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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995 HEALTH ACT 1911

*City of Greater Geraldton*

#### ANIMALS, ENVIRONMENT AND NUISANCE AMENDMENT LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995*, *Health Act 1911* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the 22 March 2016 to make the following local law.

#### 1. Citation

This local law may be cited as the *City of Greater Geraldton Animals, Environment and Nuisance Amendment Local Law 2015*.

#### 2. Commencement

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

#### 3. Application

This local law applies throughout the district.

#### 4. Principal local law

In this local law, the *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014* made under the *Local Government Act 1995* and passed by the local government of the City of Greater Geraldton on 24 March 2014, by notice published in the *Government Gazette* No. 69 p. 1495, on 13 May 2014, is referred to as the principal local law.

#### 5. Repeal

The *City of Greater Geraldton Animals, Environment and Nuisance Amendment Local Law 2015*, as published in the *Government Gazette* on 2 October 2015 No. 147—Page 3943 is repealed.

#### 6. Principal local law amended

The Principal local law is amended by deleting the existing PART 2—KEEPING OF ANIMALS and substituting a new PART 2 as follows—

### PART 2—KEEPING OF ANIMALS

#### *Division 1—Keeping of birds*

##### 2.1 Keeping of poultry and pigeons in a residential zone

An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises—

- (a) more than 12 poultry; or
- (b) more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons is increased to 100.

##### 2.2 Conditions for keeping of poultry

A person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) no poultry shall be kept less than 9 metres from any residential building;
- (b) no poultry is able to approach within 15 metres of a public thoroughfare, public building, commercial premises or food premises;
- (c) all poultry is kept in a properly constructed and securely fastened structure;
- (d) the structure has an impervious floor laid with a fall to the front of at least 1 in 50;
- (e) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and
- (f) all poultry is kept continually confined.

##### 2.3 Roosters, geese, turkeys and peafowl

Except on land with an area of 1 hectare or more or with the prior written permission of the local government, an owner or occupier of premises shall not keep any—

- (a) roosters;
- (b) geese;

- (c) turkeys; or
- (d) peafowls.

#### 2.4 Conditions for keeping of pigeons

A person who keeps pigeons or permits pigeons to be kept shall ensure that—

- (a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
- (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
- (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and
- (d) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a thoroughfare, public building, commercial premises or food premises.

#### 2.5 Conditions of keeping aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that the aviary or cage is kept in clean condition and good repair at all times.

#### 2.6 Nuisance caused by birds

An owner or occupier of land shall not keep any bird or birds which—

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

#### *Division 2—Keeping of farm animals*

#### 2.7 Keeping of farm animals

Subject to clause 2.8, an owner or occupier of land shall not keep, or allow to be kept, any farm animal unless in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.

#### 2.8 Conditions for keeping farm animals

- (1) An owner or occupier of premises upon which a farm animal or farm animals are kept, shall maintain the place or places where the animals are kept in clean condition and good repair at all times.
- (2) An owner or occupier of premises in a rural zone shall not keep more than 1 pig other than on premises registered as a piggery pursuant to the provisions of the *Health Act 1911*, except with the express written approval of the local government.

### 7. Amend Schedule 1—Prescribed Offences—Items 1-22 as follows—

The Principal local law is amended in Schedule 1 by deleting the existing rows of items 1-22 and substituting the new items 1-22 as described below.

#### Schedule 1

[cl. 6.4]

Item	Clause	Description of offence	Modified penalty— first offence	Modified penalty— subsequent offence
1	2.1(a)	Keeping more than 12 poultry	\$250	\$500
2	2.1(b)	Keeping more than 12 pigeons	\$250	\$500
3	2.2(a)	Keeping poultry within 9 metres of a residential building	\$250	\$500
4	2.2(b)	Poultry approaching within 15 metres of a building or thoroughfare	\$250	\$500
5	2.2(c)	Poultry not kept in a secure structure	\$250	\$500
6	2.2(d)	Poultry structure not having an impervious floor	\$250	\$500
7	2.2(e)	Not maintaining a poultry structure in a clean condition	\$250	\$500
8	2.2(f)	All poultry not being continually confined	\$250	\$500
9	2.3(a)	Keeping of roosters on land under 1 hectare	\$250	\$500
10	2.3(b)	Keeping of geese on land under 1 hectare	\$250	\$500

Item	Clause	Description of offence	Modified penalty— first offence	Modified penalty— subsequent offence
11	2.3(c)	Keeping of turkeys on land under 1 hectare	\$250	\$500
12	2.3(d)	Keeping of peafowls on land under 1 hectare	\$250	\$500
13	2.4(a)	Pigeons not being kept in a properly constructed pigeon loft	\$250	\$500
14	2.4(b)	Not maintaining a structure for pigeons in a clean condition	\$250	\$500
15	2.4(c)	Keeping of pigeons with 9 metres of a residential building	\$250	\$500
16	2.4(d)	A pigeon loft being within 15 metres of a thoroughfare or commercial building	\$250	\$500
17	2.5	Aviary cage not being kept in a clean condition	\$250	\$500
18	2.6(a)	Bird causing a nuisance	\$250	\$500
19	2.6(b)	Bird emitting an unreasonable noise	\$250	\$500
20	2.7	Keeping of a farm animal other than in a rural zone	\$250	\$500
21	2.8(1)	Fail to keep a place where farm animals are kept in a clean condition and good repair	\$250	\$500
22	2.8(2)	Keeping more than one pig other than on premises registered as a piggery	\$250	\$500

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This Local Law was made by the City of Greater Geraldton at an Ordinary Meeting held on 22nd day of March 2016.

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.  
KEN DIEHM, Chief Executive Officer.

Dated this 22nd day of March 2016.

Consented to—

TARUN WEERAMANTHRI, Executive Director,  
Public Health.

Dated this 18th day of April 2016.