

Cat Act 2011
Local Government Act 1995

CITY OF GOSNELLS
CAT LOCAL LAW 2014

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Gosnells resolved on 16 December 2014 to make the following local law.

Part 1 — Preliminary

1.1 Citation

This local law may be cited as the *City of Gosnells Cat Local Law 2014*.

1.2 Commencement

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

1.3 Interpretation

In this local law unless the context otherwise requires —

Act means the *Cat Act 2011*;

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

Cat Management Facility has the meaning given to it in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Gosnells;

microchip has the meaning given to it in the Act;

nuisance means —

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

owner has the meaning given to it in the Act;

Regulations means the *Cat Regulations 2012*;

sterilised has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

Town Planning Scheme means a Town Planning Scheme of the local government made under the *Planning and Development Act 2005*, or a Town Planning Scheme which was made under the *Town Planning and Development Act 1928*.

[Clause 1.3 amended by No. 204 of 2020]

1.4 Application

This local law applies throughout the district.

Part 2 — Designated Cat Management Facilities

2.1 Interpretation

In this Part and in Schedule 2—

licence means a Cat Management Facility licence issued under this local law;

licensee means the holder of a licence;

premises, in addition to the meaning given to it Section 3 of the Act, means the premises described in the application to be licensed as a Cat Management Facility;

animal establishment has the meaning given to the term in the Town Planning Scheme;

transferee means a person who applies for the transfer of a licence to him or her under clause 2.13.

2.2 Operating a Cat Management Facility without a licence

Unless exempt as an organisation listed in the Regulations, a person who operates a premises as a Cat Management Facility within the district without a licence commits an offence.

Penalty: \$2,000 and a daily penalty of \$100.

[Clause 2.2 amended by No. 122 of 2015]

2.3 Application for a licence to be designated as a Cat Management Facility

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with —

- (a) plans and specifications of the premises, including a site plan;
- (b) written evidence that either the applicant or another person who will have the charge of the cats, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;
- (c) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of cats which may be nominated from time to time by the local government; and

- (d) the fee for the application for a licence referred to in clause 2.8(1).

2.4 Determination of application

In determining an application to be designated as a Cat Management Facility, the local government is to have regard to —

- (a) the matters referred to in clause 2.5;
- (b) any written submissions received on the proposed use of the premises;
- (c) the effect which the Cat Management Facility may have on the environment or amenity of the neighbourhood;
- (d) whether the Cat Management Facility will create a nuisance for the owners and occupiers of adjoining premises; and
- (e) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the Cat Management Facility identified in the preceding paragraphs.

2.5 Where application cannot be approved

The local government cannot approve an application for a licence where —

- (a) the facility is proposed to be located in an area where an animal establishment is an 'X' class use under the Town Planning Scheme; or
- (b) an applicant or another person who will have the charge of the cats will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare.

2.6 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) Operators of Cat Management Facilities must comply with their obligations as specified in Part 3 of the Act.

2.7 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: \$2,000 and a daily penalty of \$100.

[Clause 2.7 amended by 122 of 2015]

2.8 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

2.9 Exemption from requirement to pay fees

- (1) In this clause —

charitable organisation means —

- (a) an institution, association, club, society or body whether incorporated or not;
 - (b) where its objectives are charitable, benevolent, educational, or other like nature concerned with the welfare of cats; and
 - (c) from which any member does not receive any pecuniary profit.
- (2) The local government may waive any fee required to be paid by the applicant for a licence, or the fee for the renewal of a licence by a charitable organisation.

2.10 Form of licence

The Licence is to be in the form determined by the local government and is to be issued to the licensee.

2.11 Period of licence

- (1) The period of effect of a licence is 12 months from the date of issue.
- (2) A licence is to be renewed if the fee referred to in clause 2.8(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

2.12 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence —
 - (a) on the request of the licensee;

- (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if, in the local government's opinion, the licensee is not a fit and proper person to hold a licence.
- (3) The date a licence is cancelled is to be, in the case of —
- (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined by an authorised person.
- (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.

