



Town of Narrogin

## MINUTES

### ORDINARY COUNCIL MEETING

12 AUGUST 2014

COMMENCING AT 7:30 PM

COUNCIL CHAMBERS  
THE TOWN OF NARROGIN  
89 EARL STREET  
NARROGIN, WA 6312

**Meaning of and CAUTION concerning Council's "In Principle" support:**

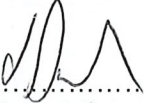
When Council uses this expression it means that: (a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and (b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.

**Disclaimer:**

"Warning - Verbal Information & Advice: Given the inherent unreliability and uncertainty that surrounds verbal communication, the Town strongly recommends that, if a matter is of importance to you, then you should NOT act upon or otherwise rely upon any VERBAL information or advice you receive from the Town unless it is first confirmed in writing."

These minutes were confirmed at the Ordinary Council meeting held on 26<sup>th</sup> August 2014.

Signed .....  ..... Date 26/8/14 .....  
(Presiding Member at the meeting at which minutes were confirmed)

## ORDINARY COUNCIL MEETING MINUTES

12 August 2014

### 1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS

Mayor Ballard declared the meeting open at 7:30 pm.

### 2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

#### **In Attendance:**

Mayor Ballard

Cr Paternoster

Cr Ward

Cr Bartron

Cr Russell

Cr McKenzie

Cr Schutz

Cr Kain

Cr Clive Bartron - From 7:32pm

Mr Aaron Cook – Chief Executive Officer

Mr Brian Robinson – Director Technical and Environmental Services

Ms Tanya French – Executive Assistant

#### **Others in Attendance:**

Ms Susan Guy – Manager of Culture and Leisure

Mr Guy Maley - Ranger

### 3. DECLARATION OF INTEREST BY ELECTED MEMBERS AND COUNCIL EMPLOYEES IN MATTERS INCLUDED IN THE MEETING AGENDA

Nil

### 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 5. PUBLIC QUESTION TIME

Ms Guy asked Council does the new cat act cover the 'humane disposal' of cats and what is the method. Brian Robinson advised that cats generally go to a Vet for disposal if applicable. If unable to do so, a firearm is used and relevant staff have been trained in this method.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Council Resolution 0814.103**

**Moved: Cr Ward**

**Seconded: Cr McKenzie**

**That Council:**

Accept the minutes of the Special Meeting – Budget Adoption and the Ordinary Council Meeting held on 22<sup>nd</sup> July, 2014 and be confirmed as an accurate record of proceedings.

**CARRIED 8/0**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Mayor Ballard congratulated the past and present Councillors who received an award at the Local Government Convention recently held. Cr Mckenzie received a Local Government Merit Award, John Muller received Long Service Award and Don Ennis received an Eminent Service Award.

An official letter will be sent out to invite them to the next Council meeting to officially congratulate in person.

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

## 10. MATTERS WHICH REQUIRE DECISIONS

### Table of Contents

<b>10.1 DEVELOPMENT AND TECHNICAL SERVICES</b> .....	<b>5</b>
10.2.324 DRAFT LOCAL LAW – KEEPING AND CONTROL OF CATS 2014.....	4
510.2.325 PROPOSED OVERHEIGHT FENCE – NO 102 (LOT 16) ENSIGN STREET, NARROGIN .....	21
10.2.326 APPOINTMENT OF BUILDING SURVEYOR AND THE BUILDING SERVICES SCHEME .....	26
<b>10.2 CORPORATE AND COMMUNITY SERVICES</b> .....	<b>27</b>
10.2.327 ANZAC GALLIPOLI CENTENARY ACTIVITY.....	27
<b>11. ELECTED MEMBER’S MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> .....	<b>32</b>
<b>12. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING</b> .....	<b>32</b>
<b>13. CLOSURE OF MEETING</b> .....	<b>32</b>

## 10.1 DEVELOPMENT AND TECHNICAL SERVICES

### 10.2.324 DRAFT LOCAL LAW – KEEPING AND CONTROL OF CATS 2014

**File Reference:** 19.7.5  
**Disclosure of Interest:** Nil  
**Applicant:** N/A  
**Previous Item Nos:** Nil  
**Date:** 7 August 2014  
**Author:** Brian Robinson – Director Tech & Environmental Services  
Guy Maley - Ranger

#### **Attachments:**

Draft Town of Narrogin Keeping and Control of Cats Local Law 2014.

#### **Summary:**

Council is requested to consider adoption of a draft local law relating to the Keeping and Control of Cats within the Town of Narrogin. The Purpose of local law is to regulate approval of Cat breeders and Cattery's, limitation of numbers and Nuisance situations.

#### **Background:**

As Councillors would be aware in 2011 the State Government introduced the Cat Act. This was followed by the introduction of the Cat Regulations in 2012.

Pursuant to section 79 of the Act, local government may introduce Local Laws to regulate amongst other things:

- a) the maximum number of cats that may be kept at a premises;
- b) requirements requiring the confinement of cats;
- c) regulation of nuisance issues; and
- d) conditions and standards to be imposed on Cat Breeders and Cat Management Facilities.

On the 15<sup>th</sup> July 2014 the Department of Local Government and Communities release guidelines relating to the preparation of Cat Local Laws.

Council have now, based on these guidelines, prepared a set of draft Local Laws for the consideration of Council.

#### **Comment:**

Currently the Town of Narrogin receives regular complaints regarding cats in relation to:

- i) Large numbers of cats being kept by individual owners;
- ii) Potential Disease – Such as Cat Aids and Cat Flu;
- iii) Wandering cats;
- iv) Odours associated with Cat Urine and Faeces;

- v) Noise associated with cats fighting (particularly at night); and
- vi) Conditions under which cats are kept (ie small cages)

The adoption of Local Laws is recommended to provide Council's authorised officers with the authority to respond to these issues:

To assist Council in its consideration of the Draft Local Laws, the following comments are offered:

a) Cat Numbers

Council's Ranger advises that some residents in the town currently own and/or feed large numbers of cats, in some cases more than twenty cats.

