

LOCAL GOVERNMENT ACT 1995

HEALTH ACT 1911

**CITY OF GREATER GERALDTON**

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

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 25 August 2015 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 p1495, on 13 May 2014, is referred to as the principal local law.

**5. 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 —

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

- (i) roosters;
- (j) geese;
- (k) turkeys; or
- (l) peafowls.

## **2.4 Conditions for keeping of pigeons**

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

- (m) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
- (n) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
- (o) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and
- (p) 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 —

- (q) are or create a nuisance; or
- (r) 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.

### **6. 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]

<b>Item</b>	<b>Clause</b>	<b>Description of offence</b>	<b>Modified penalty — first offence</b>	<b>Modified penalty — subsequent offence</b>
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
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 & good repair	\$250	\$500
22	2.8(2)	Keeping more than one pig other than on premises registered as a piggery	\$250	\$500

**CONSENT PAGE**

This Local Law was made by the City of Greater Geraldton at an Ordinary Meeting held on

25..... of ..... AUGUST.....2015

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



Dated: on this 26.....day of .....AUGUST....., 2015

A handwritten signature in dark ink, appearing to read "Ian Carpenter", written over a horizontal line.

IAN CARPENTER  
MAYOR

A handwritten signature in dark ink, appearing to read "Ken Diehm", written over a horizontal line.

KEN DIEHM  
CHIEF EXECUTIVE OFFICER

Consented to

A handwritten signature in dark ink, appearing to read "Raj Kumar", written over a horizontal line.

**EXECUTIVE DIRECTOR  
PUBLIC HEALTH**

Dated : on this 11<sup>th</sup>.....day of .....September....., 2015