. I would like to see the new laws enforced so that nuisance is defined by cats regularly travelling into my property, chasing birds and disrupting sleep by being let out over night | Noted. Administration would consider that the current definition within the Local Law is sufficient |
| 122 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - The parkland areas bordered by Oxford, Britannia, Brentham and Bourke Sts Leederville | Noted. |
| 123 | All areas should be Cat prohibited unless on a leash or able to react to recall | Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash. |
| 124 | I am ok with dogs being exercised at my local park which is Les Lilleyman reserve but too often I find that dog owners have the attitude that they can let their dog run freely without paying attention to them. When I am exercising I am frequently approached by a dog and the owner most often is not able to recall the dog. The expectation should be that the owner has to keep the dog under control at all times, or otherwise keep them on the lead. Dog poo is another issue, there is often dog poo left on the park, fines for this should perhaps be increased | Noted, ensure Ranger patrols. Penalty for excreting is higher than neighboring local governments local laws. |

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| 125 | Fremantle is proposing all council areas (my understanding). That means verges, parks..any council land. Get tough on cats (owners) | Noted |
| 126 | Do you support the proposed Cat Prohibited Areas? - Yes I support cats being prohibited from all public areas | Noted. Under the Cat Act 2011, it wouldn't allow 'all' public areas. |
| 127 | 1. Do you support the proposed Cat Prohibited Areas? - All public areas. Cats should be controlled. 2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Yes - cats should be controlled in the same way other animals must be. Cats are a destructive menace to native wildlife. They should not be able to roam free in public areas or on other peoples property. 3. Please control cats and make cat owners responsible for their animals. Cats are one of the biggest threats to australias biodiversity and I can not take any "green" initiative this council makes seriously if you will not take action on these animals. | 1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. 2. As per (1). 3. Noted. |
| 128 | Would love it if cats being inside at night was enforced | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 129 | No additional comments | Noted |
| 130 | No additional comments | Noted |
| 131 | Cats should not be allowed to roam free - my neighbours' cats roam free in my garden and have killed birds and lizards | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 132 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All areas for outdoor cats, keep all cats indoors | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 133 | Change the laws to make it mandatory for cats to remain indoors or in an appropriate cage. That way they can't eat our wildlife and native birds | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 134 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Lilleyman Reserve due to the amount of trees and the and the amount of native vegetation on the embankments that surround the park . I live very close to the park and have noticed a lot more bird life in recent yrs due to growth of vegetation..... also roaming cats. | Noted. Can include as suggested area. |
| 135 | No I do not support any areas/locations that should be considered as a cat prohibited in the suburb. Not all cat eats/attacks wildlife while outdoors | Noted |
| 136 | No additional comments | Noted |
| 137 | No additional comments | Noted |
| 138 | No additional comments | Noted |
| 139 | No additional comments | Noted |
| 140 | Cat Prohibited Areas don't really make any sense from a functional perspective. Punishing a cat's owner for the animal being in a public place is pretty absurd. This wouldn't be passed in any other council, and I've only ever seen issues in the City of Vincent with large dogs being let off leashes. Can't imagine Cat Prohibited Areas being a productive rule at all, it would force almost all owners to keep their cats exclusively inside - which is just cruel? | Noted. City of Canning, City of Fremantle and City of Mandurah are just a few examples of local governments with cat prohibited areas. |
| 141 | No additional comments | Noted |
| 142 | 1. The case for spending considerable rate payers monies on amending the Act in this form has not been made by the CoV. It also is the case the CoV is using increased penalties on pet ownership to increase its revenue. 2. Cats are predators and should not be in parkland where there is wildlife. Too often, I see cats out of their property roaming through the neighbourhood, over our fences and in parklands. Unfortunately, and all too often with a 'kill' in their mouth. Cats should be desexed, de-clawed (as in the US and Canada) particularly to protect Australian birds and small mammals. | 1. Pet ownership is set by the relevant Dog Act and Cat Act. The purpose and effect is detailed on the Imagine Vincent page, and also detailed in the public notice advertisement. 2. Local Governments are restricted to what powers are allowed under the Cat Act 2011. The Act does require cats over the age of six months to be desexed, no legislation with regards to needing to be de-clawed. |
| 143 | No additional comments | Noted |

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| 144 | Would you consider any additional areas to be considered a dog exercise area? - Not sure what you are asking with this question. | Basis of this question, is if any other open spaces within the District, which are not currently an approved dog exercise area, whether they could be given consideration to be approved as an dog exercise area. |
| 145 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Anywhere outdoors. 2. Cats are a massive problem for native wildlife. Whatever we can do to minimise their impact is a positive. | 1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area. 2. Noted |
| 146 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Brentham Reserve | Noted. For consideration. |
| 147 | 1. I think there should be a 'grace period' eg half fines for the first year, especially for new rules like cat curfews. 2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Well really, any area that might have wildlife, for example the little parkland area next to Aranmore Primary (I don't know the name). Not just big parks but little parks too... also my back yard, but that might be difficult ;). 3. Although I have many friends with much loved cats, I do think the effects on wildlife have to be considered first. But how do you keep cats in the property? All cats allowed out of the house in the day should be required to be wearing 'bird be safe' collars or bells or whatever system works best. https://www.sciencedirect.com/science/article/pii/S2351989415000050 No cats should be out at night. 4. Do you support the removal of prescriptive setbacks (i.e. minimum 'meters' distance) from boundaries, roads, and dwelling for poultry? - Sorry, don't know enough to be sure about this... 5. Do you support the removal of prescriptive setbacks (i.e. minimum 'meters' distance) from boundaries, roads, and dwelling for bees? - Again, sorry not sure. 6. Do you support the adoption of the 'WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers'? This approach would be more flexible for owner/occupiers within the City to keep bees. - I am concerned that these bees displace native bees...I am not sure what the City is doing to support native bees? | 1. Enforcement can be at the discretion of the authorised officer, ie a caution issued in the first instance, though the Cat Act 2011 does not provide the powers to consider such restrictions as curfews. 2. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area and does extend to private property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance. 3. The Cat Act 2011 does not provide the powers to consider such restrictions such as keeping cats indoors at night. The Act also does not stipulate the need for cats to be required to wear bells on collars. 4. Noted. 5. Noted. 6. The Animal Local Law would be designed to manage the impact of bee keeping, rather than 'encouraging or discouraging' the keeping of certain species of bees. |
| 148 | No additional comments | Noted |
| 149 | No additional comments | Noted |
| 150 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Public areas include parks and roads. As well as common areas in Unit or Strata complex. 2. Regularly have a nuisance cat leaves hairballs & faecal excrement on driveway and foot path. Plants damaged in garden from roaming cats. | 1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area and does extend to private property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance. 2. Noted. |
| 151 | Dog parks could do with a small and huge dog play areas which have been implemented in the newer suburbs | Noted |
| 152 | No additional comments | Noted |
| 153 | No additional comments | Noted |
| 154 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Any areas with native animals especially at night time. 2. I think it should be illegal to leave your cats to wonder outdoors even more so at night time. Nobody lets their dogs wonder around without them so why should cats. They are a major threat to the already decreasing number of native animals which they prey on | 1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area and the Cat Act 2011 does not provide the powers to consider such restrictions such as keeping cats indoors at night. 2. As per (1). |