2.13 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be —
- (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with —
 - (i) written evidence that a person to whom the licence is proposed to be transferred will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 2.8(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 2.14(b), the transferee becomes the licensee of the licence for the purposes of this local law.

2.14 Notification

The local government is to give written notice to —

- (a) an applicant for a licence of the local government's decision on her or his application;

- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 2.12(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 2.12(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 2.12(2).

2.15 Inspection of Cat Management Facility

Subject to the provisions of the power to enter premises within the Act, an authorised person may inspect an approved Cat Management Facility.

2.16 Record Keeping

All designated Cat Management Facilities are required to keep and maintain a register of all cats entering and leaving the facility, and where entry to the premises has been made under clause 2.15, an authorised officer may inspect the register.

Part 2A - Cat Control

2A Cat prohibited areas

- (1) A cat shall not be in the places specified in Schedule 2A at any time.
- (2) If a cat is in a Cat Prohibited Area in contravention of subclause (1), then the owner of the cat commits an offence unless the owner of the cat has first obtained written authorisation from the local government.

Penalty: \$2,000.

[Part 2A inserted by 204 of 2020]

Part 3 — Enforcement

3.1 Interpretation

In this Part —

infringement notice means the notice referred to in clause 3.3; and

notice of withdrawal means the notice referred to in clause 3.6(1).

3.2 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

- (2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence.

3.3 Issue of infringement notice

Where an authorised person 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 a notice in the form of Form 6 of Schedule 1 of the Regulations.

3.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

3.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

3.6 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 7 of Schedule 1 of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 3.3 cannot sign or send a notice of withdrawal.

3.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from him or her, or as ascertained from inquiries made by the local government.

SCHEDULE 1 — APPLICATION FOR A LICENCE FOR A DESIGNATED CAT MANAGEMENT FACILITY

[clause 2.3]

APPLICANT/S DETAILS

Name of Applicant/s (in full)							
Residential Address							
Suburb					Post Code		
Postal Address (if different from above)							
Telephone	(H)				(W)		
Fax				Email			

CAT MANAGEMENT FACILITY DETAILS

I / We apply for a licence for a designated cat management facility at:							
Address of premises							
Suburb					Post Code		
For number of cats							
Person will reside (tick appropriate box) *evidence to be provided		<input type="checkbox"/>	At the premises				
		<input type="checkbox"/>	Sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare				
Name of person (if not applicant/s)							
Address of residence (if not residing at the premises)							

Prior to approval the following must be attached:

- (a) a site plan of the premises showing the location of the cages and runs and all other buildings and structures and fences;
- (b) plans and specifications of the Cat Management Facility;
- (c) evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare; and
- (d) if the person in item (c) is not the applicant, evidence that the person is a person in charge of the cats.

Signature of applicantDate

Note: A licence if issued will have effect for a period of 12 months effective from the date of issue unless and until it is revoked or; the conditions of 2.3(b) are no longer complied with.

APPLICATION FEE	
Cat Management Facility Establishment Fee	\$200.00

OFFICE USE ONLY				
ID NUMBER	DATE	RECEIPT	AMOUNT PAID	CASHIERS ID

SCHEDULE 2 — MINIMUM CONDITIONS OF A DESIGNATED CAT MANAGEMENT FACILITY

[clause 2.6(1)]

An application for a licence within the District may be approved subject to the following conditions —

