

CITY OF ARMADALE

AGENDA

OF COMMUNITY SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 8 JULY 2025 AT 7:00PM.

OFFICIAL OPENING & ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

Cr M Silver (Chair)
Cr P A Hetherington (Deputy Chair)
Cr K Busby
Cr K Kamdar
Cr J Keogh
Dr C M Wielinga

APOLOGIES:

Cr S Stoneham (Leave of Absence)
Cr S J Mosey (Leave of Absence) (Deputy to Cr Stoneham)

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public.

Minimum time to be provided – 15 minutes (unless not required)

Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>

It is also available in the public gallery.

The public's cooperation in this regard will be appreciated.

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 3 June 2025 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 9 – June 2025

If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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8 JULY 2025

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1.1 - PROPOSED AMENDMENTS TO POLICY - LEASE AND LICENCE

WARD : ALL

FILE No. : M/354/25

DATE : 20 June 2025

REF : AD/LA

RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- The current Policy - *Lease and Licence* was adopted in April 2021 (C9/4/21). Following a period of implementation, officers have investigated additional rental models reflecting a more balanced and equitable category that aligns with tenants' capacity to pay. The revised options were presented to Councillors at a Councillor workshop on 8 October 2024.
- A further report was presented to Councillors on 4 February 2025. The resolution was that Council refer to SOHAG before recommitting to the Community Services Committee meeting (C1/2/25).
- The report was presented on SOHAG on 19 May 2025, where it was recommended to be recommitted to Community Services Committee meeting along with a Communication Plan.
- Recommend that Council endorse the amended Policy – Lease and Licence.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

Strategic Community Plan 2020-2030

- 1.3 Community Facilities Meet Community Needs
 - 1.3.1 Ensure the equitable provision of Community Facilities throughout the City.
- 2.3 Functional, Inclusive and Sustainable Infrastructure
 - 2.3.5 The City maintains its operational infrastructure in the most cost effective manner to sustain service delivery.
- 4.3 Financial Sustainability
 - 4.3.1 Undertake strategic financial planning to ensure that appropriate services are effectively delivered, assets are efficiently managed and renewed, and funding strategies are equitable and responsible.

Legal Implications

The *Local Government Act 1995 Section 3.58* – Disposing of Property

Council Policy/Local Law Implications

Council Policy – *Lease and Licence*

Budget/Financial Implications

The revision of rent categories will lead to an increase in lease and licence rental income for the City.

Consultation

- 1. Elected Members
- 2. Relevant City Departments
 - a. Governance
 - b. Property Services
 - c. Communications and Marketing
- 3. Other Local Governments
 - a. City of Canning
 - b. City of Cockburn
 - c. City of Gosnells
 - d. City of Kwinana

BACKGROUND

The current Policy – *Lease and Licence* (the Policy) was adopted in April 2021 (C9/4/21). Following a period of implementation, officers have reviewed the current rent categories and investigated a more balanced and equitable model that is better aligned with the tenant's revenue and their ability to make increased contributions to the lifecycle costs of City facilities.

The current Policy's rental categories are demonstrated below:

Table 3 – Rent

Category	Annual Rent	Eligibility
Peppercorn rent	As determined annually in the City's Schedule of Fees and Charges	<p><u>Standard Peppercorn</u></p> <ul style="list-style-type: none"> Meets all relevant criteria in Table 1 and Table 2; Provides significant and extensive community benefit; Has limited revenue-raising ability (net cost of service); and Is run predominantly by volunteers. <p><u>Non-Standard Peppercorn</u></p> <ul style="list-style-type: none"> Building fully or substantially funded or constructed by the proposed Occupant
Subsidised rent	<ul style="list-style-type: none"> Community Facilities: \$20/m2 increasing in line with CPI Land: to be negotiated 	<ul style="list-style-type: none"> Meets all relevant criteria in Table 1 and Table 2 Is a grant funded organisation that receives funding to provide a community service or services Council has determined that the service or services being provided address priority needs in the proposed location
Commercial rent	Market value	Meets all relevant criteria in Table 1

City officers explored several scenarios to establish a discounted rent rate that aims to improve equitability for tenants whilst also recognising their ability to contribute to the ongoing lifecycle costs of facilities. This approach carefully considers factors such as revenue generation and the size and quality of the facility to ensure a balanced and consistent outcome. City officers propose a new subsidised rent category and sliding scale assessment model that takes into consideration these factors. The options in the table below were presented to Councillors at the Councillor Workshop on 8 October 2024.

Potential Model	Description	Determination
Option A – Subsidised Rent based on Market Valuation	A Market Valuation would be completed with a discount determined by annual revenue.	This option wasn't preferred as it required market valuations for all facilities which would result in an increase to cost and time delays incurred by the City. Additionally, gaining an accurate and fair market valuation is challenging as various City facilities are unique.

Potential Model	Description	Determination
Option B – Subsidised Rent based on Annual Revenue	Tenants would pay rent based on a percentage of their annual revenue. This percentage would increase the higher their revenue is, up to a maximum of \$100,000.	This option wasn't preferred as it would potentially penalise tenants with high revenue amounts occupying smaller spaces or lower quality buildings.
Option C – Subsidised Rent based on Facility Size	Tenants would pay rent based on their facility size. The rent amount would increase as the facility size increases.	This option wasn't preferred as it does not take into consideration the revenue generated by the tenant and they may be unable to afford the operating costs of occupying a larger facility combined with larger rent.
Option D – Subsidised Rent based on Annual Revenue, Facility Size and Quality	Tenants would pay rent based on a percentage of their annual income, facility size and facility quality.	This option is deemed the preferred model and will be discussed throughout the report.

At the Council Meeting on 10 February 2025, Council recommended to refer the proposed Policy to SOHAG before recommitting to the Community Services Committee meeting (C1/2/25). The proposed changes to the current Policy were presented to SOHAG on 19 May 2025 where it was discussed with the following recommendation:

1. *Refer the draft Lease and Licence Policy to the Community Services Committee for consideration and recommendation to Council.*
2. *Draft and attach a communications plan (including a strategy and response to community queries) to the draft Lease and Licence Policy Community Services Committee report, which outlines how the implementation of the Lease and Licence Policy will be supported.*

DETAILS OF PROPOSAL

This report aims to seek Council endorsement of the amended Policy - *Lease and Licence*.

Proposed Rent Category Amendment

City officers investigated the above rental model options to replace the annual rent for Community Facilities in the Subsidised Rent Category in the current Policy. Option D (Subsidised Rent based on Average Revenue, Facility Size and Quality) is preferred as the most balanced option, explained below, and captured in the proposed attached Appendix to the Policy.

Option D – Subsidised Rent based on Average Revenue, Facility Size and Quality

This option applies a 50% weighting to the following criteria:

1. Facility Size and Condition
 - a. Size – Size of the building in square meters.
 - b. Condition – quality of the building which is similar to the facility categories from the City's Schedule of Fees and Charges for facility hire.

Category 1	\$20/m ² per annum
Category 2	\$25/m ² per annum
Category 3	\$35/m ² per annum

2. Revenue
 - a. The percentage of rent applied incrementally increases as tenant revenue increases up to a maximum of \$99,999 as demonstrated in the table below. The maximum percentage of 7.25% applies to tenants whose revenue exceeds \$100,000.

Revenue	Percentage of Average (3 Years) Revenue
< \$29,999	Peppercorn Rent
\$30,000 - \$39,999	5.5% of average revenue
\$40,000 - \$49,999	5.75% of average revenue
\$50,000 - \$59,999	6% of average revenue
\$60,000 - \$69,999	6.25% of average revenue
\$70,000 - \$79,999	6.5% of average revenue
\$80,000 - \$89,999	6.75% of average revenue
\$90,000 - \$99,999	7% of average revenue
> \$100,000	7.25% of average revenue

Adjustments to Option D following the Councillor Workshop

There were three key adjustments to the rent model arising from the Councillor Workshop with all three captured in the proposed Appendix attached to this report:

- Raising the Minimum Income Threshold
 - The models presented at the workshop required tenants to generate a maximum of \$10,000 revenue to be eligible for the Peppercorn Rent category (in addition to other requirements as detailed in the Policy)
 - This would lead to several smaller community groups to be ineligible for Peppercorn Rent
 - Therefore, the maximum revenue amount to be considered for Peppercorn Rent was raised to \$29,999.
- Organisations who have local branches within the City
 - An issue was raised about how to best apply the rent model to organisations who have local branches within the City
 - For example, an organisation that generates significant income would result in the rent amount being extremely high. Some organisations operate out of several locations, including outside the boundaries of the City
 - A solution was suggested to charge these groups at Market Value.
- Small Facility Space
 - An issue was raised about how to charge tenants that generate large revenue however only occupy a small space (e.g. an office) which would result in tenants paying significant rent for a small space

- The solution discussed was to provide an overall rent discount (does not apply to Peppercorn Rent) based on facility size as per below:
 - Spaces less than 25m² would receive a 75% discount
 - Spaces between 26m² to 50m² would receive a 50% discount
 - Spaces between 51m² to 100m² would receive a 25% discount.

Proposed Wording Changes to Policy – Lease and Licence

The revised Policy, attached to this report, also contain three proposed minor word changes. These changes are reflective of the policy outcomes of the Councillor Workshop. The three minor changes ensure that a tenant's revenue is measured fairly across multiple years (and excluding capital grants), the new rent model is referenced, and that clarification is provided that tenants are assessed on their income generated rather than their profit. The proposed changes are highlighted in the table below:

Page	Current Wording	Proposed Wording
4	Evidence that the organisation capable of meeting financial obligations under an occupancy arrangement?	Evidence that the organisation is capable of meeting financial obligations under an occupancy arrangement by providing the three (3) previous financial year reports (for the purposes of assessment capital grant income is excluded).
5	Community Facilities: 20/m ² increasing in line with CPI.	Community Facilities: as detailed in the Appendix and increasing in line with CPI.
5/6	Has limited revenue-raising ability (net cost of service)	Has limited revenue-raising ability as per the Appendix.

Implementation based on the Councillor Workshop Discussions

At the Councillor workshop in October 2024 there were some considerations raised by Councillors which are captured in the table below:

Consideration	Suggested Solution
How are the facility categories determined?	Officers have reviewed the categories applied to exclusive use facilities and related these to the criteria for building classification in the City's Asset Management System.
How will the additional rental income received by the City be utilised?	Rental income contributes towards the maintenance costs of the facility. An increase in rental income will reduce the amount of municipal funds (generally sourced from rates) that are required to fund the gap between the operating cost and rental income. It is for the Council to then determine in its annual budget process. It is noted that over the past few years, municipal funding has increased, in response to escalating maintenance costs.

Consideration	Suggested Solution
Can Option D be incrementally implemented to allow for tenants to plan and adjust for potential increased rent amounts?	<p>As per Appendix, for newly negotiated agreements, officers with delegated authority will apply the following discounts to allow tenants to prepare for new rent amounts:</p> <ul style="list-style-type: none">• First Year – apply 75% discount• Second Year – apply 50% discount• Third Year – apply 25% discount• Full rent amount will be applied from the fourth year. <p>Option D will not be applied retrospectively to existing leases.</p>

Communications Plan

The proposed Policy was presented to SOHAG on 19 May 2025, where it was recommended to be referred to Community Services Committee Meeting with a communication plan (the plan). The plan has been developed in conjunction with the City's Communications and Engagement team and a Councillor Packet has been attached to this report. This details the objectives, timeline and key provisions of the targeted engagement.

COMMENT

Proposed Rent Category Amendment

Officers believe that the Subsidised Rent based on Average Revenue, Facility Size and Quality (Option D) is the most balanced and equitable option. Benefits include:

- Tenants will pay rent that is relevant to the quality of the building, the size of space occupied and their revenue generated. This offers a more equitable model compared to the current Policy's set rate of \$20m²
- Tenants who have demonstrated that they have a higher capacity to generate revenue, who are occupying large areas in high quality facilities will pay higher rent, therefore contributing equitably to the lifestyle costs of a public asset that is not available to the public to use due to being leased
- The facility quality rate and categories are similar to the facility categories that are outlined in the City's Schedule of Fees and Charges
- This option is consistent with current Policy's subsidised rent rate being rate per square meters, with the inclusion of assessing revenue and facility quality.

Tenant's Capacity to Pay

Majority of tenants who have exclusive use agreements for City facilities are currently paying Peppercorn Rent, regardless of ability to generate revenue, facility size or quality. Officers believe that most tenants are expecting that they will continue to be eligible for peppercorn rent when negotiating new agreements. The proposed revision to the rental categories and amendments to the Policy wording will likely result in a large number of tenants transitioning from paying peppercorn rent to paying subsidised rent. The incremental discounted implementation of the new rental amount, as detailed earlier in this report, will allow for tenants to prepare and adjust for any increased rent amounts.

OPTIONS

Option 1: Endorse the amended Policy – *Lease and Licence*.

Option 2: Do not endorse the changes to the Policy – *Lease and Licence*.

CONCLUSION

A new subsidised rent model has been proposed to replace the current annual rent for Community Facilities in the Subsidised Rent Category. The proposed model aims to ensure a more balanced and equitable approach in calculating rental amounts whilst also considering tenants' capacity to contribute to the ongoing lifecycle costs of facilities.

RECOMMEND

That Council endorse the amended Policy – *Lease and Licence*.

ATTACHMENTS

1. [↓](#) Draft Policy – Lease and Licence
2. Confidential Attachment - Executive Summary - Lease + Licence Policy - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale*

****1.2 - ARMADALE UNIVERSITY STUDY HUB**

WARD : ALL

FILE No. : M/403/25

DATE : 26 June 2025

REF : TC/AO

RESPONSIBLE : Executive Director
MANAGER Corporate Services

In Brief:

- Contract RFQ-5-2024 was awarded for the refurbishment of Upper 145 Jull Street to deliver the Armadale University Study Hub.
- Refurbishment works commenced in early 2025.
- The current project budget for building works is \$1.14M including the fit out, asbestos removal, installation of a universal accessible toilet and access upgrades to meet BCA and DDA standards.
- Recently, latent building conditions identified during demolition require a budget variation of \$930,000 (\$845,000 + \$85,000 contingency) to complete essential remediation works.

Recommend that Council:

- Approve a budget amendment to allocate additional funding from the Asset Renewal Reserve (\$775,000) and municipal funds (\$155,000).

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

The subject of this report has impact on the following objectives in the Strategic Community Plan 2020–2030:

3.1.6 Increase private sector investment in the Armadale Strategic Metropolitan Centre

3.1.6.2: Continue to seek opportunities to attract a university presence in the City Centre including being an access hub for online students.

3.1.7 Utilise the City’s landholdings to stimulate private sector investment, job creation, and education opportunities

3.1.7.3 Progress feasibility, land assembly and designs to support Civic Precinct development.

3.1.8 Advocate for government investment and strategic partnerships

3.1.8.2 Develop partnerships with State and Federal entities to support strategic investment.

This initiative also directly supports the CEO Key Performance Indicator (KPI) for 2024–2025:

“Subject to securing Federal Government funding, establish the Armadale University Study Hub on 145 Jull Street by June 2025.”

Aligned to the Civic Precinct development and the City’s strategic use of land assets, enabling short- to medium-term activation while long-term redevelopment planning progresses.

Acts as a catalyst for broader strategic asset reinvestment, enabling the City to extend the life of Upper 145 Jull Street as a bridge to future Civic Precinct outcomes.

Legal Implications

Nil

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The current approved project budget for the refurbishment works is \$1.14M. This includes:

- \$292,510 for upgrade capital works (flooring, ICT, security, internal fit-out)
- \$847,000 to address building compliance and make safe works, including:
 - Asbestos removal, certification, and reinstatement works
 - Installation of a compliant universal accessible toilet
 - Access upgrades to meet Building Code of Australia (BCA) and Disability Discrimination Act (DDA) standards

This report seeks a further \$930,000 for structural and building renewal works, which have been identified through further intrusive inspections, which were only able to be undertaken following the safe removal of asbestos from the building roof space.

These works include:

- Ceiling structure reinforcement
- Additional asbestos removal from previously inaccessible areas
- Full HVAC system replacement for the condenser units that service upper 145 Jull Street
- Modifications to the window glazing
- Associated project delivery and administration costs required to implement these works safely and efficiently (the City has engaged a short term project manager overseeing this project)
- Project contingency to manage potential cost variations arising from latent conditions, final design resolutions, or current market pricing differentials.

The completion of these works will extend the useful life of the building for the next ten years.

This report proposes that funding be sourced from:

- \$775,000 from the Asset Renewal Reserve (for eligible lifecycle works associated with asset renewal); and
- \$155,000 from municipal reserves (for non-renewal eligible asbestos remediation and contingency)

Consultation

1. City of Armadale Executive Leadership Team
2. Department of Education

BACKGROUND

The Armadale Suburban University Study Hub

In May 2024, the Federal Department of Education announced the Suburban University Study Hubs (SUSH) program, providing funding for 10 new hubs nationwide. The City submitted an application in July 2024 and was formally advised of its success in October 2024, securing both capital and operational funding to establish a Study Hub at Upper 145 Jull Street.

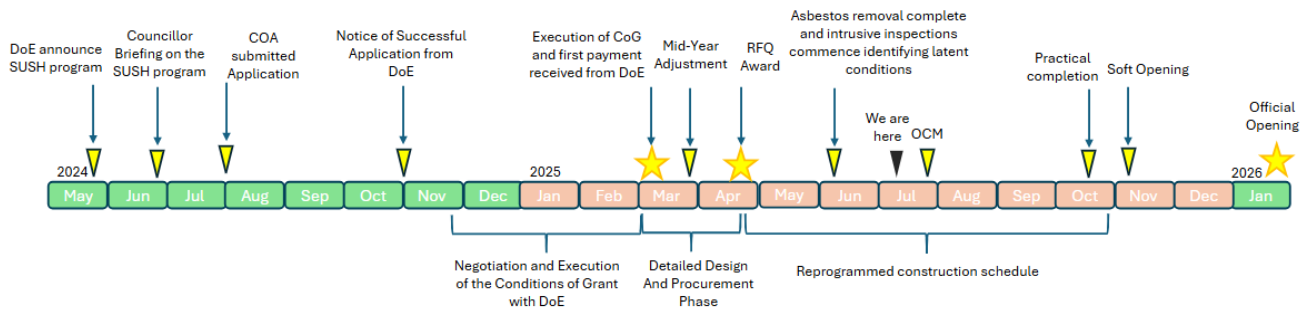
The Study Hub design includes quiet zones, academic support, high-speed internet, wellbeing services, and universal design features such as accessible entries, flexible layouts, sensory-friendly areas, and UATs.

The Study Hub is fully funded for operations through mid-2027 under the Federal grant, ensuring delivery of community-focused student services without further municipal impact. It also satisfies a key CEO Key Performance Indicator for 2024–2025:

“Subject to securing Federal Government funding, establish the Armadale University Study Hub on 145 Jull Street by June 2025.”