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| 155 | No additional comments | Noted |
| 156 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All areas outside at night.</p> <p>2. We frequently have neighbourhood cats hunting native birds in our back yard.</p> | <p>1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area and the Cat Act 2011 does not provide the powers to consider such restrictions such as keeping cats indoors at night.</p> <p>2. Cat prohibited areas cannot be extended to private property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance.</p> |
| 157 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - I would like to see FREE ROAMING CATS excluded in all areas except on a lead, similarly to dogs.</p> <p>2. Free roaming cats are frequently encountered day and night in my area (Leederville, backing onto Britannia oval) and kill native wildlife which I often either have to dispose of, kill if they are too injured and suffering, or take to a 24 hour vet. They walk along walls and disturb dogs which are in their own property, causing the dogs to bark which is a nuisance, and they defecate and leave fur balls which their owners are not required to clean up. Dogs are heavily regulated as they have the potential to injure people but cats, which are well documented as killing millions of animals daily in Australia are free to roam to cause as much damage and be a nuisance without any repercussions</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash.</p> <p>2. As per (1)</p> |
| 158 | We have a cat next door that keeps killing birds and mice and leaving at our house. | Noted. Under this local law, if sighted by an authorised officer in a public area, this would be an offence 'cat causing a nuisance'. |
| 159 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - The whole municipality | Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area. |
| 160 | No additional comments | Noted |
| 161 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Outright public space ban.</p> <p>2. Free roaming should only be allowed on private property. Perhaps fenced parkland to allow house cats to get out under owner supervision is a compromise.</p> | <p>1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area.</p> <p>2. The Cat Act doesn't limit cats exclusively to private property only. Parklands, being an open space for all public use, would not be suited with being fenced.</p> |
| 162 | No additional comments | Noted |
| 163 | Do you support the Animal Local Law 2021? - Generally yes, but I do not understand why a person can own 2 dogs but 3 cats. I would have thought 2 was sufficient in both counts | Pet ownership is set by the relevant Dog Act and Cat Act. |
| 164 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Anywhere near established trees and gardens that support native wildlife.</p> <p>2. Too many people allow their cats to roam around unchecked allowing them to kill lizards birds and other small animals. We can't do that with dogs why should cat owners be allowed when research shows cats can be so detrimental especially to native species.</p> | <p>1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area.</p> <p>2. The Cat Act 2011 does not provide the powers to consider such restrictions to not allow cats to roam. Cat prohibited areas have been proposed within this local law.</p> |
| 165 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Yes, Les Lilleyman Reserve. | Noted. Can include as suggested area. |
| 166 | Cats need to be kept inside to protect bird life | The Cat Act 2011 does not provide the powers to consider such restrictions. Cat prohibited areas have been proposed within this local law. |
| 167 | No additional comments | Noted |

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| 168 | <p>1. Do you support the introduction of new provisions relating to cleanliness, maintenance, and management – which aim to prevent a nuisance being created? - The measures are insufficient to ensure rats are not attracted and becoming a health and safety issue to neighbours or rectify and pay for the damage caused by the rats or the cost of removing them from neighbours.</p> <p>2. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - The fines are completely inadequate and should start at 2000 or more to cover cost of repairs or pest control or health effects caused by rats and bee infestations, bites, and rat borne disease on neighbouring properties.</p> | <p>1. Rodents are common throughout metropolitan Perth. The City is committed to providing education and awareness to Owners of poultry or pigeons, to ensure proper management of food, water and waste - so the keeping of such animals should have no significant impact on the general rodent population.</p> <p>2. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 169 | No additional comments | Noted |
| 170 | Do you currently 'keep' poultry, pigeons or bees in the City of Vincent? - Several Neighbours have kept poultry illegally in past and it caused ongoing rat infestations I our property which damaged our roof, insulation, and has cost us over \$10000 in damage and replacement of rat urine stained ceilings and insulation. The council was not interested. This will make it worse. | Noted. Administration consider the Animal Local Law will assist in managing 'nuisance' animals. |
| 171 | <p>1. Do you support the current dog exercise areas? - More off lead dog exercise areas would be good.</p> <p>2. Do you support the introduction of new provisions relating to cleanliness, maintenance, and management – which aim to prevent a nuisance being created? - Depends on the specifics</p> | <p>1. Noted.</p> <p>2. Noted.</p> |
| 172 | No additional comments | Noted |
| 173 | I support the cat curfew. We have been battling a strong cat wee smell in our garden for over a month. We dont even want to sit out there or open our windows anymore it is strong. We have a dog, so they must come in the middle of night when she is inside to spray and wee. | The Cat Act 2011 does not provide the powers to consider such restrictions as curfews. |
| 174 | <p>1. Cats should not be allowed out of their owners home at any time of the day (24/7).</p> <p>2. There should be a limit to the number of cats (registered) in any household in the City of Vincent. There shall be only one (1) cat per household.</p> | <p>1. The Cat Act 2011 does not provide the powers to consider such restrictions to not allow cats to roam. Cat prohibited areas have been proposed within this local law.</p> <p>2. Pet ownership, such as the number of cats eligible to be registered, is set by the Cat Act.</p> |
| 175 | Cats shouldn't be allowed to roam free outdoors. | The Cat Act 2011 does not provide the powers to consider such restrictions to not allow cats to roam. Cat prohibited areas have been proposed within this local law. |
| 176 | <p>1. Do you support the prescribed penalties in the Animal Local Law 2021? - it would be better a higher fine if the offender incurs again.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All Perth</p> | <p>1. Higher penalties cannot be applied for 2nd or repeat offenders. The City does have an option where it can escalate matters of repeat offenders to a prosecution level.</p> <p>2. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area.</p> |
| 177 | My cat has always been an outside cat and is very old and dose not wander so I'm opposed to keeping him inside | Noted |
| 178 | Is your Cat kept indoors? - Yes but would love to take my cat on walks as being indoors all the time isn't the best for them and I would like her to experience new environments that are safe | Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash, in that prohibited area. |
| 179 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Every where outside of the house.</p> <p>2. We see cats in the trees every morning around 430am at Robertson Park.</p> | <p>1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area.</p> <p>2. Noted.</p> |
| 180 | No additional comments | Noted |
| 181 | <p>1. All cats as indoor cats to protect local wildlife.</p> <p>2. Do you support the removal of 'prohibited areas', which means more properties in Vincent will be eligible to keep poultry or pigeons? - Not pigeons.</p> | <p>1. Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area.</p> <p>2. Noted.</p> |

