



CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

City of Wanneroo

CATS LOCAL LAW 2023

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Wanneroo resolved on **XX/XX/XXXX** to make the following local law.

## PART 1 - PRELIMINARY

### 1.1 Title

This is the *City of Wanneroo Cats Local Law 2023*.

### 1.2 Commencement

This local law comes into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

### 1.3 Repeal

The City of Wanneroo *Cat Local Law 2016* published in the *Government Gazette* on 28 July 2016, is repealed.

### 1.4 Terms Used

(1) In this local law, unless the context otherwise requires—

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

**application** means an application for an approval;

**approval** means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and *Part 2* of this local law;

**approved person** means the person to whom an approval is granted;

**authorised person** means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

**cat** 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 Wanneroo;

**local planning scheme** means a local planning scheme made by the local government under the Planning and Development Act 2005;

**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;

**person** means person or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate.

**premises** has the meaning given to it in the Act; and

**wandering** means a cat that wanders outside the premises where it is ordinarily kept.

- (2) A term that is used in this local law and is not defined in clause 1.4 (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or the Local Government Act 1995.

## 1.5 Application

This local law applies throughout the district.

## PART 2 - NUMBER OF CATS THAT MAY BE KEPT

### 2.1. Interpretation

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

### 2.2. Prescribed premises

For the purposes of the definition of **prescribed premises** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except –

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

### 2.3. 'Standard number of cats'

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 3 cats may be kept on premises at which a member of a cat organisation is not ordinarily resident.

### 2.4. Application for approval

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government.

### 2.5. Determining an application

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to -
  - (a) the zoning of the land under the local planning scheme;
  - (b) the physical suitability of the premises for the proposed use;
  - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (d) the structural suitability of any enclosure in which any cat is to be kept;
  - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
  - (f) the likely effect on the amenity of the surrounding area of the proposed use;
  - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
  - (h) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) An approval is to be in the form determined by the CEO and is to be issued to the approved person.

### 2.6. Conditions

For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including-

- (1) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
- (2) that there must be adequate space for the exercise of the cats;
- (3) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
- (4) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.

## **2.7. Renewal of an application**

- (1) An application is to be renewed if -
  - (a) the approved person has not breached the conditions of the approval;
  - (b) the approval would have been granted if a fresh application for approval had been made; and
  - (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

## **2.8. Transfer of an approval**

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be -
  - (a) made in the form determined by the CEO;
  - (b) made by the proposed transferee;
  - (c) made with the consent of the approved person; and
  - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with clause 2.8 (2).
- (4) The local government may grant, or refuse to grant an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (5) Where the local government grants an application for the transfer of an approval -
  - (a) it is to issue to the transferee an approval in the form determined by the CEO; and
  - (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

## **2.9. Variation or cancellation of an approval**

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval -
  - (a) on the request of the approved person;
  - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or

- (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

### **PART 3 - CAT CONTROL**

#### **3.1. Cat prohibited areas**

- (1) A cat shall not be in a cat-prohibited area specified in Schedule 1 at any time.
- (2) If a cat is in a cat-prohibited area in contravention of clause 3.1(1), then –
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

#### **3.2. Cat not to be a nuisance**

- (1) The owner of a cat shall prevent the cat from creating a nuisance.
- (2) Where in the opinion of an authorised person, a cat is creating a nuisance, an authorised person may give a control 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 a period specified on the notice which shall not exceed 28 days.
- (4) The owner of a cat given the notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) A control notice under clause 3.2 (2) shall be Form 3 of the *Cat Regulations 2012*.

### **PART 4 – OBJECTIONS AND APPEALS**

#### **4.1 Objections and appeals**

- (1) A person who is aggrieved by a decision of the local government made under clauses 2.5, 2.7, 2.8 or 2.9 is a decision to which Part 9 Division 1, of the *Local Government Act 1995* applies.
- (2) The form of an objection is Form 8 in the *Cat Regulations 2012*, Schedule 1

### **PART 5 - ENFORCEMENT**

#### **5.1. Infringement Notices**

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Part 4, Division 4 of the Act.

