

LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

Shire of Williams

CATS LOCAL LAW 2024

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 Shire of Williams resolved on 7 February 2023 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Williams Cats Local Law 2024*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals the *Shire of Williams Health Local Law 2000* clause 5.2.4.

1.5 Terms Used

In this local law unless the context otherwise requires—

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

application means an application for a permit;

authorised person means a person authorised by the local government, under section 9.10 of the *Local Government Act 1995* to perform the functions conferred on an authorised person under this local law;

cat has the meaning given to it in the Act;

cat management facility has the meaning given to it in the Act;

cat prohibited area means an area as outlined in Schedule 3;

cattery means any premises where more than 6 cats are kept, bred, boarded, housed, or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary owner of the cats;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

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;

grouped dwelling as defined by the Scheme;

local government means the Shire of Williams;

multiple dwelling as defined by the Scheme;

nuisance means—

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

occupier has the meaning given to it in the *Local Government Act 1995*;

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under Part 3;

permit holder means a person who holds a valid permit under Part 3;

premises has the meaning given to it in the Act;

public place means any place to which the public has lawful access;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

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

set fee means fees and charges imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*; and

townsite means the following townsites constituted under section 26(2) of the *Land Administration Act 1997*—

- (a) Williams; and
- (b) such portion of Quindanning townsite as is in the district.

PART 2—CAT CONTROL

2.1 Cats 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, the local government 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 local government in the notice which shall not exceed 28 days.
- (4) An owner given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

2.2 Cat prohibited areas

- (1) A cat shall not be in places specified in Schedule 3 at any time, whether or not under effective control.
- (2) If a cat is in a cat prohibited area in contravention of subclause (1), then—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat in accordance with the Act.

2.3 Interference with cat traps

Where a trap has been set for cats in or on any public place or premises lawfully entered, a person other than an authorised person or the land owner or occupier shall not—

- (a) interfere with, remove or relocate, or damage the trap; or
- (b) release any cat from the trap.

PART 3—PERMITS FOR KEEPING CATS

3.1 Interpretation

In this part, *cat* does not include a cat less than 6 months old.

3.2 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*.

3.3 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—

- (a) two (2) cats may be kept on any premises within a townsite; or
- (b) six (6) cats may be kept on any premises outside a townsite.

3.4 Cats for which a permit is required

- (1) Subject to subclause (2), a person is required to have a permit to—
 - (a) keep more than two (2) cats on any premises within a townsite;
 - (b) keep more than six (6) cats on any premises outside a townsite; or
 - (c) use any premises as a cattery or cat management facility.
- (2) Approval may be given by the local government for up to two (2) additional cats, where the total cats kept on the prescribed premises—
 - (a) within a townsite will not exceed four (4) cats; or
 - (b) outside a townsite will not exceed eight (8) cats.
- (3) A permit is not required under subclause (1) if the premises concerned are—
 - (a) a refuge of the RSPCA or any other body prescribed in regulation 4 of the *Cat Regulations 2012*;
 - (b) a cat management facility which has been approved by the local government; or
 - (c) a veterinary surgery.

3.5 Application for permit

An application for a permit under clause 3.4—

- (a) shall be made in writing by an occupier of the premises in relation to those premises;
- (b) shall be in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
- (c) shall be accompanied by a brief reason and justification for the request;
- (d) may be required by an authorised person to be accompanied by the plans of the premises to which the application relates;
- (e) shall be 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) shall be accompanied by the set fee.

3.6 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.5.

3.7 Factors relevant to the determination of application

- (1) In determining an application for a permit, the local government 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 any scheme which applies to the premises for the proposed use;
 - (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 nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
 - (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 environmental 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 local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to—
 - (a) consult with nearby landowners; or
 - (b) advise nearby landowners that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice, before determining the application for the permit.
- (3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.7(2)(a) and may specify which properties should be consulted.

3.8 Decision on application

- (1) The local government may—
 - (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.9 and may approve it subject to any other conditions it sees fit;
 - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
 - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the local government.
- (3) If the local government refuses to approve an application under subclause (1), then it shall advise the applicant accordingly in writing.
- (4) A permit may only be issued by the local government for a maximum of 6 cats on any premises other than a cattery or cat management facility or a premises specified in clause 3.4(2).

3.9 Conditions of permit

- (1) Every permit is issued subject to the following conditions—
 - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
 - (b) the permit holder will provide adequate space for the exercise of the cats;
 - (c) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (d) those conditions contained in Schedule 1.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

3.10 Compliance with conditions of permit

Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions, as amended.