In order to ensure the impact of cats being kept on an individual property it is recommended that a maximum of two cats be permitted 'as of right'. Persons seeking to own more than 2 cats will be required to obtain a permit from the Town.

It must be noted however that the restriction on numbers will not apply to existing cats. Where persons already own more than 2 cats, they will not be able to replace the additional cats without first obtaining a permit.

b) Removing and Impounding Cats

This section of the Draft Local Laws has been prepared to regulate the operation of a Cat Pound, the circumstances under which authorised officers may remove cats from a property. The procedures for owners to claim their cat from the pound and the procedures for disposal of a cat are also detailed here.

c) Control of Cats

The draft Local laws contain provisions that stipulate cats may not be in a public place unless under the effective control of the owner. Cats in public that are not under the effective control of the owner may be seized by an authorised officer.

This section also contains provisions relating to private property (other than the cat owners premises). Permitting a cat to enter other private land without that owners consent may be deemed an offense under the Local Law.

d) Cat Management Facilities;

Cat Management Facilities include premises such as boarding kennels. Specific provisions and development standards are proposed to ensure minimum standards of construction and maintenance are completed.

Compliance with these standards will ensure that the potential for odour, disease and other issues to occur.

e) Cat Breeders

Pursuant to the Act, the Council may also introduce specific requirements for persons who apply to be a cat breeder.

It is proposed that the standards applicable to Cat Management Facilities will also apply to Cat Breeders. Unsterilized cats owned by a breeder will be required to be under effective control of the owner at all times (ie such cats shall be contained within the owners property).

**Consultation:**

CEO – Aaron Cook

**Statutory Environment:**

Cat Local Laws must be prepared and adopted under the Cat Act 2011 and the Local Government Act 1995.

The procedure for making or modifying a Local Law is prescribed by Section 3.12 of the Local Government Act 1995. In summary to modify a Local Law, Council must:

- a) Give notice at a Council meeting of the purpose and effect of the proposed local law;
- b) Give state wide notice over a period a not less than 6 weeks;
- c) Provide a copy of the proposed local law and notice to the Minister;
- d) Consider any submissions received and by absolute majority make the Local Law
- e) Publish the Local Law in the Government Gazette and provide a copy to the Minister;  
and
- f) After publication in the Government Gazette give local public notice.

**Policy Implications:**

Nil

**Financial Implications:**

Should council adopt the draft Local Laws, fees will be prescribed for Cattery's, Cat breeders, impendent fees.

All costs associated with preparation, advertising and adoption of the Local Law will be wholly contained within Council's adopted budget for the 2014/15 financial year.

**Strategic Implications:**

Having Local Cat Laws will help Councils staff in reducing the amount of domestic cats and feral cats in the town, also help in enforcing authorized officers in the control of nuisance complaints and wandering Cats and issuing infringements to repeat offenders.

**Voting Requirements:**

Absolute Majority

**Council Resolution 0814.104**

**Moved: Cr McKenzie**

**Seconded: Cr Kain**

That Council:

1. Pursuant to Section 3.13 of the Local Government Act 1995, Council endorse the Draft Keeping and Control of Cats Local Law 2014 for the purposes of advertising.
2. The proposed modified Local Law be advertised in accordance with clause 3.12 of the Local Government Act over a period of not less than 6 weeks.
3. A copy of the proposed Local Law being forwarded to the Minister for Local Government and Department of Local Government pursuant to clause 3.12 3(b) of the Local Government Act.
4. Further consider the proposed local law following the closure of the advertising period.

**CARRIED 8/0**



## LOCAL GOVERNMENT ACT 1995

### TOWN OF NARROGIN

## KEEPING AND CONTROL OF CATS LOCAL LAW 2014

Under the powers conferred by the powers conferred by the Cat Act 2011 and the Local Government Act 1995 and by all other powers, the Council of the Town of Narrogin resolved to make the following local laws on the >> date <<

### PART 1—PRELIMINARY

#### 1.1 Citation

This local law may be cited as the Town of Narrogin - Keeping and Control of Cats 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 Definitions

In this local law unless the context otherwise requires—

“Act” means the Cat Act 2011;

“Applicant” means the occupier of a premises who makes application for a permit under this local law.

“CEO” means the Chief Executive Officer of the Town of Narrogin;

“Council” means the Council of the Town of Narrogin;

“district” means the district of the Town of Narrogin;

“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

“local government” means the Town of Narrogin;

“Local Public Notice” has the same meaning as is given to it in the Act;

“notice to abate” means a notice to abate a nuisance referred to in Clause 7;

“notice of impounding” means the notice referred to in Clause 10.7;

“nuisance” means behaviour that includes where a cat—

- (a) Excreted or urinates on premises being premises where the cat is not normally resident;
- (b) is injurious or dangerous to the health of any person or domestic or Australian indigenous or is in the opinion of an authorised person likely to be injurious or dangerous to the health of any person or domestic or Australia indigenous animal;

- (c) Creates a noise which persistently occurs or continues to a degree or extent which in the opinion of an authorised person, and has or could have a disturbing effect on the state of reasonable physical, mental, or social well-being of a person; or
- (d) Is shown to be allowed to behave consistently in a manner contrary to the general interest of the community;

“permit holder” means a person who holds a permit granted under this local law;

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

*All other terms used shall have the same meaning as applied under the Act.*

## **1.4 Application**

This local law applies throughout the district.

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## **PART 2—KEEPING OF CATS**

### **2.1 Permits for the Keeping of More than Two Cats**

- (1) Subject to Clause (2), an occupier is required to have a permit to—
  - (a) keep more than two cats on any premises;
  - (b) use any premises as a Cat Management Facility.
- (2) A permit is not required under Clauses 1(a) or (b) if the premises concerned are—
  - (a) a refuge of the RSPCA or of any other animal welfare organisation;
  - (b) an animal pound which has been approved by the local government;
  - (c) a veterinary surgery;
  - (d) a pet shop; or
  - (e) the subject of an exemption granted by the local government.
- (3) An application for a permit under clause 1 shall be -
  - (a) made by an occupier of the premises where the cats are to be kept;
  - (b) in a form approved by the CEO, describing and specifying the number of cats to be kept on the premises;
  - (c) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;
  - (d) accompanied by the consent in writing of the owner of the premises, where the occupier is not the premises to which the application relates; and
  - (e) must be accompanied by the application fee for the permit determined by the local government from time to time;
- (4) The local government may refuse to determine an application for a permit if it is not made in accordance with clause 2.1(3).
- (5) The local government may require an applicant to—
  - (a) consult with adjoining landowners; and
  - (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.
- (6) An application for a permit to operate a Cat Management Facility pursuant to clause 2.1(1)(b) shall be referred to the adjacent landowners for comment over a 14 day period in accordance with clause 2.1(5)(b) prior to be determined by Council.