- (2) An infringement notice in respect of an offence against this local law may be given under Section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the Cat Regulations 2012.
- (3) A notice sent under Section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the Cat Regulations 2012.

## **5.2 Serving of infringement notices**

An infringement notice served under section 62 of the Act or this local law may be given to a person -

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

## **5.3 General offence and penalty provisions**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of Section 84 of the Act.
- (3) Unless otherwise specified, any person who commits an offence under this local law is liable on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule, is the modified penalty for that offence.

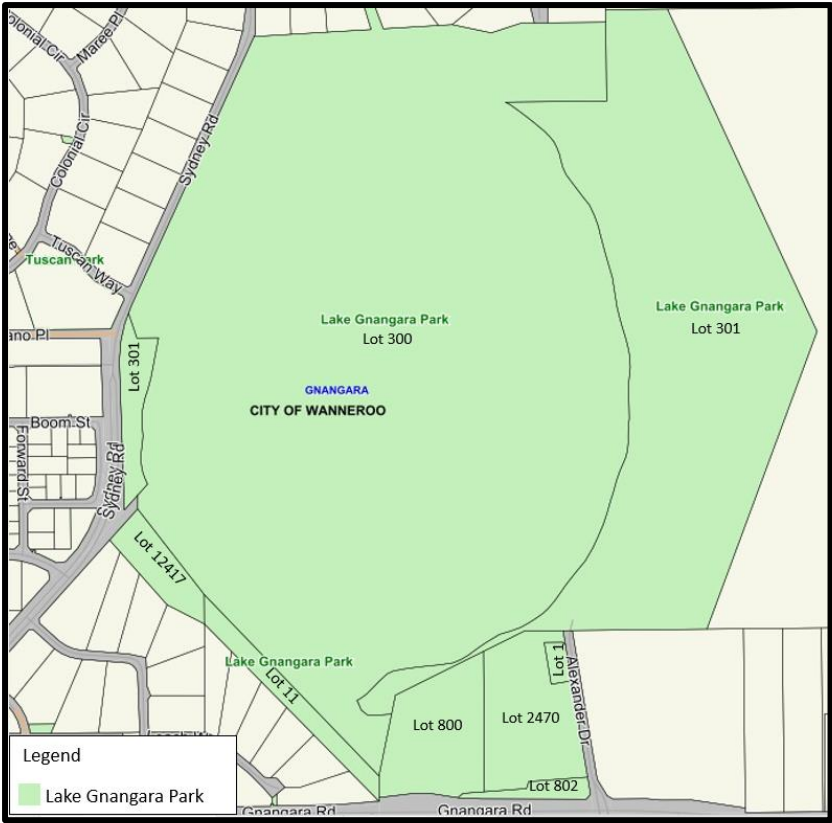
### Schedule 1

#### Cat Prohibited Areas

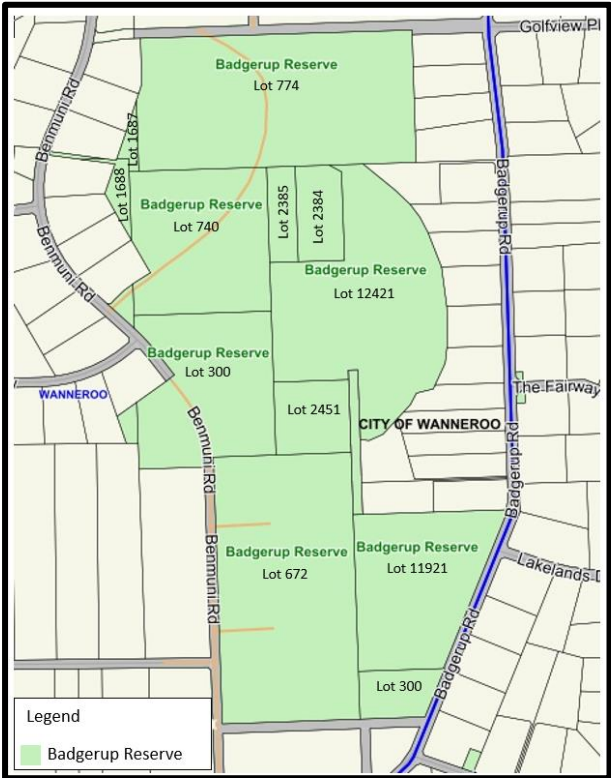
Common Name	Reserve/Lot Number	Location (bound by or accessed from)
Lake Gnangara Park	As shown in Map 1	Sydney Road, Gnangara Road, Alexander Drive, Vintage Lane, Heritage Terrace
Badgerup Reserve	As shown in Map 2	Badgerup Road and Benmuni Road
Lake Adams	As shown in Map 3	Neaves Road, Lee-Steere Drive and Coogee Road
Koondoola Open Space & Reserve (including Waddington Park & Rendell Park)	As shown in Map 4	Alexander Drive, Waddington Crescent, Beach Road, Koondoola Avenue and Marangaroo Drive
Chancellor Park & Marangaroo Golf Course	As shown in Map 5	Le Grand Gardens, Caroline Green, Decourcey Way, Chancellor Rise and Hepburn Avenue
Lake Joondalup Foreshore	As shown in Map 6	Scenic Drive, Poinciana Place, Ocean Reef Road, Tyne Crescent, James Spiers Drive, Banyadah Boulevard, Donnelly Ramble,
Pinjar Park	As shown in Map 7	Old Yanchep Road, Pederick Road, Tandos Road
Lansdale Park	As shown in Map 8	Hepburn Avenue, Lansdale Road