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| 182 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All areas in the City of Vincent. | Prohibited areas need to be specified, cannot have a 'general' or 'overall' blanket area. |
| 183 | No additional comments | Noted |
| 184 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Yes. Cats should be banned from all areas outside the boundaries of their owner's home/place of residence unless supervised by their owner, just like dogs. 2. No cat should be able to roam around free as they do now. | 1. The Cat Act 2011 does not provide the powers to consider such restrictions to not allow cats to roam. Cat prohibited areas have been proposed within this local law. 2. As per (1). |
| 185 | Do you use the parks/reserves with dog exercise areas? - As none dog owners and a family with kids we find it very difficult to use the dog parks. Basically we have to lock our kids in the gated playgrounds as the dogs and owners make the park very difficult to use | Noted. Current dog exercise areas do still require for dogs to be under effective control at all times. |
| 186 | Do you have any further comments? - The more animals, the less it feels industrialised | Noted. |
| 187 | The definition of "cat prohibited area" is unclear. The Animal Local Law 2021 says it is "...as determined under section 1.9 of the Act". Neither the Cat Act 2011 nor the Local Government Act 1995 defines this in their sections 1.9. What exactly does "prohibited" mean? If I take my cat out in this area and it is on a leash and under my control the whole time, is this allowed? | Section 1.9 of the Local Government Act, allows the local government to make a decision, which requires an absolute majority. So in this case, the areas proposed to be classed as cat prohibited areas, can only be passed, provided the Council have a absolute majority vote. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will prohibit cats to be walked, whether on or off a leash, in that prohibited area. |
| 188 | No additional comments | Noted |
| 189 | No additional comments | Noted |
| 190 | No additional comments | Noted |
| 191 | No additional comments | Noted |
| 192 | Although I don't own a cat currently I will in the future. And I think the idea of having cats on a leash in a park will help will promote cat walking and keeping cats indoors. They do a lot of damage to our native species and this is a simple and effective help | Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash, in that prohibited area. |
| 193 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All parks in the City. 2. This law should go further - cats should be kept on the owner's property. The law should clarify what people are allowed to do if someone else's cat comes onto their property. It should be the owner's responsibility to ensure cats don't come onto neighbours' land, or public land (unless being transported in a crate, or on a lead) | 1. Prohibited areas need to be listed, cannot list a blanket area. Proposal can go forward to include all park lands, each park would need to be listed within the local law. 2. The Cat Act 2011 does not provide the powers to consider such restrictions to not allow cats to roam. |
| 194 | No additional comments | Noted |
| 195 | No additional comments | Noted |
| 196 | No additional comments | Noted |
| 197 | No additional comments | Noted |
| 198 | No additional comments | Noted |
| 199 | 1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All. I think cats should be kept indoors or at least restricted to their home property, as they are a danger to wildlife. 2. I am curious about how the cat restricted areas are going to be enforced. It seems like a challenge to actually catch any cats that go into the areas. It sounds like a good idea, but one that has no way to be enforced. I think it should happen anyways, but the difficulty in monitoring it is another reason I think cats should just have to stay indoors/at home. | 1. The Cat Act 2011 does not provide the powers to consider such restrictions as requiring cats to be contained within their property. 2. Rangers would patrol the cat prohibited areas for any sightings. Any reports received would require cat trapping, with the implementation of cat traps. |

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| 200 | <p>1. Do you support the Animal Local Law 2021? - With some amendments. Council should be able to inspect Kennels without having to seek permission of the owner. 6 cats too many and cats should be indoors at night.</p> <p>2. Cats should be kept indoor at night.</p> <p>3. Do you support the removal of prescriptive setbacks (i.e. minimum 'meters' distance) from boundaries, roads, and dwelling for poultry? - Adjacent owners should be able to refuse pens etc abutting their property. Use of back lane fences should be a priority.</p> <p>4. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - Higher fines and or permits rescinded.</p> <p>5. Do you support the removal of prescriptive setbacks (i.e. minimum 'meters' distance) from boundaries, roads, and dwelling for bees? - Adjacent owners should be able to request a setback.</p> <p>6. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - Fines should be higher.</p> | <p>1. Local Governments do not have the authorisation or power to enter private property without first obtaining the permission of the owner of that property. Cats are limited to no more than 6, being consistent with other local governments local laws.</p> <p>2. The Cat Act 2011 does not provide the powers to consider such restrictions as keeping cats contained indoors at night.</p> <p>3. The City will be able to provide guidance to prospective poultry owners on suitable locations and management.</p> <p>4. Noted. Administration consider the prescribed penalty sufficient.</p> <p>5. Noted. The City will be able to provide guidance to prospective poultry owners on suitable locations and management.</p> <p>6. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 201 | <p>1. Do you support the proposed Cat Prohibited Areas? - No, this is a flawed concept.</p> <p>2. Cat prohibited area laws are conceptually flawed. In penalising cat owners for their cats entering prohibited areas, you are penalising an action that is out of control of many cat owners. By nature, cats wander, particularly if allowed outdoors, you are essentially penalising cats for being cats. And I don't even like cats, but I'm stunned at the lack of foresight for this law.</p> | <p>1. Noted.</p> <p>2. Noted. Concept behind introducing cat prohibited areas is to protect the natural fauna/flora.</p> |
| 202 | No additional comments | Noted |
| 203 | <p>1. Do you support the Animal Local Law 2021? - support the law with the exception of: * 2.6 Maximum Number of Dogs The owner or occupier of premises must not keep or permit to be kept on the 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 an exemption pursuant to section 26(3) of the Dog Act. Do not agree with only two. This should be the same as cats, ie 3. or 6 with permission from COV in the case of breeding. Cats are more of a danger and nuisance to the community and wildlife than dogs.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - would presume all dog exercise areas are cat prohibited areas to protect them?</p> | <p>1. Dog numbers are limited to 2 under this local law, as different to cats, the possibility of nuisance barking which could occur with the additional numbers. Applications can be made for a 3rd dog to be kept.</p> <p>2. Noted.</p> |
| 204 | Same respondent and comments as (203). | As per comments in (203). |
| 205 | All cats should be kept indoors at all times to stop them eating wildlife. | The Cat Act 2011 does not provide the powers to consider such restrictions as keeping cats contained indoors. |
| 206 | No additional comments | Noted |
| 207 | No additional comments | Noted |
| 208 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All parks | Prohibited areas need to be listed, cannot list a blanket area. |