- (7) In determining an application for a permit the local government may have regard to—
  - (a) The physical suitability of the premises for the proposed use;
  - (b) The suitability of the zoning 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 nuisance, inconvenience, or annoyance to the occupiers 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;
  - (h) The applicant's infringement history with the Local Government or any other Local Government;
  - (i) Any submissions received under clause 2.1(5) within the time specified; and
  - (j) Such other factors which the local government may consider to be relevant in the circumstances of the particular case. The applicant's infringement history with the local government.
- (8) The local government may—
  - (a) Approve an application for a permit subject to the conditions outlined in clause 2.1(7) and any other such conditions as may be deemed by the local authority to be relevant or appropriate; or
  - (b) Refuse to approve an application for a permit.
- (9) Every permit issued under clause 2.1(8) shall be subject to the following conditions:
  - (a) each cat kept on the premises to which the permit relates shall be registered under the Act;
  - (b) each cat shall be contained on the premises unless under the control of a person;
  - (c) the permit holder will provide adequate space for the exercise of the cats;
  - (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
  - (e) those conditions contained in Schedule 1.
  - (f) Such other conditions, as the local government considers appropriate.
- (10) Unless otherwise specified in a condition on a permit commences on the date of issue and expires on the 30<sup>th</sup> day of June.
- (11) A permit may be revoked by the Local Government if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law;
- (12) A permit relates to specific premises and to a specific permit holder, and is not transferable either in relation to the permit holder or the premises.

## **2.2 Removing and Impounding of Cats**

- (1) The local government may establish and maintain a pound or pounds, and may approve an animal pound maintained by any person, for the impounding of cats under this local law.
- (2) The local government may determine from time to time—
  - (a) The times when a cat pound will be open for the reception and release of cats;
  - (b) Times for the sale of cats from the pound; and
  - (c) A scale of impounding fees to be paid on the release of impounded cats.

- (3) The local government is to keep a proper record of impounded cats (the “Impounding Register”).
- (4) The Impounding Register is to contain the following information about each impounded cat—
  - (a) If known the breed and sex of the cat;
  - (b) The colour, distinguishing markings and features of the cat;
  - (c) If known—the name and address of the owner;
  - (d) The date and time of seizure and impounding;
  - (e) The name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat under Clause 10.1 for impounding;
  - (f) The reason for the impounding;
  - (g) A note of any order made by an authorised person relating to the cat; and
  - (h) The date of the sale, release or destruction of the cat.
- (5) The Impounding Register is to be available for inspection by the public.
- (6) A person shall not—
  - (a) Unless the person is a pound owner, or an employee of the local government duly authorised in that regard, release or attempt to release a cat from a cat pound;
  - (b) Destroy, break into, damage or in any other way interfere with or render not cat proof a cat pound; or
  - (c) Destroy, break into, damage, or in any other way interfere with any container used for the purpose of catching, holding or conveying cats which have been seized.
- (7) If a registered and identified cat is impounded the authorised person must give the registered owner of the cat written notice of the impounding which states that the cat may be reclaimed within a specified period on the payment of specified fees.
- (8) The payment of any fees by any person in respect of the seizure, impounding and detention of a cat does not relieve that person of any liability to a penalty for an offence against any provision of this local law.
- (9) Where—
  - (a) A person wishes to reclaim a cat within the period stated in a notice of impounding; and
  - (b) A permit is required for the keeping of the cat, but the person does not have the necessary permit and/or the cat is not registered; the cat must not be given to the person until the person obtains the necessary permit and/or the cat is registered.
- (10) Where an unidentified cat is impounded and is not reclaimed within 7 days of its impounding, the local government may—
  - (a) Offer the cat for sale through the cat pound;
  - (b) Cause the cat to be destroyed; or
  - (c) Cause the cat to be rehoused.
- (11)
  - (a) Subject to Subclause (b), where an impounded cat is diseased, emaciated, injured or sick, and the local government may destroy the cat without the requirement to hold the cat, upon the written authority of a veterinary surgeon.
  - (b) Unless the condition of a cat is such that it should in the opinion of an authorised officer be destroyed immediately, where an identified cat is diseased, emaciated or sick, the local government shall not destroy a cat under Subclause (a) which is a registered and identified cat until reasonable steps have been taken to notify the registered owner of the condition of the cat and the local governments intention to have it destroyed.

- (12) Where a registered and identified cat is impounded and it is not reclaimed within the period specified in a notice of impounding, the local government may—
  - (a) Offer the cat for sale through a cat pound;
  - (b) Cause the cat to be destroyed; or
  - (c) Cause the cat to be rehoused.
- (13) If an impounded cat is sold under Clause 10.10 or 10.12, the proceeds of sale become the property of the local government and may be disposed of in such manner as the local government thinks fit.

### **2.3 Destruction of Cats**

- (1) The owner of a cat may request the local government to destroy the cat.
- (2) Where an owner requests that a cat be destroyed, the owner must complete and sign a form of authorisation showing—
  - (a) The name and residential address of the owner making the request;
  - (b) A description of the cat including its breed, colour, sex and age;
  - (c) The reason for destruction; and
  - (d) A signature authorising destruction, and produce reasonable evidence to the satisfaction of the local government that the person making the request is the owner of the cat.
- (3) The local government may charge an owner a fee in respect of the destruction of a cat under Clause 12.4(1), and the fee shall be determined by the local government from time to time.