Hepburn Park	As shown in Map 9	Hepburn Avenue, Lansdale Road, Alexander Drive, Candlestick Avenue
Donnelly Park	As shown in Map 10	Donnelly Ramble
Banyadah Park	As shown in Map 11	Banyadah Boulevard, Scenic Drive, Donnelly Ramble
Lake Joondalup Park	As shown in Map 12	Scenic Drive
Scenic Park	As shown in Map 13	Scenic Drive
Rotary Park	As shown in Map 14	Scenic Drive
Studmaster Park	As shown in Map 15	Tyne Crescent, James Spiers Drive
Panzano Park	As shown in Map 16	Woodvale Drive, Panzano Circuit, Cosimo Drive
Rosso Park	As shown in Map 17	Rosso Meander, Solaia Loop

Solana Park	As shown in Map 17	Rosso Meander, Solaia Loop
Quinns Foreshore Reserve	As shown in Map 18	Seaham Way, Kinsale Drive, Quinns Road
Foreshore Reserve – Mindarie	As Shown in Map 19	Alexandria View, Glendsanda Way, Long Beach Promenade, Clarecastle Retreat, Kinsale Drive, Quinns Road
Foreshore Reserve – Quinns Rocks	As shown in Map 20	Quinns Road, Ocean Drive, Waterland Point, St Anthony Avenue
Foreshore Reserve - Jindalee	As shown in Map 21	St Anthony Avenue, Maritime Drive, Jindalee Boulevard, Aurora Esplanade, Bathers Promenade
Foreshore Reserve – Alkimos (South)	As shown in Map 22	Graceful Boulevard, Coolangatta Rise
Foreshore Reserve- Alkimos (North)	As shown in Map 23	Portside Promenade, Almond Street
Foreshore Reserve – Eglinton	As shown in Map 24	Idyllic View, Celeste Street
Foreshore Reserve - Yanchep	As shown in Map 25	Trumpster Parade, Forteshore Vista, Compass Circle, Brazier Road, Capricorn Esplanade, Holiday Way,
Foreshore Reserve – Two Rocks	As shown in Map 26	Spot View, Two Rocks Road, Jordan Street, Marcon Street, Australis Drive, Pope Street, Sovereign Drive
Poinciana Park	As shown in Map 27	Poinciana Place, Scenic Drive
Kinsdale Park	As shown in Map 28	Caldale Close, Kinsale Drive, Duncanno Rise, Seaham Way, Chalmers Court