The project reflects a long-standing goal to establish higher education access in Armadale. A 2021 internal memo confirmed a university campus was unlikely and recommended pursuing the Federal Government’s Regional University Centre model. This approach ultimately shaped the City’s successful grant application.

A Councillor briefing on 18 June 2024 outlined the funding model, strategic alignment, and long-term community benefits of the Study Hub initiative.



145 Jull Street

145 Jull Street was originally constructed in 1965 as the City's Council Chambers. Comprising of both upper and lower floor areas, the upper portion was later leased to the Department of Training (as the Swan TAFE – Armadale Annexe), with the lower area remaining for City use.

In July 2024, the Department of Training vacated their leased premises at Upper 145 Jull Street and relocated to new premises on Church Avenue. This created a timely and strategic opportunity for the City to repurpose the site in alignment with its Civic Precinct vision, activating a key asset and progressing long-standing aspirations to bring higher education access to the Armadale Strategic Metropolitan Centre.

Building Classification

As part of initial SUSH project planning, the City undertook a detailed review of historical records and upgrade documentation. These confirmed the building's classification as Class 5 (office use), which required a reclassification to Class 9b (assembly/education use) under the Building Code of Australia. Minor works are required to obtain the Class 9b classification, which are incorporated in the scope of works.

Building Works

Following receipt of the draft Conditions of Grant in November 2024, the City finalised internal risk assessments and formally executed the agreement in February 2025. In parallel, technical investigations identified a range of compliance issues and latent risks. The City scoped works to upgrade access, amenities, and energy performance, including:

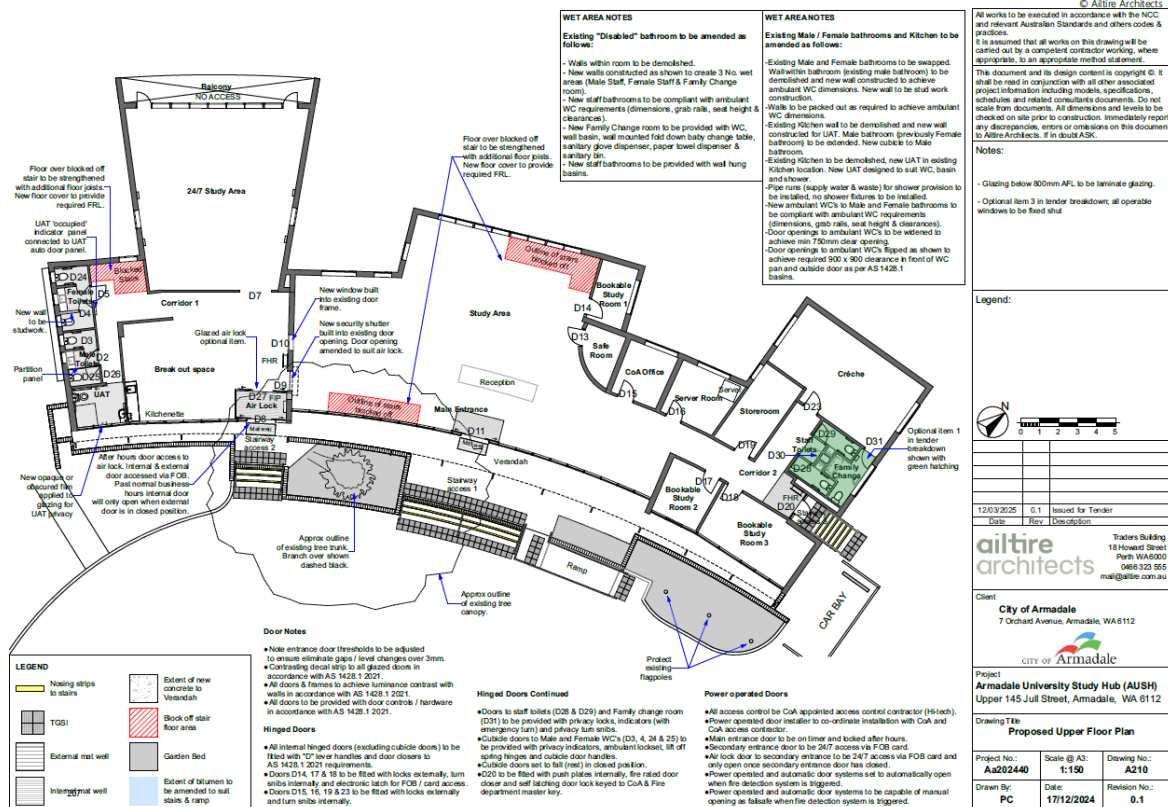
- Asbestos removal, certification, and reinstatement works
- Installation of a compliant universal accessible toilet
- Access upgrades to meet BCA and DDA standards.

These upgrades extended the building's useful life by approximately 10 years while ensuring legal and regulatory compliance.

Refurbishment subsequently commenced under Contract RFQ 5-2025, valued at \$975,802.84, to deliver a modern, inclusive facility supporting local access to higher education.

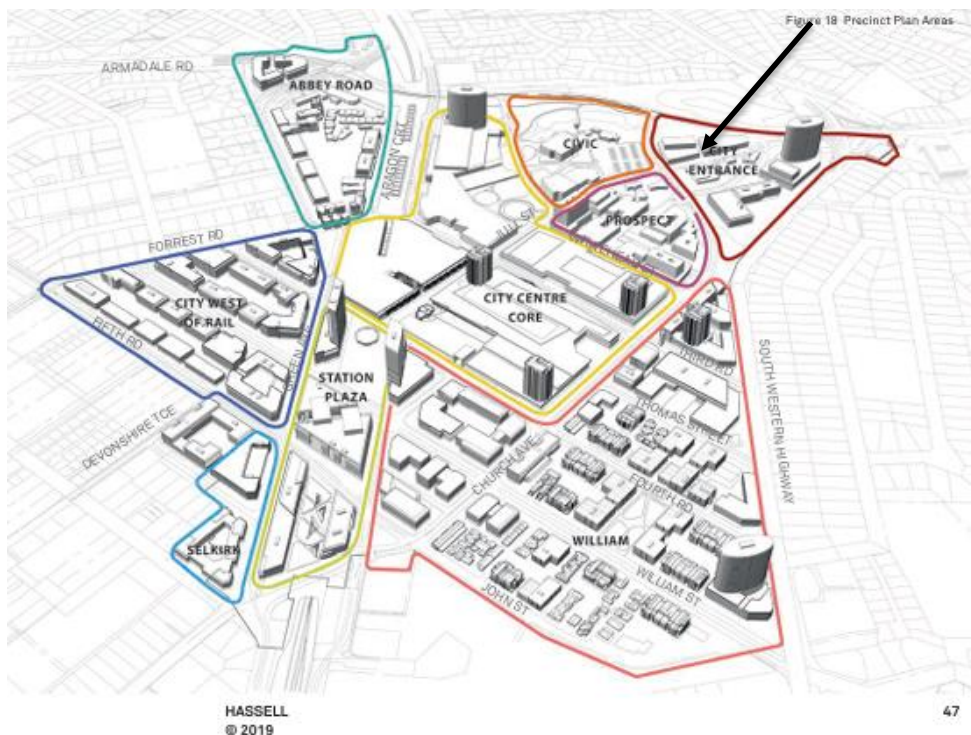
At the time of project's initiation, the proposed works were based on preliminary advice regarding the building's condition, the likely impact of asbestos, and the expected compliance requirements under current building standards. As the premises was under a lease to the Department of Training to July 2024, the City had limited access and was not able to

undertake the intrusive investigations that have ultimately revealed the further works required.



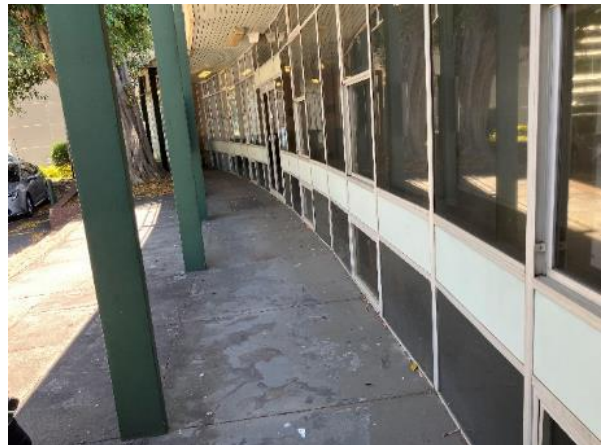
The Civic Precinct Concept and Business Case

This site of 145 Jull Street sits within the Civic Precinct – one of nine (9) key precincts in the Armadale Strategic Metropolitan Centre Structure Plan.



Further investment in 145 Jull Street has been contingent on the future planning of the Civic Precinct, of which this site is a key node. A business case for the Civic Precinct is currently being developed, which has involved a number of Councillor workshops this year regarding the concepts. At this stage, it is likely that future investment in a new landmark building in this particular node of the Precinct (known as Node B), will not occur for at least ten years. As such, further investment in 145 Jull Street can now be amortised over a ten year period.

The building holds local heritage value, having served as the City's original Council Chambers. In particular, the buildings southern facing façade has been identified as having particular importance and relevance to the heritage value – an issue discussed in recent Civic Precinct concept workshops with Councillors.



DETAILS OF PROPOSAL

During demolition, latent conditions have been uncovered, including additional asbestos, HVAC failure, and structural limitations. The conditions are typical of a building designed and constructed 60 years ago.

A project budget variation of \$930,000 (\$845,000 + \$85,000 contingency) is required to complete refurbishment works at Upper 145 Jull Street, following the identification of these latent building conditions.

The proposed variation includes:

- Ceiling structure reinforcement
- Additional asbestos removal from previously inaccessible areas
- Full HVAC system replacement for the condenser units that service upper 145 Jull Street
- Modifications to the window glazing
- Associated project delivery and administration costs required to implement these works safely and efficiently (the City has engaged a short term project manager overseeing this project).

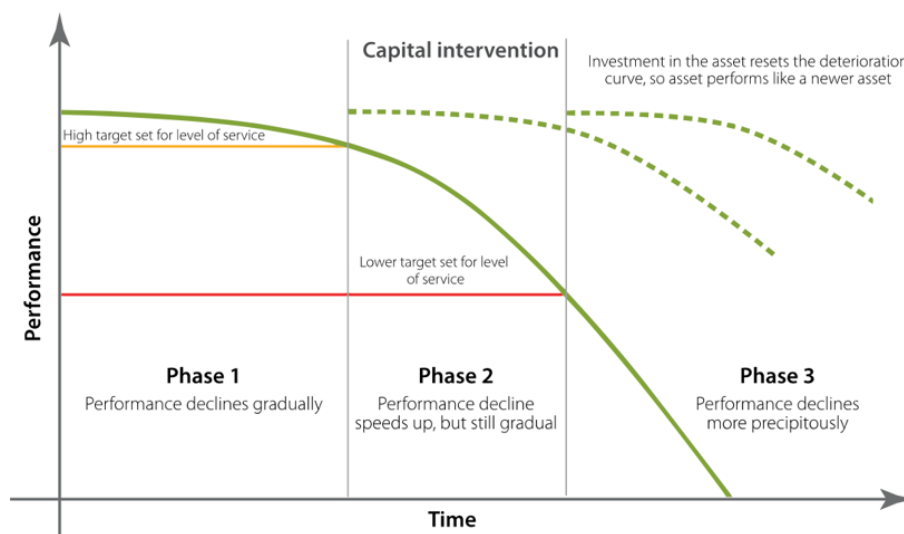
An amount of \$85,000 will be held by the City as project contingency to manage potential cost variations associated with latent conditions or market-based pricing differentials.

Following internal consultation a funding strategy is proposed:

- \$775,000 from the Asset Renewal Reserve, allocated to eligible lifecycle works (HVAC, glazing, and structure); and
- \$155,000 from municipal reserves for asbestos remediation, related reinstatement, and project contingency which is not eligible under asset renewal criteria.

Continued civic use through the Study Hub allows the City to extract value from the asset while avoiding further deterioration or vacancy-related costs. The investment extends the useful life for ten years and also offsets the opportunity cost of holding the site until the broader Civic Precinct vision is realised.

Investment in intervention to extend asset life



Asset Performance Over Time

Image Credit: UN Asset Management Pocket Guide

Armada SUSH Contingency

In parallel with the variation process, the City is actively investigating temporary accommodation options for the Study Hub, likely within the Armadale Library. This interim arrangement is being explored in consultation with the Department of Education to support grant deliverables and minimise disruption to service commencement arising from latent condition delays. There will be minimal cost with the temporary arrangements whilst building works at 145 Jull Street are completed.

Lower 145

This report centres on works required for Upper 145 Jull Street. Further assessment of the Lower 145 portion of the building will be required to determine its condition, use potential, and long-term return on investment. Lower 145 comprises approximately 1,300m² of office space. These considerations will be brought to Council in due course.

Lower 145 (1,310m²)



OPTIONS

Option 1: Approve the Funding and Proceed with Study Hub Delivery (Preferred Option)

Under this option, the City proceeds with the Study Hub project at Upper 145 Jull Street as originally scoped, using a mixed funding model to complete the required variation works.

These works include:

- Ceiling structure reinforcement
- Additional asbestos removal from previously inaccessible areas
- Full HVAC system replacement for the condenser units that service upper 145 Jull Street
- Modifications to the window glazing
- Associated project delivery and administration costs required to implement these works safely and efficiently (the City has engaged a short term project manager overseeing this project)
- Project contingency to manage potential cost variations arising from latent conditions, final design resolutions, or current market pricing differentials.

Funding:

- **\$775,000** allocated from the Asset Renewal Reserve for HVAC, glazing, and structural works (eligible lifecycle upgrades)
- **\$155,000** allocated from municipal reserves for asbestos-related works and project contingency (not eligible under asset renewal criteria).

The Study Hub will remain at Upper 145 Jull Street, consistent with the approved funding application and executed Conditions of Grant. This approach ensures the project is completed in line with its original scope and supports the full delivery of a safe, accessible, and operational facility by mid-2025.

Strategic and Community Alignment:

- Retains and fully acquits the Federal grant
- Delivers on the City's commitment to establishing a higher education presence in the district, aligned to the Strategic Community Plan and the CEO KPI for 2024–2025
- Demonstrates responsible grant stewardship and enhances the City's reputation with the Department of Education, future education partners, and the community
- Aligns with the City's strategic asset management planning, extending the life of Upper 145 Jull Street by approximately 10 years and deferring the need for additional infrastructure investment in the short term.

Potential Impacts:

- Short-term administrative requirements, including formal delay notifications and variation approvals
- Need for close coordination with the contractor and consultants to maintain project momentum and minimise risk of cost escalation
- Investigation of a temporary Study Hub location within the Civic area of Armadale, using City-owned or City-leased facilities, including options such as the Armadale Library, to maintain service continuity during construction delays and support compliance with grant obligations
- Preservation of long-term educational, economic, and community benefits through successful delivery of a regionally significant facility
- Avoidance of reputational, financial, and operational risks associated with partial or non-delivery.

Option 2: Fund Variation, Relocate Study Hub, and Repurpose Upper 145 Jull Street

Under this option, the City proceeds with the required variation works using the same model as outlined in Option 1:

- \$775,000 allocated from the Asset Renewal Reserve for HVAC, glazing, and structural lifecycle works
- \$155,000 allocated from municipal reserves for asbestos-related remediation, reinstatement and contingency.

Following refurbishment, the City would identify an alternative location to house the Study Hub and explore future use opportunities for Upper 145 Jull Street. This may involve interim civic or commercial use or holding the asset as part of the broader Civic Precinct strategy.

This option represents a significant departure from the approved funding application and would constitute a major variation under the Conditions of Grant. Formal negotiations with the Department of Education would be required to amend project deliverables and location.

Strategic and Contractual Risks:

- Contractual risks due to potential breach of grant conditions:
 - Permits the Department to recover funds if not used in accordance with the agreement
 - Requires that the Study Hub remain operational at the approved site until at least 30 June 2027
 - Enables the Department to intervene in cases of non-performance
- Likely to trigger a formal variation process, with possible repayment of partial or full grant funding

- May compromise the City's reputation with State and Federal funding bodies and reduce future grant competitiveness.

Potential Impacts:

- Increased administrative and legal overhead due to renegotiation of the funding agreement
- Delays in service commencement and access for students, with uncertainty regarding location and delivery timeline
- Confusion or dissatisfaction among stakeholders and the community due to changes to the original project scope
- Undermines Civic Precinct momentum, as Upper 145 Jull Street was identified for activation within the 10-year redevelopment horizon
- If Council elects not to deliver the Study Hub at Upper 145 Jull Street, the City would need to investigate alternative permanent locations within the Civic area, including leasing options such as the Armadale Shopping Centre. This would involve additional negotiation, capital fit-out, and coordination with the Department of Education to ensure service continuity and compliance with grant obligations.

Option 3: Do Not Proceed with Study Hub, Return Funding, and Repurpose Upper 145 Jull Street

Under this option, the City would complete the variation works using the same mixed funding model (\$775,000 asset renewal + \$155,000 municipal reserve), but formally withdraw from the Study Hub initiative, return all Federal grant funds, and consider alternative civic or commercial uses for the refurbished building.

This option is not recommended due to its significant legal, reputational, and strategic risks. It effectively reverses the City's long-standing advocacy for tertiary education access in Armadale, as outlined in the Strategic Community Plan, Corporate Business Plan, and metropolitan centre structure planning.

Contractual and Strategic Risks:

- Requires full repayment of the \$1.67 million grant under the Conditions of Grant
- Constitutes a major variation and breach of grant terms without Department approval
- May trigger intervention or enforcement provisions under the agreement
- Reverses progress on strategic education outcomes and the Civic Precinct vision.

Potential Impacts:

- Permanent loss of Study Hub services and regional education access
- Long-term reputational damage with the community, universities and Federal Government
- Missed opportunity to deliver on CEO KPIs and Strategic Community Plan goals
- Alternative leasing may provide partial revenue but does not deliver comparable public value.

Note: This option is presented for completeness but is not being explored further due to the high contractual, reputational, and strategic consequences.

CONCLUSION

The Armadale University Study Hub is a strategically significant initiative for the City. It is not simply a facility fit-out, but a key enabler that supports long-term community, education, and place activation objectives. The project improves access to higher education, activates the City Centre, and strengthens the City's capacity to deliver externally funded infrastructure and services.

The proposed variation works are essential for occupancy. They are required to meet building and accessibility compliance standards, and include critical upgrades to HVAC systems, structural integrity, glazing performance, and asbestos remediation. These works are necessary to deliver a safe, accessible and operational facility that meets both community expectations and the City's obligations under the Federal grant agreement.

This investment also aligns with the City's asset management approach. It enables a targeted intervention that resets the deterioration curve for Upper 145 Jull Street, extends the life of the building by approximately ten years, and provides a transitional bridge while longer-term plans for the Civic Precinct are finalised.