### **2.4 Cats Creating a Nuisance**

- (1) The owner of a cat, or any other person in control of a cat, shall not allow a cat to create a nuisance.
- (2) Where, in the opinion of an authorised officer, a cat is creating a nuisance, the local government may give written notice to the owner of the cat or any other person apparently in control 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 on the notice or until the notice is withdrawn by the local government.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

### **2.5 Cats in remote or Fragile Areas**

- (1) The local government may by resolution from time to time designate particular places or areas within the district of the Shire as places or areas on which cats are prohibited from entering or remaining (“a Cat Prohibited Area”).
- (2) The local government shall not designate a place or area to be a Cat Prohibited Area without first giving Local Public Notice of its intention to designate a place or area as a Cat Prohibited Area and considering any submissions received in response to that Local Public Notice.
- (3) No person shall keep a cat in a Cat Prohibited Area.
- (4) Notwithstanding anything to the contrary in this local law, an authorised person, the owner or occupier of a Cat Prohibited Area, or a person authorised for that purpose by the owner or the occupier, may seize, detain and deliver to the local government for impounding any cat found in a Cat Prohibited Area.

- (5) A person who seizes or detains a registered and identified cat must, as soon as practicable, take reasonable steps to inform the owner of the cat of the action taken.

## **2.7 Cats in public or other places**

- (1) A cat shall not be in a public place unless the cat is, in the opinion of an authorised officer, under effective control;
- (2) If a cat is at any time in a public place in contravention of Clause 3(a)—
  - (i) The owner of the cat commits an offence; and
  - (ii) An authorised person may seize and impound the cat.
- (3) A cat shall not be in any place that is not a public place unless—
  - (i) Consent to its being there has been given by the occupier, or a person apparently authorised to consent on behalf of the occupier; and
  - (ii) It is under effective control.
- (4) If a cat is at any time in any place in contravention of Clause 3(a)—
  - (i) The owner of the cat commits an offence; and
  - (ii) An authorised person may seize and impound the cat.

## **2.9 Cat Management Facilities**

- (1) Unless otherwise approved by Council, a Cat Management Facility shall be designed, constructed and maintained so as to comply with the following:
  - (a) cats shall be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens. Cats must be housed singly except in the case of compatible cats from the same household with the written agreement of the owner.
  - (b) walk-in modules must have a minimum floor area of 1.5 square metres and contain at least two levels including raised sleeping quarters. This size is for one cat only and an additional one square metre floor space is required for a second cat. No more than two cats may be housed together in this type of accommodation.
  - (c) cats may be multiple housed in colony pens. Each cat shall have a floor area of two square metres plus an individual sleeping area. Only desexed compatible cats should be housed in this type of accommodation;
  - (d) each module and every part thereof shall not be at any less distance than nine metres from the boundaries of the land in the occupation of the owner;
  - (e) each module and each yard and every part thereof shall be behind the house line.
  - (f) the walls shall be rigid, impervious and structurally sound;
  - (g) the roof shall be constructed of approved impervious materials;
  - (h) all untreated external surfaces of cattery shall be well maintained and aesthetically suitable as not to detract from the local environment and amenity.
  - (i) the lowest internal height shall be at least 1.65 metres from the floor;
  - (j) each yard shall be securely fenced and kept securely fenced with a fence not less than 1.65 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;
  - (k) all doors shall be provided with proper catches or means of fastening;
  - (l) the upper surface of the floor shall be set at least 75mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, it shall have a fall of not less than 1 in 100. All modules and yards shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the Health requirements of the Council;

- (m) The floor of any yard shall be established and maintained to ensure a safe and hygienic environment;
  - (n) Those conditions contained in Schedule 1 relating to Cat Management Facilities.
- (2) Cat Management facilities may be inspected by an authorised officer every three months to ensure compliance with the conditions of the Permit.

### **2.10 Cat Breeders**

- (1) In approving an application for a permit for an occupier of a premises to be registered as a Cat Breeder, the following conditions shall be imposed:
- (a) Conditions (a) to (d) as prescribed in clause 2.1(9);
  - (b) Conditions (1) to (10) applicable to Cat Management Facilities as specified in Schedule 1;
  - (c) Unsterilised cats shall be under effective control of the breeder at all times;
  - (d) Other conditions as Council may deem appropriate.
- (2) Breeders approved by the local government shall keep records of all unsterilized cats, purchases and/or /transfer of kittens for a minimum period of two years. The register shall as a minimum detail the buyers name, address, a description of the cat and its breed and the cats microchip number.
- (3) Premises approved for the purpose of Cat Breeding may be inspected by an authorised officer every three months to ensure compliance with the conditions of the Permit.

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## **PART 3—ENFORCEMENT**

### **3.1 Offenses and Penalties**

- (1) (a) Any person failing to do any act required to be done, or doing any act forbidden to be done by any provision under this local law, or any notice or order given or made under any provision of this local law commits an offence.
- (b) An offence against any provision of this local law is a prescribed offence for the purposes of Section 9.16(a) of the Act.
- (c) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$2,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$200 for each day or part of a day during which the offence has continued.
- (2) 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.
- (3) An infringement notice in respect of an offence against this local law may be given under Section 9.13 of the Act and is to be in the form of Schedule 3.
- (4) A notice sent under Section 9.20 of the Act withdrawing an infringement notice is to be in the form of Schedule 4.
- (5) A penalty for an offence against this local law may be recovered by the local government taking proceedings against the alleged offender in a Court of Petty Sessions.
- (6) The local government shall cause to be kept adequate records of all infringement notices given, and all penalties received under this local law.

### **3.2 Serving of notices**

- (1) A notice given under this local law may be served—
- (a) In person to the owner;

- (b) By leaving it with any person at the owners address or last known address;
  - (c) By leaving it on or in some conspicuous part of the premises in which the cat is at that time ordinarily kept, or ordinarily permitted to live; or
  - (d) By posting the notice to the owner at the owners address.
- (2) Where any notice is required to be given under this local law, the address of the owner of a cat shall be taken to be, in the case of a registered cat, the address shown on the register kept by the local government as the owners address unless the local government has been advised in writing by the owner of a change in address.
- (3) A notice served by post under Clause 3.2(1) shall be taken as having been served 24 hours after it is posted.

