

CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

CAT LOCAL LAW 2025

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C25/337 City of Melville Cat Local Law 2025 - Undertakings**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (C25/337)**

At 9:45pm Cr K Wheatland moved, seconded Cr D Lim

PUBLIC RECOMMENDATION

That the Council resolves to endorse the confidential resolution contained in Item C25/337 City of Melville Cat Local Law 2025 - Undertakings and that the resolution be made public in the minutes of the meeting.

CONFIDENTIAL RECOMMENDATION

That the Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that the Council will within 12 months:

- 1. Delete clause 4.6.**
- 2. Amend subclause 3.7(5) so that it states:
“Where the local government has not made a decision within the time mentioned in subclause (2), it is taken to have refused to grant a permit, and any fee payable under clause 3.5(1)(e) is to be refunded to the applicant.”**
- 3. Amend Item 2 in Schedule 1 so that the clause column states “2.1(2) & 2.1(4)”.**
- 4. Make all consequential amendments arising from the above amendments.**
- 5. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1, 2 and 3.**
- 6. Ensure that a copy of these undertakings accompanies the Local Law wherever it is made publicly available by the City, whether in hard copy or electronic form.**

At 9:45pm the Presiding Member declared the motion.

CARRIED BY ABSOLUTE MAJORITY (10/0)

UNC

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
CITY OF MELVILLE

CAT LOCAL LAW 2025

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SCHEDULE 1 – PRESCRIBED OFFENCES

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CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

CAT LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and the *Cat Act 2011* and all other powers enabling it, the Council of the City of Melville resolved on 15 July 2025 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Melville Cat Local Law 2025*.

1.2 Commencement

This local law comes into operation three (3) months after the date of publication in the *Government Gazette*.

1.3 Interpretation

In this local law unless the context otherwise requires —

Act means *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person means a person appointed by the CEO under section 9.10(2) of the *Local Government Act* to perform any of the functions of an authorised person under this local law;

cat has the meaning given to it in the Act;

cat management facility has the meaning given to it in the Act.

cat prohibited area means an area as outlined in Schedule 2 of this local law;

cattery means any premises where cats are boarded or housed temporarily, usually for profit, and where the occupier of the premises is not the ordinary keeper of the cats;

CEO means the Chief Executive Officer of the City of Melville;

City means the City of Melville;

commencement date means the date this local law comes into operation as per clause 1.2;

Council means the Council of the City of Melville;

district means the district of the City of Melville;

local government means the City of Melville;

Local Government Act means the *Local Government Act 1995* (WA);

nuisance means —

- (a) an activity or condition which is harmful, offensive or annoying and which gives rise to legal liability in the tort of private or public nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference.

owner has the meaning given to it in the Act;

permit means a permit issued by the City of Melville under this local law;

permit holder means a person who holds a valid permit issued by the City of Melville under this local law;

registered means registered with the City under section 9 of the *Cat Act 2011*.;

Schedule means a schedule to this local law;

1.4 Application

This local law applies throughout the district.

PART 2 – CONTROL OF CATS

2.1 Cat nuisance

- (1) An owner must not allow a cat to be or create a nuisance.
- (2) Where the local government receives a complaint from a person, and where in the opinion of an authorised person that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.
- (3) A cat control notice given in subclause (2) remains in force for the period specified by the local government in the notice, which must not exceed 28 days.
- (4) A person given a cat control notice must comply with the notice within the time specified in the notice.
- (5) A cat control notice under subclause (2) must be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

2.2 Cats in a prohibited area

- (1) A cat must not be in a cat prohibited area at any time.

- (2) If a cat is in a cat prohibited area in contravention of subclause (1) —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize, impound and deal with the cat in accordance with the Act.

PART 3 – KEEPING OF CATS

3.1 Interpretation

For the purposes of this Part, a cat does not include a cat that is under 6 months of age.

3.2 Limit on cats

- (1) A person must not, without a valid permit, keep more than two cats at any premises within the district.
- (2) Subclause (1) does not apply to cats —
 - (a) that do not ordinarily reside in or at the premises; or
 - (b) which are registered prior to the commencement date of this local law.
- (3) Notwithstanding paragraph (2)(b) above, any cats registered prior to the commencement date of this local law are to be counted for the purposes of determining how many cats ordinarily reside at the household.

3.3 Approval to establish a cattery or cat management facility

A person must not, without a valid permit, operate a cattery or cat management facility.