The Study Hub project has served as a catalyst for this broader strategic renewal. It supports the City's Strategic Community Plan and contributes to the CEO Key Performance Indicator for 2024–2025 by advancing education access within the district.

This investment preserves the City's ability to meet its contractual obligations under the Suburban University Study Hubs grant agreement. It also reduces the risk of reputational damage, service delays, or funding recovery. Without this intervention, the City would be unable to deliver the Study Hub as committed, and the opportunity to provide higher education access in the district would be significantly diminished.

By endorsing the recommended funding model, Council can preserve the full value of the \$1.67 million Federal grant, deliver a high-quality service to the community, and demonstrate the City's continued leadership in strategic investment, responsible asset planning and intergovernmental partnership.

RECOMMEND

That Council:

- 1. Approve an amendment to the project budget to allocate an additional \$930,000 for the Armadale University Study Hub refurbishment project at Upper 145 Jull Street, funded as follows:**
- 2. Increase the Armadale SUSH Capital Works by \$930,000, from \$1,140,000 to \$2,070,000 in the FY25/26 Annual Budget.**
- 3. Increase the transfer from Asset Renewal Reserve by \$775,000; and allocate \$155,000 from Municipal Funds from the Civic Buildings Capital Budget, in the FY25/26 Annual Budget.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

ATTACHMENTS

There are no attachments for this report.

***2.1 - FIREWORKS EVENT NOTICE APPLICATIONS - CARDILE INTERNATIONAL
FIREWORKS PTY LTD***

WARD : MINNAWARRA
RIVER
FILE No. : M/334/25
DATE : 20 June 2025
REF : RP
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- *Fireworks Event Notice* applications have been received from Cardile International Fireworks Pty Ltd for the purpose of firework displays at the 2025 Kelmscott Agricultural Show and the 2026 Australia Day Celebrations.
- Legal advice has confirmed that the approval of the permits cannot be delegated to the Chief Executive Officer (CEO) and must be determined by Council.
- This report recommends that Council approve the Department of Mines, Industry Regulation and Safety *Fireworks Event Notice* applications for the firework displays on 17 October 2025 and the 26 January 2026 respectively and authorise the CEO to sign and issue the Notices accordingly.

Tabled Items

Department of Mines, Industry Regulation and Safety '*Fireworks Event Notice*' – Kelmscott Agricultural Show

Department of Mines, Industry Regulation and Safety '*Fireworks Event Notice*' – City of Armadale Australia Day Celebrations

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☒ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

1.1: Foster and Strengthen Community Spirit

- 1.1.1 Facilitate a dynamic calendar of events, festivals and cultural activities that activate suburbs, foster community connections, celebrate the diversity of the community and encourage a sense of place for residents.
- 4.1 Strategic Leadership and Effective Management
 - 4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes.

Legal Implications

Assessment of legislation indicates that the following is applicable:

- *Local Government Act 1995*
- *Dangerous Goods Safety Act 2004*
- *Dangerous Goods Safety (Explosives) Regulations 2007*

Council Policy/Local Law Implications

General assessment indicates Policy ENG 8 – Fireworks is applicable

Budget/Financial Implications

The adoption of the recommendation contained in this report has no financial implication.

Consultation

- Inter Directorate
- Kott Gunning Lawyers

BACKGROUND

Correspondence was received from Cardile International Fireworks Pty Ltd on 13 February 2025 seeking endorsement of a Department of Mines, Industry Regulation and Safety *'Fireworks Event Notice'* for a fireworks display at the 2025 Kelmscott Agricultural Show, held at Rushton Park Kelmscott, on the 17 October 2025.

Further correspondence was received on 2 May 2025 seeking endorsement of another Department of Mines, Industry Regulation and Safety *'Fireworks Event Notice'* for the fireworks display at the 2026 City of Armadale Australia Day Celebrations, held at the City of Armadale Administration Centre Precinct, Orchard Avenue Armadale, on the 26 January 2026.

The City is familiar with the applicant and their business, having previously approved multiple applications to allow the applicant to carry out fireworks displays for the annual Kelmscott Agricultural Show and Australia Day Celebration events.

COMMENT

Previous legal advice has confirmed that there is no power for the Local Government to delegate approval of fireworks applications from Council to the Chief Executive Officer under the *Dangerous Goods Safety Act 2004*.

CONCLUSION

It is recommended that Council approve the *Fireworks Event Notice* applications and authorise the CEO to sign the permits to be issued to the applicant accordingly.

RECOMMEND

That Council:

1. **Approve the Department of Mines, Industry Regulation and Safety ‘Fireworks Event Notice’ applications as per the confidential attachments, and;**
2. **Authorise the CEO to sign and issue the Notices as attached.**

ATTACHMENTS

1. DMIRS - Fireworks Event Notice - Kelmscott Agricultural Show - 17 October 2025 - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*
2. DMIRS - Fireworks Event Notice - Australia Day Fireworks - 26 January 2026 - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*

2.2 - CAT LOCAL LAW 2024 - CORRESPONDENCE FROM THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

WARD : ALL
FILE No. : M/404/25
DATE : 26 June 2025
REF : RP/DB
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- Correspondence has been received from the Joint Standing Committee on Delegated Legislation requesting undertakings from Council to amend the *Cat Local Law 2024* where it conflicts with the *Cat Act 2011*.
- Recommend that Council provides the undertakings so that other important cat management compliance and enforcement provisions within the local law can remain available.

Tabled Items

Nil

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

The following goals from the Strategic Community Plan 2020 – 2030 are relevant;

Aspiration – Community

Outcome 1.2 Improve Community Wellbeing Objective

Objective 1.2.1 Advocate for the delivery of services and programs as well as increased resources to contribute to improvements in community safety.

Aspiration – Environment

Outcome 2.1 Conservation and restoration of the natural environment

Objective 2.1.7 Biodiversity is managed to preserve and improve ecosystem health

Aspiration 4 - Leadership

Outcome 4.1 Strategic Leadership and Effective Management

Objective 4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision-making processes.

Legal Implications

The Joint Standing Committee for Delegated Legislation (JSCDL) has reviewed the City's Cat Local Law 2024 and has decided that it conflicts with the *Cat Act 2011*. As a consequence, the JSCDL has requested an undertaking from Council that it will amend the local law to remove the extent of the conflict.

A local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. A local government may make local laws relating to cats as detailed in Section 79 of the *Cat Act 2011*.

As part of the local law making process, the local government is required to provide the gazetted version of the local law and supporting information to Parliament for review by the JSCDL in accordance with Directions of the Minister for Local Government.

The JSCDL is required to recommend disallowance to Parliament if a local law is beyond lawful power or infringes the JSCDL's terms of reference, in accordance with section 42 of the *Interpretation Act 1984*.

Correspondence from the JSCDL is confidential and subject to Parliamentary Privilege under the *Parliamentary Privileges Act 1891*. If Council wishes to discuss the contents of the **CONFIDENTIAL attachment**, it will be required close the meeting to members of the public.

Council Policy/Local Law Implications

The recommendation before Council will require Council to engage with the local law amendment process for future amendment of the Cat Local Law 2024.

Budget/Financial Implications

There will be future costs for advertising of an amendment Local Law to give effect to JSCDL undertakings should the recommendation be supported. This can be accommodated within existing budget provisions.

Consultation

1. City Legal (internal)
2. Executive Leadership Team

BACKGROUND

At the Ordinary Council meeting on 24 April 2023 Council resolved to support a draft Cat Local Law being advertised for public notice in accordance with the *Local Government Act 1995* (C8/4/23).

That Council:

1. *Endorses Option 3 with the additional bushland areas as attached added to Schedule 3 as cat prohibited areas, and an amendment to the number of cats to be kept as four without a permit, as its preferred model of a proposed cat local law;*
2. *In accordance with section 3.12(3)(a) of the Local Government Act 1995, give local public notice of the proposed draft cat local law with the purpose and effect of the proposed local law to be summarised in the notice;*
3. *Note that any public and Ministerial responses will be reported to Council for consideration prior to making of the local law and publication in the Government Gazette; and*
4. *Authorise the CEO to undertake necessary administrative actions in order to give effect to (1) above.*
5. *Authorise the CEO to write to Minister John Carey and the Department of Local Government, Sport and Cultural Industries seeking immediate action to amend the State Cat Act 2011 to include the confinement of cats to premises.*

MOTION not opposed, DECLARED CARRIED

(11/0)

At the Ordinary Council meeting on the 16 December 2024 Council subsequently resolved to adopt the draft Cat Local Law (C3/12/24).

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995 and section 79(1) of the Cat Act 2011, make the Cat Local Law 2024 as attached to this report.*
2. *Authorise the Chief Executive Officer to –*
 - (a) *pursuant to section 3.12(5) of the Act, give a copy of the Cat Local Law 2024 to the Minister for Local Government, and publish the Cat Local Law 2024 in the Government Gazette;*
 - b) *pursuant to section 3.12(6) of the Act, give local public notice, with the purpose and the effect of the Cat Local Law 2024 summarised in the notice, specifying the date on which the Cat Local Law 2024 comes into operation, and where it may be viewed by the public; and*
 - c) *pursuant to section 3.12(7) of the Act, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies of the Cat Local Law 2024 and any other materials required, to the Clerk of the Joint Standing Committee on Delegated Legislation.*

*MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL*

12/0

The Cat Local Law 2024 (the Local Law) was published in the Government Gazette on 22 January 2025 (No. 8 of 2025 – Special) and took effect on the 5 February 2025.

DETAILS OF PROPOSAL

The JSCDL wrote to the City on 23 June 2025 regarding the Cat Local Law. The JSCDL have requested the following undertakings from the City:

1. *within 6 months amend the local law as follows:*
 - a) *delete the definition of 'effective control' in clause 1.4*
 - b) *delete clause 2.2*
 - c) *amend clauses 2.4(1) and (2) as follows:*
 - (1) *The owner of a cat, ~~or any other person responsible for a cat,~~ shall not allow the cat to create a nuisance.*
 - (2) *Where a cat is creating a nuisance, the local government may give a Notice to the owner of the cat ~~or any other person in control of the cat,~~ requiring that person to abate the nuisance.*
 - d) *amend clause 4.2(2)(c) by deleting the phrase 'veterinary clinic or veterinary hospital as defined under section 2 of the Veterinary Surgeons Act 1960' and replacing it with the equivalent places and definitions in the Veterinary Practice Act 2021*
 - e) *amend clause 4.4(g) as follows:*
 - (g) *accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to ~~maintain effective control of the cats and ensure their~~ the health and welfare of the cats.*
 - f) *delete clause 4.8(1)(a)*
 - g) *delete clause 4.8(1)(f)*
 - h) *amend clause 8.2(1) by replacing the reference to section 84[sic 81] with a reference to section 62*
 - i) *delete Schedule 2, item 2*
 - j) *make all consequential amendments arising from the above amendments.*
2. *not enforce the local law to the contrary before it is amended in accordance with undertaking 1*
3. *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.*

The undertakings should be given in the form of a letter signed by the Mayor, not the Chief Executive Officer or other officer of the City of Armadale. This is because, pursuant to section 2.8(1)(d) of the Local Government Act 1995, the 'Mayor or President speaks on behalf of the local government' to the Parliament of Western Australia.

The correspondence from the Clerk of the JSCDL notes that the undertaking is the preferred method of correcting a local law that is reasonably able to continue having legal effect, rather than disallowing the local law in its entirety due to a fundamental flaw that is core to the operation of the local law.

Should a local government fail, or refuse to provide an undertaking to amend a local law, the likely outcome is that a disallowance motion will be moved in the Legislative Council (Parliamentary upper house), which will have the effect of repealing the entire local law.

COMMENT

The JSCDL is a parliamentary committee that reviews delegated legislation, including local laws, on behalf of the Parliament of Western Australia.

Under section 42 of the *Interpretation Act 1984* certain subsidiary legislation, including local laws [s.42(8)(b)] are to be tabled in both Houses of Parliament within six sitting days of its publication in the Government Gazette or on the Western Australian legislation website.

Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration. The JSCDL terms of reference is to ensure that delegated legislation;

- (a) is within the power granted by the parent Act;
- (b) has no unintended effect on any person's existing rights or interests;
- (c) provides an effective mechanism for the review of administrative decisions; and
- (d) contains only matter that is appropriate for subsidiary legislation.

Where the JSCDL finds that a local law offends one or more of its terms of reference, it will usually seek a written undertaking from the local government to amend or repeal the instrument in question.

Undertakings represent commitments made by local governments, government departments or agencies to the Committee that certain actions will be completed within a certain time frame.

It should be noted that an undertaking does not require the local government to abandon its local law and start over. The JSCDL has requested an undertaking from Council that the local law will not be enforced in a manner contrary to the undertaking; and that Council agrees to amend the local law in the manner specified by the JSCDL.

Regrettably the City will still be required to go through a local law amendment process in accordance with the Act. However, much work typically involved with a local law amendment may be truncated as there is no drafting or internal consultation to be done – the City is limited to what the JSCDL requires – there is no capacity to deviate from that.

It is likely the City will be unable to meet the requirement to amend the Cat Local Law within six months. In accordance with sections 1.4A and 3.73 of the *Local Government Act 1995*, the City is subject to the caretaker provisions of the Act that have effect this year due to local government elections (18 October 2025).

Pursuant to s. 3.73(1)(a) of the Act the local government is prohibited from “...*making a local law to amend or repeal a local law...*” within the caretaker period.

For all practical purposes, for the City the caretaker period means that there is a block out period of two months where the local law will be unable to be dealt with by Council due to the dates of the City's Council meetings within the caretaker period. This concern was communicated to the Clerk of the JSCDL on the 26 June 2025 along with a request for an extension to the six-month period.

On the 30 June 2025 a response was received back from the JSCDL providing a two-month extension, that is, the undertakings must now be satisfied within eight months.

Officers have made no attempt to question or dispute the views of the JSCDL directly with the Clerk of the JSCDL. There is no clear or apparent method for the City to appeal or object to the JSCDL decision.

It is important that the City is not perceived as engaging in an act of 'civil disobedience' like other local governments by refusing to give the undertaking or amend the local law as requested. This will be perceived poorly by the community and the Minister for Local Government who expect the City will act responsibly and in accordance with the law.

Council is of course free to express its views with the current mechanism provided by the *Cat Act 2011* with the Minister for Local Government, and the views of the JSCDL. These views were highlighted in previous reports to Council for the Local Law. The complaints of the sector in these respects have been expressed for a number of years, yet nothing has been done by the DLGSC and successive Ministers to implement the findings of the 2019 Statutory Review of the Cat Act to address the fundamental premise that is the core grievance of the local government sector: the Cat Act is not meeting the needs of communities that expect a mechanism to require the containment of cats.

In addition, it is concerning the JSCDL is basing its decision on grounds that do not have a clear legal foundation. This was raised in the report to Council on 16 December 2024 when Council made the Local Law (C3/12/24):

"In its 2021 Annual Report, the JSC reported on its examination of the Town of Bassendean's proposed cat control local law, which at the time, contained a clause broadly similar to that proposed by the City (clause 2.2 Cats in places that are not public).

In that case, the JSC stated –

- "4.11 This clause operated so that a cat owner would have to effectively confine their cat(s) to their property to avoid committing an offence. This is because:*
- if not confined, given their range, it is very likely cats will stroll onto other private property.*
 - it is impracticable to obtain consent from every private property owner in the district or even in close vicinity to the cat owner, making consent illusory.*
- 4.12 **The Cat Act 2011 allows cats to be in public places unless they are not complying with the Act, including those requiring registration or sterilisation.**"*
(emphasis added)

The basis for the JSC's view expressed in its 2021 Annual Report, shown at point 4.12 above, is unclear. The Cat Act does not expressly permit cats to be in public places. It allows a local government to make a local law for those matters prescribed by section 79 of the Act which in turn brings relevant offence provisions if not complied with.

This is a view the JSC has reiterated in its 2022 and 2023 Annual Reports, further expressed by the DLGSC above."

The Cat Act does not allow cats to be in public places in the absolute manner expressed by the JSCDL. If it did, such a provision would be existing in the legislation, or made another way, there would be an express limitation on the ability of a local government to make a local law requiring the confinement of cats, rather than the implied limitation being relied on.

OPTIONS

The following options are available to Council;

Option 1

That Council:

1. Notes the letter from the Joint Standing Committee on Delegated Legislation.
2. Resolves to undertake to the Joint Standing Committee on Delegated Legislation that it will initiate the local law amendment process set out in section 3.12 of the *Local Government Act 1995*, with the purpose and intent to amend the *City of Armadale Cat Local Law 2024* within eight months as follows;
 - a) delete the definition of 'effective control' in clause 1.4
 - b) delete clause 2.2
 - c) amend clauses 2.4(1) and (2) as follows:
 - (1) The owner of a cat, ~~or any other person responsible for a cat~~, shall not allow the cat to create a nuisance.
 - (2) Where a cat is creating a nuisance, the local government may give a Notice to the owner of the cat ~~or any other person in control of the cat~~, requiring that person to abate the nuisance.
 - d) amend clause 4.2(2)(c) by deleting the phrase 'veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*' and replacing it with the equivalent places and definitions in the *Veterinary Practice Act 2021*
 - e) amend clause 4.4(g) as follows:
 - (g) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to ~~maintain effective control of the cats and ensure their~~ the health and welfare ~~of the cats~~.
 - f) delete clause 4.8(1)(a)
 - g) delete clause 4.8(1)(f)

- h) amend clause 8.2(1) by replacing the reference to section 84 with a reference to section 62
 - i) delete Schedule 2, item 2
 - j) make all consequential amendments arising from the above amendments.
- 3. Instructs the Chief Executive Officer not to enforce the *City of Armadale Cat Local Law 2024* to the contrary before it is amended in accordance with the undertakings given in point 2 above.
- 4. Ensure that a copy of the undertakings, given in point 2 above, accompanies the *City of Armadale Cat Local Law 2024* wherever it is made publicly available by the City, whether in hard copy or electronic form.
- 5. Instructs the Chief Executive Officer to prepare a letter to the Joint Standing Committee on Delegated Legislation advising of the Council resolution, for the Mayor's signature.
- 6. Instructs the Chief Executive Officer to prepare an Amendment Cat Local Law in accordance with section 3.12 of the *Local Government Act 1995*, to give effect to JSCDL undertakings.

Option 2

That Council:

- 1. Notes the letter from the Joint Standing Committee on Delegated Legislation.
- 2. Refuse to undertake to the Joint Standing Committee on Delegated Legislation that it will amend the *City of Armadale Cat Local Law 2024*.
- 3. Accepts the reputational risk of potentially being perceived as engaging in an act of 'civil disobedience'.
- 4. Instructs the Chief Executive Officer to prepare a letter to the Joint Standing Committee on Delegated Legislation advising of the Council resolution for the Mayor's signature.

Option 1 is recommended.

CONCLUSION

While the undertakings requested by the JSCDL will see the removal of some provisions, the City's Cat Local Law principally still meets the expectations and needs of the community, wildlife and the environment. Therefore, it is recommended that the City provides an undertaking to the JSCDL so that other important cat management compliance and enforcement provisions can remain available.