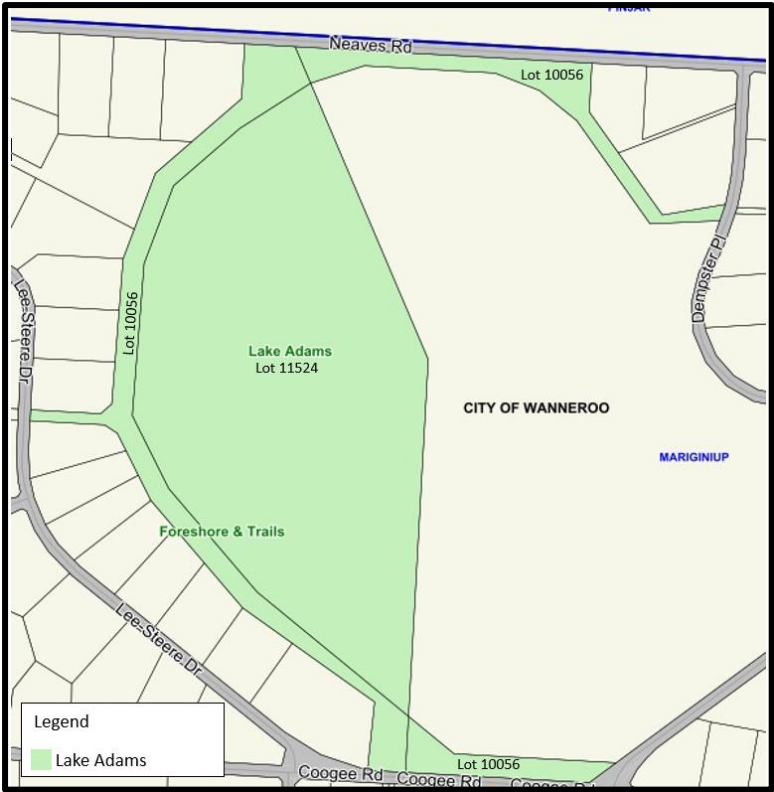




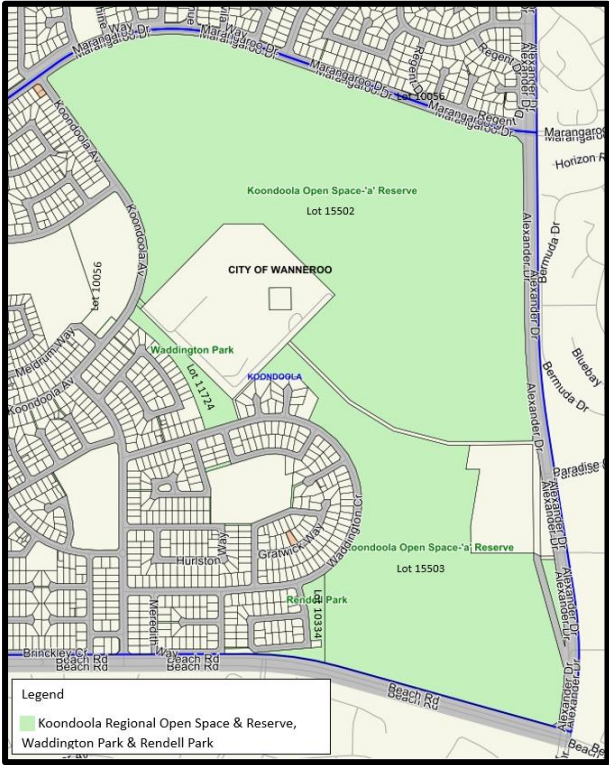
Map 1 – Lake Gngangara Park, car prohibited area



Map 2 – Badgerup Reserve, cat-prohibited area



Map 3 – Lake Adams, cat-prohibited area



Map 4 – Koondoola Regional Open Space & Reserve Waddington Park & Rendell Park, cat prohibited area