3.4 Premises exempt from permit requirements

Clauses 3.2 and 3.3 do not apply to premises that are operated by an organisation referred to in regulation 9 of the *Cat Regulations 2012*.

3.5 Application for permit

- (1) An application for a permit under this Part must —
 - (a) be made in the form prescribed by the local government;
 - (b) be made by the occupier of the premises where the cats are proposed to ordinarily reside;
 - (c) describe and specify the number of cats to be kept on the premises;
 - (d) be accompanied by a brief reason and justification for the request;
 - (e) be accompanied by the application fee determined and imposed by the local government under and in accordance with sections 6.16 to 6.19 of the Local Government Act.
- (2) In determining an application for a permit, the local government may consider any matters it deems appropriate, and may request the applicant to —
 - (a) consult with nearby owners and/or occupiers;
 - (b) advise nearby owners and/or occupiers that they may, within 14 days of receiving that advice, make submissions to the local government on the

- application for a permit; or
- (c) within 21 days, provide such further or other information as deemed necessary in order for it to make a determination.

3.6 Refusal to determine application

The local government may refuse to consider an application for a permit —

- (a) which is not made in accordance with clause 3.5(1); or
- (b) where the applicant has not complied with a request by the local government under clause 3.5(2).

3.7 Decision on application for permit

- (1) The local government may, in respect of an application made under clause 3.5 —
- (a) approve it subject to the conditions in clause 3.8 and any other conditions the local government considers appropriate;
- (b) approve it as per subclause (1)(a) but specify an alternative number of cats permitted to ordinarily reside premises; or
- (c) refuse to approve it.
- (2) The local government must decide whether or not to grant a permit within 21 days.
- (3) Where the local government approves an application for a permit, it must issue the applicant a permit in the form prescribed by the local government.
- (4) Where the local government refuses to approve an application for a permit, it must give written notice of the decision, together with grounds and reasons, to the applicant.
- (5) Where the local government has not made a decision within the time mentioned in subclause (2), it is taken to have refused to grant a permit, and any fee payable under clause 3.5(1)(f)(e) is to be refunded to the applicant.

**IN ACCORDANCE WITH
UNDERTAKING POINT 2
18 NOVEMBER 2025 OMC**

3.8 Conditions which apply to permits

- (1) If the local government approves an application for a permit under clause 3.7(1)(a) or (b), the application is taken to be approved subject to the following conditions —
- (a) each cat kept on the premises to which the permit relates must comply with the requirements of the Act;
- (b) the permit holder will provide adequate space for the exercise of the cats; and
- (c) the premises shall be maintained in good order and in a clean and sanitary condition.
- (2) In addition to the conditions listed in subclause (1), the local government may issue a permit subject to any other conditions it reasonably considers necessary and appropriate.
- (3) The local government may, at any time, amend a condition of approval, and the amended condition takes effect 14 days after written notice of it is given to the applicant.

3.9 Compliance with conditions of permit

A permit holder who fails to comply with a condition of approval commits an offence

3.10 Validity of a permit

- (1) Unless otherwise specified as a condition of approval, a permit issued under this Part commences on the date of issue and ceases to be valid upon —
 - (a) the permit holder ceasing to reside at the premises to which the permit relates;
 - (b) the permanent removal or relocation of the cat the subject of the permit from the premises;
 - (c) the death of the cat the subject of the permit; or
 - (d) the revocation of the permit by the local government under clause 3.11.
- (2) Where a permit ceases to be valid as a result of an event listed in subclauses (1)(a), (b) or (c), the permit holder must notify the local government in writing within 7 days of the event occurring.

3.11 Revocation

- (1) The local government may, by written notice to the permit holder, revoke a permit issued under this Part if the permit holder has not complied with a provision of this local law or a condition of approval.
- (2) Where the local government decides to revoke a permit under subclause (1), it must give written notice of the decision, together with grounds and reasons, to the permit holder.
- (3) A revocation under subclause (1) takes effect 14 days after the written notice in subclause (2) is given to the permit holder.

3.12 Permit not transferable

A permit issued under this Part is not transferrable either in relation to the permit holder or the premises to which the permit relates.

3.13 Permit to be kept at premises and available for inspection

A permit issued under this Part must be kept at the premises to which it relates and be provided to an authorised person on demand.

PART 4 – ENFORCEMENT

4.1 Legal proceedings and evidence

Provisions relating to legal proceedings and evidence are contained in Part 4, Division 6 of the Act.