RECOMMEND

That Council:

1. Notes the letter from the Joint Standing Committee on Delegated Legislation.
2. Resolves to undertake to the Joint Standing Committee on Delegated Legislation that it will initiate the local law amendment process set out in section 3.12 of the *Local Government Act 1995*, with the purpose and intent to amend the *City of Armadale Cat Local Law 2024* within eight months as follows;
 - a) delete the definition of 'effective control' in clause 1.4
 - b) delete clause 2.2
 - c) amend clauses 2.4(1) and (2) as follows:
 - (1) The owner of a cat, ~~or any other person responsible for a cat,~~ shall not allow the cat to create a nuisance.
 - (2) Where a cat is creating a nuisance, the local government may give a Notice to the owner of the cat ~~or any other person in control of the cat,~~ requiring that person to abate the nuisance.
 - d) amend clause 4.2(2)(c) by deleting the phrase 'veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*' and replacing it with the equivalent places and definitions in the *Veterinary Practice Act 2021*
 - e) amend clause 4.4(g) as follows:
 - (g) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to ~~maintain effective control of the cats and~~ ensure their the health and welfare of the cats.
 - f) delete clause 4.8(1)(a)
 - g) delete clause 4.8(1)(f)
 - h) amend clause 8.2(1) by replacing the reference to section 84 with a reference to section 62
 - i) delete Schedule 2, item 2
 - j) make all consequential amendments arising from the above amendments.
3. Instructs the Chief Executive Officer not to enforce the *City of Armadale Cat Local Law 2024* to the contrary before it is amended in accordance with the undertakings given in point 2 above.
4. Ensure that a copy of the undertakings, given in point 2 above, accompanies the *City of Armadale Cat Local Law 2024* wherever it is made publicly available by the City, whether in hard copy or electronic form.
5. Instructs the Chief Executive Officer to prepare a letter to the Joint Standing Committee on Delegated Legislation advising of the Council resolution, for the Mayor's signature.
6. Instructs the Chief Executive Officer to prepare an Amendment Cat Local Law in accordance with section 3.12 of the *Local Government Act 1995*, to give effect to JSCDL undertakings.

ATTACHMENTS

1. Correspondence from the Joint Standing Committee on Delegated Legislation - *This matter is considered to be confidential under Section 5.23(2) (d) of the Local Government Act, as the matter involves legal advice obtained or which may be obtained by the City of Armadale*
2. [↓](#) Council Item - Final Adoption of Proposed Cat Local Law - Community Services Committee - 3 December 2024
3. [↓](#) Final Adoption of Proposed Cat Local Law - Council Recommendation - Ordinary Council Meeting - 16 December 2024
4. [↓](#) Cat Local Law 2024 (Gazetted Version)
5. [↓](#) Disallowance Procedure in the Legislative Council
6. [↓](#) Cat Local Law 2024 - Inclusive of JSCDL Undertakings

3.1 - COMMUNITY VENUE HIRE POLICY - REVIEW (REFERRAL MATTER)

At the Council meeting held on 12 May 2025, Cr Silver referred the following matter to the Community Services Committee.

That the matter of a report on a Community Venue Hire Policy review be referred to the Community Services Committee.

Comment from Cr Silver

Late last year, all Councillors received an email from a Community Development Officer at WA, asking for support to review the City's venue hire policy to make it easier for family run playgroups to set up and operate in Armadale. The request was specifically about looking at the Community Facilities and Reserves Fees and Charges policy - particularly the Junior Subsidy for Use of Reserves or Community Facilities and whether eligibility could be extended to include these playgroups, which are volunteer run, not for profit, and don't receive any government funding.

Cr Silver's further comments have been forwarded under separate cover.

Officer Comment

The referral matter relates to Policy – *Community Facilities and Reserves Fees and Charges* (the Policy), as attached.

If requested, a report to Community Services Committee and Council will consider:

- The scope and objective of the current Policy;
- Interpretation and application of the current Policy, including use of words such as “training”, “match-play bookings” and “team”; and
- Implications of expanding the application of the Policy to all not-for-profit organisations who service participants under the age of 18 years of age.

RECOMMEND

That Council:

To be considered.

ATTACHMENTS

1. [Community Facilities and Reserves Fees and Charges](#)

COUNCILLORS' ITEMS

Nil

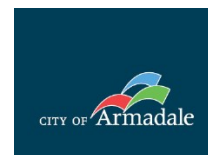
This refers to any brief updates from Councillors from their attendance at Working Group or Advisory Group meetings on which they represent Council.

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT _____

COMMUNITY SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 8 JULY 2025		
ATT NO.	SUBJECT	PAGE
1.1 PROPOSED AMENDMENTS TO POLICY - LEASE AND LICENCE		
1.1.1	Draft Policy – Lease and Licence	40
2.2 CAT LOCAL LAW 2024 - CORRESPONDENCE FROM THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION		
2.2.2	Council Item - Final Adoption of Proposed Cat Local Law - Community Services Committee - 3 December 2024	51
2.2.3	Final Adoption of Proposed Cat Local Law - Council Recommendation - Ordinary Council Meeting - 16 December 2024	66
2.2.4	Cat Local Law 2024 (Gazetted Version)	67
2.2.5	Disallowance Procedure in the Legislative Council	87
2.2.6	Cat Local Law 2024 - Inclusive of JSCDL Undertakings	88
3.1 COMMUNITY VENUE HIRE POLICY - REVIEW (REFERRAL MATTER)		
3.1.1	Community Facilities and Reserves Fees and Charges	116



DRAFT POLICY LEASE AND LICENCE

ASPIRATION	Community
RESPONSIBLE DIRECTORATE	Community Services
RESPONSIBLE BUSINESS UNIT	Recreation Services
RELEVANT LEGISLATION	<i>Local Government Act 1995</i>

1. Objective

The objective of this Policy is to:

- Ensure decisions about the granting of leases, licences and subsidies are made transparently and in accordance with established criteria; and
- Ensure the City's property is appropriately optimised and maintained in accordance with the City's Strategic Community Plan, Corporate Business Plan and Asset Management Plan.

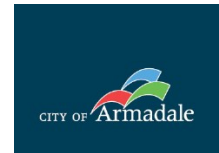
2. Policy

Community, Financial, Historical and Environmental considerations have been taken into account in developing the following Guiding Principles:

- The City's preference for its community facilities is to encourage multiuse arrangements to maximise the benefit to the community. The City will, however, enter into a Lease or Licence agreement where significant community benefit or operational practicalities is identified. The City recognises the value in providing access to community facilities for a variety of activities, which enhance community, social, health and wellbeing outcomes.
- The City recognises the value in providing access to facilities to commercial organisations in circumstances where the organisation's activities provide a significant community benefit.
- The City is the Asset owner and is responsible for providing safe, and compliant facilities and ensuring that any proposed usage is appropriate to the type and location of facilities.
- The City aims to balance a fair and reasonable contribution from users of community facilities with the subsidy required from rates.

3. Categories of Occupancy Arrangements

Category	Application	Term
Lease Agreement	Exclusive use of whole or portion of a facility or land, at all times.	<ul style="list-style-type: none">• Five years with a five year renewal option at the sole and absolute discretion of the City.• Council may consider shorter terms where required for transitional arrangements
Licence Agreement	Non-exclusive continued use of the whole or portion of a facility or land for an agreed amount of time.	



4. Registration of Interest

Organisations can register an interest in entering a Lease or Licence in one of two ways:

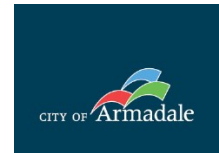
1. Where Council determines that City property is available for lease or licence, it will call for registrations of interest based on the criteria set out in this Policy (see Table 1 below). Registrations of interest will then be considered by Council.
2. An eligible organisation may at any time approach the City for a Lease or Licence for a City owned property by providing an evidence-based case to demonstrate its activities respond effectively to identified community needs (see Table 1 below). In this case, Officers will consider whether a lease or licence is potentially feasible, and if so, a preliminary proposal is to be considered by Council to decide if the property can be made available for Lease or Licence following which a Registration of Interest process will be implemented.

5. Pre-Leasing/Licensing Requirements

Prior to the granting of a lease/licence, a prospective Occupant must present an evidence-based business case proposal to demonstrate that its activities respond effectively to identified community needs and its internal capacity to meet the terms of an Occupancy Arrangement. Table 1 below outlines the requirements and considerations of such a proposal.

Table 1 – Requirements and Considerations of Occupancy Proposal

Organisation to provide	City assessment factors
Community Benefit	
Provide an evidence based response to demonstrate how the proposed service or activity will address an identified community need	Evidence of demand for the service or activity Evidence that the proposed service or activity will effectively address the identified community need and is not duplicating an existing service or activity Evidence of consultation with other organisations/agencies and/or the broader community to identify opportunities for collaboration An implementation plan to demonstrate how the service or activity will become established and become sustainable
Strategic documents	Do the organisation's strategic documents align with the City strategies, plans and vision?
Membership and participant numbers and projections	Information on the current membership, residential location and participation rates of the organisation and projections over the life of the lease period. Priority will generally be given to business cases that demonstrate inclusion of, and support to the local residents and community.
The governance structure and processes of the organisation	The organisations constitution and/or similar documents



Proposed usage times of the property; historical and projected growth of the organisation	Will the property be utilised to its realistic potential? Does the property have the capacity to manage the growth?
Proposed spaces to be included in arrangement	Does the organisation require exclusive use of the property?
Proposed usage available to the wider community and method to manage	How does the proposal address broad community access?
Financial and Asset Management	
Financial positions/statements: past, present and future	Evidence that the organisation is capable of meeting financial obligations under an occupancy arrangement by providing the three (3) previous financial year reports (for the purposes of assessment capital grant income is excluded)
Current and proposed fees and charges	Information on the proposed fees and charges for the service or activity and how they will be reviewed and over the life of the lease/licenced period
Any property modifications required for the intended use and how these are proposed to be funded	Is funding secure for any proposed modifications to enable the intended use?
Organisation management structure	Is the organisation in a position with human resources to fulfil its obligations under an occupancy arrangement for the entirety of the arrangement?
Historical Factors	
History of the group (including any financial contributions)	Does the group have any history in relation to the facility? Does the group have a connection with the surrounding area?
Environmental Impact	
Proposed sustainable practices	Does the organisation offer an environmentally sustainable service?

6. Market Rent Value

In cases of a commercial lease, the market rental value of each property is to be determined by a licensed valuer.

7. Eligibility and Calculation of Rent Subsidy

The City may subsidise rent for eligible Organisations. The eligibility criteria is set out in **Table 2** and the rental rate is summarised in **Table 3**.

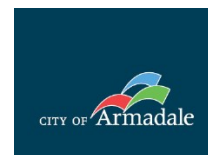
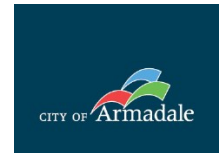


Table 2 – Eligibility Criteria for subsidised rent

Elements	Criteria
Not-for-Profit Organisation	<ul style="list-style-type: none"> Is a not for profit legal entity incorporated under the <i>Associations Incorporation Act 2015</i> or the <i>Australian Charities and Not-for-Profits Commission Act 2012</i> Is financially viable, demonstrates good financial management, record-keeping practices and maintains records for audit purposes.
Child Health Service	<ul style="list-style-type: none"> Recognition of the historic relationship between the City and the Health Department in providing effective Child Health Services when and where they are needed

Table 3 – Rent

Category	Annual Rent	Eligibility
Peppercorn rent	As determined annually in the City's Schedule of Fees and Charges	<p><u>Standard Peppercorn</u></p> <ul style="list-style-type: none"> Meets all relevant criteria in Table 1 and Table 2; Provides significant and extensive community benefit; Has limited revenue-raising ability as per the Appendix (not cost of service); and Is run predominantly by volunteers <p><u>Non-Standard Peppercorn</u></p> <ul style="list-style-type: none"> Building fully or substantially funded or constructed by the proposed Occupant
Subsidised rent	<ul style="list-style-type: none"> Community Facilities: as detailed in the Appendix and increasing in line with CPI \$20/m2 increasing in line with CPI Land: to be negotiated 	<ul style="list-style-type: none"> Meets all relevant criteria in Table 1 and Table 2 Is a grant funded organisation that receives funding to provide a community service or services Council has determined that the service or services being provided address priority needs in the proposed location



	<ul style="list-style-type: none">Land: to be negotiated	<ul style="list-style-type: none">Is a grant funded organisation that receives funding to provide a community service or servicesCouncil has determined that the service or services being provided address priority needs in the proposed location
Commercial rent	Market value	Meets all relevant criteria in Table 1

8. Variations / Special Conditions

The City will consider proposals for variations and special conditions for Occupancy Arrangements on a case by case basis, with the understanding that:

- No basic aspects of the Lease and Licence Policy are to be contravened or subverted.
- These are unique to the Occupier, Building / Land or Usage conditions/requirements.
- These do not require any undue additional cost to the City either in the short or long term.
- These are conditional on Council approval.

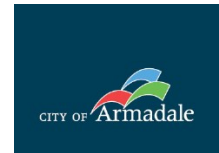
9. Insurance & Indemnities

The following outlines the standard lease/licence conditions (unless otherwise agreed)

- a) The Occupant shall be responsible for:
- Taking out and maintaining public liability insurance of \$20 million (\$20,000,000.00) **(Public Liability Insurance)**
 - taking out and maintaining liability for all actions or omissions of the Occupant's employees, contractors, invitees and agents **(Liability)**
 - indemnifying the City against all actions, claims and costs made or suffered by the City unless caused by the negligent or wrongful act of the City **(Indemnity)**
 - taking out and maintaining workers compensation insurance where the occupant employs persons; and
 - taking out and maintaining insurance for the occupants own contents and equipment that may be left on the Premises.
- b) The City is responsible for:
- taking out and maintaining insurance against those City constructed buildings or structures located on the Premises. The City will not cover the contents insurance of the Occupier.

10. Expiration of Occupancy Arrangement

Where an Occupancy Arrangement reaches its expiry date, the City will undertake a Registration of Interest process for the property, as outlined in clause 5 of this policy.



11. Legislative Requirements

Consideration into entering into the negotiation of an Occupancy Arrangement may need to take into account legislative requirements, such as:

- *Local Government Act 1995*, Section 3.58(5) – Disposing of Property
- *Regulation 30 Local Government (Functions and General) Regulations 1996*
- *Land Administration Act 1997*, Section 18 – the Minister for Lands must approve all leases on reserves vested in Council. The Minister will only grant a lease for a maximum of 21 years unless exceptional circumstances apply.
- *Planning and Development Act 2005*, Section 136 – The Minister for Planning approval may be required if the lease exceeds 20 years.
- *Occupiers Liability Act 1985* - Consideration to the content of this act needs to be given where the City retains responsibility of maintenance or repair of the premises.
- *Occupational Safety and Health Act 1984 & Occupational Safety and Health Regulations 1996* need to be taken into consideration when allowing people who may utilise the facility as a workplace where the City is still retaining maintenance responsibilities.
- *Commercial (Retail Tenancy) Agreements Act 1985* – Consideration to commercial tenancy agreements in relation to retail shop leases
- *Residential Tenancies Act 1987* – Consideration to the rights and responsibilities of tenants and property owners/agents.

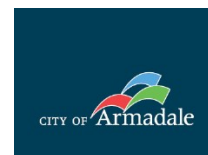
12. Occupant Responsibilities – Standard Schedule

Outgoings (See Note 1)

- Electricity
- Water and sewage
- Gas
- Waste removal
- Security responses and call outs

Maintenance (See Note 2)

- General cleaning of the building and/or premises
- Removal of excess rubbish
- Repairs and replacement of light bulbs and tubes
- Replacement of window glass resulting from internal impacts.
- Repair of all plumbing, such as: washer replacements, leaking taps, blockages, tap ware, toilet cisterns.
- Removal of internal graffiti where no break in has occurred and repaint if necessary
- Replacement of lost/stolen air conditioning control units
- Repair damage to any fitting, doors, door handles, door hinges, floor covering, wall, ceiling, installation, equipment etc. which have been damaged as a result of incidental or malicious actions, or negligence – as determined by City of Armadale's Property Condition Report.
- Replacement keys/access swipes if lost or stolen including locks if replaced – must be arranged by the City
- Air conditioning units cleaning / inspections.
- Professional carpet cleaning bi-annually.
- Clearing and removal of debris in gutters bi-annually



- All grease trap cleaning & filter replacements as required to maintain effective operation
- Internal painting every five years

Note 1: Outgoings

If the Outgoings cannot be charged separately directly to the Occupier, then the City will calculate a percentage of the total of each assessment issued in respect of the facility/land or part thereof (acting reasonably) that will be payable by the Occupier.

Note 2: Maintenance

In negotiation with the Occupier, the City will identify where it is more appropriate or where the Occupier requests the City to perform/contract maintenance which will be at the Occupier's cost.

An Occupant's responsibility to carry out maintenance items on the above list may differ depending on the nature of an individual facility. As such, the above list of maintenance items is a non-exhaustive list.

As the City sets the levels of service for all its Assets, additional maintenance responsibilities may be attributable to the Occupier which will be set out in the Special Conditions Schedule of the Agreement.

13. Influencing Strategies or Plans

N/A

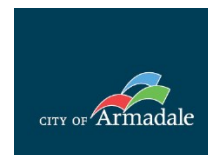
14. Applicable Legislation

Act	<i>Commercial (Retail Tenancy) Agreements Act 1985</i> <i>Land Administration Act 1997</i> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>Occupiers Liability Act 1985</i> <i>Occupational Safety and Health Act 1984</i> <i>Occupational Safety and Health Regulations 1996</i> <i>Planning and Development Act 2005</i> <i>Residential Tenancies Act 1987</i>
Regulation	<i>Regulation 30 Local Government (Functions and General) Regulations 1996</i>
Local law	Property Local Law

15. Definitions

Act means *Local Government Act 1995* (WA).

Asset Renewal is defined as the replacement or refurbishment of an existing asset (or component) with the same or modern day equivalent asset (or component) towards the end of its lifecycle to ensure service delivery at the same level as the existing asset.



Asset Upgrades/Additions are defined as capital improvements, upgrades and alterations to a facility.

City means City of Armadale.

Commercial Organisation means an organisation that can lawfully distribute their funds in excess of operating expenses (ie. surplus funds or profit), to owners, directors, members or any other stakeholders..

Community Facility means any building or structure owned or managed by the City, and categorised as:

- Halls
- Pavilions
- Clubrooms and change rooms
- Community Centres
- Sheds

Grant Funded Organisation means a not for profit entity delivering a community social service with the assistance of a Commonwealth or State Government operating grant and/or qualify for charitable status under the *Charities Act 2013* (Cth).

Lease means exclusive use of whole or portion of a facility or land, at all times.

Licence means non-exclusive continued use of the whole or portion of a facility or land for an agreed amount of time.