- (a) each Cat Management Facility must have a secure area where cats are housed and can exercise and must be at a distance of not less than 10m from the front boundary of the premises and 5m from any other boundary of the premises;
- (b) where floor washing is required, washings must pass through the drains and must be piped to an approved apparatus for the treatment of sewage (as specified by the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*) and in accordance with the health requirements of the local government;
- (c) all external surfaces of each Cat Management Facility must be kept in good condition;
- (d) sufficient ventilation to keep animal housing areas free of dampness, noxious odours and draughts, and prevent accumulation of concentrations of gases;
- (e) supply of fresh air, or if animals are housed in a totally enclosed area where forced ventilation is the only form of air movement there should be adequate air change rate;
- (f) located away from sources of excessive noise or pollution, and draughts that could cause injury or stress to animals;
- (g) natural lighting or lighting that duplicates the characteristics of natural light including a simulated day/night period;
- (h) all cages and outdoor enclosures are to have adequate shelter in the form of a roof constructed of impervious material;
- (i) must have mix of cages to provide for individual housing where required and cages or modules constructed of impervious, washable materials;
- (j) all cages, outdoor enclosures and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (k) all refuse, faeces and food waste must be disposed of daily to the satisfaction of an authorised person;
- (l) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (m) suitable water both for cleaning and drinking must be available at the Cat Management Facility; and
- (n) 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
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the cats, and to ensure their health and welfare.

SCHEDULE 2A – CAT PROHIBITED AREAS

[clause 2A(1)]

Areas where cats are prohibited-

Cliff Place Reserve and River Regional Open Space: Reserve 33771 – Lot 2753 on Plan 10648; Reserve 45677 – Lot 203 on Plan 88687, Lot 4289 on Plan 88687; Reserve 52213 – Lot 900 on Plan 405670.

Foreshore Place Reserve and River Regional Open Space: Reserve 41565 – Lot 3779 on Plan 190841, Lot 3733 on Plan 17312; Lot 4 on Plan 58301; Lot 110 on Plan 79949; Lot 553 on Plan 90975; Lot 9000 on Plan 45273; Lot 9001 on Plan 45273.

John Okey Davis Park: Reserve 37270 – Lot 4147 on Plan 50481, Lot 3346 on Plan 51959, Lot 4148 on Plan 51959, Lot 3267 on Plan 12942, Lot 4145 on Plan 2566, Lot 4146 on Plan 2566.

Mary Carroll Park: Reserve 28361 – Lot 4118 on Plan 219412; Reserve 31993 – Lot 2899 on Plan 51643, Lot 3934 on Plan 51643, Lot 3933 on Plan 52712, Lot 3934 on Plan 52848, Lot 3934 on Plan 52888, Lot 3085 on Plan 54964, Lot 3934 on Plan 54964, Lot 3934 on Plan 57102, Lot 3934 on Plan 58542, Lot 3934 on Plan 60078, Lot 3934 on Plan 60079, Lot 2096 on Plan 184377, Lot 2460 on Plan 214859, Lot 2499 on Plan 214859, Lot 3188 on Plan 214859; Reserve 38000 – Lot 3352 on Plan 52580; Lot 23 on Plan 36619; Lot 108 on Plan 52580; Lot 91 on Plan 58377; Lot 23 on Plan 64770.

Shannon Ramble Reserve and River Regional Open Space: Reserve 39815 – Lot 3545 on Plan 15274; Reserve 41487 – Lot 3712 on Plan 17184, Lot 4384 on Plan 17184; Reserve 47001 – Lot 4821 on Plan 29093, Lot 4811 on Plan 31159, Lot 4824 on Plan 32029, Lot 4813 on Plan 32172; Reserve 47210 – Lot 4812 on Plan 31159, Lot 4814 on Plan 32172.