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| 209 | <p>1. Do you support the prescribed penalties in the Animal Local Law 2021? - Harsher.</p> <p>2. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - Hardher</p> | <p>1. Noted.</p> <p>2. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 210 | <p>1. Do you support the Animal Local Law 2021? - Yes, its a great start (at last) but does not go nearly far enough in relation to cat control. How is it going to be managed?</p> <p>2. Do you support the prescribed penalties in the Animal Local Law 2021? - Yes, but again they do not go far enough in relation to the damage cats are able to do because of irresponsible owners.</p> <p>3. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Cats should be prohibited/controlled across the whole of the City of Vincent. It's a bit naive to think keeping them off public spaces will save our precious wildlife. Vincent has been extremely slow getting to this point to try to protect wildlife. Lead with action not just follow what other councils are doing.</p> <p>4. Please, please, please take urgent action to control killer cats. It is so distressing to every day see the remains of birds, attacked nests, mangled geckos and other. Thank you.</p> <p>5. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - The penalty should be much higher. \$200 is no deterrent at all.</p> <p>6. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - As above, the penalty should be higher</p> | <p>1. Ranger patrols would be in place for any enforcement required.</p> <p>2. Noted. Can look at penalty amounts.</p> <p>3. Prohibited areas need to be listed, cannot list a blanket area.</p> <p>4. Noted.</p> <p>5. Noted. Administration consider the prescribed penalty sufficient.</p> <p>6. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 211 | <p>1. We have a cat enclosure on our property so our cat can safely be outside and not stray elsewhere or kill wildlife. I would like to see a monetary incentive for ratepayers to get a discount on their cat licence if they have an indoor cat or secure cat enclosure. How about also offering residents advice, support and assistance to build an enclosure if they don't already have one.</p> <p>2. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - I don't see how you can restrict bees from moving outside a property boundary. How would you police this and identify where the bees are from? There should definitely be an emergency contact in place however for residents to have bees removed safely if they have moved and made a new hive on another property.</p> | <p>1. Noted. Good suggestion, which can be investigated for consideration and also for future budget consideration submissions.</p> <p>2. Noted. Beekeepers and pest control companies are available to remove bees.</p> |
| 212 | <p>Cats should be registered. Many still roaming the neighbourhood at night</p> | <p>Under the Cat Act 2011, all cats over the age of 6 months are required to be registered. The Act also doesn't give local governments the power to introduce such restrictions, as curfews or requiring owners to contain the cats on the property at night.</p> |

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| 213 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All cats should be kept indoors and neutered.</p> <p>2. Cats must not roam streets and kill birds etc.</p> | <p>1. Under the Cat Act 2011, all cats over the age of 6 months are required to be registered and neutered. The Act also doesn't give local governments the power to introduce such restrictions, as keeping cats contained to the property.</p> <p>2. Noted. This action can be addressed under 'Cat being a nuisance'.</p> |
| 214 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - I support the current proposal - it's a good start. However, to protect native wildlife, I would like to see the City of Vincent, other councils and State Government follow the recent changes to cat laws in the Australian Capital Territory. See https://www.abc.net.au/news/2021-05-28/all-canberra-suburbs-to-contain-new-cats-from-2022/100172644 "... under the ACT government's plan, announced today, all new cats obtained by owners after July 1, 2022 will have to be contained, regardless of which suburb they live in. The ACT Cat Plan 2021-2031, developed in consultation with cat owners, environmental groups and the broader community, states the policy will "help cats live longer and healthier lives while better protecting native wildlife". I think the City of Vincent should be working towards the ACT approach.</p> <p>2. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosures / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - The modified penalty should be higher to act as an effective deterrent.</p> <p>3. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - The modified penalty should be higher to act as an effective deterrent.</p> | <p>1. The Cat Act 2011 is set by the State Government, and any changes to that Act are made through State, to then flow through to local governments.</p> <p>2. Noted. Administration consider the prescribed penalty sufficient.</p> <p>3. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 215 | Cats should be allowed outside , providing they are kept inside at night | The Cat Act 2011 doesn't give local governments the power to introduce such restrictions, as curfews or requiring owners to contain the cats on the property at night. |
| 216 | Do you support the Animal Local Law 2021? - If you live across the road from a cat prohibited location then your saying. No cat unless they are locked indoors. Yet 99.9% of kills by my cat are rats. | This proposed local law isn't requiring property owners in the close vicinity of the proposed cat prohibited areas to keep their cat indoors at all times. Owners would need to ensure that if they live in this vicinity, that their cats do not enter the prohibited area. |
| 217 | I don't think cats should be able to roam outside at all. Same restrictions as dogs should apply. | The Cat Act 2011 doesn't give local governments the power to introduce such restrictions, as requiring owners to contain the cats on the property. |
| 218 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - All areas - treat cats like dogs and don't allow for roaming. | The Cat Act 2011 doesn't give local governments the power to introduce such restrictions, as requiring owners to contain the cats on the property. |
| 219 | Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - I think there should be I'm not against cat's being outside. | Noted. |
| 220 | No additional comments | Noted. |
| 221 | No additional comments | Noted. |
| 222 | What do you use the park for? - I am following a post on the North Perth buzz Facebook page that has suggested that the CoV is considering making Woodville Reserve a leash-only area for dogs. This is a ridiculous consideration. I am there nearly every day with my dog BECAUSE it is a great dog exercise area. In the 3 years that I have been going there, I have witnessed no aggressive encounters, which is amazing considering how many people use the space to exercise their dog. It is also a place of social interaction - for both people and dogs. There are so many parks in North Perth where dogs have to be on leads - please don't take this one away from us! | Noted. Further follow up as part of the Dog Exercise Strategy/Policy being developed? |

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| <p>223</p> | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - local streets and back lanes Also gardens and yards of properties where the resident does not own a cat. This would include my garden where neighbours' cats are a nuisance as they dig up areas to do their poo. 2. Stray cats are a nuisance and a major problem. They also can kill wildlife. 3. Do you support the removal of prescriptive setbacks (i.e. minimum 'meters' distance) from boundaries, roads, and dwelling for bees? - I do not support the keeping of European honey bees in suburban back yards. Bees can sting nearby neighbors and especially children who may be allergic to bee stings. 4. Do you support the adoption of the 'WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers'? This approach would be more flexible for owner/occupiers within the City to keep bees. - As stated above, I do not support having urban beekeepers in the City of Vincent.</p> | <p>1. Cat prohibited areas cannot be extended to private property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance. 2. This can be actioned under 'Cat being a nuisance'. 3. Noted 4. Noted</p> |
| <p>224</p> | <p>1. Is your Cat kept indoors? - My cat is an indoor cat but is taken outdoors supervised for walks at Smith Lakes Reserve mainly near the edge of the reserve and not towards the lake. My cat has been trained to walk with a harness if necessary. 2. Do you support the proposed Cat Prohibited Areas? - I support not having roaming unsupervised outdoor cats to protect native wildlife, cat injuries from vehicles etc. But I want an exception for cats to be allowed in prohibited areas under supervision or on a harness/leash like dogs. I agree with the above prohibited areas with the exception of cats under supervision or on a lead similar to City of Fremantle. Smith Lakes Reserve should specify "near the lake". 3. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Any more areas to protect against roaming cats are welcome. But as long as there is a clause to allow cats supervised or on a lead.</p> | <p>1. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash, in that prohibited area. 2. Noted. As per (1). City of Fremantle Cat Management Local Law 2.1(1) states "A cat shall not be in the places specified in Schedule 3 at any time, whether or not under effective control." 3. Noted. As per (1).</p> |
| <p>225</p> | <p>1. Is your Cat kept indoors? - My cat is an indoor cat but is taken outdoors supervised for walks at Smith Lakes Reserve mainly near the edge of the reserve and not towards the lake. I make sure that my cat does not hunt, chase or harass wildlife. My cat has been trained to walk with a harness if necessary, but now only with the collar for his safety, after few incidents where dogs without the leash chased him, and he got entangled in his leash trying to run away back to the house. 2. Do you support the proposed Cat Prohibited Areas? - I support not having roaming unsupervised outdoor cats and dogs without leash, to protect native wildlife, cat injuries from vehicles etc. But I want an exception for cats to be allowed in prohibited areas under supervision or on a harness/leash like dogs. I agree with the above prohibited areas with the exception of cats under supervision or on a lead similar to City of Fremantle. 3. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Any more areas to protect against roaming cats are welcome. But as long as there is a clause to allow cats supervised or on a lead.</p> | <p>1. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash, in that prohibited area. 2. Noted. As per (1). City of Fremantle Cat Management Local Law 2.1(1) states "A cat shall not be in the places specified in Schedule 3 at any time, whether or not under effective control." 3. Noted. As per (1).</p> |