### **3.3 Objections and Appeals**

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 to or appeal against the decision under Division 1 of Part 9 of the Local Governmental Act 1995.

### **3.4 Evidence**

In proceedings for an offence against any provision of this local law—

- (a) An allegation in the complaint that at a specified time a person was the owner of the cat is evidence of that fact in the absence of proof to the contrary;
- (b) The onus of proving that a cat was at a specified time under the age of 3 months lies on the person making that assertion; and
- (c) A copy of an entry in a register certified by an authorised person shall, without proof of the signature of the person appearing to have signed the copy or that he or she is an authorised person be evidence of the matters relevant to the proceedings set out in that certified copy.



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*Schedule 1*

**ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS**

**A PERMIT TO KEEP MORE THAN TWO (2) CATS**

**ADDITIONAL CONDITIONS**

- (1) The premises will during the currency of the permit remain adequately fenced (premises will be deemed not to be adequately fenced if there is more than one escape of a cat from the premises)
- (2) The owner will have during the term of the permit adequate space for the exercise of the cats;
- (3) In the case of a multiple dwelling, where there is no suitable dividing fence, the written consent to the application for a permit of the occupier of the adjoining multiple dwellings has been obtained;
- (4) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
  - (a) Dies; or
  - (b) Is permanently removed from the premises.

**B PERMIT TO USE PREMISES AS A 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 and running hot and 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) An entry book is to be kept recording in respect of each cat the—
  - (a) Date of admission;
  - (b) Date of departure;
  - (c) Breed, age, colour and sex; and
  - (d) The name and residential address of the owner;
- (9) The entry book is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) No sick or ailing cat is to be kept on the premises.

**Schedule 2**  
**KEEPING AND WELFARE OF CATS LOCAL LAW**

Item No.	Clause No.	Nature of Offence	Penalty Sterilized Cat	Penalty Non Sterilized Cat
1	4.1	Failure of a owner to register a cat	\$200.00	\$200.00
2	4.6	Failure of a owner to identify a cat	\$200.00	\$200.00
3	5.1	Failure of an occupier to hold a permit	\$200.00	\$200.00
4	5.11	Breach of a condition of a permit	\$200.00	\$200.00
5	6.1	Cat in a public place	\$200.00	\$200.00
6	6.1	Cat in other than a public place	\$200.00	\$200.00
7	7.4	Failure to comply with a notice to abate a nuisance	\$200.00	\$200.00
8	8.1	Cat in a Cat Prohibited Area	\$200.00	\$200.00
10	12.1	Abandonment of cat	\$150.00	\$150.00
11		All other offences not specified	\$100.00	\$100.00

**Schedule 3**  
**Local Government Act 1995**  
**KEEPING AND WELFARE OF CATS LOCAL LAW**  
**INFRINGEMENT NOTICE**

Serial No. ....

Date ...../...../.....

To: <sup>(1)</sup> .....

of: .....

It is alleged that on ...../...../..... at <sup>(3)</sup> .....

.....

at <sup>(4)</sup> .....

you committed the following offence—

.....

contrary to Clause ..... of the Keeping and Welfare of Cats Local Law.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid within a period of 28 days after the giving of this notice. The modified penalty may be paid by either posting this form together with the amount of the modified penalty to the Chief Executive Officer of the Town of Narrogin at Earl Street, Narrogin or by paying the amount of the modified penalty to an authorised person at the Town of Narrogin, Earl Street Narrogin between the hours of 8.30am to 4.30pm Monday to Friday.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Name and title of authorised person giving the notice .....

Signature: .....

Insert

- (1) Name of alleged offender
- (2) Address of alleged offender
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed

**Schedule 4**  
**Local Government Act 1995**  
**KEEPING AND WELFARE OF CATS LOCAL LAWS**  
**NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No. ....

Date ...../...../.....

To: <sup>(1)</sup> .....

of: .....

Infringement Notice No. .... dated ...../...../..... for the alleged offence  
..... has been withdrawn.

The modified penalty of \$ .....

- \* Has been paid and a refund is enclosed.
- \* Has not been paid and should not be paid.
- \* Delete as appropriate

Name and title of authorised person giving the notice .....

Signature : .....

Insert

- <sup>(1)</sup> Name of alleged offender to whom infringement notice was given
- <sup>(2)</sup> Address of alleged offender

\_\_\_\_\_

The Common Seal of the Town of Narrogin was hereunto affixed by a resolution of Council in the presence of—

LEIGH BALLARD, Mayor.  
AARON COOK, Chief Executive Officer.

Dated this >>00<sup>th</sup><< day of 2014.

## 10.2.325 PROPOSED OVERHEIGHT FENCE – NO 102 (LOT 16) ENSIGN STREET, NARROGIN

**File Reference:** A147900  
**Disclosure of Interest:** Nil  
**Applicant:** Warren Kickett  
**Previous Item Nos:** Nil  
**Date:** 7 August 2014  
**Author:** Brian Robinson, Director Technical & Environmental Services

### Attachments:

Copy of application for planning consent and associated plan.

### Summary:

Council is requested to determine an application for planning consent which seeks approval to the construction of an over height front fence on the subject land.

### Background:

The subject property is an 805m<sup>2</sup> residential allotment located on the northern side of Ensign Street, one property east of Narrakine Road. The site is developed with a single residence and associated facilities, including a swimming pool at the rear of the home.

Approval is being sought to construct a 1.8 metre high colourbond fence along the front boundary, with a double gate to be installed to facilitate access. A copy of the submitted application is shown attached,

### Comment:

The provisions of Town Planning Scheme No 2 include the subject land within the Single Residential Zone. Development of the land is required to comply with both the Scheme provisions and the requirements of the Residential Design Codes of Western Australia in accordance with the applicable R-Code density, which in this case is R12.5.

