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CITY OF GREATER GERALDTON

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

CATS LOCAL LAW 2020

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

CEMETERIES AMENDMENT LOCAL LAW 2020

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

DOGS LOCAL LAW 2020

LOCAL GOVERNMENT ACT 1995

MEETING PROCEDURES AMENDMENT LOCAL LAW 2020

PARKING AMENDMENT LOCAL LAW 2020

REPEAL LOCAL LAW 2020

**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

CITY OF GREATER GERALDTON

CATS LOCAL LAW 2020

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**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

CITY OF GREATER GERALDTON

CATS LOCAL LAW 2020

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 Greater Geraldton resolved on 25 August 2020 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Greater Geraldton Cats Local Law 2020*.

1.2 Commencement

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

1.3 Amendment

The *City of Geraldton Responsible Cat Ownership Local Law 2006* published in the *Government Gazette* on 7 July 2006 is repealed.

1.4 Terms used

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

Act means the *Cat Act 2011*;

applicant means a person who applies for an approval;

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;

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 Greater Geraldton;

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;

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

veterinarian has the meaning given to it in the Act.

(2) A term that is used in this local law and is not defined in subclause (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 within the residential zone of the local planning scheme or used for residential purposes 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 in accordance with the Act.

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 local government and is to be issued to the approved person.

2.6 Conditions

(1) 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—

- (a) 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);
- (b) that there must be adequate space for the exercise of the cats;
- (c) 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
- (d) 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) An approved person who does not comply with a condition of the approval, commits an offence.

Penalty: a fine of not less than \$1,000 and 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.

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) 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 local government;
 - (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 subclause (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.

2.10 Objection and review rights

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

PART 3—ENFORCEMENT

3.1 Infringement notices

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

Dated: 26 August 2020.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

SHANE VAN STYN, Mayor.
ROSS McKIM, Chief Executive Officer.

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

CITY OF GREATER GERALDTON

CEMETERIES AMENDMENT LOCAL LAW 2020

Under the powers conferred by the *Cemeteries Act 1986*, the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Greater Geraldton resolved on 25 August 2020 to make the following local law.

1. Citation

This local law is cited as the *City of Greater Geraldton Cemeteries Amendment Local Law 2020*.

2. Commencement

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

3. Principal Local Law

This local law amends the *City of Greater Geraldton Cemeteries Local Law* as published in the *Government Gazette* on 13 July 2012.

4. Clause 8.1 amended

Clause 8.1 of the principal local law is deleted and replaced with—

8.1 Assistance Animals

A person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than an ‘*assistance animal*’ as defined in section 9(2) of the *Disability Discrimination Act 1992* (Cth) or with the approval of the CEO or an authorised officer.

5. Clause 8.2 deleted

Clause 8.2 is deleted.

Dated: 26 August 2020.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

SHANE VAN STYN, Mayor.
ROSS McKIM, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995
DOG ACT 1976**

CITY OF GREATER GERALDTON

DOGS LOCAL LAW 2020

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**SCHEDULE 1—APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL
ESTABLISHMENT**

**SCHEDULE 2—CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL
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SCHEDULE 3—OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

**LOCAL GOVERNMENT ACT 1995
DOG ACT 1976**

CITY OF GREATER GERALDTON

DOGS LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995*, the *Dog Act 1976* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on 25 August 2020 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Greater Geraldton Dogs Local Law 2020*.

1.2 Repeal

The *City of Greater Geraldton Dogs Local Law 2011* published in the *Government Gazette* on 13 July 2012 is repealed.

1.3 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person authorised by the local government 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 local government;

district means the district of the local government;

local government means the City of Greater Geraldton;

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

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule in this local law; and

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

1.4 Application

This local law applies throughout the district.

PART 2—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

2.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the 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) and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition;
- (e) ensure the fence is erected and maintained in accordance with the provisions of the City of Greater Geraldton Fencing Local Law or a policy made under a local planning scheme; and
- (f) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

2.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
- (a) licensed under Part 3 as an approved kennel establishment;
 - (b) granted an exemption under section 26(3) of the Act; or
 - (c) established as a veterinary hospital or a veterinary clinic.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act is two (2) dogs over the age of 3 months and the young of those dogs under that age unless—
- (a) the premises are on land situated within a part of the district where kennels are permissible under a Local Planning Scheme of the City; and
 - (b) the premises are licensed as an approved kennel establishment.

PART 3—APPROVED KENNEL ESTABLISHMENTS

3.1 Interpretation

In this Part and in Schedule 2—

licence means a licence to keep an approved kennel establishment on premises;

licensee means the holder of a licence;

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

transferee means a person who applies for the transfer of a licence to her or him under clause 3.14.