Maintenance is defined as the Occupier responsibilities as specified in the City's Standard Maintenance Schedule.

Community based not for Profit Organisation means an entity that provides a service or activity for the benefit of the community and does not operate for the profit, personal gain or other benefit of its members or third parties and which applies all proceeds from its activities to the organisation's purposes.

Occupancy Arrangement means a right to continual use of a community facility in whole or in part for a minimum period of six months and specifically excludes seasonal, regular or casual hire.

Occupier means the occupant of the community facility

Organisation means a Commercial Organisation or Not-For-Profit Organisation

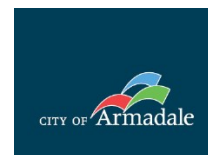
Outgoings is defined as the Occupier responsibilities as specified in the City's Standard Maintenance Schedule.

Registration of Interest means a document to assist in determining the level of community interest in a Community Facility.

Regulations means the *Local Government (Functions and General) Regulations 1996* (WA).

Statutory Inspections/Requirements means services to Fire extinguishers, Exit signs, Pest Control, RCDs and testing and tagging of electrical items, Asbestos inspections.

VERSION CONTROL			
RELEVANT DELEGATIONS	[DELEGATION IF APPLICABLE]		
INITIAL COUNCIL ADOPTION	19/04/2021	REFERENCE	C9/4/21
LAST REVIEWED	Click or tap to enter a date.	REFERENCE	
NEXT REVIEW DUE	Click or tap to enter a date.		



|| APPENDIX

Subsidised Rent Category for Community Facilities

Subsidised Rent for Community Facilities will take into consideration tenant's average revenue (over three years), facility size and facility quality. Organisations will also need to meet the eligibility requirements as outlined in the Policy. Subsidised rent will be calculated by:

$50\% \times (\text{Square Metres of Leased or Licenced Area(s)} \times \text{Category Rate}) + 50\% \times (\text{Annual Tenant Revenue} \times \text{Relevant Average Percentage in Table 1}).$

Example: Group A lease 250m², their average revenue is \$45,000. Their building is a category 2

$50\% \times (250\text{m}^2 \times \$25) + 50\% (\$45,000 \times 5.75\%) = \$4,419$

Facility Size

This refers to the size of the leased or licenced area(s) in square metres (m²).

Facility Condition

All leased or licenced area(s) spaces are included in the following categories with the associated charges:

Category 1	\$20/m ² per annum
Category 2	\$25/m ² per annum
Category 3	\$35/m ² per annum

City Facilities are categorised for subsidised rent based on the Enterprise Asset Management (EAM) system that the City uses that is applied to the City's assets via internal management processes. This is based on condition assessments completed on the facilities.

Category 1	EAM Score 3-5
Category 2	EAM Score 2
Category 3	EAM Score 1

Should a tenant not have exclusive use of the entire facility, the facilities classification will be reduced by one (1) category. This will not be applicable for Category 1 facilities.

Tenant Revenue

The following percentages are to be applied to the average revenue of a tenant over a three-year period (excluding capital grants):

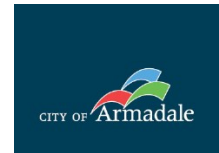


Table 1:

Revenue	Percentage of Average (3 Years) Revenue
< \$29,999	Peppercorn
\$30,000 - \$39,999	5.5% of average revenue
\$40,000 - \$49,999	5.75% of average revenue
\$50,000 - \$59,999	6% of average revenue
\$60,000 - \$69,999	6.25% of average revenue
\$70,000 - \$79,999	6.5% of average revenue
\$80,000 - \$89,999	6.75% of average revenue
\$90,000 - \$99,999	7% of average revenue
> \$100,000	7.25% of average revenue

Peppercorn Rent

Peppercorn Rent will be applied to organisations who meet the eligibility requirements in the Policy. Limited revenue raising ability is considered to be an average revenue of less than \$29,999 over a three (3) year period.

Additional Considerations to be Applied

- Organisations who have local branches within the City will be charged rent at the Market Value for the leased or licenced space(s).
- Tenants who occupy a small space (<100m²) will be provided the following discounts to the Subsidised Rent charge (does not include Peppercorn Rent):
 - 0m² to 25m² = 75% discount
 - 26m² to 50m² = 50% discount
 - 51m² to 100m² = 25% discount

For the above applicable tenants, the discount will be applied after calculating the total subsidised rent.

Process of Phasing in Subsidised Rent Model

For community groups entering the first term of their lease or license under this new policy, the following discounts will apply:

Year 1	75% Discount
Year 2	50% Discount
Year 3	25% Discount
Year 4	Normal Rate
Year 5	Normal Rate

These discounts will be applied after calculating the total subsidised rent and will only be available for the first term (not including any options) lease or license under the new policy. The discount will not apply to any subsequent options or new leases or licenses thereafter.

COMMUNITY SERVICES 17 3 DECEMBER 2024
COMMITTEE - Ranger and Emergency Services COUNCIL MEETING 16 DECEMBER 2024

****2.1 - FINAL ADOPTION OF PROPOSED CAT LOCAL LAW**

WARD : ALL
FILE No. : M/650/24
DATE : 14 October 2024
REF : RP/DB
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- Council proposes to make a Cat Local Law.
- The local law will encourage responsible cat ownership and an efficient regulatory scheme to deal with nuisance cats and cats in environmentally sensitive areas.
- Recommend that Council make the proposed Cat Local Law and approve its advertising in accordance with the *Local Government Act 1995*.

Tabled Items

Draft Cat Local Law 2024

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

The following goals from the Strategic Community Plan 2020 – 2030 are relevant;

Aspiration – Community

Outcome 1.2 Improve Community Wellbeing

Objective 1.2.1 Advocate for the delivery of services and programs as well as increased resources to contribute to improvements in community safety.

Aspiration – Environment

Outcome 2.1 Conservation and restoration of the natural environment

Objective 2.1.7 Biodiversity is managed to preserve and improve ecosystem health.

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Aspiration – Leadership

Outcome 4.1 Strategic Leadership and Effective Management

Objective 4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision-making processes.

Legal Implications

Local Government Act 1995, s. 3.12 contains the local law-making procedure for local governments.

If Council decides to alter the proposed local law in a way that would make it significantly different to what was initially proposed, it must recommence the process from the beginning [Act, s. 3.13].

Cat Act 2011, s. 79 prescribes the matters a local government may make a cat control local law for.

Council Policy/Local Law Implications

The recommendation before Council is to make a new local law.

Budget/Financial Implications

There is potential that the draft Cat Local Law may require additional resources in order to adequately enforce.

Fees and charges will be set and approved by Council at a future meeting.

Consultation

Six (6) weeks public consultation in accordance with section 3.12 of the *Local Government Act 1995* ('Act'), which consisted of –

1. Local public notice in the 2 May 2024 edition of *The Examiner* newspaper [Act, s. 3.12(3)(a), Admin reg 3A(2)(b)];
2. The City's social media channels [Admin reg 3A(2)(g)];
3. Notice boards in the City's libraries and Administration Centre [Admin reg 3A(2)(f)];
4. The City's website [Act, s. 1.7(a), Admin reg 3A(1)(a)]; and
5. The City of Armadale Engage! internet landing page for public consultation initiatives.
6. In accordance with section 3.12(3)(b) of the Act, on 2 May 2024 notification was provided to the Department of Local Government, Sport and Cultural Industries (DLGSC), of the City's proposal to make a cat control local law. The DLGSC has a duality of roles in the case of cat control local laws, as it is both responsible for reviewing draft local government local laws generally, but is also the responsible agency for assisting the Minister in the administration of the *Cat Act 2011* ('Cat Act'). The consultation response from the DLGSC is discussed later in this report.

BACKGROUND

At Council's Ordinary Council Meeting of 24 April 2023, Council resolved (C8/4/23) to propose a cat control local law as follows:

COMMUNITY SERVICES 19 3 DECEMBER 2024
COMMITTEE - Ranger and Emergency Services COUNCIL MEETING 16 DECEMBER 2024

“Recommendation C8/4/23 - Proposed Cat Local Law

MOVED Cr G Nixon that Recommendation C8/4/23 be adopted with the addition of a part (5) as below:

That Council:

- 1. Endorses Option 3 with the additional bushland areas as attached added to Schedule 3 as cat prohibited areas, and an amendment to the number of cats to be kept as four without a permit, as its preferred model of a proposed cat local law;*
- 2. In accordance with section 3.12(3)(a) of the Local Government Act 1995, give local public notice of the proposed draft cat local law with the purpose and effect of the proposed local law to be summarised in the notice;*
- 3. Note that any public and Ministerial responses will be reported to Council for consideration prior to making of the local law and publication in the Government Gazette; and*
- 4. Authorise the CEO to undertake necessary administrative actions in order to give effect to (1) above.*
- 5. Authorise the CEO to write to Minister John Carey and the Department of Local Government, Sport and Cultural Industries seeking immediate action to amend the State Cat Act 2011 to include the confinement of cats to premises.*

MOTION not opposed, DECLARED CARRIED (11/0)”

The proposed local law followed an extensive history of Council attempting to make a cat control local law over a number of years. The full background of this was provided to Council when it proposed the local law in April 2023 (C8/4/23). A copy of that report is attached.

DETAILS OF PROPOSAL

In accordance with the requirements of section 3.12 of the Act, the City carried out public consultation for a period of six (6) weeks. A number of responses were received which are outlined in the analysis section of this report and detailed in the attachments.

Should Council decide to make the local law as recommended, the remainder of the process prescribed by the Act must be followed.

After the last day for submissions, Council is to consider any submissions, and may make the local law as proposed, provided it is not significantly different from what was proposed [Act, s. 3.12(4)]. This means if the DLGSC has requested any simple grammatical amendments or the like, this would not be substantially different.

Council could also make substantial amendments following consideration of any submissions. In the event there are any substantial amendments, the process must be commenced again [Act, s. 3.13].

Amendments are proposed, however, the amendments are considered to be inconsequential to the purpose and effect of the local law and do not alter the intent or scope of the local law.

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After submissions, Council must resolve by absolute majority to make the local law [Act, s. 3.12(4)]. Once made, the City will be required to publish the local law in the Government Gazette and give a copy of it to the Minister. Local public notice is again required proclaiming the making of the local law [Act, s. 3.12(5), (6)].

The City will provide the local law and relevant explanatory memorandum, with supporting documents to the Joint Standing Committee for Delegated Legislation (JSC). At this stage the JSC could request amendments, an undertaking by the City or disallow the local law should it not be supported or the City has not followed the prescribed process for making a local law.

ANALYSIS

The Cat Act by way of section 79, allows local governments to make a local law to regulate the following in respect of cat control:

- “ ...
- (a) *the registration of cats;*
 - (b) *removing and impounding cats;*
 - (c) *keeping, transferring and disposing of cats kept at cat management facilities;*
 - (d) *the humane destruction of cats;*
 - (e) *cats creating a nuisance;*
 - (f) *specifying places where cats are prohibited absolutely;*
 - (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
 - (h) *limiting the number of cats that may be kept at premises, or premises of a particular type;*
 - (i) *the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
 - (j) *the regulation of approved cat breeders, including record keeping and inspection;*
 - (k) *fees and charges payable in respect of any matter under this Act....”*

One of the primary considerations for Council is that the JSC has formed a number of opinions around the making of cat control local laws by local governments, and that some local government cat control local laws have been required to be amended by way of an undertaking to the JSC, or in some cases have been disallowed in their entirety by Parliament when the local government has disagreed with the JSC or refused to provide an undertaking.

The key issues expressed by the JSC in its 2023 Annual Report in respect of local government cat local laws are –

- Local laws that attempt to ban cats from all public areas
- Conditions being placed on when a cat may be permitted in a public place
- Provisions that have the practical effect of limiting cats to their owner’s premises.

A further issue raised by the JSC was where local governments attempt to create their own definition of nuisance. Whilst section 79(3)(e) allows a cat control local law to deal with cats creating a nuisance, the JSC has previously expressed the view that the definition of nuisance contained in the local law should be the common law definition, not a bespoke definition invented by the local government.

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Further, use of the common law definition of nuisance removes any potential pathway to challenge the legality of the nuisance provision. The City's proposed local law uses the common law definition of nuisance.

A. DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES FEEDBACK

The Department of Local Government, Sport and Cultural Industries (DLGSC) responded to the City's notification of the proposal to make a cat control local law and provided the following comment:

1. References to "opinion" of authorised officer

"Clause 2.1 provides that a cat must not be in a public place if in the opinion of an authorised person, the cat is causing a nuisance.

In at least one case, the Delegated Legislation Committee has previously requested that the words "if in the opinion of an authorised person" be deleted. Presumably, this is because the wording seems to imply that the offence does not hinge on whether a nuisance actually exists, but rather, whether an authorised officer "believes" that a nuisance exists.

Accordingly, it is suggested that this phrase be deleted from both Clause 2.2(1) and clause 2.2(1)(b)."

The DLGSC did not cite the example it was referring to in making this statement. Officers researched this and located a solitary example in the JSC's current list of undertakings concerning the Shire of Kojonup where the JSC required an undertaking in respect of the Shire's cat control local law that contained a provision at clause 3.8(2) –

"(2) Where, in the opinion of an authorised officer, a cat is creating a nuisance, the local government may give written notice to the keeper of the cat requiring that person to abate the nuisance."

The City's proposed local law contains a provision that is broadly similar. Clause 2.1(1) referred to by DLGSC provides –

(1) A cat shall not be permitted in a public place, if in the opinion of an authorised person, the cat is causing a nuisance.

The City's proposed local law further contains similar provisions in the following respect –

"2.2 Cats in other places

(1) A cat shall not be in any place that is not a public place if –

...

(b) the cat, in the opinion of an authorised person, is causing a nuisance."

"2.4 Cat nuisance

(2) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give a Notice to the owner of the cat or any other person in control of the cat, requiring that person to abate the nuisance."

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The list of current undertakings to the JSC does not provide the grounds for requiring the Shire of Kojonup to remove the offending provision from its local law, and the DLGSC review of the City's proposed local law appears to be based on an assumption of why the JSC required the undertaking. The Shire of Kojonup was requested to repeal its local law in its entirety and did so.

Based on the directions given by the JSC, the Shire of Kojonup gazetted a replacement on 23 April 2024 that contained the following modified provision in respect of nuisance and authorised persons:

“(1) A cat shall not be permitted in a public place if that cat is deemed to be causing a nuisance.”

The term “deemed to be causing a nuisance” appears to be satisfactory to the JSC, as it did not require the Shire of Kojonup to remove it when the replacement local law was reviewed by the JSC on 23 July 2024. The same terminology has been used throughout that local law where the context deals with nuisance and an associated function of an authorised person.

On this basis, it would be appropriate for Council to modify its proposed cat control local law to use similar terminology to satisfy the JSC and remove the term “in the opinion of an authorised person”. This is shown marked up in the attached draft.

2. Banning cats from certain areas

The Delegated Legislation Committee (sic) has formed the view that while the Cat Act permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- *ban cats from all public areas;*
- *place conditions on when a cat may be permitted in a public area; or*
- *attempts to restrict all cats in the district to their owner's premises.*

Clause 2.2 is clearly intended to restrict cats to owner's premises, since it places a positive burden on the cat owner to obtain consent in relation to every property the cat is likely to visit.

It is also noted that clause (sic) 27 of the Cat Act provides that a cat may only be seized from private property if the property owner objects to the cat's presence and has explicitly requested the local government to seize the cat. Accordingly, the mere fact that a cat is on private land without consent would not normally be sufficient to enable its seizure under clause (sic) 27 of the Act.

It is suggested that clause 2.3 be deleted and the relevant item removed from Schedule 3. If this clause isn't removed, it is likely the JSC will request an undertaking to delete it.”

Clause 2.2 of the draft local law provides –

“2.2 Cats in other places

(1) A cat shall not be in any place that is not a public place if —

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- (a) *consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or*
 - (b) *the cat, in the opinion of an authorised person, is causing a nuisance.*
- (2) *If a cat is at any time in a place in contravention of subclause (1) —*
- (a) *the owner of the cat commits an offence; and*
 - (b) *an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.”*

Officers hold a different view in that clause 2.2(1) is designed on the premise of dealing with a cat that is on private property, that is there without the consent of the property owner. This provision is in response to a key community grievance where property owners may object to the presence of a cat on their property.

It is not an express provision banning cats from public places. This is well understood by officers where previous undertakings given to the JSC were taken into account for this reason. Moreover, it is understood that the basis of the JSC’s view is based on the fact the Cat Act does not provide for the containment of cats.

In its 2021 Annual Report, the JSC reported on its examination of the Town of Bassendean’s proposed cat control local law, which at the time, contained a clause broadly similar to that proposed by the City (clause 2.2 Cats in places that are not public).

In that case, the JSC stated –

“4.11 This clause operated so that a cat owner would have to effectively confine their cat(s) to their property to avoid committing an offence. This is because:

- if not confined, given their range, it is very likely cats will stroll onto other private property.*
- it is impracticable to obtain consent from every private property owner in the district or even in close vicinity to the cat owner, making consent illusory.*

4.12 The Cat Act 2011 allows cats to be in public places unless they are not complying with the Act, including those requiring registration or sterilisation.”
(emphasis added)

(Parliament of Western Australia, Joint Standing Committee on Delegated Legislation Annual Report 2021, p. 9 pp. 4.11, 4.12)

The basis for the JSC’s view expressed in its 2021 Annual Report, shown at point 4.12 above, is unclear. The Cat Act does not expressly permit cats to be in public places. It allows a local government to make a local law for those matters prescribed by section 79 of the Act which in turn brings relevant offence provisions if not complied with.

This is a view the JSC has reiterated in its 2022 and 2023 Annual Reports, further expressed by the DLGSC above.

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The silence of the law on the aspect of cats in public places with an associated ability to undertake enforcement (at least, in the absolute manner expressed here by the JSC), does not appear to grant a *de-facto* permission for cats to freely roam, or for their owners to permit them to do so.

Community expectations around responsible cat ownership, environmental protection and animal welfare have evolved over time which brought the impetus for the Cat Act.

In that sense it is difficult to reconcile the view that the Act provides this *de-facto* permission, when other operative parts of the Act expressly refer to the powers of an authorised person to deal with a cat in a public place (for example, section 27(a)).

The *Interpretation Act 1984* (section 18) may be relevant:

“18. Purpose or object of written law, use of in interpretation

In the interpretation of a provision of a written law, a construction that would promote the purpose or object underlying the written law (whether that purpose or object is expressly stated in the written law or not) shall be preferred to a construction that would not promote that purpose or object.”

The purpose or object underlying the Cat Act is clearly a regulatory mechanism for the control and management of cats, as set out in the preamble to the Act –

“An Act to —

- provide for the control and management of cats; and*
- promote and encourage the responsible ownership of cats, and for related matters.”*

The Cat Act of course provides the head of power for a local government to make subsidiary legislation (a local law) which is to be consistent with the powers provided to it by the Act, but also the ability to enforce the local law and the Act.