4.2 Offences and general penalty

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

4.3 Modified penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 62 of the Act.
- (2) In accordance with section 62 of the Act, an authorised person who has reason to believe that a person has committed an offence against this local law may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice, in the prescribed form, to the alleged offender.
- (3) In accordance with section 63 of the Act, a person who does wish to be prosecuted for the offence may, within the time specified in an infringement notice or within such further time as may, in any particular case, be allowed by the CEO under section 64 of the Act, pay the amount of money specified in the notice as being the modified penalty for that offence which, in accordance with section 66 of the Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule, is the modified penalty for that offence.
- (5) In accordance with section 65 of the Act, the CEO may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending a notice, in the prescribed form, to the person named in the infringement notice.
- (6) A penalty for an offence against this local law may be recovered by the local government taking proceedings against the alleged offender in a Magistrate's Court.
- (7) Provisions relating to modified penalties in general are contained in Part 4, Division 4 of the Act.

4.4 Forms of notices

- (1) The form of notice prescribed for clause 4.3(2) is Form 6 in Schedule 1 of the *Cat Regulations 2012*.
- (2) The form of notice prescribed for clause 4.3(5) is Form 7 in Schedule 1 of the *Cat Regulations 2012*.
- (3) The form of notice prescribed for clause 4.7(1) is Form 8 in Schedule 1 of the *Cat Regulations 2012*.

4.5 Serving of infringement notices

- (1) An infringement notice served under this local law may be given to a person —
 - (a) personally;
 - (b) by registered mail address to the person; or
 - (c) by leaving it for the person at her or his address.
- (2) If a person refuses to accept an infringement notice given by way of paragraph (1)(a), the person servicing the notice may leave it next to or near the person and orally draw his or her attention to it.

~~4.6 Defences~~

~~It is a defence to a charge of an offence of contravening clause 3.2(1), if the owner charged satisfies the Court that at the material time some other person over the age of 18 years was the owner of the cat(s).~~

**IN ACCORDANCE WITH
UNDERTAKING POINT 1
18 NOVEMBER 2025 OMC**

4.7 Objections and appeals

- (1) Any person who is aggrieved by —
 - (a) the conditions imposed in relation to a permit;
 - (b) the refusal of the local government to grant a permit; or
 - (c) the revocation of a permit,

may object or appeal against the decision under Part 4, Division 5 of the Act.

SCHEDULE 1 – MODIFIED PENALTIES

Item No	Clause	Nature of Offence	Modified Penalty
1	2.1(1)	Cat causing a nuisance	\$300
2	2.1(2)&2.1(4)	Failure to comply with cat control notice	\$300
2	2.2(1)	Cat within prohibited area	\$300
3	3.2	Keeping more than prescribed number of cats without a permit	\$200
4	3.3	Establishing or operating a cattery or cat management facility without a permit	\$200
5	3.9	Breach of a condition of approval	\$200
6	3.10(2)	Failure to notify local government in writing of change in circumstances	\$150
66	3.13	Failure to produce permit to authorised person when demanded	\$150
		All other offences not specified	\$200