3.2 Application for licence for approved kennel establishment

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) evidence of planning approval obtained from the local government—
- (b) plans and specifications of the kennel establishment, including a site plan;
- (c) copies of the notices to be given under clause 3.3;
- (d) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (e) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (f) the fee for the application for a licence referred to in clause 3.10.

3.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

3.4 Exemption from notice requirements

(1) Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 3.2(c), 3.3 and 3.5(c) do not apply in respect of the application for a licence.

(2) The local government may require advertising of an application as part of the planning process.

3.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) planning approval has been given by the local government;
- (b) the applicant has complied with clause 3.2;
- (c) the applicant submits proof that the notices referred to in clause 3.3(1) have been given in accordance with that clause; and
- (d) the local government has considered any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises.

3.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 3.7;
- (b) any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the approved kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

3.7 Where application cannot be approved

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

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme unless prior valid planning approval has been issued by the local government and the application for a licence is consistent with that approval; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

3.8 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.

3.9 Compliance with conditions of approval

Penalties applicable where a licensee does not comply with the conditions of a licence are contained in the Act and Regulations.

3.10 Fees

(1) On lodging an application for a licence, the applicant is to pay a fee to the local government.

(2) On the issue or 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 6.15-6.19 of the *Local Government Act 1995*.

3.11 Form of licence

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

3.12 Period of licence

(1) The period of effect of a licence is set out in section 27(5) of the Act.

(2) A licence is to be renewed if the fee referred to in clause 3.10(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.

3.13 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 opinion of the local government the licensee is not a fit and proper person.

- (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 under section 27(6) of the Act.

3.14 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 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 3.10(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 3.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

3.15 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 3.13(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 3.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 3.13(2), which notice is to be given in accordance with section 27(6) of the Act.

3.16 Inspection of kennel

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

PART 4—MISCELLANEOUS

4.1 Offence to excrete

- (1) A dog must not excrete on—
- (a) any thoroughfare, any dog exercise area or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 5—ENFORCEMENT

5.1 Interpretation

In this Part—

infringement notice means the notice referred to in clause 5.3; and

notice of withdrawal means the notice referred to in clause 5.7(1).

5.2 Offences and general penalty

- (1) 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.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and 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.

5.3 Modified penalties

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

5.4 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 8 of the First Schedule of the Regulations.

5.5 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.

5.6 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.

5.7 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 9 of the First Schedule of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 5.4 cannot sign or send a notice of withdrawal.

SCHEDULE 1—APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

(clause 3.2)

DOGS LOCAL LAW 2020

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.

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 3.8(1))

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 local government;
- (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
 - (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 local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (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) 2m; 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 zinalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (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
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

SCHEDULE 3—OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

(clause 5.3)

Offence	Nature of offence	Modified penalty \$
2.1	Failing to provide means for effectively confining a dog	100
6.1(2)	Dog excreting in prohibited place	100

Dated: 26 August 2020.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

SHANE VAN STYN, Mayor.
ROSS McKIM, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

MEETING PROCEDURES AMENDMENT LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Greater Geraldton resolved on 25 August 2020 to make the following local law.

1. Citation

This local law is cited as the *City of Greater Geraldton Meeting Procedures Amendment Local Law 2020*.

2. Commencement

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

3. Principal Local Law

This local law amends the *City of Greater Geraldton Meeting Procedures Local Law 2011* published in the *Government Gazette* on 16 February 2012.

4. Clause 1.4 amended

In clause 1.4, the definition of '75% majority' is deleted.

5. Clause 4.7 amended

Clause 4.7(3)(a) is deleted.

6. Clause 5.10 amended

The following is added after subclause 5.10(1)—

- (1A) Subject to subclause (1), the CEO may establish processes and procedures for the format, generation and lodging of petitions with the local government including by electronic or online means.

7. Heading of clause 5.11 deleted

The heading '**5.11 Presentations**' is deleted.

Dated: 26 August 2020.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

SHANE VAN STYN, Mayor.
ROSS McKIM, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

PARKING AMENDMENT LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Greater Geraldton resolved on 25 August 2020 to make the following local law.

1. Citation

This local law is cited as the *City of Greater Geraldton Parking Amendment Local Law 2020*.

2. Commencement

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

3. Principal Local Law

This local law amends the *City of Greater Geraldton Parking and Parking Facilities Local Law 2012* as published in the *Government Gazette* on 4 September 2012.

4. Clause 1.5 amended

In clause 1.5(1)—

- (a) the definition of **ACROD sticker** is deleted; and
- (b) The following definition is added in the appropriate place in alphabetical order—
disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

5. Clause 3.10 amended

In clause 3.10(2), 'drive,' is deleted.