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| 226 | <p>1. Is your Cat kept indoors? - My cat is an indoor cat but is taken outdoors supervised for walks at Smith Lakes Reserve mainly near the edge of the reserve and not towards the lake. I make sure that my cat does not hunt, chase or harass wildlife. My cat has been trained to walk with a harness, if necessary, but now only with the collar for his safety, after few incidents where dogs without the leash chased him, and he got entangled in his leash trying to run away back to the house.</p> <p>2. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - I support not having roaming unsupervised outdoor cats and dogs without leash, to protect native wildlife, cat injuries from vehicles etc. But I want an exception for cats to be allowed in prohibited areas under supervision or on a harness/leash like dogs. I agree with the above prohibited areas with the exception of cats under supervision or on a lead similar to City of Fremantle.</p> | <p>1. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash, in that prohibited area.</p> <p>2. Noted. As per (1). City of Fremantle Cat Management Local Law 2.1(1) states "A cat shall not be in the places specified in Schedule 3 at any time, whether or not under effective control."</p> |
| 227 | No additional comments | Noted. |
| 228 | <p>Do you support the Animal Local Law 2021? - Section 2.4 reads as though anybody can organise a function, undertake a sporting activity or have an event attended by people with no restriction at anytime they fancy. There is no mention of "approved" activity or such that the council would need to be advised of any of these activities and that those doing this can just set up and tell dog walkers to go away anytime they feel like. It seems to me that this is very unfair if that is the intention of the law.</p> <p>If it is not the intention of the law then it should be made clear in that section.</p> | Noted. On advice received from the DLGSC, this clause has been removed. |
| 229 | <p>1. Do you support the prescribed penalties in the Animal Local Law 2021? - some should be higher.</p> <p>2. Do you support the current dog exercise areas? - Too expansive. Do not cater for people who are afraid of dogs.</p> <p>3. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - all eco zoned areas.</p> | <p>1. Noted.</p> <p>2. Noted. There are other Parks/Reserves within the district of which dogs are prohibited.</p> <p>3. Prohibited areas need to be specified.</p> |
| 230 | No additional comments | Noted. |
| 231 | No additional comments | Noted. |
| 232 | No additional comments | Noted. |
| 233 | <p>Im not against the prohibition of cats in above mentioned reserves and parks only, I will never support a ban on Cats being able to freely roam during daylight hours. Happy to see a ban on cats in the outdoors once the sun goes down. If there was ever to be a ban on cats roaming during daylight hours, it would actually be better to ban cats in the City of Vincent altogether. I have seen the mental anguish sustained by cats that can not freely roam in some suburbs in Canberra. I see it as a form of cruelty and a total ban on cats is better than confining a cat 24hrs a day.</p> | The Cat Act 2011 doesn't give local governments the power to introduce such restrictions, as requiring owners to contain the cats on the property. |
| 234 | <p>1. Are there other areas/locations you would like to see considered as a Cat Prohibited Area? - Charles Veryard Reserve & Council controlled Green Reserve area corner of Tay Place and Angove St North Perth.</p> <p>2. I always see cats roaming and preying on native birds in the council controlled park area corner of Tay Place and Angove St North Perth. These need to be controlled IMHO</p> | <p>1. Noted, can list for consideration.</p> <p>2. Noted.</p> |

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| 235 | <p>1. Banks reserve playground should be fenced off from the dog exercise area. No dogs should be off lead in the playground.</p> <p>2. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law (for example, if a person fails to keep a poultry enclosure / structure in a clean and sanitary condition, a modified penalty of \$200 may be issued)? - The penalty should be higher.</p> <p>3. Do you support the introduction of modified penalties, for failing to comply with select provisions of the Animal Local Law? (For example, if a person fails to manage bees or bee hives on their property effectively, and therefore the bees create a nuisance, a modified penalty of \$200 may be issued.) - The penalty should be higher.</p> | <p>1. Noted. Further follow up will take place under the Dog Exercise Strategy/Policy being developed.</p> <p>2. Noted. Administration consider the prescribed penalty sufficient.</p> <p>3. Noted. Administration consider the prescribed penalty sufficient.</p> |
| 236 | Excellent to require cats to be kept in properties or exercise areas like dogs | The Cat Act 2011 doesn't give local governments the power to introduce such restrictions, as requiring owners to contain the cats on the property. |
| 237 | Do you use the parks/reserves with dog exercise areas? - We used to go to Banks Reserve every day until the skate park was installed, and the sound of skateboards and e scooters terrified our dog. | Noted. |
| 238 | No additional comments | Noted. |
| | Written Submission | Administration Comments |
| 239 | <p>1. Definition – the definition of Dog Exercise Area should be included in Part 2 – Dogs 2.1 Terms Used and incorporate off lead and on lead meanings</p> <p>2. Division 2 Dogs in Public Places 2.4 Dog exercise areas (a) – dogs should be permitted in these areas if the area is normally off lead - ON LEAD if there is an organised function, sporting activity or event attended by people. Reason: For example - Charles Veryard Reserve is a large area that is normally off lead where many local residents exercise their dogs. It is also an opportunity for dog owners to socialise between themselves and for their dogs to interact. This was obvious when dog owners participated in a Christmas get together in December where over 100 people and their dogs gathered for a well organised and peaceful occasion. These are activities that create a community and enhance the liveability of the area particularly in the current environment of government mandates. Residents accept that when the Reserve is being used that they need to keep their dogs on lead at those times.</p> | <p>1. Not necessary to include this definition specifically. Consistent with other local government dog local laws.</p> <p>2. On advice received from the DLGSC this clause has been removed.</p> |
| 240 | <p>1. We welcome the intention to define "Cat Prohibited Areas" in the proposed Animal Local Law 2021.</p> <p>2. We consider the law should provide for an increased penalty for cats which are <u>repeatedly</u> in a prohibited area.</p> <p>3. We consider that people who create habitat in their private gardens should be allowed to request that their own property be declared a cat prohibited area. The local law should provide a mechanism for this.</p> <p>4. We consider that the definition of a nuisance should be expanded to include "interference which causes material damage to wildlife".</p> <p>5. We are concerned that bees may swarm and take up residence in tree hollows or nesting boxes provided for native birds and consider that bee-keepers should be required to prevent their bees from swarming.</p> | <p>1. Noted.</p> <p>2. Higher penalties cannot be applied for 2nd or repeat offenders. The City does have an option where it can escalate matters of repeat offenders to a prosecution level.</p> <p>3. Cat prohibited areas cannot be extended to private property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance.</p> <p>4. Noted.</p> <p>Noted. Administration would consider that with proper management in accordance with the WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers, the keeping of bees should have no additional impact on residents.</p> |