In accordance with clause 5.2.4 of the Residential Design Codes, street walls and fences that are visually permeable above 1.2m from the natural ground level satisfy the 'deemed to comply' requirements. As the application seeks approval to a solid fence 1.8 metres in height, the application does not satisfy the deemed comply requirements and must be assessed against the identified design principals, being:

*P4 Front fences are low or restricted in height to permit surveillance (as per clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:*

- *For attenuation of traffic impacts where the street is designed as a primary or district distributor or integrator arterial; and*
- *For necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.*

Given Ensign Street is not a significant road, it is the authors opinion that the construction of a 1.8 metre front fence is not necessary to attenuate traffic impacts, or for noise reduction. Furthermore as appropriate areas for private open space are located at the rear of the home, the application cannot be justified as being necessary for privacy.

For the above reasons, it is recommended that the application as submitted be refused.

**Consultation:**

Nil

**Statutory Environment:**

The application is to be determined in accordance with the provisions of Town Planning Scheme No 2 and the residential design codes of Western Australia.

**Policy Implications:**

Nil

**Financial Implications:**

The required application fee has been paid.

**Strategic Implications:**

In accordance with the residential Design Codes of Western Australia, solid front boundary fencing above 1.2 metres in height is only justifiable in certain circumstances (ie to attenuate traffic impacts on a significant road, or to facilitate privacy. As the application is not consistent with these requirements, refusal of the application is recommended.

In the authors opinion approval to the application as submitted would result in an undesirable precedent for the use of 1.8 metre colourbond front fencing which will detract from the residential amenity of the Single Residential Zone.

**Voting Requirements:**

Simple Majority

**Council Resolution 0814.105**

**Moved: Cr Bartron**

**Seconded: Cr Kain**

That Council refuse the application for a proposed over height front fence at No 102 (Lot 16) Ensign Street for the following reasons:

- a) The application as submitted is not consistent with the provisions of the Residential Design Codes of Western Australia in respect of front boundary fencing;
- b) The fencing as proposed will detract from the existing streetscape and residential amenity of the area; and
- c) Approval to the application as submitted would create an undesirable precedent for similar development applications in the Single Residential Zone.

Advice to Applicant:

1. The applicant is advised that in accordance with the provisions of the Residential Design Codes of Western Australia the installation of a solid front boundary fencing above 1.2 metres in height is only justifiable where such a fence is required to reduce noise and other traffic related impacts from a major road, or to provide privacy to private open space.
2. The applicant is advised that the Town of Narrogin would be prepared to approve an application for a front boundary fence provided that the fence was visually permeable above 1.2 metres in height in accordance with clause 5.2.4 of the Residential Design Codes of Western Australia.

**CARRIED 8/0**

Town of Narrogin  
RECEIVED

Directed to Brian

22 MAY 2014

Ref No. 1PA143062

Property File A147900

Subject File \_\_\_\_\_

C-Point No. \_\_\_\_\_



Town of Narrogin

TOWN PLANNING SCHEME NO. 2  
DISTRICT SCHEME

APPLICATION FOR PLANNING CONSENT

I/We WARREN RICKETT  
(Full Name of Applicant)

of 102 Ensign Street Street Postcode 6312  
(Address for Correspondence)

hereby apply for planning consent to:

(1) use the land described hereunder for the purpose of

(2) erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached).

The existing use of the land is: PRIVATE DWELLING.  
BUILD 1.5 GROUND FENCE IN FRONT OF HOUSE

The approximate cost of the proposed development is: \$ 2844

The estimated time of completion is: \_\_\_\_\_

The approximate number of persons to be housed/ employed when the development is completed is: \_\_\_\_\_

**TITLES OFFICE DESCRIPTION OF LAND**

**LOCALITY PLAN**

(Indicate distance to nearest intersecting street)

HOUSE NO: \_\_\_\_\_

STREET: SARAKWE ROAD 100 METS.

LOT NO: \_\_\_\_\_

PLAN OR DIAG: \_\_\_\_\_

LOCATION NO: \_\_\_\_\_

CERTIFICATE OF TITLE: VOLUME: \_\_\_\_\_ FOLIO: \_\_\_\_\_

**LOT DIMENSIONS**

SITE AREA: \_\_\_\_\_ square metres

FRONTAGE: 23 metres

DEPTH: 41 metres



**AUTHORITY**

SIGNATURE OF APPLICANT: W Hickett DATE: 4/4/14

NOTE: WHERE THE APPLICANT IS NOT THE OWNER THE OWNER'S SIGNATURE IS REQUIRED.

NOTE: NOTE: ALL OWNERS OF THE PROPERTY MUST SIGN THIS APPLICATION FORM. WHERE PROPERTY IS OWNED BY A COMPANY, AT LEAST TWO DIRECTORS OF THE COMPANY MUST SIGN THE APPLICATION.

SIGNATURE OF OWNER: W Hickett DATE: 4/4/14

NOTE: THIS FORM IS TO BE SUBMITTED IN DUPLICATE, TOGETHER WITH THREE COPIES OF PLANS, COMPRISING THE INFORMATION SPECIFIED IN THE PARTICULARS REQUIRED WITH APPLICATION OUTLINED BELOW.

**THIS IS NOT AN APPLICATION FOR A BUILDING LICENCE**

**PARTICULARS REQUIRED WITH APPLICATION FOR PLANNING CONSENT**

Where an application involves the erection or alteration of a building or a change in levels of a site, the plans accompanying an application for planning consent shall, unless specifically exempted by the Council:

- (a) indicate the position and describe the existing buildings and improvements on the site and indicate those which are to be removed;
- (b) indicate the position and describe the buildings and improvements proposed to be constructed, their appearance, height and proposed uses in relation to existing and proposed contours;
- (c) indicate the position, type and height of all existing trees on the site and indicate those to be retained and those to be removed;
- (d) indicate the areas to be landscaped and the location and type of shrubs, trees and other treatment proposed;
- (e) indicate site contours and details of any proposed alteration to the natural contour of the area;
- (f) indicate car parking areas, their layout and dimensions and accessways and the position of existing and/or proposed crossovers; and
- (g) indicate site dimensions and be to metric scale.