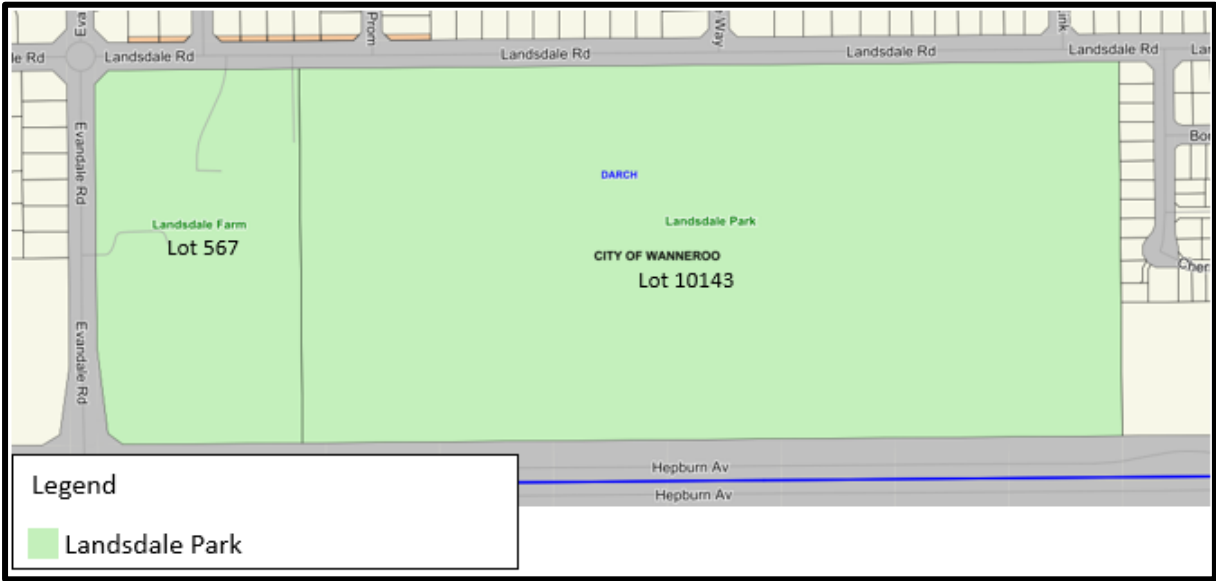
Map 5 – Chancellor Park & Marangaroo Golf Course, cat prohibited area



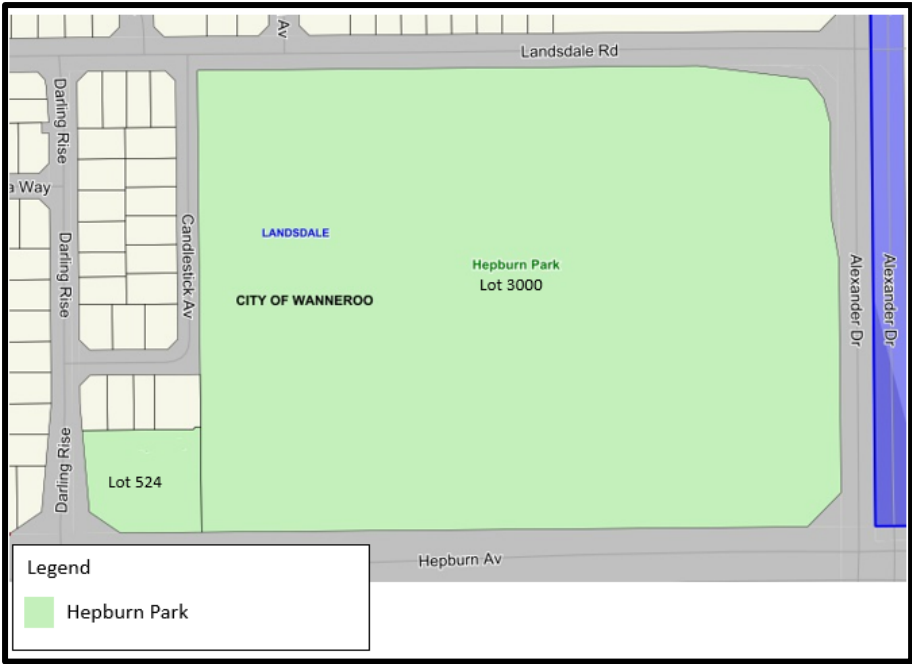
Map 6 – Lake Joondalup Foreshore, cat prohibited area



