

## **Local Law** relating to Dogs

**Local Government Act 1995  
Dog Act 1976  
City of Melville**

### **Dog Local Law**

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the City of Melville resolved on 15 February 2005 to make the following local law as set out below

#### **PART 1 - PRELIMINARY**

##### **1.1 Citation**

This local law may be cited as the *City of Melville Dog Local Law*.

##### **1.2 Repeal**

The By-Law Relating to Dogs published in the Government Gazette on 26 October 1990 is repealed on the day this Local Law comes into operation.

##### **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 City 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 City;

“City” means the City of Melville;

“Dangerous Dog” has the same meaning as given to it in Section 3.1 of the Dog Act 1976;

“district” means the district of the City of Melville declared under the Local Government Act 1995;

“foreshore” means that portion of the district under the care control and management of the City adjoining the left banks of the Swan and Canning Rivers between the district boundary and the nearest made portion of a carriageway adjacent thereto;

“kennel” means any structure or land used for the boarding or breeding of dogs;

“pound” means a pound established by the City from time to time pursuant to the Act and to Part XX (Part 20) of the Local Government (Miscellaneous Provisions) Act 1960;

“poundkeeper” means a person authorised by the City to perform all or any of the functions conferred on a “poundkeeper” under this local law;

“Regulations” means the Dog Regulations 1976;

“schedule” unless the context states otherwise, shall mean a schedule of this local law;

“seized” shall mean a dog seized by an Authorised Person, but not having been placed in a Pound;

“thoroughfare” has the meaning given to it in section 1.4 of the Local Government Act 1995; and

“town planning scheme” means a town planning scheme made by the City under the Town Planning and Development Act 1928 which applies throughout the whole or a part of the district.

Words and expressions used in this local law have the meanings respectively given to them in and for the purpose of the Act.

## Part 2 - Impounding of Dogs

### 2.1 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

### 2.2 Release of impounded dogs

(1) The owner or person lawfully authorised by the owner of a seized or impounded dog requiring the release of the dog shall, on production of such proof of ownership of the dog or lawful authorisation, as the authorised person, in his discretion, considers sufficient, and upon payment of the fees and charges as specified, and proof of registration of the dog in accordance with the Act, be entitled to the release of that dog.

### 2.3 No breaking into or destruction of pound

A person who—

(a) unless he or she is the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or

(b) destroys, breaks into, damages or in any way interferes with or renders ineffective—

(i) any pound; or

(ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog, commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

### 2.4 Charges and costs

The following are to be imposed and determined by the City under sections 6.16—6.19 of the Local Government Act 1995—

(a) the charges to be levied under section 29 (4) of the Act relating to the seizure and impounding of a dog;

(b) the additional fee payable under section 29 (4) of the Act where a dog is released at a time or on a day other than those determined under Clause 2.2; and

(c) the costs of the destruction and the disposal of a dog referred to in section 29 (15) of the Act.

(d) The charges for the sustenance and maintenance of a dog in a pound— per day or part thereof.

2.5 Council may engage the services of a Veterinary Surgeon registered pursuant to the Veterinary Surgeons Act 1960 to implement the euthanasia of dogs required to be destroyed by the Council pursuant to the Act or this local law.

### **Part 3 - Fencing requirements and limitations on the keeping of dogs**

#### 3.1 Dogs to be confined

(1) The owner or occupier of premises within the district on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion.

(2) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the breed, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence.

(3) If there is a gate in the fence the gate shall—

(a) be kept closed at all times except when the dog is not kept on the premises, but nothing in this subsection prevents a person from opening a gate in order to enter or leave the premises; and

(b) be fitted with—

(i) An efficient self—closing mechanism;

(ii) An efficient self—latching mechanism;

(iii) A mechanism which enables the gate to be permanently locked.

(4) In this Part the term “fence” includes a wall.

(5) When an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous dog \$2,000; otherwise \$1,000.

3.2 (1) The Council may serve a written direction to the owner of any dog to provide a suitable enclosure on the property where the dog is normally kept if in the opinion of the Council the dog is not adequately prevented from escaping from the property.

(2) Any person receiving a lawful direction pursuant to Clause 3.2 (1) herein shall comply with the direction within fourteen (14) days of its service.

#### 3.3 Limitation on the number of dogs

(1) This Section does not apply to premises which have been—

(a) licensed under Part 4 as an approved kennel establishment; or

(b) granted an exemption under section 26 (3) of the Act.

(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—

(a) dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within the district.