Huntingdale/Gosnells River Regional Open Space: Reserve 25044 – Lot 1620 on Plan 22788; Reserve 32522 – Lot 2567 on Plan 44493, Lot 2732 on Plan 48186; Reserve 33124 – Lot 2638 on Plan 10357, Lot 2639 on Plan 10357, Lot 2769 on Plan 10858, Lot 2774 on Plan 10858, Lot 2779 on Plan 11314; Reserve 33667 – Lot 2731 on Plan 48186; Reserve 34249 – Lot 2840 on Plan 10938; Reserve 34273 – Lot 2831 on Plan 11085; Reserve 34989 – Lot 2970 on Plan 51778, Lot 4142 on Plan 51778, Lot 3287 on Plan 56973, Lot 3307 on Plan 13510, Lot 3593 on Plan 15189; Reserve 36939 – Lot 3236 on Plan 13125; Reserve 37077 – Lot 3246 on Plan 59338, Lot 3411 on Plan 64397; Reserve 38683 – Lot 3427 on Plan 14372; Reserve 38685 – Lot 3953 on Plan 51589, Lot 3984 on Plan 11952, Lot 3426 on Plan 14373; Reserve 39647 – Lot 3532 on Plan 15045; Lot 5 on Plan 41332; Lot 99 on Plan 41536; Lot 28 on Plan 44494, Lot 55 on Plan 44494; Lot 165 on Plan 47921, Lot 35 on Plan 48186; Lot 50 on Plan 52674; Lot 90 on Plan 59338, Lot 91 on Plan 59338; Lot 681 on Plan 60810; Lot 102 on Plan 64397; Lot 104 on Plan 70459; Lot 66 on Plan 71439; Lot 304 on Plan 79214; Lot 301 on Plan 79254, Lot 302 on Plan 79254; Lot 306 on Plan 97568; Lot 801 on Plan 75964; Lot 152 on Plan 10858; Lot 75 on Plan 10938; Lot 166 on Plan 11085; Lot 218 on Plan 11314; Lot 87 on Plan 11952; Lot 67 on Plan 12921; Lot 31 on Plan 12946; Lot 679 on Plan 13125; Lot 165 on Plan 14373, Lot 166 on Plan 14373; Lot 1143 on Plan 2566; Lot 1672 on Plan 3314, Lot 1673 on Plan 3314, Lot 1674 on Plan 3314, Lot 1675 on Plan 3314, Lot 1676 on Plan 3314.

Greater Brixton Street Wetlands: Reserve 49200 – Lot 35 on Plan 32341, Lot 342 on Plan 95477, Lot 807 on Plan 50190, Lot 808 on Plan 50190, Lot 802 on Plan 59983, Lot 48 on Plan 10367, Lot 106 on Plan 3148, Lot 26 on Plan 4647, Lot 31 on Plan 4647; Lot 50 on Plan 4366; Lot 343 on Plan 95477; Lot 803 on Plan 59983, Lot 804 on Plan 59983; Lot 140 on Plan 3380; Lot 9 on Plan 4647; Lot 10 on Plan 4647; Lot 11 on Plan 4647; Lot 12 on Plan 4647; Lot 13 on Plan 4647; Lot 14 on Plan 4647; Lot 15 on Plan 4647; Lot 16 on Plan 4647; Lot 28 on Plan 4647, Lot 77 on Plan 4647; Lot 78 on Plan 4647.

Kenwick River Regional Open Space North: Lot 2 on Plan 41793; Lot 1 on Plan 42179; Lot 501 on Plan 71790, Lot 505 on Plan 85002, Lot 506 on Plan 89787, Lot 0 on Plan 9486; Lot 510 on Plan 95752; Lot 111 on Plan 34829; Lot 801 on Plan 418115; Lot 42 on Plan 10367.

Kenwick River Regional Open Space South: Reserve 33961 – Lot 81 on Plan 96355; Reserve 44350 – Lot 4077 on Plan 76134; Lot 50 on Plan 63666; Lot 120 on Plan 96385; Lot 17 on Plan 2976.