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| | <p>6. Foods like stale bread or other leftovers are not the natural diet of a wild animal and can cause dietary deficiencies. This can result in animals becoming sick and dying prematurely.</p> <p>7. A parent bird teaches their young how to find food. If young birds are not hungry because they are being fed, they do not learn how to find food and may starve if the handfeeding ceases or if they move to another place.</p> <p>8. Food like bread, thrown into wetlands, pollutes the water contributing to algal blooms and botulism outbreaks which can kill waterbirds. Bread is high in phosphorus which is the primary cause of algal blooms. We therefore suggest that clause 4.16 should be reworded as follows: A person shall not feed pigeons, doves, ibis, ravens, seagulls or other wild birds so as to cause a nuisance.</p> | <p>Administration have reviewed this Clause (now Clause 4.15) and have concluded to keep the wording 'so as to cause a nuisance' as there is existing legislation (the Biodiversity Conservation Act 2016) which already prohibits the feeding of fauna - and as such the City considers our remit (and best application of resources) should go towards those activities that are likely to have a public health impact.</p> |
| <p>241</p> | <p>1. I welcome the intention to define "Cat prohibited areas" and look forward to Hyde Park, Smiths Lake Reserve and Banks Reserve being declared cat prohibited areas promptly. It is sickening to see cats slink into Hyde Park at dusk, intent on hunting wildlife.</p> <p>2. What is the intention of dealing with repeat offenders? At some point a cat which is caught repeatedly in a prohibited area needs to be permanently removed.</p> <p>3. Will this apply to private gardens? Many people now create gardens full of habitat and I've been told of people losing their native frogs to marauding cats.</p> <p>4. I'm concerned about enforcement as cats can evade traps and be difficult to identify.</p> <p>5. I look forward to a future where all cats are required to live in enclosures or be on a leash.</p> <p>6. It is confusing that the local law only mentions that a licence is required to keep more than 3 cats and no mention is made of the State Government requirement for <u>all</u> cats to be registered with their local government authority. While legally this might not need to be in this local law, for clarity perhaps there should be a "Note" reminding that all cats need to be registered? I'm concerned that someone might read this local law and think that they are not required to do anything if they only have one or two cats.</p> <p>7. Regarding poultry, I'm concerned that there doesn't appear to be anything preventing someone from building their poultry enclosure immediately against a neighbour's fence or outside a neighbour's bedroom window. A "Large animal" is not allowed within 15 metres of another premises and Pigeons or Doves are not allowed to "approach" within 15 metres of a premises where food is stored (which presumably includes every house that has a kitchen), yet there appears to be no requirement to keep Poultry a minimum distance from neighbouring dwellings. I would like to see clause 4.11 strengthened to protect neighbours. I don't think it's fair to rely on a system where neighbours have to complain to get a reasonable outcome.</p> | <p>1. Noted.</p> <p>2. The City does have an option where it can escalate matters of repeat offenders to a prosecution level.</p> <p>3. Cat prohibited areas cannot be extended to private property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance.</p> <p>4. Rangers will set traps where necessary, and any cats not able to be identified, will be taken to the Cat Haven.</p> <p>5. Noted. This will be guided by State legislation.</p> <p>6. Not necessary to include this specifically, as local law states "Under the powers conferred by the, Cat Act 2011.....".</p> <p>7. Administration consider the draft Animal Local Law to strike an appropriate balance to provide residents the option to keep animals (as listed in the local law), but to minimise the impact of those activities on others. The draft Animal Local Law is proposed to reduce the number of permitted poultry from 12, down to 6. Administration consider the effective management of poultry, as set out in the draft local law, as a better form of control than a prescriptive setback distance.</p> |

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| <p>242</p> | <p>1. Forrest Park I use Forrest Park to exercise my dog at all times of the day and week. However during the Autumn and Winter season from late afternoon onwards it is completely taken up by football training in the week by numerous teams and at the weekend every morning, leaving very little space to exercise your dog as there is no way you are able to keep your dog the required number of metres away from the sheer numbers of teams that are playing. As an aside, the amount of rubbish left on the park on a Saturday and Sunday, coffee cups, water bottles, cans and food discarded is dreadful.</p> <p>I have been told that over the years the number of teams training has grown exponentially and a lot of dog owners are very frustrated. Jack Marks is now overrun with dogs.</p> <p>There is a water fountain located by the pavilion/children's park. Is it possible to put a dog fountain there as well so the park has 2.</p> | <p>1. As some Parks, not only Forrest Park, do have approved activities, the onus would be on the dog owner, or person in control of the dog, to ensure that if the dog is off leash, it does not impede on the area where the activity is taking place. There are currently two dog water fountains at Forrest Park.</p> |
| | <p>2. NIB stadium/Bulwer Street/Lord Street</p> <p>Please could a water dog fountain be installed please.</p> | <p>2. Parks have now installed a dog water fountain at Loton Park.</p> |
| <p>243</p> | <p>We are writing to give feedback on the upcoming animal law and the dog exercise parks in the City of Vincent. We are a family of four (with two young kids) that lives on York st close to Woodville reserve a dog exercise park in our area.</p> <p>We are not animal owners but have close friends with dogs that visit us frequently. On the whole we enjoy dogs and find them to be charming companions.</p> <p>But currently for us the Woodville reserve is unusable due to the dogs and owners that frequent there. Each time we have tried to use the park for any time of active with the kids (soccer, footy, a walk, flying a kite,...) the dogs have actively chased, interrupted, or aggressively followed us. It is not a pleasant experience.</p> <p>We have tried to find a time where there are less dogs but it seems always busy with dogs and owners so we have basically given up using it as a park. Yes we can lock our kids in the gated playground but the open grass area are off limits.</p> <p>In addition we have seen a substantial increase in poos left at the park. It seems the owners have stopped being as diligent about collecting poo and anytime we walk by we can see left poos at the park.</p> <p>As for a way forward we would enjoy the ability to use the park with our children. If that means creating a space/time for no dogs or reducing the number of dog exercise parks in North Perth we would be open to a change that makes it more acceptable for the children in the area. North Perth already has 3 dog exercise parks which seems excessive for its size</p> <p>Thanks in advance for the help and please let us know if you need additional information or feedback</p> | <p>Noted. Current dog exercise areas do still require for dogs to be under effective control at all times.</p> |