**Penalty:** \$1,000 and a daily penalty of \$100.

## **Part 4 - Approved Kennel Establishments**

### 4.1 Interpretation

In this Part and in Schedule 2—

“Adjoining” means land or premises which have a common boundary or portion of a boundary with a lot or is separated from that lot by a right-of-way, pedestrian access way, access leg of a battleaxe lot or the equivalent not more than 6 metres in width;

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

“licensee” means the holder of the 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 4.12 of this Local Law.

### 4.2 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 City together with—

(a) plans and specifications of the kennel establishment, including a site plan;

(b) copies of the notices to be given under Clause 4.3 of this Local Law;

(c) 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 City,

sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;

(d) a written acknowledgment that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs adopted or nominated by the City; and

(e) the fee for the application for a licence referred to in Clause 4.9 (1) of this

Local Law;

(f) a copy of a Planning Approval issued by the City under a Town Planning Scheme.

#### 4.3 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 owner 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 City.

(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 City, would fail to serve the purpose of notifying persons of the proposed use of the premises, then the City 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.

#### 4.4 When application can be determined

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

(a) the applicant has complied with Clause 4.2;

(b) the applicant submits proof that the notices referred to in Clause 4.3 (1) have been given in accordance with that Clause; and

(c) the City has considered any written submissions received within the time specified in Clause 4.3 (2) (a) on the proposed use of the premises.

#### 4.5 Determination of application

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

(a) the matters referred to in Clause 4.7;

- (b) any written submissions received within the time specified in Clause 4.3 (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 kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
  
- (e) 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.

#### 4.6 Where application cannot be approved

The City cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the City on the premises under a town planning scheme; 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 City, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

#### 4.7 Conditions of approval

- (1) The City may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the City considers appropriate.
  
- (2) In respect of a particular application for a licence, the City may vary any of the conditions contained in Schedule 2.

#### 4.8 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

**Penalty:** Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

#### 4.9 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the City.
  
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the City.
  
- (c) On lodging an application for the transfer of a valid licence, the transferee

is to pay a fee to the City.

(3) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the City under sections 6.16—6.19 of the Local Government Act 1995.

#### 4.10 Form of licence

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

#### 4.11 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 4.9 (2) is paid to the City 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.

#### 4.12 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 City;

(b) made by the transferee;

(c) made with the written consent of the licensee; and

(d) lodged with the City 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 4.9 (3).

(2) The City is not to determine an application for the transfer of a valid licence until the transferee has complied with subsection (1).

(3) The City 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 City 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 4.13 (b), the transferee becomes the licensee of the licence for the purposes of this local law.



#### 4.13 Notification

The City is to give written notice to—

- (a) an applicant for a licence of the City's decision on her or his application;
- (b) a transferee of the City's decision on her or his application for the transfer of a valid licence;
- (c) a licensee when her or his licence is due for renewal and the manner in which it may be renewed ; or
- (d) a licensee when her or his licence is renewed.

#### 4.14 Inspection of kennel

Subject to 24 hours notice in writing to the occupier, an authorised person may inspect an approved kennel establishment at any time.

## Part 5 - Dogs in Public Places

*Item 5.1 is amended by the City of Melville's Dog Amendment Local Law 2010 published in the Government Gazette on 22 October 2010, No. 192*

### 5.1 Places where dogs are prohibited totally

(1) A person liable for the control of a dog, shall subject to Clause 5.1 (2) prevent that dog entering or being in or upon any of the following—

- (a) a public building;
- (b) shop or business premises, other than a shop or business premises where dogs are sold or treated for illness or injury;
- (c) an area set aside by a wall, fence, sandpit or other softfall surface as a children's playground and;
- (d) in all the areas prescribed in Schedule 4.

(2) If a dog enters or is in a place specified in Clause (1), every person liable for control of the dog at the time commits an offence. Clause 5.1 (1) does not apply to guide dogs or hearing dogs assisting blind or partially blind persons or other disabled persons.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

### 5.2 Dog exercise areas

(a) For the purposes of sections 31 and 32 of the Act, a public place, being a place that is under the care, control and management of the Council, is a dog exercise area unless that public place—

- (a) is a place described in Clause 5.1;
- (b) is being used for an organised function or event attended by people;
- (c) is land which has been set apart as a children's playground;
- (d) is a thoroughfare or pathway; and
- (e) is listed in Schedule 5.

## **Part 6 - Miscellaneous**

### 6.1 Offence to excrete

- (1) A dog must not excrete on—
  - (a) any thoroughfare or other public place; or
  - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subsection (3), if a dog excretes contrary to subsection (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 subsection (2) if any excreta is removed immediately by that person.