Given the foregoing, officers question the assertion that the Cat Act generally allows cats to be in public places, unless the cat (or its owner) commits an offence. This would appear to be inconsistent with the purpose and object of the Cat Act itself and generally inconsistent with the *Interpretation Act 1984* as expressed by section 18.

Ultimately the only way such ambiguity can be resolved is by consideration before the Supreme Court. It is not suggested this is a course of action the City should take; rather it is a view put before Council for consideration in the overall context of its local law making power and the likelihood of the JSC requesting Council revise the proposed local law.

It would be inappropriate for the proposed local law to not provide an enforcement mechanism where a cat was on someone else’s property, and neither the property owner nor the City had a lawful mechanism to deal with the circumstance.

In regard to clause 2.2(2), officers accept in part the view of the DLGSC in that the clause may present an over extension of the authority available to the local government as it appears to provide an **automatic** power to the local government to assert the owner of the cat has committed an offence, and that the local government may seize the cat.

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Section 27 of the Cat Act (27(b)(i) in particular) provides that an authorised person may seize any cat at the request, or with the consent of the person who is the owner or occupier of a premises the cat is on. The operative terms being “...at the request” and “...with the consent...” of the owner of the premises, clearly specifying that the local government cannot first act without approval, rendering any automatic offence provision to be ultra vires.

Nevertheless, for the purposes of providing an enforcement mechanism for circumstances where a property owner experiences nuisance or frequent unwelcome visitation by cats that do not belong to the property owner, clause 2.2(2) is recommended to be revised as shown in the attachment.

Officers do not accept that clause 2.3 should be deleted. Clause 2.3 of the proposed local law deals with areas where cats are prohibited absolutely and creates an offence for a cat owner if a cat is in any of the places specified in Schedule 3. Section 79(3)(f) of the Cat Act allows the local government to make a local law that “...specify[ing] places where cats are prohibited absolutely.” Clause 2.3 is creating an enforcement mechanism to give effect to the local government’s ability to make a local law provision, for the purpose provided by the legislation.

If it is the case that the enforcement mechanism provided by clause 2.3 is considered objectionable, it therefore brings into question the entire utility of being able to specify areas where cats are prohibited absolutely, as there would be no lawful means for the City to deal with cats in the reserves and environmentally sensitive areas listed in Schedule 3. It would be incongruent as a matter of law that the head of power permitted subsidiary legislation to be made to regulate a particular matter, yet the City was unable to enforce the provisions it was allowed to make.

3. Cat prohibited areas

The Department notes that the City is declaring a significant number of areas as cat prohibited zones.

While this is not an issue in itself, the City should ensure that all these reserves are land which the City owns, controls or has management over. If the Schedule includes any private land or land not managed by the City, this could be a potential issue.”

Noted. Officers have checked the list does not include private property or land not managed by the City.

4. Original law-making

The Department notes that the City is attempting to create two new clauses which are not typical for cat local laws.

- (a) *Clause 5.2 provides that the public may inspect the cat register maintained by the City, potentially enabling the public to view private and personal information about a cat’s owner such as their name and address. While the Cat Act requires local governments to maintain a register, this information is collected for the purpose of enabling the local government to carry out its duties under the Act. The Act does not contain any explicit right for the public to inspect these records.*

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- (b) *This raises potential privacy and legal issues if the City wishes to enable such inspections via a local law.*
- (c) *Clause 5.4 provides that a cat may be kept from its owner in cases where money is owing on the cat. The Cat Act explicitly allows a cat to be kept from its owner in circumstances where it is unmicrochipped or unregistered, or where returning the cat would lead to the commission of an offence under cat limit restrictions. However, the Cat Act does not state that a local government may refuse to return a cat due to money owing. While the Dog Act explicitly allows for dogs to be kept from its owners in cases where money is owing on the dog, this provision is noticeably absent from the Cat Act. This raises the question as to whether Parliament intended for such a thing. It may also lead to scenarios where a cat is disposed of in cases where the owner wanted to take custody of the cat, but the City was unwilling to return it.*

The Department is not aware of these clauses being included in past cat local laws and is unable to provide a precedent for how the Delegated Legislation Committee is likely to view them. Accordingly, the above issues are noted for the City's attention only."

Noting the concern raised by the DLGSC in the above respect, and the general view of the JSC that a local government cannot make a local law for matters that are not prescribed by the head of power (s. 79 of the Cat Act), officers agree that clause 5.2(3) of the proposed local law is problematic and should be removed as there is no express requirement to make the register available for public inspection, and that such a provision potentially creates a privacy risk for persons whose details are listed.

In respect of clause 5.4 referred to by the DLGSC, it would appear the operative part of the clause that is in issue is sub-clause (3) –

- "(3) A cat may not be released from a cat management facility operated by the local government until **all applicable fees have been paid and** the cat is registered and microchipped in accordance with the Act."*

Such a power is not provided for by Division 3 of the Cat Act. Section 31 of the Cat Act only allows the local government to recover costs from impounding a cat as a debt due:

"31. Cat owner liable to pay costs to cat management facility

- (1) *The owner of a cat kept at a cat management facility is liable to pay to the operator of the facility the reasonable costs associated with any of the following that have been incurred in relation to the cat —*
 - (a) *removing and impounding the cat;*
 - (b) *keeping and caring for the cat;*
 - (c) *the implantation of a microchip in the cat under section 33;*
 - (d) *the sterilisation of the cat under section 33;*
 - (e) *the destruction and the disposal of the cat under section 34.*
- (2) *The operator of a cat management facility may recover the amount of the costs referred to in subsection (1) from the owner of the cat in a court of competent jurisdiction."*

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Accordingly, it is recommended that part of clause 5.4(3) be modified to remove the phrase shown in bold text.

Clause 5.4(4) will also require a minor amendment to remove the reference to the CEO and exchange it with the term 'local government' as the JSC has previously indicated its objection to local laws that delegate a function directly to the CEO or another person.

B. PUBLIC CONSULTATION

Given that the implementation of a cat local law was likely to invoke significant community interest, officers decided to have the public consultation period open to the public for a period of eight (8) weeks instead of the minimum six (6) weeks prescribed under the Act.

The public consultation period ran from Monday, 6 May through to Sunday, 30 June 2024. A community engagement survey was developed by the City's Communications and Engagement team in consultation with the Ranger and Emergency Services team to gather the community's perception of the draft cat local law.

During the public consultation period a comprehensive outreach campaign targeting key stakeholders through direct emails, community meetings, social media posts, and local media coverage was employed in an effort to increase the awareness about the draft cat local law. This resulted in 2,368 individuals being directly contacted. Furthermore, detailed information about the draft Local Law was provided to 1,441 participants.

There were 216 surveys completed and 9 individual submissions received during this period. There were three thousand (3,000) visits to the City's Engagement platform during the public consultation period indicating consistent interest and engagement from the community.

A copy of the Cat Local Law – Community Engagement Report is included as an attachment for information.

1. Key Points from Community Feedback

Cat Control in Public Places: A significant number of respondents supported prohibiting nuisance cats in public places, with 157 and 154 respondents finding it important or very important, respectively.

Owner Responsibility: Ensuring cat owners prevent their pets from creating nuisances was highly supported, with 191 respondents deeming it important or very important.

Nuisance Notices: Issuing notices to cat owners for nuisance behaviour, along with compliance instructions and penalties, was supported by 178 respondents.

Cat-Prohibited Areas: Establishing areas where cats are prohibited due to environmental and conservation concerns was supported by 176 respondents.

Permits for Keeping Cats: Requiring permits for keeping more than four cats, breeding, or operating a cattery was supported by 170 respondents.

Impounding of Cats: Establishing and maintaining cat management facilities and imposing related fees was supported by 166 and 159 respondents, respectively.

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Offences and Penalties: The application of fines and penalties for non-compliant cat owners was important to 170 respondents.

2. Officer Response to Community Feedback on Draft Local Law

Containment and Outdoor Restrictions: There is strong support for stricter containment measures to protect wildlife and prevent nuisances.

Officer Response: The JSC has formed the view that it is not appropriate for a local government to make a local law with such a provision, particularly against the backdrop of those matters for which a cat local law can be made in accordance with s. 79(3) of the Cat Act.

Definitions and Clarity: Concerns about the subjective definition of "nuisance" and the need for clearer guidelines and enforcement.

Officer Response: The JSC has previously provided direction to local governments that the common law definition of nuisance must be used in any cat local law where nuisance is the primary enforcement mechanism.

Fines and Penalties: Mixed opinions on fines, with some advocating for lower fines and others for stricter penalties. Emphasis on education and support for responsible ownership.

Officer Response: When drafting the draft cat local law, officers reviewed other local government equivalents to determine the modified penalty amounts. Therefore, the penalties have been set in-line with industry standards and are comparable to existing cat local laws already in effect.

The introduction of a cat local law will be supported by a comprehensive community education program to be developed by the Ranger and Emergency Services Community Education Officer in collaboration with the Communications team.

Impoundment and Disposal: Concerns about the welfare of impounded cats and clear guidelines on procedures.

Officer Response: Ranger Services already have clear procedures in place for dealing with the impounding, welfare, husbandry and disposal of animals at the City's Animal Management Facility ('AMF').

Procedures have been developed in accordance with standards set out under the Department Primary Industries and Regional Development (DPIRD) Standards and Guidelines for the Welfare and Health of Dogs in WA, the RSPCA International – Guidelines for the Design and Management of Animal Shelters and the *Animal Welfare Act 2002*.

Furthermore, on 18 December 2023, Council endorsed and allocated \$383,560 in funding towards the AMF Refurbishment Project [C36/12/23] to strategically enhance the conditions of the existing facility to improve animal wellbeing and welfare, officer safety and the facility's public perception.

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Registration and Licensing: Strong support for mandatory registration and microchipping, with suggestions for free registration for desexed cats.

Officer Response: The requirement for mandatory registration and microchipping does not need to be captured within the cat local law as there's already a requirement under the head of power for all cats to be microchipped, registered and sterilised, being sections 5, 14 & 18 of the Cat Act.

The *Cat Regulations 2012* [Sch. 3, 1(4)] provide the local government with the discretion to reduce or waive a fee payable to an individual or any class of cats within the district. Such an initiative would need to be considered at a future time as a policy position by Council, if it so desired.

Enforcement and Reporting: Calls for improved reporting mechanisms and consistent enforcement.

Officer Response: The absence of a cat local law has meant that there's been a number of community complaints that Ranger Services haven't been able to effectively resolve (i.e. nuisance cats, excessive cat numbers, cats in environmentally sensitive areas).

It's anticipated that the introduction of a cat local law will see the resolution to a number of longstanding cat issues within the community. In support of this a number of new management procedures will need to be developed by Ranger Services to ensure a consistent approach to enforcement, however this is not considered complex given that the draft local law addresses a number of similar issues already dealt with by Ranger Services under the Dog Act.

As already alluded to, the introduction of a cat local law will need to be supported by a comprehensive community education program in the first instance.

Environmental and Wildlife Concerns: Significant concern about the impact of cats on local wildlife and support for stronger protections.

Officer Response: The draft cat local law seeks to limit the environmental impact on City of Armadale owned/vested reserves by declaring the majority of them as cat prohibited areas.

However, DLGSC response suggests that the City should only declare cat prohibited areas on land that is under the care, control or management of the local government.

DLGSC advice is that private land or reserves managed by another authority should not be declared as cat prohibited areas as it "*could be a potential issue*", therefore nature reserves such as Darling Range & Jandakot Regional Parks have not been considered.

Community Engagement and Support: Desire for more community engagement, education initiatives, grace periods for compliance, and regular reviews of the law's effectiveness.

Officer Response: As already alluded to, the introduction of a cat local law will be supported by a comprehensive community engagement and education program developed by the Ranger

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and Emergency Services Community Education Officer in collaboration with the Communication and Engagement team.

Enforcement activities wouldn't commence until the community engagement and education program had been delivered. Once introduced Ranger Services would use customer service (CRM) data to evaluate the effectiveness of the cat local law and use this information when undertaking any future review of the local law.

C. SPECIFIC ISSUES NEEDING TO BE CHANGED WITHIN LOCAL LAW

As a result of feedback received during the public consultation period and further officer review, it is recommended that the following minor alterations be made to the draft local law:

1. Bring up to date 'Cat Local Law 2022' Title

The title 'Cat Local Law 2022' needs to be amended to 'Cat Local Law 2024' to reflect the date the local law is adopted by Council. Alternatively, the year of adoption can be removed from the title, or it could be simply titled 'Cat Local Law'.

2. Address the discrepancy in the maximum number of cats

When the matter of the draft local law was originally considered by Council on the 24 April 2023, Councillors determined to increase the number of cats allowed to be kept without a permit from two (2) to four (4), as a result Clause 4.2.1(a) of the local law was amended to read the following "a person is required to have a permit to – (a) keep more than 4 cats on any premises".

However, consequential references weren't amended within the local law, such as within the term 'cattery' under clause 1.4, clause 4.3 and Schedule 1 [Clause 4.8] A, these provisions still refer to three (3) or more cats being in excess of the maximum number of cats allowed without a permit, therefore these clauses need to be updated to reflect that four (4) cats are able to be kept at any premises without a permit.

OPTIONS

The options available to Council;

Option 1 is to adopt the draft Cat Local Law as proposed by Council on the 24 April 2023, inclusive of the minor changes that have been identified in this report, as shown in attachment **City of Armadale Cat Local Law 2024 - DRAFT**.

Option 2 is to not proceed with adoption of a draft Cat Local Law, and the City's current enforcement mechanism for dealing with cat control remains the status quo.

Option 1 is recommended.

CONCLUSION

Council, council members, and officers have collectively invested considerable time and resources in dealing with cat control issues in the district and the development of a local law, over many years.

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A Cat Local Law will provide the City with sensible control measures relating to the keeping of cats beyond those that are specified in the Cat Act.

It will promote and encourage responsible cat ownership, provide a framework for the control of nuisance cats and cat management facilities, and prescribe environmentally sensitive areas in which cats are prohibited.

The draft presented to Council, as proposed by Council earlier for public consultation purposes, received substantial feedback and officers have taken the feedback into consideration, as well as the previous views of the JSC into consideration.

Option 2, i.e. the 'status quo' is not the recommended option, as it will not provide any semblance of a cat control mechanism outside that provided for by the Cat Act, and hence deprive the City of an enforcement mechanism for dealing with an issue that is in greater demand as time passes.

ATTACHMENTS

1. City of Armadale Cat Local Law 2024 - DRAFT
2. Cat Local Law - Community Engagement Report
3. Email from DLGSC

RECOMMEND

C3/12/24

That Council:

1. In accordance with section 3.12(4) of the *Local Government Act 1995* and section 79(1) of the *Cat Act 2011*, make the Cat Local Law 2024 as attached to this report.
2. Authorise the Chief Executive Officer to –
 - a) pursuant to section 3.12(5) of the Act, give a copy of the Cat Local Law 2024 to the Minister for Local Government, and publish the Cat Local Law 2024 in the Government Gazette;
 - b) pursuant to section 3.12(6) of the Act, give local public notice, with the purpose and the effect of the Cat Local Law 2024 summarised in the notice, specifying the date on which the Cat Local Law 2024 comes into operation, and where it may be viewed by the public; and
 - c) pursuant to section 3.12(7) of the Act, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies of the Cat Local Law 2024 and any other materials required, to the Clerk of the Joint Standing Committee on Delegated Legislation.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr P A Hetherington
MOTION CARRIED

5/0

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OF COUNCIL

16 DECEMBER 2024

Recommendation C2/12/24 - Confidential Report - Licence for Reg Williams Pavilion with Roberta Jull Community Care Association

MOVED Cr K Busby

That Council deal with this matter under “Item 14 – Matters Requiring Confidential Consideration”.

MOTION not opposed, DECLARED CARRIED 12/0

FOR: Mayor Butterfield, Cr Joy, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Hancock
Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation C3/12/24 - Final Adoption of Proposed Cat Local Law

MOVED Cr Silver

That Council:

1. In accordance with section 3.12(4) of the *Local Government Act 1995* and section 79(1) of the *Cat Act 2011*, make the Cat Local Law 2024 as attached to this report.
2. Authorise the Chief Executive Officer to –
 - (a) pursuant to section 3.12(5) of the Act, give a copy of the Cat Local Law 2024 to the Minister for Local Government, and publish the Cat Local Law 2024 in the Government Gazette;
 - b) pursuant to section 3.12(6) of the Act, give local public notice, with the purpose and the effect of the Cat Local Law 2024 summarised in the notice, specifying the date on which the Cat Local Law 2024 comes into operation, and where it may be viewed by the public; and
 - c) pursuant to section 3.12(7) of the Act, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies of the Cat Local Law 2024 and any other materials required, to the Clerk of the Joint Standing Committee on Delegated Legislation.

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL 12/0**

FOR: Mayor Butterfield, Cr Joy, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Hancock
Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation C4/12/24 - Approval of Local Recovery Plan 2024

MOVED Cr M Silver, SECONDED Cr S Peter
OPPOSED Cr P A Hetherington

That Council approve the CoA Draft Local Recovery Plan 2024 and appoint the Executive Directors as Chairs for the respective Committees.

MOTION LOST 2/10

FOR: Cr Silver, Cr Sargeson
AGAINST: Mayor Butterfield, Cr Joy, Cr Peter, Cr Hetherington, Cr Hancock, Cr Smith
Cr Busby, Cr Virk, Cr Mosey, Cr Stoneham



PERTH, WEDNESDAY, 22 JANUARY 2025 No. 8 SPECIAL

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LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

CITY OF ARMADALE

CAT LOCAL LAW 2024

22 January 2025

GOVERNMENT GAZETTE, WA

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**LOCAL GOVERNMENT ACT 1995
CAT ACT 2011**

CITY OF ARMADALE

CAT LOCAL LAW 2024

Under the powers conferred by the *Local Government Act 1995*, the *Cat Act 2011* and under all other powers enabling it, the Council of the City of Armadale resolved on 16 December 2024 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the City of Armadale Cat Local Law 2024.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Terms used

In this local law unless the context otherwise requires—

Act means the *Cat Act 2011*;

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

approved cat breeder has the meaning given to it in the Act;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

cat means an animal of the species *felis catus* or a hybrid of that species;

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

cattery means any premises where 5 or more cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary owner of the cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods—

- (a) the cat is held by a person who is capable of controlling the cat;
- (b) the cat is secured in a cage; or
- (c) any other means of preventing escape of the cat.

group dwelling (commonly referred to as a duplex, villa or townhouse) means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

local government means the City of Armadale;

multiple dwelling (often called a flat, apartment or unit) meaning a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—

- (a) does not include a group dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

nuisance means—

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

Notice means a Cat Control Notice issued under section 26 of the Act;

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under Part 4;

permit holder means a person who holds a valid permit issued under Part 4;

pet shop means a shop or place used for the conduct of a business, in the course of which an animal is kept for the purposes of sale;

premises has the meaning given to it in the Act;

public place has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents;

single dwelling means a house that stands alone on its own parcel of land.