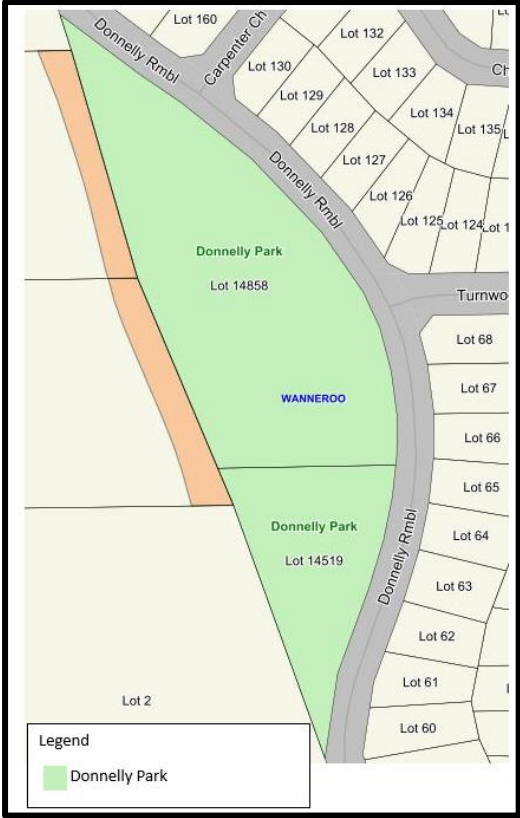
Map 7 – Pinjar Park, cat prohibited area