6. Clause 4.9 replaced

Clause 4.9 is deleted and replaced with—

4.9 Stopping in a parking area for people with disabilities

- (1) A driver shall not stop in a parking area for people with disabilities unless—
 - (a) the driver's vehicle displays a valid disability parking permit; and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.
- (2) In this clause a 'parking area for people with disabilities' is a length or area—
 - (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;
 - (b) to which a 'people with disabilities parking' sign applies; or
 - (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol.

7. Clause 4.10 amended

Clauses 4.10(1) and 4.10(2) are deleted and replaced with—

4.10 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking is prohibited by a sign.
- (2) If—
 - (a) the driver's vehicle displays a valid disability parking permit; and
 - (b) a person with a disability to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle,

then the driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.

8. Clause 7.5 replaced

Clause 7.5 is deleted and replaced with—

7.5 Offence

Any person who contravenes or fails to comply with a provision of this local law commits an offence and is liable upon conviction to a penalty not less than \$1,000 and 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.

9. Schedule 2 amended

Item 56 in the table to Schedule 2 is deleted.

Dated: 26 August 2020.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

SHANE VAN STYN, Mayor.
ROSS McKIM, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

REPEAL LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Greater Geraldton resolved on 25 August 2020 to make the following local law.

1. Citation

This local law is cited as the *City of Greater Geraldton Repeal Local Law 2020*.

2. Commencement

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

3. Local laws repealed

The following local laws are repealed—

- (a) The *Mullewa District Road Board General By-laws 1 to 69* published in the *Government Gazette* on 24 May 1912 and as amended in the *Government Gazette* on 1 December 1916;
- (b) The *Mullewa Road Board By-laws for the Registration of Camels and Licensing of Camel Drivers* published in the *Government Gazette* on 10 December 1915;
- (c) The *Mullewa Road Board By-Laws 66, 70 and 71* published in the *Government Gazette* on 1 December 1916;
- (d) The *Municipality of Geraldton By-Laws Nos 1 to 35* inclusive as published in the *Government Gazette* on 14 February 1930 and as amended in the *Government Gazette* on 26 September 1930, 24 December 1930, 1 April 1932, 9 September 1932, 8 April 1938, and 22 August 1952;
- (e) The *Mullewa Road Board District Poundage Fees, Sustenance and By-Laws* as published in the *Government Gazette* on 14 August 1931 and as amended in the *Government Gazette* on 22 April 1932;
- (f) The *Mullewa Road Board By-Laws for the Construction of Pipelines Beneath Roads and Footpaths From Or To Private Property* as published in the *Government Gazette* on 7 June 1935;
- (g) The *Municipality of Geraldton By-Law No. 28 Hoardings, Advertisements, Signboards, Illuminated Signs etc* published in the *Government Gazette* on 4 October 1940;
- (h) The *Municipality of Geraldton By-Law 11A Caravans and Camps* published in the *Government Gazette* on 24 March 1950 and as amended in the *Government Gazette* on 5 March 1958;
- (i) The *Mullewa Roads Board Long Service Leave By-Laws* published in the *Government Gazette* on 12 November 1954;
- (j) The *Municipality of Geraldton Bylaws Regulating the Erection and Use of Petrol Pumps By-law No. 35A* published in the *Government Gazette* on 27 November 1956 and amended in the *Government Gazette* on 12 December 1958;
- (k) The *Municipality of Geraldton By-law No. 37 Street Noises and Nuisances* published in the *Government Gazette* on 22 February 1957;
- (l) The *Municipality of Geraldton By-Law Permitting and Regulating the Planting of Lawns and Gardens in Streets* published in the *Government Gazette* on 6 January 1959;
- (m) The *Municipality of the Town of Geraldton Adoption of Draft Model Bylaws Relating to Caravan Parks No 2* published in the *Government Gazette* on 21 July 1964 and as amended in the *Government Gazette* on 17 August 1966;
- (n) The *Municipality of the Town of Geraldton Adoption of Draft Model Bylaw (Vehicle Wrecking) No 17* published in the *Government Gazette* on 20 January 1966 and as amended in the *Government Gazette* on 30 May 1975;
- (o) The *Municipality of the Town of Geraldton Adoption of Draft Model Bylaw (Holiday Cabins and Chalets) No 18* published in the *Government Gazette* on 28 November 1968;
- (p) The *Municipality of the Shire of Mullewa Adoption of Draft Model By-laws relating to Local Government Model Bylaws (Motels) No 3* published in the *Government Gazette* on 17 November 1969;