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| <p>244</p> | <p>As cat owners we support responsible cat ownership. Our cat is micro-chipped, registered and kept in at night. Whilst broadly supporting efforts by the council to keep cats away from nature reserves we are concerned about the following:</p> <ul style="list-style-type: none"> • How will the laws be effectively enforced? Does the council have the capacity and resources to enforce the new law? • How will offending cats be identified? Our cat has a tag and council registration but we note most of our local cats do not. | <p>Rangers will monitor cat prohibited areas, amongst other duties, and any reports or notices received that there are possible breaches of this local law, Rangers will enforce by way of setting cat traps. If cats are unable to be identified by way of registration tag or microchip number, the cat will be taken to the Cat Haven.</p> |
| | <p>2.4 (2)(a)– Parks such as Robertson park are understood to be a leash free exercise area for dogs. If this area is to be used for an event attended by people it is impossible for dog owners to know this in advance. There is no definition of an organised function, sporting activity or event attended by people stated in the terms of use. The park is broken up and used as a thoroughfare, there are yoga sessions held in the park, people hold sports games there and at times there are functions with tents. This information isn't advertised and areas are not clearly marked. The act should provide better definition.</p> <p>3.13 Cat prohibited areas</p> <p>Hyde Park – I have been informed by the City that cats will not be permitted in Hyde Park even on lead and in control by the owner.</p> <p>There are a number of people who take their cats on lead to Hyde Park for short periods of time. The cats are under control the entire time and access a very small area. This is not unusual and is common in many parts of the world. The city gave no reason why they are following the direction of WALGA. It is understood that in environmentally sensitive areas the presence of domestic animals is of concern given the sensitivity of the native species to the scent of domestic animals in particular cats and dogs.</p> <p>Environmental Values of Hyde Park</p> <p>Hyde Park is not a sensitive area. It is highly modified, only 1 – 2 % of the park supports native vegetation. The City has not undertaken a program of restoring native species, rather replanting has been exotic species. The conservation value of the Park is more European History rather than any environmental value as understood in conservation science.</p> <p>The area is heavily used by people. The City continues to promote the use of the park, large gatherings are common place, generating a high volume of traffic foot and vehicle, parking is a problem and people regularly park on the lawn space. The area is persistently littered, and this remains for much of the weekend due to limited park management.</p> <p>The area supports a number of exotic species, including large koi in the lakes, and recently many of the hollows are being occupied by feral bee colonies. On Glendower St there are three large colonies existing in a row. They are occupying hollows that's a number of the small parrot species nest in. this has been raised with the City. This is yet to be addressed.</p> | |

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| <p>245</p> | <p>by it. It is one of the reason the park has quite a few Boobook owls.</p> <p>The establishment of a permanent kiosk will attract more rodents. This is a common concern for any proposal and a impact that is usually addressed. The City provided no environmental assessment of this in their consult for the kiosk. Baiting the rodents is not preferable option. The preferred is avoidance.</p> <p>The City has not provided any mitigation hierarchy in respect to managing the environmental impacts of increasing use of the area and the generation of additional waste, in particular food. Already there is large volume of food waste and packaging left after each large event for the City to collect. These are left over night and consequently attract animals – both native, vermin and cats.</p> <p>Considering the above, the City has not provided reason why there is a difference in allowing dogs on leash in Hyde Park but disallowing cats on lead?</p> <p>The few cat owners who use Hyde Park to exercise their cats are responsible. They have their cats restrained. They use a very small area of the park and they are not near any wildlife.</p> <p>In contrast, there is a high volume of people who walks their dogs ion Hyde Park – I am one of them. The dogs and owners traverse a large area, intersecting areas where the water fowl roost and leaving scent.</p> <p>In addition to the dogs, it isn't unusual to see parents allowing their children to chase the water fowl, including beach areas.</p> <p>Considering the above, the impact of exercising cats on leads in Hyde Park is considerably lower than the impacts to the resident native fauna from anthropogenic activities, including dogs on leads. This also includes the grounds maintenance staff who drive over Oblong Tortoise nesting areas and close to roosting water fowl.</p> | |
| | <p>By denying a number of people access to Hyde park to exercise their pets is not inclusive. This is an activity they have done for a number of years and have structured their homes to accommodate. Some of them do not have the ability to provide an cat enclosure and to now force this as the only option is not really just.</p> <p>If Hyde Park had high environmental values and was a significant habitat for native species then limiting the use of the park overall would be required.</p> <p>Once again, the park is heavily impacted, only up to 2 % is native. The city has not undergone a programme of reintroducing native species. The birds are transient. While there is concern for the oblong tortoise, allowing people to exercise their cats on leads is not going to impact the fate of this species.</p> <p>The other cat prohibited areas have a higher percentage of viable habitat for nesting species.</p> | |

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| | <p>Division 4 – Bees</p> <p>While it is understood that the bee colonies in Hyde Park are not placed there by the City, many of the sections in Division 4 are not being upheld by the City by failing to address the wild bee hives in Hyde Park (and other parks in the City). By failing to address them – they are basically allowing the bees to become a nuisance.</p> <p>Bees cause the death of numerous native birds in Western Australia every year. They invade hollows and kill the newly hatched young. Bees are not native to Australia and compete with native species.</p> <p>In terms of the CoV Animal Local Law – these comments are to alert the City that they are not complying with the conditions set in this local law. And the CoV should lead by example.</p> <p>In summary,</p> <p>The Animal Local law:</p> <ol style="list-style-type: none"> 1. Requires clearer understanding of when dog exercise areas have been set aside for a function and therefore people are unable to exercise their dogs (ideally the area should just be set aside for dog exercise and the functions held elsewhere). 2. Cat prohibited areas – the CoV should consider allowing cat owners to continue exercising their cats on leads in Hyde park given the area is highly modified, heavily impacted and designated for increased use. In terms of environmental values the area would be considered low and is a declared DWER contaminated site. 3. The conditions for keeping bees should be applied across the board. This may be another law, but in providing comments an opportunity has arisen to raise my concerns as all other avenues have been fruitless, the City unresponsive. | <ol style="list-style-type: none"> 1. On advice received from the DLGSC, this clause has been removed. 2. Under advice received from the Department of Local Government, Sport and Cultural Industries (DLGSC), if the area is prohibited, this will disallow cats to be walked, whether on or off a leash, in that prohibited area. 3. The City's Parks Services are able to arrange for the removal of bee hives from public land, when reported. |
| <p>246</p> | <p>As a resident of North Perth and someone that lives close to the Woodville reserve we would like to see the dog exercise area changed. We have young kids and find the park is not useable.</p> <p>We find lots of poos left in the park and also we had dogs aggressively jumping on our kids while playing.</p> <p>We love dogs and understand they are just trying to play, but this set up makes us uncomfortable so we have to use another park.</p> <p>At this point the park is unusable to us and we suspect most families without dogs feel the same.</p> <p>Moving forward we would like to see a change in the park to make it more family friendly.</p> | <p>Noted. Reluctance to disallow dogs or sport when the other user type is not occupying the park. The onus is still on the dog owner, or person in control of the dog, to ensure that if the dog is off leash, it is under effective control. Rangers can ensure to increase patrols. Refer onto Parks for maintenance checks.</p> |