Hester Park and River Regional Open Space: Reserve 29223 – Lot 2149 on Plan 33955; Reserve 32676 – Lot 2588 on Plan 46231; Reserve 32677 – Lot 3003 on Plan 41749; Reserve 34179 – Lot 3879 on Plan 84116, Lot 4761 on Plan 28830; Reserve 34180 – Lot 2816 on Plan 11112; Reserve 35022 – Lot 2969 on Plan 12060; Reserve 47448 – Lot 4760 on Plan 28830; Lot 141 on Plan 46231; Lot 150 on Plan 48023; Lot 3 on Plan 58127; Lot 500 on Plan 67784; Lot 806 on Plan 39690; Lot 69 on Plan 11112; Lot 55 on Plan 11385; Lot 2 on Plan 2499, Lot 3 on Plan 2499, Lot 4 on Plan 2499.

Maddington River Regional Open Space: Reserve 32093 – Lot 300 on Plan 48681; Reserve 43367 – Lot 3914 on Plan 79695; Reserve 45388 – Lot 4199 on Plan 20044, Lot 4219 on Plan 20749; Lot 30 on Plan 32343; Lot 50 on Plan 76663; Lot 51 on Plan 76664; Lot 100 on Plan 78993; Lot 24 on Plan 94489; Lot 800 on Plan 48091; Lot 55 on Plan 15320; Lot 56 on Plan 15320; Lot 304 on Plan 2976; Lot 169 on Plan 3047; Lot 170 on Plan 3047; Lot 171 on Plan 3047; Lot 172 on Plan 3047.

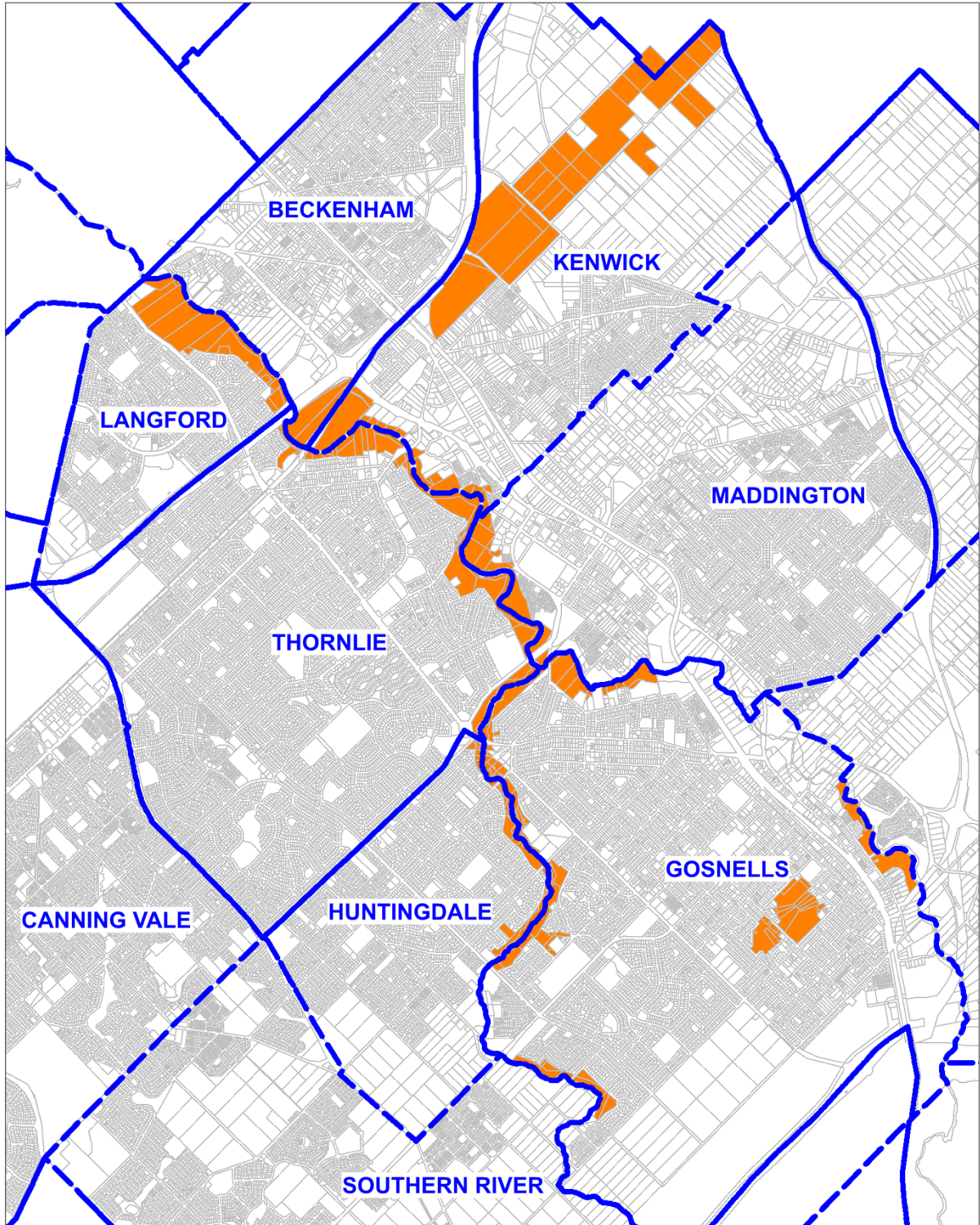
Corriedale Reserve: Reserve 36197 – Lot 3759 on Plan 64126, Lot 3125 on Plan 11997; Lot 3214 on Plan 11997; Lot 3758 on Plan 11997.