Map 8 – Landsdale Park, cat prohibited area



Map 9 – Hepburn Park, cat prohibited area

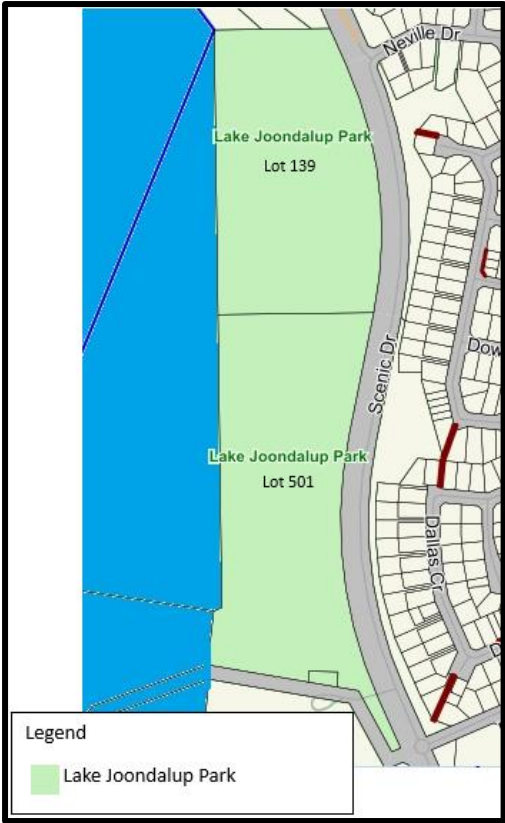


Map 10 – Donnelly Park, cat prohibited area





Map 11 – Banyandah Park, cat prohibited area



Map 12 – Lake Joondalup Park, cat prohibited area



Map 13 – Scenic Park, cat prohibited area



Map 14 – Rotary Park, cat prohibited area



Map 15 – Studmaster Park, cat prohibited area



Map 16 – Panzano Park, cat prohibited area





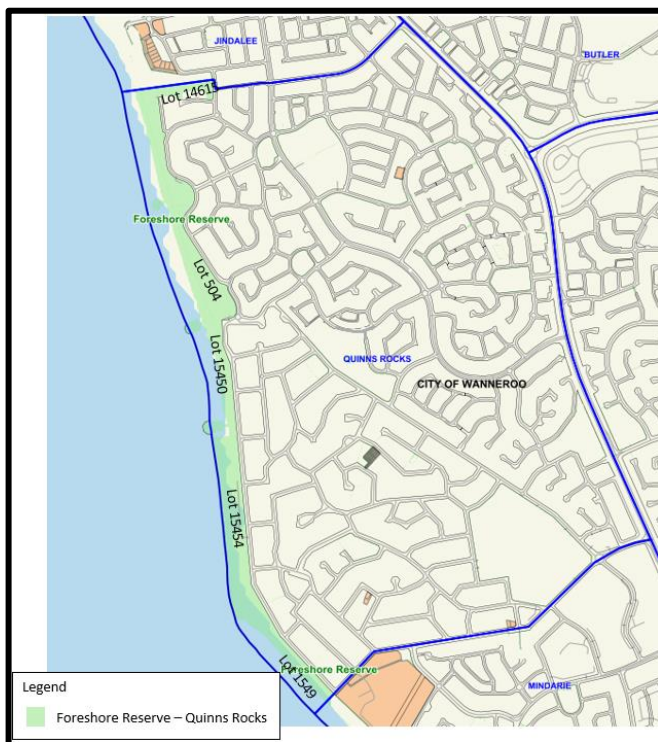
Map 17 – Rosso & Solana Park, cat prohibited area



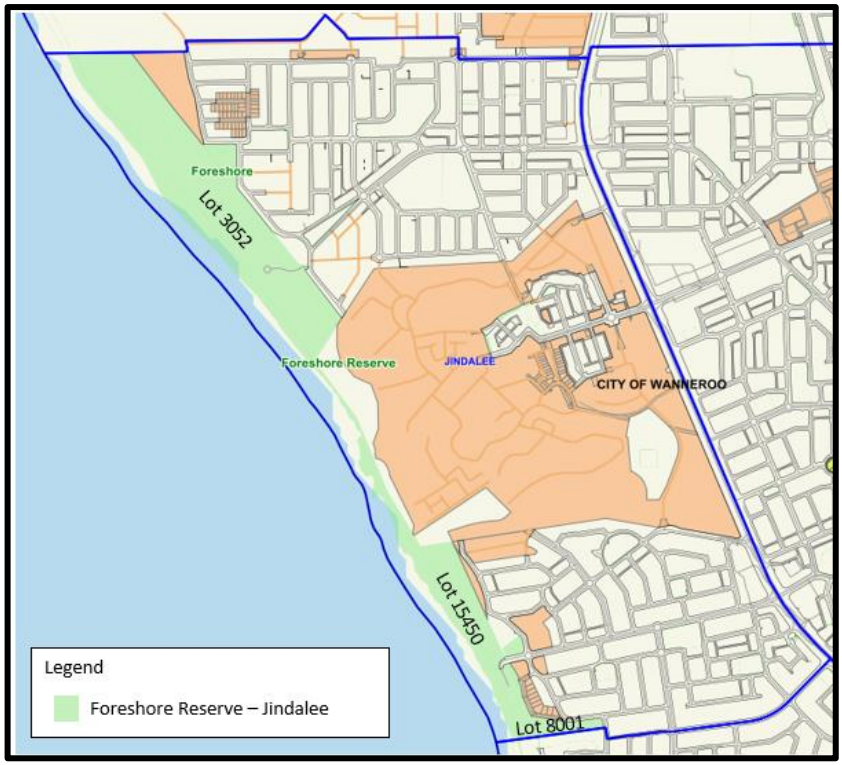
Map 18 – Quinns Foreshore Reserve, cat prohibited area