**FOR OFFICE USE ONLY**

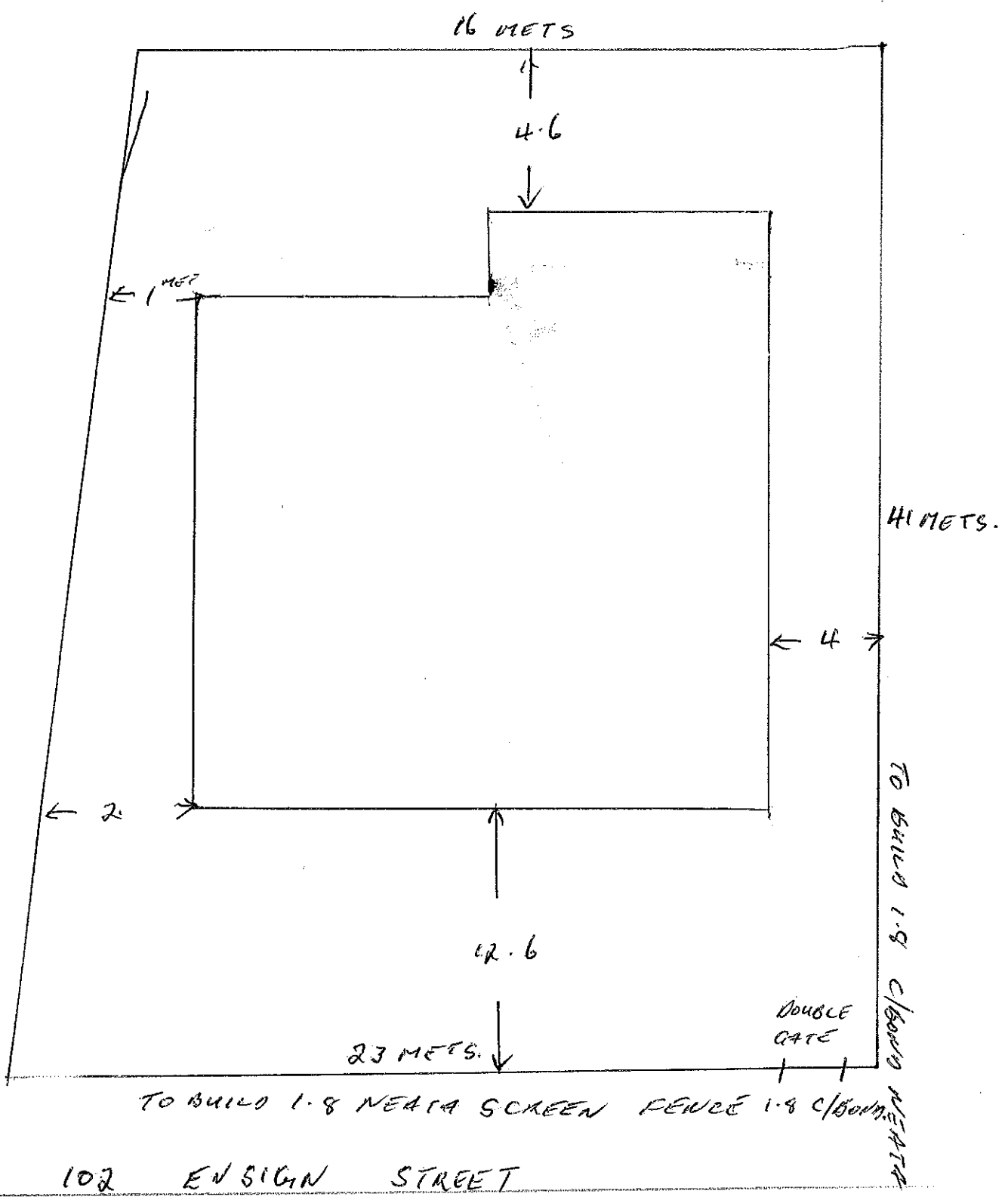
File Reference: \_\_\_\_\_

Application Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date of Approval / Refusal: \_\_\_\_\_

Date of Notice of Decision: \_\_\_\_\_



102 EV SIGN STREET

## 10.2.326 APPOINTMENT OF BUILDING SURVEYOR AND THE BUILDING SERVICES SCHEME

**File Reference:** 7.5.1  
**Disclosure of Interest:** Nil  
**Applicant:** N/A  
**Previous Item Nos:** Nil  
**Date:** 8 August 2014  
**Author:** Brian Robinson, Director Technical & Environmental Services

**Attachments:** Nil

### **Summary:**

Council is requested to delegated authority to the Chief Executive Officer for the appointment of a new Building Surveyor for the Town of Narrogin.

### **Background:**

As Councillors would be aware, Mr Darryle Baxter has resigned from his position of Building Surveyor and is no longer employed by the Town. Whilst in in the Towns employ, Mr Baxter was authorised as a Building Surveyor for the Town. Additionally Mr Baxter's services were contracted to the following local governments:

- Shire of Broomehill Tambellup
- Shire of Cuballing
- Shire of Dumbleyung
- Shire of Gnowangerup
- Shire of Kent
- Shire of Lake Grace
- Shire of Narrogin
- Shire of Woodanilling

The Shires of Dumbleyung, Kent and Lake Grace have advised that they wish to continue to use the Town of Narrogin for its Building Services. Additionally it is anticipated that the Shire of Narrogin will also seek to continue this service.

Council is requested to consider the appointment of an appropriately qualified building surveyor for both the Town and those other local governments seeking to continue use of the Towns services.

### **Comment:**

Pursuant to the Building 2011 and the associated regulations, there are several classes of building surveyor, which are summarised as follows:

<b>Class of Building Practitioner</b>	<b>Type of Building/ Permit may be issued</b>
Building Surveying practitioner – Level 1	Any type of building or incidental structure
Building Surveying practitioner – Level 2	A building not exceed 2,000m2 or 3 storeys
Building Surveying practitioner - technician	A building not exceeding 500m2 or 2 storeys

In 2012 Mr Josiah Farrell was appointed to the position of Cadet Building Surveyor. His role has primarily been to provide administrative support to the Building Surveyor, whilst completing formal qualifications.

Whilst Mr Farrell has completed a significant portion of the required course of study in order to be considered a Building Surveyor Technician, he will not formally obtain the required qualifications for another 10-12 months. Although unable to legally issue a building license, Mr Farrell has been completing all necessary administrative works, allowing the Building Surveyor to simply check and endorse the required permits.