- (q) The *Municipality of the Shire of Greenough Adoption of Draft Model By-laws relating to Safety, Decency, Convenience and Comfort of Persons in respect of Bathing* published in the *Government Gazette* on 24 February 1970 and as amended in the *Government Gazette* on 10 April 1981 and 17 December 1982;
- (r) The *Municipality of the Shire of Mullewa Adoption of Draft Model By-laws relating to Local Government By-laws (Petrol Pumps) No 10* published in the *Government Gazette* on 1 May 1970;
- (s) The *Municipality of the Town of Geraldton Adoption of Draft Model By-laws relating to Safety, Decency, Convenience and Comfort of Persons in respect of Bathing* published in the *Government Gazette* on 16 June 1970;
- (t) The *Municipality of the Town of Geraldton By-laws Relating to the Filling of Land within the Municipality of Geraldton* published in the *Government Gazette* on 13 January 1971 and as amended in the *Government Gazette* on 20 December 1974 and 14 March 1975;
- (u) The *Municipality of the Town of Geraldton Adoption of Draft Model By-law Relating to Caravan Parks and Camping Grounds No 2* published in the *Government Gazette* on 19 February 1971;
- (v) The *Municipality of the Town of Geraldton Adoption of Draft Model By-laws Relating to Parking of Commercial Vehicles on Street Verges* published in the *Government Gazette* on 22 July 1971 and as amended in the *Government Gazette* on 12 September 1986;
- (w) The *Town of Geraldton Bylaws for Installation of Bitumen Verge Crossings* published in the *Government Gazette* on 22 May 1972 and as amended in the *Government Gazette* on 4 March 1977;
- (x) The *Municipality of the Shire of Mullewa Adoption of Draft Model By-laws Relating to Prevention of Damage to Streets—No.15* published in the *Government Gazette* on 23 January 1973;
- (y) The *Municipality of the Shire of Greenough By-Laws Relating to Vehicular Accessways to Residential Allotments* published in the *Government Gazette* on 23 January 1973;
- (z) The *Municipality of the Shire of Mullewa Bylaws Relating to the Management of the Mullewa Public Cemetery* published in the *Government Gazette* on 16 March 1973;
- (aa) The *Municipality of the Shire of Greenough By-Laws Relating to the Filling of Land Within the Municipality of Greenough* published in the *Government Gazette* on 19 April 1973;
- (bb) The *Municipality of the Town of Geraldton By-Law for the Prohibition of Vehicles and Cattle on Reserves* published in the *Government Gazette* on 30 November 1973;
- (cc) The *Municipality of the Town of Geraldton Geraldton Taxi-Cars By-law, 1970* published in the *Government Gazette* on 31 August 1970, and as amended in the *Government Gazette* on 8 February 1972 and 15 March 1974;
- (dd) The *Municipality of the Shire of Mullewa Adoption of Draft Model By-Laws (Signs, Hoardings and Billposting) No. 13* published in the *Government Gazette* on 15 March 1974;
- (ee) The *Municipality of the Shire of Mullewa By-Laws Relating to Swimming Pool* published in the *Government Gazette* on 29 July 1977;
- (ff) The *Municipality of the Shire of Greenough Adoption of Local Government Model By-Law (Prevention of Damage to Streets) No 15* published in the *Government Gazette* on 10 April 1981;
- (gg) The *Municipality of the City of Geraldton By-Law Relating to Fencing* published in the *Government Gazette* on 22 March 1991;
- (hh) The *Municipality of the Shire of Greenough By-Law Relating to Extractive Industries* published in the *Government Gazette* on 17 May 1991;
- (ii) The *Municipality of the Shire of Greenough By-Law Relating to Pest Plants* published in the *Government Gazette* on 30 June 1992;
- (jj) The *Shire of Greenough By-Laws Relating to Street Verge Gardens* published in the *Government Gazette* on 19 March 1993;
- (kk) The *Municipality of the Shire of Mullewa By-laws Relating to Fencing* published in the *Government Gazette* on 21 January 1994;
- (ll) The *Shire of Greenough Local Laws Relating to Signs, Hoardings and Bill Posting* published in the *Government Gazette* on 6 June 2002;
- (mm) The *Shire of Greenough Local Laws Relating to Fencing* published in the *Government Gazette* on 16 June 2003;
- (nn) The *City of Geraldton-Greenough Removal of Refuse, Rubbish and Disused Materials Local Law 2008* published in the *Government Gazette* on 24 November 2008; and
- (oo) The *City of Geraldton-Greenough Extractive Industries Local Law 2008*, published in the *Government Gazette* on 18 September 2008.

Dated: 26 August 2020.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

SHANE VAN STYN, Mayor.
ROSS McKIM, Chief Executive Officer.