PART 2—CAT CONTROL

2.1 Cats in public places

- (1) A cat shall not be permitted in a public place, if the cat is causing a nuisance.
- (2) If a cat is at any time in a public place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.2 Cats in other places

- (1) A cat shall not be in any place that is not a public place if—
 - (a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and
 - (b) the cat is causing a nuisance.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.3 Cat in prohibited areas

- (1) A cat shall not be in any Cat Prohibited Area as identified in Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.4 Cat nuisance

- (1) The owner of a cat, or any other person responsible for a cat, shall not allow the cat to create a nuisance.
- (2) Where a cat is creating a nuisance, the local government may give a Notice to the owner of the cat or any other person in control of the cat, requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a Notice is given, the Notice remains in force for the period specified by the local government on the Notice which shall not exceed 6 months from the date of the Notice.
- (4) A person given a Notice shall comply with the Notice within the period specified in the notice.
- (5) If the owner fails to comply with a Notice, then—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

PART 3—CAT PROHIBITED AREAS

3.1 Designation of Cat Prohibited Areas

- (1) The local government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3.
- (2) In determining land as a Cat Prohibited Area for the purposes of subclause (1), the local government may have regard to—
 - (a) the nature of the flora and fauna on the land;
 - (b) whether the land has been recognised by any authority as having flora or fauna of local, regional or state significance;
 - (c) whether it is land to which section 5 of the *Conservation and Land Management Act 1984* applies;
 - (d) whether the land is declared as an 'Environmentally Sensitive Area' under the *Environmental Protection Act 1986*; or
 - (e) whether the land is near another area considered to be environmentally significant.
- (3) In designating land for the purpose of section 3.1 the Local Government shall have regard to clause 2.1.

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PART 4—PERMITS FOR KEEPING CATS

4.1 Interpretation

For the purposes of applying this Part, a **cat** does not include a cat less than 6 months old.

4.2 Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit to—
 - (a) keep more than 4 cats on any premises;
 - (b) be an approved cat breeder; or
 - (c) use any premises as a cattery.
- (2) A permit is not required under subclause (1) if the premises concerned are—
 - (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
 - (b) a cat management facility operated by the local government;
 - (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment; or
 - (d) a pet shop.
- (3) If the owner fails to obtain a permit under clause 4.2(1), then—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

4.3 Transitional provisions

Where an owner has 5 or more cats on their premises, registered in accordance with the Act, prior to this local law coming into operation they are not required to have a permit; however they will not substitute or replace any cat (in excess of 4 cats) once that cat—

- (a) dies; or
- (b) is permanently removed from the premises.

4.4 Application for permit

An application for a permit under clause 4.2 shall include but may not be limited to the following—

- (a) made in writing by an occupier of either a single or multiple dwelling or premises in relation to that single or multiple dwelling or premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept at the single or multiple dwelling or on the premises;
- (c) accompanied by justification for the request;
- (d) accompanied by the plans of the single or multiple dwelling or premises to which the application relates, to the specification and satisfaction of the local government;
- (e) accompanied by the consent in writing of the owner of the single or multiple dwelling or premises, where the occupier is not the owner of the single or multiple dwelling or premises to which the application relates;
- (f) accompanied by the application fee for the permit determined by the local government from time to time; and
- (g) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to maintain effective control of the cats and ensure their health and welfare.

4.5 Refusal to determine application

The local government may not determine an application for a permit if it is not made in accordance with clause 4.4.

4.6 Factors relevant to determination of application

- (1) In determining an application for a permit the local government may have regard to—
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;
 - (h) the likely effect on the local environment, including any pollution or other environmental damage which may be caused by the use;

- (i) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) Where an application is received pursuant to clause 4.4 the local government shall—
 - (a) consult with adjacent occupiers and landowners; and
 - (b) notify adjacent occupiers and 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.

4.7 Decision on application

- (1) The local government may—
 - (a) approve an application for a permit, in which case it shall approve it subject to the conditions in clause 4.8, and may approve it subject to any other conditions it considers fit;
 - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
 - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

4.8 Conditions

- (1) Every permit is issued subject to the following conditions—
 - (a) each cat kept on the premises to which the permit relates shall remain under the effective control of a person;
 - (b) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
 - (c) the single, group or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition;
 - (d) the written consent to the application for a permit of the adjoining group or multiple dwellings has been obtained;
 - (e) the written consent to the application from the owner of the premises, if not the applicant, has been obtained;
 - (f) without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
 - (i) dies; or
 - (ii) is permanently removed from the premises.
 - (g) those conditions contained in Schedule 1.
- (2) A permit holder who fails to comply with a condition of a permit commits an offence.

4.9 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid until any cat either—

- (a) dies; or
- (b) is permanently removed from the premises; or
- (c) the permit holder ceases to reside at the dwelling or premises to which the permit relates.

4.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

4.11 Permit not transferable

A permit is not transferable in relation to either the permit holder or the dwelling or premises.

PART 5—IMPOUNDING OF CATS

5.1 Cat management facility

- (1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.
- (2) The local government may determine from time to time—
 - (a) the times when a cat management facility will be open for the reception and release of cats; and
 - (b) times for the sale of cats from the facility.
- (3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week that the facility is open to the public.

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5.2 Impounding register

- (1) The local government is to keep a register that records the impoundment of each cat.
- (2) The 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, time and location of seizure and impounding;
 - (e) the particulars of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
 - (f) the reason for the impounding;
 - (g) a note of any direction made by an authorised person under clause 2.4(2) relating to the cat; and
 - (h) the date of the sale, release or destruction of the cat.

5.3 Charges and costs

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

- (a) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and
- (b) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 5.1(2).

5.4 Release of impounded cats

- (1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 5.1(1).
- (2) The authorised person referred to in clause 5.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence—
 - (a) of his or her ownership of the cat or of his or her authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the cat; or
 - (c) of proof of registration of the cat in accordance with the Act; or
 - (d) if a permit under Part 4 is required, proof of obtaining the permit.
- (3) A cat may not be released from a cat management facility operated by the local government until the cat is registered and microchipped in accordance with the Act.
- (4) The local government may waive fees required to be paid under subclause (3).
- (5) Subclause (3) does not apply to an authorised person acting in the course of their duties.

PART 6—MISCELLANEOUS

6.1 Giving of a notice

A Notice given under this local law may be given to a person—

- (a) personally;
- (b) by mail, physical or electronic means, addressed to the person; or
- (c) by leaving it for the person at her or his address.

6.2 Content of a notice

The contents of a Notice given under clause 6.1 can be—

- (a) ascertained from the person directly;
- (b) recorded by the local government under the Act; or
- (c) ascertained from enquiries made by the local government.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and review

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 the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 8—OFFENCES AND PENALTIES

8.1 Offences

- (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) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

8.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

8.3 Forms

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

SCHEDULE 1

ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

[Clause 4.8]

A. Permit to keep 5 cats or more

Additional conditions—

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat—
 - (a) dies; or
 - (b) is permanently removed from the premises.

B. Permit for Approved Cat Breeder

Additional conditions—

- (1) Required to keep records of all purchases and or transfers of cat/s for a period of 2 years, including but not limited to the purchasers' name and address, and the cat/s microchip number; and
- (2) Premises may be inspected annually.

C. Permit to use premises as a Cattery

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) An approved apparatus for the treatment and disposal of sewerage is to be installed to the satisfaction of the local government and where installed it is to be maintained to the manufacturer's specifications.
- (5) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
- (6) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
- (7) Wash basin with the minimum of cold water to be available to the satisfaction of the Local Government;
- (8) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
- (9) A register 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;
- (10) The register is to be made available for inspection on the request of an authorised person;
- (11) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
- (12) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats on the premises; and
- (13) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

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SCHEDULE 2
PRESCRIBED OFFENCES

[Clause 8.2]

Item	Clause	Description	Modified Penalty
1	2.1(2)(a)	Cat causing a nuisance in a public place	\$200
2	2.2(2)(a)	Cat in a place that is not a public place without consent and/or is causing a nuisance	\$200
3	2.3(2)(a)	Cat in prohibited area	\$200
4	2.4(5)(a)	Failure to comply with a Notice	\$200
5	4.2(3)(a)	Failure to obtain a Permit	\$200
6	4.8(2)	Failure to comply with a condition of a permit	\$200

SCHEDULE 3
CAT PROHIBITED AREAS

[Clause 3.1]

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
29532	Whittington Park	Mount Nasura	3698	Plan 14643	14770
29532	Whittington Park	Mount Nasura	2174	Deposited Plan 180748	14771
29594	Callow Park	Mount Nasura	2198	Plan 8126	14868
52746		Forrestdale	44	Deposited Plan 226029	44475
45284	Rubida Park	Roleystone	4159	Plan 21969	9333
2111	Goolamrup Reserve	Kelmscott	93	Deposited Plan 222700	23754
33975		Bedforddale	2786	Plan 11371	28289
33975		Bedforddale	2786	Plan 11371	28290
33975		Bedforddale	2786	Plan 11371	19365
27165	Armadale Golf Course	Forrestdale	460	Deposited Plan 193976	12870
27165	Forrestdale Lake Nature Reserve	Forrestdale	400	Deposited Plan 129080	28374
27165		Forrestdale	380	Deposited Plan 129080	28375
33953	Meyer Reserve	Kelmscott	233	Plan 11213	19306
44324	Richon Park	Mount Richon	4043	Diagram 89016	9964
28794	Hellenic Reserve	Roleystone	2110	Diagram 33985	14270
53736		Kelmscott	205	Deposited Plan 412263	52306
28584		Kelmscott	2071	Plan 8408	13861
53835	Barossa Park	Harrisdale	8217	Deposited Plan 419074	53617
27073		Kelmscott	4132	Plan 21211	14023
27073		Kelmscott	501	Deposited Plan 411503	49676
27073		Kelmscott	1942	Diagram 27030	14020
27073		Kelmscott	500	Deposited Plan 411503	49675
27073		Kelmscott	3678	Diagram 66505	14022
27073		Kelmscott	3667	Diagram 66210	14021
50804		Harrisdale	8106	Deposited Plan 68520	36524
53118		Piara Waters	1551	Deposited Plan 401607	44257
53118	Bate Park	Piara Waters	1550	Deposited Plan 401607	44256
51310	Fernhill Park	Harrisdale	8209	Deposited Plan 74304	38963
49322	Verdant Reserve	Seville Grove	8001	Deposited Plan 56131	31494

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
28428		Mount Nasura	3765	Plan 14643	28387
28428	Adair Park	Mount Nasura	2053	Diagram 33203	21960
28428	Adair Park	Mount Nasura	2247	Diagram 35807	21961
28428	Adair Park	Mount Nasura	3765	Plan 14643	28388
30100	Windsor Reserve	Roleystone	2281	Plan 9281	15588
33652	Peaceful Pond	Mount Nasura	2981	Plan 11151	29880
33652	Peaceful Pond	Mount Nasura	2733	Diagram 48601	29878
33652	Peaceful Pond	Mount Nasura	2981	Plan 11151	18847
52231	Springfield Reserve	Bedfordale	108	Diagram 49266	17830
51613		Piara Waters	5005	Deposited Plan 414500	51230
51797		Bedfordale	4000	Deposited Plan 76739	42940
51797		Bedfordale	4004	Deposited Plan 409632	49266
51797	Benbecula Park	Bedfordale	4001	Deposited Plan 76739	42941
51797	Benbecula Park	Bedfordale	4002	Deposited Plan 76739	42942
51797		Bedfordale	4004	Deposited Plan 409632	49267
51797	Benbecula Park	Bedfordale	4003	Deposited Plan 76739	42943
33976	Brookside Park	Kelmscott	232	Plan 11213	19414
44389	Springdale Park	Karragullen	3906	Deposited Plan 218591	11039
52780	Jim and Alma Baker Park	Harrisdale	8201	Deposited Plan 401234	43612
28625	Ellis Park	Mount Nasura	2069	Plan 8619	13871
34507	Gilcoe Reserve	Roleystone	2865	Diagram 38315	20055
25074	Lina Hart Memorial Park	Roleystone	1639	Plan 7053	3855
44836		Kelmscott	256	Diagram 73462	11084
53681		Piara Waters	8000	Deposited Plan 417958	52801
28746	Bamlett Reserve	Mount Nasura	2085	Diagram 33142	14214
28746	Bamlett Reserve	Mount Nasura	2123	Diagram 33882	14321
50407	Robot Park	Piara Waters	738	Deposited Plan 63326	35076
32224	Morrison Park	Kelmscott	225	Plan 9774	17307
50620	Conical Reserve	Harrisdale	8002	Deposited Plan 65850	35922
50599	Jim and Alma Baker Park	Harrisdale	8109	Deposited Plan 66306	36056
36741		Kelmscott	238	Diagram 55100	22478
35763		Mount Nasura	3080	Plan 12384	29847
35763		Mount Nasura	3644	Diagram 58972	21776
35763	Mazzega Park	Mount Nasura	3347	Plan 13710	29849
33647		Kelmscott	247	Deposited Plan 191031	18774
50583	Maclean Park	Roleystone	830	Deposited Plan 62604	35512
39798	Bob Blackburn Reserve	Seville Grove	3560	Diagram 68683	19075
39798		Seville Grove	3560	Diagram 68683	29633
29887	Paterson Park	Mount Nasura	2246	Diagram 35807	15149
46864		Bedfordale	4839	Deposited Plan 27788	21327
29054	Travers Park	Kelmscott	206	Diagram 33883	14505
35905	Heather Locke Reserve	Kelmscott	3106	Plan 12654	21897
52971		Kelmscott	301	Deposited Plan 406400	49686
33795	Westview Reserve	Mount Nasura	3588	Deposited Plan 216850	19502
33795	Westview Reserve	Mount Nasura	4180	Plan 15183	19503
33795	Westview Reserve	Mount Nasura	3673	Deposited Plan 216850	19146

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
33795	Westview Reserve	Mount Nasura	3588	Deposited Plan 216850	29648
53167		Piara Waters	100	Deposited Plan 406316	50235
30048		Kelmscott	255	Plan 17317	23686
30048	Hicks / Savage Park	Kelmscott	262	Diagram 30754	23688
30048	Hicks / Savage Park	Kelmscott	212	Diagram 37539	23687
48763	Thomas Price Reserve	Karragullen	320	Deposited Plan 52025	29909
Reserve 28293, Lot 60 Collins Rd Roleystone, Reserve 28353, Reserve 28293, Canning River Reserve between Soldiers Road and Thompsons Road.	Roley Pool	Roleystone	4697	Deposited Plan 26280	13592
4127	Armadale Settlers Common	Bedfordale	4171	Deposited Plan 219828	28292
4127	Armadale Settlers Common	Bedfordale	4175	Deposited Plan 219828	28296
4127	Armadale Settlers Common	Bedfordale	4178	Deposited Plan 219828	28294
4127	Armadale Settlers Common	Bedfordale	1625	Deposited Plan 193588	3805
4127	Armadale Settlers Common	Bedfordale	1624	Deposited Plan 193587	3804
4127	Armadale Settlers Common	Bedfordale	1623	Deposited Plan 193586	3803
4127	Armadale Settlers Common	Bedfordale	4174	Deposited Plan 219828	28295
4127	Armadale Settlers Common	Bedfordale	4173	Deposited Plan 219828	28291
4127	Armadale Settlers Common	Bedfordale	4176	Deposited Plan 219828	24606
29837	Paterson Park	Mount Nasura	2231	Diagram 36859	15003
27763	Karragullen Oval	Karragullen	49	Deposited Plan 165650	13109
46207	Ticklie Park	Seville Grove	4496	Plan 24185	14636
38820		Champion Lakes	571	Diagram 61861	24026
50582		Roleystone	831	Deposited Plan 62604	35513
37779		Kelmscott	3432	Diagram 65527	23401
29052	Hamersley Reserve	Kelmscott	207	Diagram 33883	14467
52240		Seville Grove	616	Deposited Plan 404236	45960

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
47977		Bedforddale	4000	Deposited Plan 41792	27820
47977		Bedforddale	4001	Deposited Plan 41792	27819
47977		Bedforddale	4002	Deposited Plan 41792	27814
47977		Bedforddale	4009	Deposited Plan 53601	30306
47977		Bedforddale	4003	Deposited Plan 42369	28095
47977		Bedforddale	4007	Deposited Plan 51614	30208
47977		Bedforddale	4004	Deposited Plan 48129	29258
51071	Cam Clay Reserve	Seville Grove	802	Deposited Plan 29567	24457
51071	Cam Clay Reserve	Seville Grove	51	Diagram 87716	17527
35613		Mount Richon	2980	Plan 10028	18570
35613	Neerigen Brook Reserve	Mount Richon	3207	Plan 12993	18572
35613		Mount Richon	3716	Plan 12992	18581
35613	Neerigen Brook Reserve	Mount Richon	3717	Plan 12992	18578
35613		Mount Richon	3053	Plan 12370	18571
35613		Mount Richon	3217	Plan 12993	18575
35613		Mount Richon	3211	Plan 12993	18574
35613		Mount Richon	3713	Plan 12992	18577
35613	Neerigen Brook Reserve	Mount Richon	3223	Diagram 58102	18576
35613		Mount Richon	18	75271	50157
35613	Neerigen Brook Reserve	Mount Richon	4085	Diagram 51172	18579
35613	Neerigen Brook Reserve	Mount Richon	899	Deposited Plan 404697	48661
35613	Neerigen Brook Reserve	Mount Richon	3053	Plan 12370	21452
35613	Neerigen Brook Reserve	Mount Richon	3207	Plan 12993	29858
35613	Neerigen Brook Reserve	Mount Richon	3208	Plan 12993	18573
35613	Neerigen Brook Reserve	Mount Richon	4126	Diagram 51172	18580
23658	Conifer Reserve	Karragullen	1261	Deposited Plan 182790	3329
23658	Conifer Reserve	Karragullen	623	Deposited Plan 143418	28317
37778		Champion Lakes	556	Plan 13615	23349
46259		Roleystone	3991	Diagram 79232	20687
46259		Roleystone	4538	Diagram 96251	287
46259		Roleystone	4415	Diagram 96251	28305
46259		Roleystone	4414	Diagram 96251	28304
51692		Piara Waters	1213	Deposited Plan 77482	42728
29398		Kelmscott	2159	Diagram 33384	29647
29398	Fancote Park	Kelmscott	2778	Diagram 44249	29645
29398		Kelmscott	3569	Diagram 70026	14657
29398		Kelmscott	2536	Plan 9569	29646
29398		Kelmscott	248	Diagram 73462	6608
29398		Kelmscott	246	Diagram 50104	14655
38523	Forrestdale Lake Nature Reserve	Forrestdale	454	Deposited Plan 91462	23909
50355	Lauraine Reserve	Harrisdale	8009	Deposited Plan 64280	34856