## **Part 7 - Enforcement**

### 7.1 Interpretation

In this Part—

“infringement notice” means the notice referred to in Section 7.3; and

“notice of withdrawal” means the notice referred to in Section 7.6 (1).

### 7.2 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 3 directly opposite is the modified penalty payable in respect of that offence if—
  - (a) the dog is not a dangerous dog; or
  - (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

### 7.3 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 7 of the First Schedule of the Regulations.

#### 7.4 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.

#### 7.5 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 City the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the City may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

#### 7.6 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 8 of the first Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under Clause 7.3 cannot sign or send a notice of withdrawal.

#### 7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the City under the Act, or as ascertained from inquiries made by the City.

### **8. Penalty**

Any person who contravenes any provision of this Local Law or fails to comply with a notice issued under this Local Law commits an offence not exceeding \$2,000.

—————

**Schedule 1**

(Clause 4.2) LOCAL LAWS RELATING TO DOGS

**APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

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 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) .....

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**Schedule 2**  
(Clause 4.7 (1))  
**CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

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 City;
- (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 City;
- (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 City;
- (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 zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the City;

(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 City, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

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### Schedule 3

(Clause 7.2)

#### OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

<b>Offence</b>	<b>Nature of offence</b>	<b>Modified penalty \$</b>	<b>Dangerous Dog Modified Penalty \$</b>
2.3 (a)	Attempting to or causing the unauthorised release of a dog from a pound	200	400
2.3 (b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	50	200
3.3(2)	Keeping more than the prescribed number of dogs without relevant approval	100	
4.8	Failing to comply with the conditions of a licence	100	200
5.1 (2)	Dog in place from which prohibited absolutely	100	200
6.1 (2)	Dog excreting in prohibited place	100	



**Schedule 4**

(Clause 5.1)

**Dog Act 1976**

City of Melville

DOG LOCAL LAW

**AREAS IN WHICH DOGS ARE PROHIBITED TOTALLY**

1. Jeff Joseph Reserve—Applecross Reserve No. 27327 That portion of Reserve 27327 (Swan Location 7840) depicted as bounded on the north by the district boundary; on the east by the prolongation of the eastern boundary of the Applecross Tennis Club tennis courts; on the south by the nearest made portion of the adjoining carriageway of Ardross Street.  
Reserve No. 29604 Certificate of Title Vol. 640 Folio 120 Lot 260, 261, 262, 263, 264
2. Deep Water Point Reserve—Mount Pleasant Vol. 1225 Folio 215. Part Canning Location 61 Diagram 12675 being Lots 54, 55, 56, 57, 58, 59, 60; Part Swan Location 56 Diagram 61266 being Lots 61—Part 10 and 12; Foreshore Reserve No A30732
3. Point Walter Reserve and Golf Course Reserve No 4813
4. Bicton Reserve Reserve A No 33997
5. Foreshore Area The foreshore and adjoining reserve of total foreshore area on the left banks of the Swan and Canning Rivers on the north boundary of the district for the east boundary of the district in a direction generally north then generally west on the north boundary to the west boundary of the district but excluding those areas as specified in Clause 5.2 and prescribed in the Fifth Schedule of these Local Laws.
6. The footway of timber boards or boardwalk which extends into the Booragoon Lake on the Booragoon Lake Reserve No. 25318, Aldridge Road, Booragoon.
7. Oz Park, corner Aurelian and Justinian Streets, Palmyra.
8. Heathcote Heritage Precinct, 56 Duncraig Road, Applecross.
9. (a) The Northern Bushland on Piney Lakes Reserve, Murdoch (Number 46648) bounded by the pathway adjacent to Paterson Gardens to the west, Leach highway to the north and Murdoch Drive to the east and including the Western and Eastern core conservation areas and central natural lake but excluding sealed pathways within the reserve/area (as shown in Diagram A in Schedule 6); and  
  
(b) the children's sensory playground and two man-made lakes (as shown in Diagram A in Schedule 6)

10. Blackwall Reach Reserve (R45541)

11. The playground, sandpits and other softfall surfaces located at Lot 201 P53096, CT—2679/995 located at 70-72 Curtis Road known as the Old Melville Primary School site