Map 19 – Foreshore Reserve – Mindarie, cat prohibited area



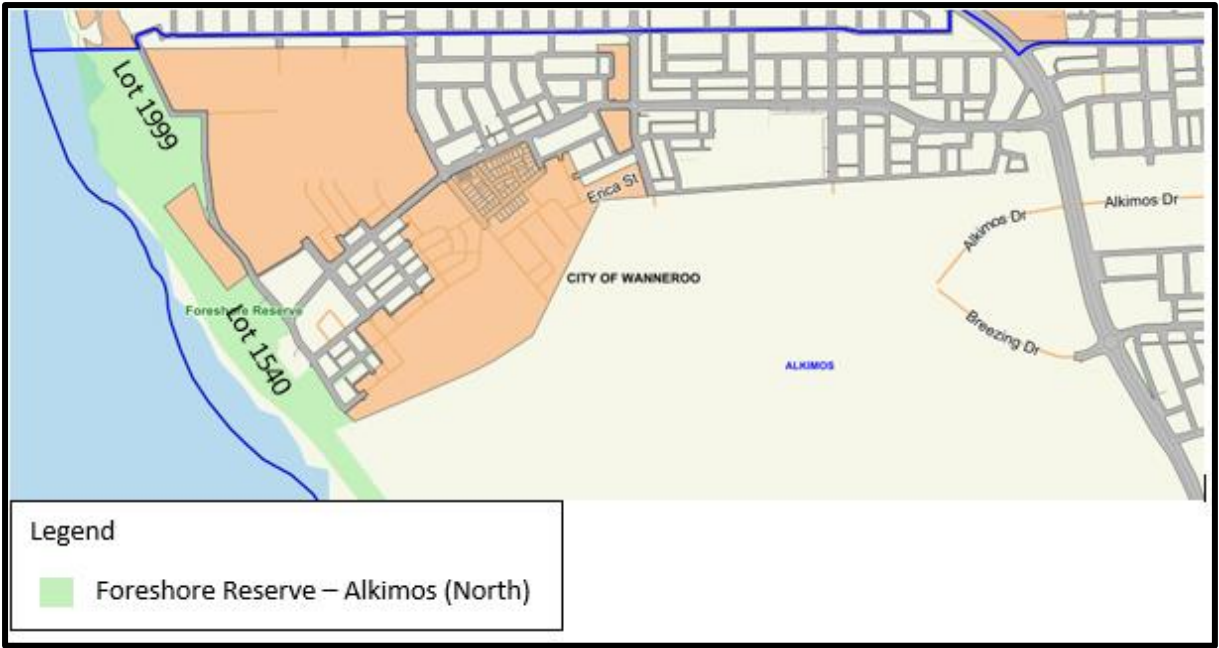
Map 20 – Foreshore Reserve – Quinns Rocks, cat prohibited area



Map 21 - Foreshore Reserve - Jindalee, cat prohibited area



Map 22 - Foreshore Reserve - Alkimos (South), cat prohibited area



Map 23 – Foreshore Reserve – Alkimos (North), cat prohibited area



Map 24 – Foreshore Reserve – Eglinton





Map 25 – Foreshore Reserve – Yanchep, cat prohibited area



Map 26 – Foreshore Reserve – Two Rocks, cat prohibited area



Map 27 – Poinciana Park, cat prohibited area



Map 28 – Kinsale Park, cat prohibited area

## **SCHEDULE 2**

### **Prescribed Offences and Modified Penalties**

	<b>Offence</b>	<b>Description</b>	<b>Modified Penalty Units</b>
1	2.3	Keeping more than the standard number of cats without an approval	20
2	2.6	Failure to comply with a condition of an approval	20
3	3.1(1)	Cat in a prohibited area	20
4	3.2(1)	Cat causing nuisance	20
5	3.2(4)	Failure to comply with a cat control notice	20

Note: Penalty Units are prescribed in the City of Wanneroo Penalty Units Local Law 2015.