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| <p>247</p> | <p>I support this proposed new Animal Local Law 2021, and also the amendments to the Health Local Law 2004, and associated repeals of other Laws. The purpose of the proposed Animal Local Law as advertised in the City of Vincent’s Public Notice in the Perth VOICE on November 27, 2021 is commended and strongly supported.</p> <p>I especially support the new sections for Cats: Items 17- 23. Including: - Item 19; clause 3.2 (2)(a) - failing to confine cats .. - Item 21; 3.12 (1) - cat causing a nuisance - Item 22; 3.12 (4) - Failure to comply with an abatement notice - Item 27; 4.3(1) - Failure to keep an animal on premises so as to not cause or create a nuisance.</p> <p>There is a continuing problem with 3 cats from 3 different near neighbours causing a nuisance on my property by using it as their toilet, digging up and making a mess in the soft pathway and garden beds in my front garden, also in other parts of my back yard garden, in the vegetable tank garden, and side gardens. On 2 occasions in recent months cats have been heard fighting and making a mess in my front native plant garden. Also cats can disturb native wildlife in gardens – such as when small birds are visiting and using the bird bath. This is unacceptable and cats should be confined to their owners’ premises.</p> <p>Stray cats are often seen in back lanes and local streets.</p> | <p>Noted, though clause 3.2(2)(a) relates to "A person who breeds cats..." and not necessarily to <u>all</u> cat owners. The Cat Act 2011 does not provide the powers to limit cats to their property, however, under the Cat Act 2011, the owner/occupier of the property can give an Authorised Officer permission to enter the private property for the purpose of setting a cat trap, for cats being identified as causing a nuisance.</p> |
| | <p>I have the following issues with the proposed Local Law: <u>Cats</u> 1. The penalty for a cat found in a prohibited area is \$250. It is the same penalty no matter how many times the cat has been found in the same area. While \$250 may be sufficient to discourage most people from letting their cat roam, there will be</p> | <p>1. higher penalties cannot be applied for 2nd or repeat offenders. The City does have an option where it can escalate matters of repeat offenders to a prosecution level. Noted on comment to all parks and reserves being prohibited areas, though all areas isn't deemed necessary.</p> |

some people who see it as just a minor inconvenience.

I would like to see something like a three strikes and you're out approach where the City is allowed to declare a cat as a serial offender if it is found a number of times in a prohibited area, and that the penalty is significantly increased if a 'serial offender' is found in a prohibited area.

All parks and reserves should be automatically become prohibited areas.

Poultry

2. I am concerned about the significant easing up of restriction on keeping poultry. The move seems to be placing an emphasis on avoiding a nuisance rather than focussing on potential health issues.

3. For most people the word 'nuisance' is very subjective so people are not sure if they can complain or not – is the smell a nuisance? It also forces neighbour against neighbour. This is a particular problem where you have 'domineering' or aggressive neighbours.

4. The inconsistent thing is that you may not keep pigeons within 15 metres of where food is stored, prepared etc, and must be located at least 1 metre from any boundary but this does not apply to poultry. I would guess that the negatives of keeping pigeons would not be much different to keeping poultry. If it's good enough for the goose it's good enough for the gander, or in this case, the pigeon or the chicken.

5. A similar comparison applies between poultry and aviaries which must be 1 metre from a boundary and 5 metres from a residence.

6. When I was a child in the 1960's the Perth Metropolitan Area suffered from a massive problem with flies every summer. It was determined that one of the reasons was the large number of chickens, both on a commercial scale and in back yards. My understanding as a child was that the rules were changed to force the commercial enterprises to the edge of the metropolitan area, and restrictions were introduced on domestic operations. The problem with flies, and the associated health problems, went away.

7. It would not surprise me if the 'south of Vincent Street' rule was introduced by the City of Perth as part of the response to the fly problem.

2. Administration consider that the new provisions included in the draft Local Law, specifically Clause 4.2 'Cleanliness', Clause 4.3 'Nuisance Animals' and Clause 4.11 'Conditions on Keeping Poultry and Aviary Birds' will provide sufficient coverage to address emerging or present issues associated with the keeping of poultry. 3. The term 'nuisance' is defined in the draft Local Law and the application of the Local Law provisions will be supported by documented processes and procedures for City Staff to follow. 4. Amendments have been made to the draft Local Law following consultation to improve consistencies / commonalities in provisions. 5. Again, amendments have been made to the draft Local Law following consultation to improve consistencies / commonalities in provisions. 6 - 11. Administration is committed to providing comprehensive information on the City's website and other communication platforms to inform the Vincent community of the risks associated with the keeping of poultry, and best practice methods to manage the impacts that the keeping of poultry may have on themselves, their neighbours and the wider communities.

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| | <p>8. I am also concerned with the little understood potential health problems associated back yard chooks. Some years ago I visited the back yard of a young man in Seabrook Street, Mount Hawthorn. He proudly showed me his back yard with his permaculture garden which included 'igloos' with his chickens. Some time later I heard that he had suffered from some serious health issues which were eventually identified as being caused by eating eggs from his chickens who had been scratching about in his heavily contaminated back yard.</p> <p>9. My concerns is that people see having back yard chooks as being getting close to nature and all those fuzzy sort of things, but do not realise that there are real risks.</p> <p>10. One solution would be to insist that people apply for permits to have poultry, and the process involves providing a certificate to show that their soil has been tested. This could be seen as onerous and introducing extra red tape. Sadly, that red tape is probably necessary but unpalatable. The alternative is to have an effective education program that makes people aware of the potential dangers.</p> <p>11. I do not support the relaxation of restrictions on keeping poultry because of:</p> <ul style="list-style-type: none"> • the potential to reintroduce the fly problem with the related health issues • the potential health issues if people don't get their soil checked • the potential to pit neighbour against neighbour by placing the onus on neighbours to complain about potential nuisance problems <p>Other issues</p> <p>12. Clause 4.16 should be rephrased to drop the 'so as to cause a nuisance' and the list should be more inclusive of the birds found in our parks. It should, at the very least, include swans and ducks. People should not be feeding wild birds, full stop. The issue should not be about creating a nuisance, which I assume means a mess which should be catered for by littering provisions. It should be about animal welfare</p> <p>13. I can't see the rationale for 6.1 having maximum penalties of \$1,000 and \$2,000 for offences concerning dogs, but \$5,000 for cats and other animals. The dog penalties should be increased to match the cat/animal penalties, with the penalty for dangerous dogs being double.</p> | <p>12. Administration have reviewed this Clause (now Clause 4.15) to include ducks and swans. Administration have concluded to keep the wording 'so as to cause a nuisance' within the Clause as there is existing legislation (the <i>Biodiversity Conservation Act 2016</i>) which already prohibits the feeding of fauna - and as such the City considers our remit (and best application of resources) should go towards those activities that are likley to have a public health impact.</p> <p>13. Administration support these commments. Clause has been adjusted to the maximum penalty for dogs to \$5,000 with the maximum penalty to a dangerous dog set at \$10,000. This is in line with the Dog Act.</p> |
| <p>249</p> | <p>I live on Janet Street where chickens are prohibited. We already have issues with someone one street over (Hammond Street) who has chickens and also a rooster, even though they are also in the prohibited zone. Both the rooster and the chickens are noisy and I can hear them clearly from my home throughout the day. I can also smell them on occasion which really I should not be able to do from a whole street away, but chickens are unfortunately noisy and their enclosures can become smelly quickly.</p> <p>The City of Vincent is a built up area and chickens should not have a place here. I am not supportive of the proposed changes to the law.</p> | <p>Roosters are not permitted under both the existing Health Local Law, and the proposed Animal Local Law. Residents are encouraged to contact the City's Health Services should they be experiencing unreasonable noise from roosters. There are specific provisions within the new Animal Local Law to address matters relating to unreasonable noise and / or nuisance (i.e. obnoxious odours).</p> |