**IN ACCORDANCE WITH
 UNDERTAKING POINT 3
 18 NOVEMBER 2025 OMC**

SCHEDULE 2 – CAT PROHIBITED AREAS

#	Common Name	Lot Number/s	Location	Suburb
1	Tompkins Park	39, 150, 9789, 10774	642b Canning Highway	Alfred Cove
2	Goolugatup Heathcote Reserve	304, 15050	58 Duncraig Road	Applecross
3	Jeff Joseph Reserve	7840	The Strand	Applecross
4	Al Richardson Reserve	2186, 2187	20 Grimsay Road	Ardross
5	Alfred Cove Nature Reserve	9595, 9962, 11093, 10790	Burke Drive	Attadale
6	Attadale Reserve	301	51 Burke Drive	Attadale
7	Ern Stapleton Reserve	5557	22 Ormond Road	Attadale
8	Harry Sandon Park	2, 8550	34 Haig Road	Attadale
9	Troy Park	301	51 Burke Drive	Attadale
10	Wal Hughes Reserve	8720	8 Loyola Way	Attadale
11	George Welby Park	2986	90 Marsengo Road	Bateman
12	Tom Firth Park	3681	33 Parry Avenue	Bateman
13	Bicton Baths Reserve	13016	80 Blackwall Reach Parade	Bicton
14	Blackwall Reach Reserve	11240	5 Honour Avenue	Bicton
15	Point Walter Reserve	11241	Honour Avenue	Bicton
16	Bob Crawford Reserve	11	Clements Road	Booragoon
17	Booragoon Lake Reserve	2306, 1672	500 Leach Highway	Booragoon
18	Connelly Park	10354	32 Connelly Way	Booragoon
19	Harry Stickland Park	361, 2955	10 Neesham Street	Booragoon
20	Hatfield Park	2573	36 Hatfield Way	Booragoon
21	Ken Ingram Park	2699	18 Colleran Way	Booragoon
22	Len Shearer Reserve	2005, 2744, 2348	521 Marmion Street	Booragoon
23	Wireless Hill Park	12884, 2674, 2335	4 Almondbury Road	Booragoon
24	Alec Lambert Park	2319, 3459,	4 Freeth Court	Brentwood
25	Bateman Park	2322, 2337, 4977, 4978	Moonlight Cove	Brentwood
26	Thomas Middleton Park	1733, 1734	3 Pulo Road	Brentwood
27	Bob Gordon Reserve	2352	10 Benningfield Road	Bull Creek
28	Brockman Park	2435, 3869, 3827, 3812, 3796	50 Brockman Avenue	Bull Creek
29	Centennial Park	3073	Cnr Parry Avenue and Benningfield Road	Bull Creek
30	Elizabeth Manion Park	2873, 2960	31 Oberthur Crescent	Bull Creek
31	Reg Bourke Park	300	20 Camm Avenue	Bull Creek
32	Richard Lewis Park	2429, 2430	1 Bull Creek Drive	Bull Creek
33	Ron Carroll Reserve	2425	33 Bull Creek Drive	Bull Creek
34	Fred Johnson Park	2765	126 Darley Circle	Bull Creek
35	Trevor Gribble Park	3099	151 Parry Avenue	Bull Creek
36	Harold Field Reserve	2234	40 Ochiltree Way	Kardinya
37	Norm Godfrey Reserve	4212	42 Windelya Road	Kardinya
38	Red Gum Park West	4703, 500	16 Ellis Road	Kardinya
39	Beasley Park	501	14 Beasley Road	Leeming
40	Bill Brown Park	2563	1 Moyle Close	Leeming
41	Douglas Freeman Park	2874	44a Farrington Road	Leeming
42	Dudley Hartree Park	2823	14 Westall Terrace	Leeming
43	Harry Baker Park	2559	15 Hartfield Crescent	Leeming
44	John Connell Reserve	99, 300,	Dundee Street	Leeming
45	Ken Hurst Park	Lot 3 D 63916	Standard Guage Railway	Leeming
46	P J Hanley Park	562	6 Arvidson Court	Leeming
47	Peter Bosci Park	4114, 2830	21 Aulberry Parade	Leeming
48	Peter Ellis Reserve	3018	55 Farrington Road	Leeming
49	Phillip Jane Park	599, 608	37 Harrington Crescent	Leeming
50	Robert Weir Park	2927, 2735	18 Ramsdale Loop	Leeming

51	William Hall Park	2547	3 Irwin Street	Leeming
52	Bainton Park	485, 473	Bainton Road	Leeming
53	Art Wright Reserve	5699	244a Stock Road	Melville
54	Marmion Reserve	4,	440 Marmion Street	Melville
55	Olding Park	6677	2 Olding Way	Melville
56	Blue Gum Reserve	500, 488, 3451, 3423	25 Moolyeen Road	Mount Pleasant
57	Deep Water Point Reserve	11686, 3771	120 The Esplanade	Mount Pleasant
58	Mt Henry Bridge Reserve	3480	241 The Esplanade	Mount Pleasant
59	Reg Seal Reserve	1771, 1772	20 Darnell Avenue	Mount Pleasant
60	Quenda Wetlands	612	Murdoch Drive	Murdoch
61	Bill Sheehy Park	2727	51 McGregor Road	Palmyra
62	Arthur Kay Reserve	5831	1 Archibald Street	Willagee
63	Carawatha Park	8006	10 Archibald Street	Willagee
64	Piney Lakes Reserve	4768	555 Leach Highway	Winthrop

21 July 2025

The Common Seal of the
City of Melville was
affixed by authority of a
resolution of
the Council in the presence of:



A handwritten signature in black ink, appearing to read "K. Wheatland", written over a horizontal line.

Karen Wheatland
Deputy Mayor

A handwritten signature in black ink, appearing to read "G. Bowman", written over a horizontal line.

Gail Bowman
Chief Executive Officer