It is therefore proposed that the Town of Narrogin enter into an interim arrangement with a suitably qualified building surveyor who would endorse permits processed by Mr Farrell. Discussions with the other relevant local authorities indicate that they would be happy for such an arrangement to be put in place. This will ensure the cost to both the Town and its clients to be minimised whilst ensure the same level of service.

Officers have had consultation with qualified Building Surveyors to endorse the Certificates of Design Compliance and a proposal is expected to be presented at the meeting. It is recommended to update the Delegations Register to reflect the required appointments.

**Consultation:**

Chief Executive Officer

**Statutory Environment:**

Pursuant to the Local Government Act and the Building Codes of Australia Local Authorities are required to appointment and authorise of a suitably qualified Building Surveyor in their employ.

**Policy Implications:**

Nil

**Financial Implications:**

Council’s 2014/15 annual budget was prepared on the basis of the proposed arrangements. All costs associated with the appointment should therefore be wholly contained within the approved budget.

**Strategic Implications:**

Nil

**Voting Requirements:**

Absolute Majority

## **OFFICER RECOMMENDATION**

That Council:

1. Authorise the Chief Executive Officer to appoint a suitably qualified Building Surveyor to facilitate the issuing of building licenses in accordance with the Building Code of Australia; and
2. That the Delegations Register be amended to reflect Mr Farrell and the appointed Building Surveyor.
3. Continue to provide building services to the Shires of Dumbleyung, Kent, Lake Grace and Narrogin.
4. The appointment referred to in point 1 above be reviewed once the Building Cadet has completed qualifications as a Building Surveyor practitioner – Technician.

## **Council Resolution 0814.106**

**Moved: Cr Russell**

**Carried: Cr McKenzie**

That Council:

1. Authorise the Chief Executive Officer to appoint a suitably qualified Building Surveyor pursuant to section 96 (3) of the Building Act 2011 for the issuing of certificates of design compliance to facilitate the granting of building permits.
2. That the Delegations Register be amended to reflect Mr Farrell and the appointed Building Surveyor.
3. Continue to provide building services to the Shires of Dumbleyung, Kent, Lake Grace and Narrogin.
4. The appointment referred to in point 1 above be reviewed once the Building Cadet has completed qualifications as a Building Surveyor practitioner – Technician.

**CARRIED 8/0**

## 10.2 CORPORATE AND COMMUNITY SERVICES

### 10.2.327 ANZAC GALLIPOLI CENTENARY ACTIVITY

**File Reference:** 2.3.4  
**Disclosure of Interest:** Nil  
**Applicant:** N/A  
**Previous Item Nos:** Nil  
**Date:** 5 August 2014  
**Author:** Susan Guy, Manager of Leisure and Culture

**Attachments:** Nil

#### **Summary:**

Council is requested to endorse the planting of a bed of Gallipoli Centenary Roses in Memorial Park to commemorate the ANZAC Gallipoli Centenary in 2015.

#### **Background:**

The year 2015 will mark the ANZAC Gallipoli Centenary. Local governments throughout the country are duly turning their attention to planning for the Centenary.

Treloar Roses based in Victoria has invited Australian Local Governments to be involved in a nationwide project of planting the Gallipoli Centenary Rose this winter in memorial and public parks to be ready for bloom by April 2015. This is Australia's official rose to mark the ANZAC Centenary. In 2011 Treloar Roses was commissioned by Queensland's Anzac Day Commemorative Committee to manage all aspects of licensing, growing and distribution of the rose.

It is proposed that a bed of the Gallipoli Centenary Roses be planted in Memorial Park along the pathway between the Court House and the Memorial in an existing garden bed. The Town is currently consulting with the President of the Narrogin Sub Branch of the RSL who is very pleased with the proposed initiative and is willing to work with the Town to further the project. This could include the RSL funding a commemorative plaque from a Lotteries West grant to be placed in Memorial Park, however at the time of writing, further discussions are required.

#### **Comment:**

The Narrogin Sub Branch of the RSL organises the commemoration activities for ANZAC Day annually. In 2015, the year of the ANZAC Gallipoli Centenary, it is considered highly appropriate for the Town to join with the RSL in a worthy commemorative activity prior to this important national event. The planting will symbolise the ANZAC Gallipoli Centenary and provide visual enhancement to Memorial Park.

The ANZAC Centenary Rose is marketed as a healthy, easy care plant, ideal for mass plantings in public areas and memorial gardens with dense bush growth to 1.2m, disease resistant, with large blooms of deep red with a long flowering period. Treloar Roses will

arrange delivery of orders Australia wide between May and August and the roses are now ready for pre-release with stock on hand in Victoria.

It is noted that the CEO is currently liaising with the Men's Shed to expedite the reparative work and the return of the commemorative guns to Memorial Park and that the Town's initiative in working with the RSL on the Centenary Rose plantings and a proposed plaque may provide additional incentive for this long standing Men's Shed project to be finalised by April 2015.

**Consultation:**

- Aaron Cook, CEO, Town of Narrogin
- Brian Robinson, Director, Technical and Environmental Services, Town of Narrogin
- Ries Chatillon, President, Narrogin Sub Branch Returned Service League

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

The Town's ANZAC Day 2014/15 budget is \$2,000. This budget supports the hire of chairs for the annual ANZAC Day ceremony at a cost of some \$720. The balance of the budget would be allocated to the purchase of rose plants at \$7.00 each, associated gardening work and possibly to the shared cost with the RSL of the production and installation of a plaque.

**Strategic Implications:**

Nil

**Voting Requirements:**

Simple Majority

**Council Resolution 0814.107**

**Moved: Cr Schutz**

**Carried: Cr Ward**

That Council:

Endorse the planting of up to 10 Gallipoli Centenary Roses within an existing garden bed at Memorial Park to commemorate the ANZAC Gallipoli Centenary in 2015.

**CARRIED 8/0**

**11. ELECTED MEMBER'S MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**

Nil

**13. CLOSURE OF MEETING**

Mayor Ballard closed the meeting at 8:01 pm.