O'Dell Street Reserve and River Regional Open Space: Reserve 27505 – Lot 1963 on Plan 8157; Reserve 28739 – Lot 2594 on Plan 45620, Lot 2087 on Plan 8464; Reserve 29744 – Lot 311 on Plan 47102; Reserve 30574 – Lot 3971 on Plan 35019, Lot 2317 on Plan 38326, Lot 350 on Plan 40416; Reserve 30692 – Lot 2327 on Plan 9165; Lot 1 on Plan 48841; Lot 2 on Plan 52716; Lot 105 on Plan 55147; Lot 106 on Plan 55149; Lot 75 on Plan 66110.

Thornlie River Regional Open Space: Reserve 26227 – Lot 1821 on Plan 7580; Reserve 27924 – Lot 1972 on Plan 170868; Reserve 32093 – Lot 164 on Plan 11340; Lot 203 on Plan 12942, Lot 2880 on Plan 8816, Lot 2955 on Plan 8816, Lot 2473 on Plan 9830; Reserve 33061 – Lot 2633 on Plan 10973; Reserve 33961 – Lot 2971 on Plan 51572, Lot 565 on Plan 67741, Lot 2780 on Plan 11341; Reserve 35024 – Lot 2967 on Plan 51572; Reserve 37270 – Lot 3267 on Plan 12942; Lot 29 on Plan 32343; Lot 32 on Plan 47062; Lot 298 on Plan 11341.

Thornlie/Gosnells River Regional Open Space: Reserve 33662 – Lot 4155 on Plan 193406; Reserve 33663 – Lot 2729 on Plan 11260; Reserve 37270 – Lot 3267 on Plan 12942; Lot 800 on Plan 48091; Lot 151 on Plan 11260; Lot 153 on Plan 11260; Lot 201 on Plan 12942.

SCHEDULE 2A — MAP OF CAT PROHIBITED AREAS



Date: 17/08/2020

 **CAT PROHIBITED AREAS**



[Schedule 2A inserted by 204 of 2020]

SCHEDULE 3 — OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES

[clause 3.2]

	CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY
			\$
1	2.2	Operating a Cat Management Facility without a licence	200
2	2.7	Failing to comply with the conditions of a licence	200
3	2A(2)	Cat in a prohibited area	200

[Schedule 3 amended by 204 of 2020]

Dated _____ 2014.

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

DAVID GRIFFITHS
Mayor

IAN COWIE
Chief Executive Officer