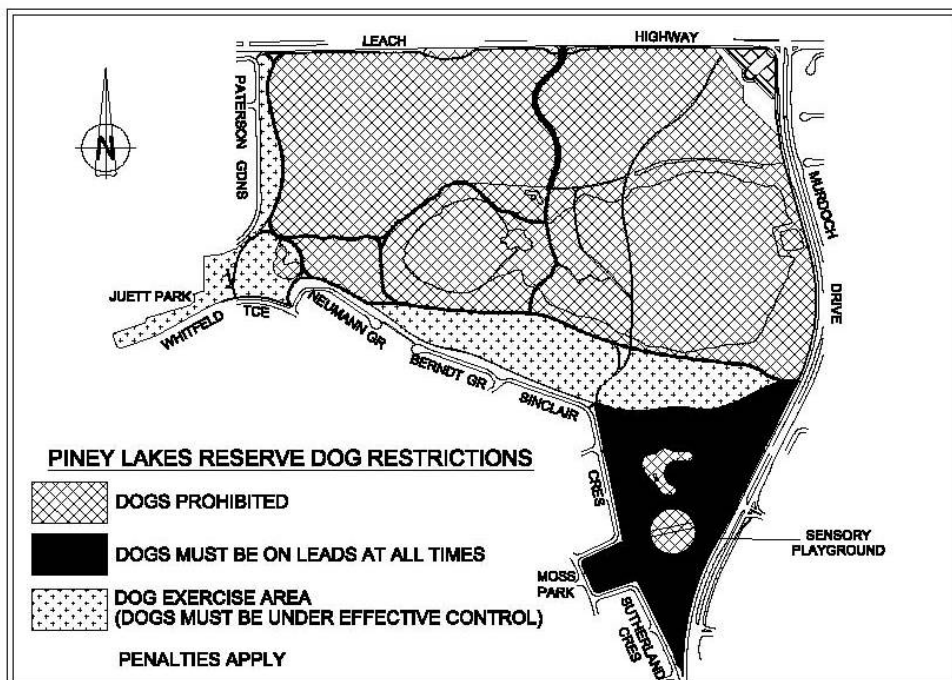
**Schedule 5**  
(Clause 5.2)  
**Dog Act 1976**  
City of Melville  
DOG LOCAL LAW  
**AREAS IN WHICH DOGS MUST BE UNDER CONTROL**

Public Recreation Reserves on which dogs must be controlled in accordance with section 31 (1) of the Dog Act 1976.