3.11 Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires—

- (a) if it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

3.12 Renewal of permit

- (1) A permit holder may apply to the local government for the renewal of a permit for an application under clause 3.4(1)(c).
- (2) An application for renewal shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the permit holder;
 - (c) provide the information required by the local government;
 - (d) be forwarded to the local government no later than 28 days before the expiry of the permit, or within a shorter period that the local government in a particular case permits; and
 - (e) be accompanied by any set fee.
- (3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

3.13 Revocation

The local government may revoke a permit if—

- (a) the permit was obtained improperly;
- (b) the permit holder has persistently or frequently contravened a term or condition of the permit, or a provision of this local law; or
- (c) the permit holder fails to observe any provision of this local law or a condition of a permit.

3.14 Permit not transferable

A permit issued under clause 3.8(1)(a) or (b) is not transferable either in relation to the permit holder or the premises.

3.15 Permit to be kept at premises and available for view

- (1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.
- (2) In the case of a registered cattery or cat management facility, the permit shall be displayed in a prominent place within the premises.

3.16 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a permit under this local law.

PART 4—MISCELLANEOUS

4.1 Giving of a notice

A notice given under this local law may be given to a person—

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

PART 5—OBJECTIONS AND APPEALS

5.1 Objections and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 6—ENFORCEMENT

6.1 Offences

A 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.

6.2 General penalty

A 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 an additional penalty not exceeding \$500 for each day or part of the day during which the offence has continued.

6.3 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the Act.

- (2) The amount of a modified penalty for a prescribed offence is the number specified adjacent to the clause in Schedule 2.

6.4 Form of infringement notices

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

Schedule 1—Additional Conditions Applicable to Particular Permits

[Clause 3.9(1)(e)]

A. Permit to keep 2 or more cats in a townsite.

Additional conditions

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat—
- (a) dies; or
 - (b) is permanently removed from the premises.

B. Permit to use premises as a cattery or cat management facility

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 local government.
- (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) Washing basins with a minimum of running cold water are to be available to the satisfaction of the local government.
- (7) The maximum number of cats to be kept on the premises stated on the permit 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) 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) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats kept on the premises.
- (12) Any other matter which in the opinion of the local government 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).

Schedule 2—Prescribed offences

[clause 6.3]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1(1)	Cat causing a nuisance	250
2	2.1(2)	Failure to abate a nuisance	250
3	2.2(2)(a)	Cat in prohibited area	500

Item	Clause	Nature of offence	Modified penalty \$
4	2.3(a)	Unauthorised interference with a trap	250
5	2.3(b)	Unauthorised release of a cat from a trap	250
6	3.4(1)(a)	Failure of a person to hold a permit when keeping more than 2 cats within a townsite	250
7	3.4(1)(c)	Failure of a person to hold a permit for a cattery or cat management facility	250
8	3.10	Failure to comply with conditions of a permit	250
9	3.16	Making a false or misleading statement in an application	500
10	6.1	Other offences not specified	250

Schedule 3—Cat prohibited areas

[clause 2.2]

Term used—

bushland means uncultivated land that is covered with trees, shrubs, or other natural vegetation whether native or not.

Reserve name	Reserve number	Physical lot boundaries	Description of prohibition
Williams Waste Site	R 43389	Lot 40 on Plan 218536, Narrogin Road, Williams	Whole of Reserve
Williams Waste Water Treatment Plant	R 50700	Lot 501 on DP 422656, Cemetery Road, Williams	Whole of Reserve
Water Supply	R 17309	Lot 550 on DP 422656, Cemetery Road, Williams	Whole of Reserve
Parklands	R 28716	Lots 319, 361, 321, 322, 323, 324, 325, 326, 502 and 503 Narrogin and Glenfield Roads, Williams	Whole of Reserve
Water Supply Pumping Station	R 10194	Lot 222 on Plan 223210	Whole of Reserve
Williams Cemetery	R 13147	Lots 505 and 505 on DP 66270, Cemetery Road, Williams	Whole of Reserve
Public Recreation	R 46719	Lots 15999 and 16000 on Plan 23391, Pinjarra Williams Road, Williams	All bushland within reserve
Old Williams Cemetery	R 13434	Lot 701 on DP 84541, Albany Highway, Williams	Whole of Reserve
Government Requirements	R 4303	Lots 506 and 507 on DP 416522, Albany Highway, Williams	Whole of Reserve
Williams Primary School	R 4307	Lot 9 on Plan 223209, Rosselloty Street, Williams	Whole of Reserve
Recreation and Parkland	R 31310	Lot 509 on DP 416523, Albany Highway and Williams Street, Williams	Whole of Reserve

Dated 7th February 2024.

The Common Seal of the Shire of Williams was affixed by authority of a resolution of Council in the presence of—

JARRAD LOGIE, President.
PETER STUBBS, Chief Executive Officer.