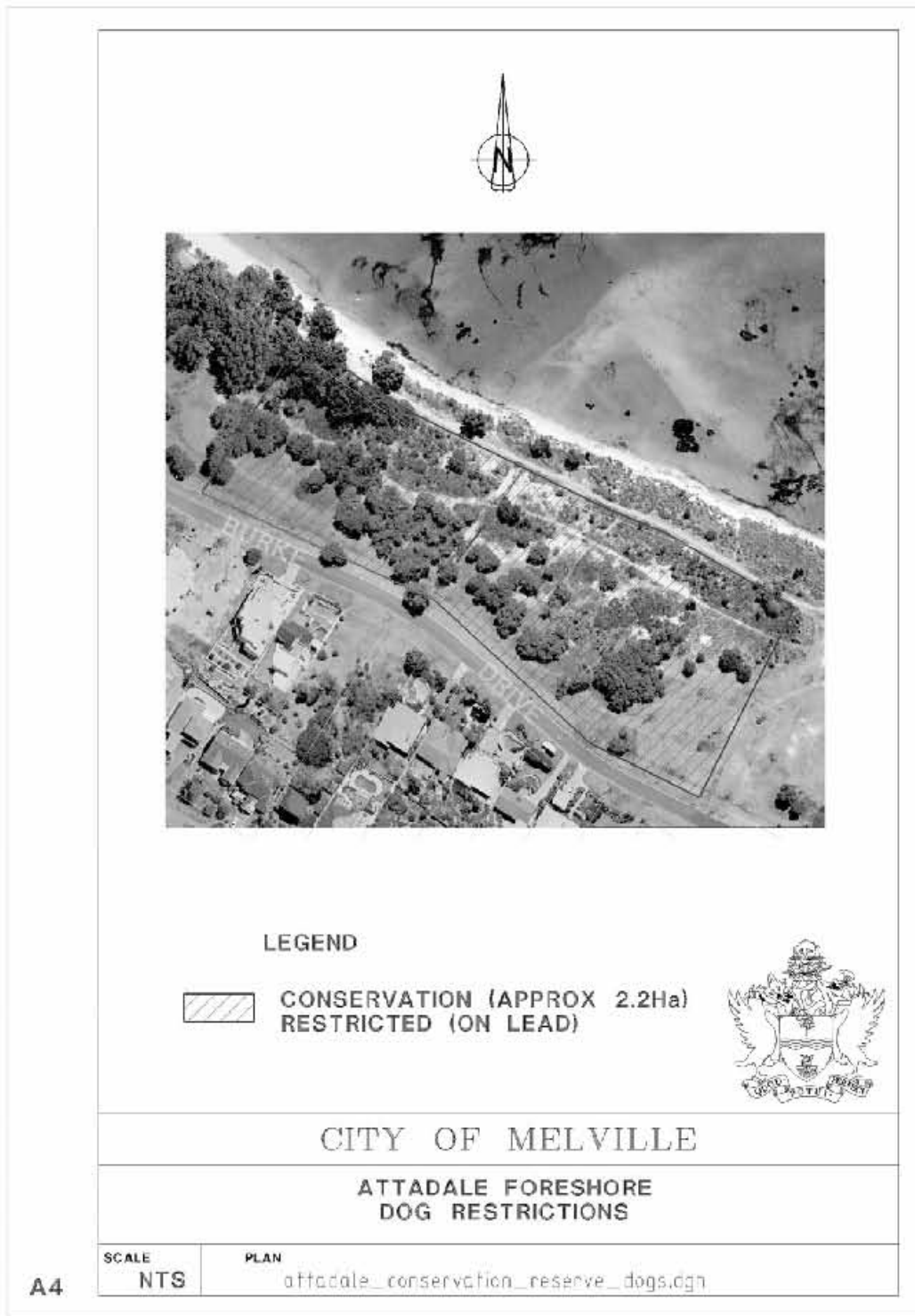
1. Wireless Hill Reserve Reserve No A 29813
2. Tompkins Park Reserve Certificate of Title Vol 1103 Folio 189 Swan 74 Diagram 12674. Certificate of Title Vol. 1185 Folio 584 Lot 39 Swan Diagram 74 17693. 14, 15, 16, 17 Swan 74 Diagram 6262 6464 Plan 6129. Certificate of Title Vol. 1251 Folio 21 Lot Part 31 Swan 74 Plan 7210.
3. Civic Centre Complex Certificate of Title Vol. 1652 Folio 038 Lot 52 Location 356 formerly Land Title Office Diagram 36592. Reserve No. 33422
4. Foreshore Areas
  - (i) That portion of the foreshore of the Canning River and adjoining reserve on the north boundary of the district from the prolongation of the southern alignment of Flanagan Street generally south to the down stream side of Canning Bridge.
  - (ii) That portion of the foreshore of the Canning River and the adjoining reserve on the north boundary of the district from the prolongation of the northern alignment of Cranford Avenue being the intersection of The Esplanade and Pulo Road, Mt Pleasant.
5. Melville Reserve Certificate of Title Vol. 1071 Folio 107 Part 878 to Part 889.
6. Booragoon Lake Reserve (Number 25318)—Booragoon (Being Canning Location 1672 and 2306)
7. Blue Gum Reserve (Number 25562)—Mount Pleasant (Being Canning Location 1694 and 2423)
8. Marmion Reserve (that portion west of the eastern edge of the Marmion Street Carpark) and being portion of Swan Location 73, Lots 3 and 4, Part of Lot 2 on diagram 9833 Volume Number 1100, Folio Number 759.)

9. (a) The triangular portion of Piney Lakes Reserve (Number 46648) south of the walkway and bounded by Sinclair Crescent, Murdoch Drive and including Moss Park and  
  
(b) All sealed pathways within the reserve (as shown in Diagram A in Schedule 6)
10. Attadale Bushland Conservation Area bordered by the western boundary of the Water Corporation Reserve opposite Roberts Road, west along Burke Drive to a point opposite the boundary of numbers 32 and 34 Burke Drive. The shared use path on the northern edge defines the boundary between the Swan River Marine Estuary and adjoining Nature Reserve. (As shown in Diagram B)
11. Ern Stapleton Reserve number 24063.
12. Wal Hughes Reserve number 31525.
13. Harry Sandon Reserve number 30697.
14. Apex Park Reserve number 26811.
15. All areas other than the children's playground, sandpits and other softfall surfaces (where dogs are prohibited totally) the remainder of Lot 201 P53096, CT—2679/995 located at 70-72 Curtis Road known as the Old Melville Primary School site"

**Diagram A**



**Diagram B**



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Dated this 24<sup>TH</sup> Day of February 2005.

The Common Seal of the City of Melville was hereunto affixed in the presence of-

**KATHERINE JACKSON**, Mayor.

**JOHN McNALLY**, Chief Executive Officer.