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
50355	Lauraine Reserve	Harrisdale	8012	Deposited Plan 64280	34857
21897	Rushton Park	Kelmscott	30	Deposited Plan 255765	482
43146	Henrietta Reserve	Mount Nasura	3860	Plan 19041	8075
24557		Kelmscott	1364	Diagram 20899	3579
45930		Bedforddale	4330	Plan 22894	23281
44602	Leys Reserve	Mount Richon	3876	Plan 19192	13626
30253		Kelmscott	254	Plan 17317	29111
30253	Hicks / Savage Park	Kelmscott	259	Diagram 30754	22664
30253	Hicks / Savage Park	Kelmscott	254	Plan 17317	29112
30253		Kelmscott	4999	Deposited Plan 38136	6485
30253	Hicks / Savage Park	Kelmscott	216	Diagram 37539	22661
30253	Hicks / Savage Park	Kelmscott	259	Diagram 30754	29110
30151	Hookway Reserve	Roleystone	2287	Plan 8732	15654
33671	Mimosa Reserve	Kelmscott	2737	Plan 11216	18962
52972	Lauraine Reserve	Harrisdale	8116	Deposited Plan 401770	43530
49028	Silvershot Reserve	Harrisdale	8010	Deposited Plan 57670	31717
29964	Paterson Park	Mount Nasura	2399	Plan 9381	29654
29964	Paterson Park	Mount Nasura	2245	Diagram 35804	15277
29964		Mount Nasura	2245	Diagram 37296	34043
49044	Oakleigh Park	Harrisdale	8003	Deposited Plan 52131	30181
50406		Piara Waters	737	Deposited Plan 63326	35075
51958	Moraba Park	Piara Waters	8009	Deposited Plan 401232	43427
51958		Piara Waters	8020	Deposited Plan 403872	44799
51958	Moraba Park	Piara Waters	8004	Deposited Plan 401232	43426
32219	Lions Park	Armadale	27	Plan 10126	4639
32219		Mount Nasura	25	Plan 20703	3444
32219	Carradine Reserve	Mount Nasura	26	Plan 10126	17295
25699	Derry Reserve	Mount Nasura	1766	Plan 7317	252
25699	Derry Reserve	Mount Nasura	3081	Plan 12480	4018
37199		Wungong	3745	Plan 14239	29673
37199	Rails Crescent Bridle Trail	Wungong	3260	Plan 13366	4009
37199		Wungong	3260	Plan 13366	4010
37199		Wungong	3259	Plan 13367	4012
37199	Rails Crescent Bridle Trail	Wungong	3259	Plan 13367	29671
37199		Wungong	3258	Plan 13365	4006
37199	Rails Crescent Bridle Trail	Wungong	3745	Plan 14239	29672
52816	Robot Park	Piara Waters	651	Deposited Plan 409800	48680
32635	Gibbs Reserve	Forrestdale	427	Deposited Plan 207272	17896
32635	Gibbs Reserve	Forrestdale	466	Deposited Plan 180404	17895
30058	Garland Reserve	Roleystone	2263	Plan 8181	15488
30231	Peet Reserve	Roleystone	2284	Plan 9325	16039
33364	Meyer Reserve	Kelmscott	231	Plan 11213	18552
26011	Tredale Field	Mount Richon	3793	Deposited Plan 190739	4191

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
29597	Errol Green Park	Mount Richon	2197	Plan 8773	14883
7072	Scott Park	Kelmscott	169	Deposited Plan 222701	24903
39773	Hobbs Park	Armadale	3548	Diagram 65714	24378
27970	Ranford Park	Kelmscott	240	Diagram 55151	13361
27970	Ranford Park	Kelmscott	204	Plan 8371	13362
53427	Moraba Park	Piara Waters	8002	Deposited Plan 413451	51334
52370	Fairweather Park	Piara Waters	8015	Deposited Plan 407389	46754
52077	Dovedale Park	Harrisdale	8213	Deposited Plan 403431	44692
52077	Dovedale Park	Harrisdale	8212	Deposited Plan 401794	43823
52077	Dovedale Park	Harrisdale	8210	Deposited Plan 402399	44350
53354		Champion Lakes	850	Deposited Plan 38287	27745
53354		Champion Lakes	901	Deposited Plan 29645	23070
37637	Notting Hill Reserve	Roleystone	3303	Plan 9075	23168
39837		Mount Nasura	3566	Plan 15182	24561
31139	Borrello Park	Roleystone	2377	Deposited Plan 187069	29692
31139	Borrello Park	Roleystone	2377	Deposited Plan 187069	16534
32113	Stonegate Reserve	Roleystone	2480	Plan 9511	17166
28434	Bettenay Park	Roleystone	2049	Diagram 33219	28389
28434	Bettenay Park	Roleystone	3473	Diagram 51484	13749
28434	Sefton Park	Roleystone	3476	Diagram 51484	28391
28434	Sefton Park	Roleystone	3476	Diagram 51484	28392
47424		Bedfordale	4831	Deposited Plan 32445	622
47424		Bedfordale	4822	Deposited Plan 32106	27305
23592		Bedfordale	300	Deposited Plan 45724	3317
23592		Bedfordale	801	Deposited Plan 60777	32834
44372	Hilltop Reserve	Kelmscott	4164	Plan 21904	28319
44372	Hilltop Reserve	Kelmscott	4082	Plan 21040	21252
39812	Colquhoun Reserve	Roleystone	3561	Diagram 69098	24489
25560	Hassett Winstanley Reserve	Roleystone	1748	Plan 7283	4004
44185	Corondale Park	Seville Grove	8002	Deposited Plan 46274	28168
44185	Corondale Park	Seville Grove	4229	Plan 20797	1745
44185		Seville Grove	8005	Deposited Plan 63673	34398
44185	Corondale Park	Seville Grove	4927	Deposited Plan 35656	3669
32286	Holden Park	Roleystone	2540	Diagram 40708	17533
36896		Roleystone	500	Deposited Plan 402605	45179
36896		Roleystone	3209	Diagram 56232	22785
44182	Ticklie Park	Seville Grove	972	Deposited Plan 47594	28371
44182	Ticklie Park	Seville Grove	4046	Diagram 88632	3846
33062	Westfield Park Reserve	Camillo	2632	Plan 9386	18178
33062	Westfield Park Reserve	Camillo	3048	Plan 12437	29868
2121	Migrant Park	Kelmscott	244	Deposited Plan 188410	23798
33742	Armadale Settlers Common	Bedfordale	2740	Deposited Plan 148700	19035

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
39208	Creyk Park Flora Reserve	Kelmscott	3481	Plan 9070	24142
38843	Matthew Stott Reserve	Seville Grove	3665	Diagram 75003	24041
38843	Matthew Stott Reserve	Seville Grove	3450	Plan 14512	24039
38843	Matthew Stott Reserve	Seville Grove	3666	Diagram 75002	24040
33653	Peaceful Pond	Mount Nasura	2734	Diagram 48601	18895
33653	Peaceful Pond	Mount Nasura	2811	Plan 11151	18896
46948		Mount Richon	49	Deposited Plan 33541	1236
35687	Peaceful Pond	Mount Nasura	3074	Plan 12384	21630
35687	Peaceful Pond	Mount Nasura	3074	Plan 12384	29851
28248		Mount Nasura	4391	Plan 13872	24090
28248		Mount Nasura	3322	Plan 13504	23287
28248	Carrawatha Park	Mount Nasura	4507	Deposited Plan 26000	20843
28248	Carrawatha Park	Mount Nasura	4734	Deposited Plan 25999	13534
28638		Kelmscott	201	Deposited Plan 172671	13992
4561	Bungendore Park	Bedforddale	3597	Deposited Plan 216929	24708
4561	Bungendore Park	Bedforddale	3597	Deposited Plan 216929	24708
4561		Bedforddale	3895	Deposited Plan 191837	28284
27337	Wandoo Reserve	Mount Nasura	1957	Plan 8084	12916
33067	Opal Park	Mount Richon	2627	Plan 10810	18194
35733	Arbour Park	Kelmscott	3077	Plan 12556	21644
36382		Kelmscott	3152	Plan 12865	14009
36382		Kelmscott	260	Diagram 58145	29693
46515		Bedforddale	4694	Plan 23935	28300
46515		Bedforddale	4693	Plan 23934	20782
51539	Kellogg Park	Piara Waters	1212	Deposited Plan 77482	42727
43933	Treecrest Gardens	Mount Richon	4031	Plan 20672	10199
24883		Kelmscott	195	Diagram 20951	3634
38122	Ranford Park	Kelmscott	242	Diagram 55151	23801
38122	Ranford Park	Kelmscott	242	Diagram 55151	29644
51309	Torrige Park	Piara Waters	8003	Deposited Plan 412970	52307
51267		Piara Waters	406	Deposited Plan 67643	37036
36180	Palomino Park	Champion Lakes	3124	Diagram 55454	29870
36180	Palomino Park	Champion Lakes	3124	Diagram 55454	22050
36180	Palomino Park	Champion Lakes	4993	Deposited Plan 42879	28172
2110	Goolamrup Reserve	Kelmscott	92	Deposited Plan 222700	23738
48977	William Lockard Park	Harrisdale	8006	Deposited Plan 50041	29800
48977	Warbler Park	Harrisdale	8113	Deposited Plan 59399	32787
48977	Tolarno Park	Harrisdale	8003	Deposited Plan 57671	34169
48977	Warbler Park	Harrisdale	8105	Deposited Plan 59399	32786
48977	Whitehorse Park	Harrisdale	8104	Deposited Plan 59399	32785
48977	Whitehorse Park	Harrisdale	8001	Deposited Plan 57671	34168
38818		Haynes	3443	Diagram 65992	23975

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
38818		Haynes	3813	Diagram 82342	23976
45283	Albens Vale Park	Roleystone	4157	Plan 21970	10479
33126	Amethyst Reserve	Mount Richon	2637	Plan 10809	18325
6468	Lloyd Hughes Park	Kelmscott	263	Deposited Plan 194807	24847
28745	Ringwood Reserve	Armadale	2083	Plan 8636	29635
45366		Mount Richon	4163	Plan 22162	12172
50619	Benalla Reserve	Harrisdale	8004	Deposited Plan 65851	35962
41523	Barry Poad Reserve	Seville Grove	3850	Deposited Plan 191625	2558
50082	Armadale Settlers Common	Bedfordale	811	Deposited Plan 56587	31726
34155		Kelmscott	516	Deposited Plan 116676	29944
34155		Kelmscott	515	Deposited Plan 116675	29942
34155	Canning Mills Reserve	Kelmscott	515	Deposited Plan 116675	29943
34155	Canning Mills Reserve	Kelmscott	516	Deposited Plan 116676	19652
34155	Canning Mills Reserve	Roleystone	516	Deposited Plan 116676	29945
34694	Alderson Park	Armadale	4303	Deposited Plan 194304	20119
44605		Bedfordale	3980	Diagram 64012	21777
49892	Heronwood Reserve	Harrisdale	8101	Deposited Plan 58342	33080
32120	Russelia Reserve	Roleystone	2486	Diagram 43826	17172
32120	Russelia Reserve	Roleystone	3110	Diagram 54987	17173
34027		Bedfordale	2794	Plan 11379	19423
34027	Wallangara Bridle Trail	Bedfordale	2869	Plan 11540	19427
34027	Wallangara Bridle Trail	Bedfordale	2983	Diagram 51349	29940
34027	Wallangara Bridle Trail	Bedfordale	2867	Plan 11540	19425
34027	Wallangara Bridle Trail	Bedfordale	2794	Plan 11379	19424
34027	Wallangara Bridle Trail	Bedfordale	2866	Plan 11540	19422
34027	Wallangara Bridle Trail	Bedfordale	2868	Plan 11540	19426
36839	Wright Brook Park	Kelmscott	3222	Diagram 39669	22591
34077	Shepherd Reserve	Harrisdale	501	Deposited Plan 60917	32623
34077	Shepherd Reserve	Harrisdale	500	Deposited Plan 60917	32622
26755		Kelmscott	199	Diagram 26882	14116
26755		Kelmscott	241	Diagram 54235	28324
26755		Kelmscott	264	Deposited Plan 31492	26702
26755		Kelmscott	105	Deposited Plan 46528	28852
33954	Brookside Park	Kelmscott	243	Deposited Plan 188380	19321
53441	Marrinup Park	Piara Waters	8001	Deposited Plan 401809	51493
29381	Hassett Winstanley Reserve	Roleystone	3472	Deposited Plan 187077	14605

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
46208	Pamplona Reserve	Seville Grove	4497	Plan 24185	10258
48941	Broadway Park	Piara Waters	1007	Deposited Plan 58143	28666
48941		Piara Waters	345	Deposited Plan 49192	30080
44982	Slab Gully Reserve	Roleystone	4081	Plan 21113	20121
33367	Lina Hart Memorial Park	Roleystone	2670	Plan 10528	18621
52044		Piara Waters	8003	Deposited Plan 402674	45058
47394		Bedforddale	4823	Deposited Plan 32160	27419
27708	Possum Park	Kelmscott	202	Diagram 30764	13047
27708	Possum Park	Kelmscott	239	Diagram 49821	28378
27708	Possum Park	Kelmscott	217	Diagram 37868	28376
27708	Possum Park	Kelmscott	218	Diagram 37868	28377
28293		Roleystone	3932	Plan 19760	29918
28293	Araluen Walk Trail	Roleystone	2066	Diagram 33015	29915
28293	Araluen Walk Trail	Roleystone	3035	Diagram 54229	29916
28293	Araluen Walk Trail	Roleystone	2027	Diagram 32534	13580
28293	Araluen Walk Trail	Roleystone	2233	Diagram 36899	14961
28293	Araluen Walk Trail	Roleystone	3932	Plan 19760	29917
27764		Karragullen	60	Deposited Plan 192461	23054
53168	Fogarty Park	Piara Waters	101	Deposited Plan 406316	50236
45929		Bedforddale	4331	Plan 22893	21889
5247	Brian O'Neill Memorial Reserve	Bedforddale	29	Deposited Plan 222071	24722
52165		Piara Waters	1689	Deposited Plan 401574	45340
48975	Mossgreen Reserve	Harrisdale	8008	Deposited Plan 50041	29801
28728	Alice Reserve	Roleystone	4527	Deposited Plan 195167	14056
28245		Mount Nasura	2172	Diagram 33882	29921
32226	Scott Park	Kelmscott	227	Plan 9774	29852
32226	Scott Park	Kelmscott	227	Plan 9774	17366
36339	Palomino Park	Champion Lakes	8003	Deposited Plan 58004	29874
36339		Champion Lakes	565	Plan 13486	22162
36339	Palomino Park	Champion Lakes	8021	Deposited Plan 58004	29876
25721		Kelmscott	197	Diagram 25197	4093
46287		Bedforddale	59	Deposited Plan 195143	16736
51504	Fairweather Park	Piara Waters	5004	Deposited Plan 414499	51229
51504	Fairweather Park	Piara Waters	1362	Deposited Plan 75173	39951
50453	Moseri Reserve	Roleystone	8000	Deposited Plan 64285	34563
14217	Fletcher Park	Wungong	106	Deposited Plan 27606	27117
14217	Fletcher Park	Wungong	110	Deposited Plan 186513	28303
48976	Sotheby Reserve	Harrisdale	8005	Deposited Plan 50041	29799
37636		Roleystone	3904	Plan 19389	18804
37636	Lockyer Park	Roleystone	3291	Plan 9075	18809
37636	Hall Park	Roleystone	2186	Diagram 35357	18806

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
37636	Hall Park	Roleystone	3646	Plan 16250	18805
37636	Michael Park	Roleystone	3728	Plan 17070	18810
37636	Hall Park	Roleystone	209	Deposited Plan 42041	28122
37636	Hall Park	Roleystone	3290	Plan 9075	18808
37636	Hall Park	Roleystone	3721	Plan 17070	18807
37636	Hall Park	Roleystone	3721	Plan 17070	29109
38116	Westview Reserve	Mount Nasura	3374	Diagram 52122	13606
35371	Higgins Park	Mount Nasura	3083	Plan 12479	20965
35371	Higgins Park	Mount Nasura	3026	Plan 12151	29054
35371	Higgins Park	Mount Nasura	3618	Plan 15933	29055
28630	Kembla Park	Kelmscott	2079	Diagram 33582	13980
28630	Kembla Park	Kelmscott	2679	Diagram 47722	28394
28630	Kembla Park	Kelmscott	2680	Diagram 47723	28395
43932		Mount Richon	4034	Plan 20671	8162
232	Kalajzich Park	Kelmscott	500	Deposited Plan 91048	28271
232		Kelmscott	500	Deposited Plan 91048	28272
232	Kalajzich Park	Kelmscott	500	Deposited Plan 91048	23434
232		Kelmscott	500	Deposited Plan 91048	28273
232		Kelmscott	500	Deposited Plan 91048	28274
53873		Champion Lakes	808	Deposited Plan 418871	53531
44606	Cammillo Reserve	Kelmscott	4071	Plan 20788	14550
39794		Mount Nasura	3319	Plan 13504	29636
39794		Mount Nasura	3562	Plan 15181	13653
39794		Mount Nasura	3966	Plan 15182	13655
39794	Westview Reserve	Mount Nasura	3082	Plan 12383	13656
52003	Monticello Park	Piara Waters	700	Deposited Plan 76720	40258
41640	San Jacinta Reserve	Seville Grove	3737	Diagram 78185	7491
46382		Roleystone	4559	Plan 23686	7733
31934		Kelmscott	224	Plan 9557	17034
48887		Bedforddale	4010	Deposited Plan 56083	31396
48887		Bedforddale	3000	Deposited Plan 52537	30369
48887		Bedforddale	3000	Deposited Plan 52537	30368
48887		Bedforddale	4008	Deposited Plan 51615	30254
48887		Bedforddale	4006	Deposited Plan 48325	29284
48887		Bedforddale	3000	Deposited Plan 52537	30367
48887		Bedforddale	4005	Deposited Plan 48129	29259
51430		Piara Waters	8017	Deposited Plan 401238	45024
51430		Piara Waters	8018	Deposited Plan 401238	45025
51694	Guerin Park	Piara Waters	1087	Deposited Plan 67225	36960
30115	Attunga Reserve	Roleystone	2283	Diagram 38180	15640
30840	Peaceful Pond	Mount Nasura	2347	Plan 9700	16372
52076	Dovedale Park	Harrisdale	8214	Deposited Plan 402399	44351
31140	Kurrajong Reserve	Roleystone	2376	Plan 9467	16581
34326	Eva and Bill Moore Reserve	Camillo	472	Plan 11565	19832
33940	Leake Reserve	Forrestdale	390	Deposited Plan 206261	19257
33940	Leake Reserve	Forrestdale	391	Deposited Plan 206261	29938
33940	Leake Reserve	Forrestdale	397	Deposited Plan 206261	29939

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Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
42863	Morolo Park	Seville Grove	8001	Deposited Plan 46274	28167
42863	Morolo Park	Seville Grove	901	Deposited Plan 42273	27782
42863	Morolo Park	Seville Grove	3841	Plan 18621	6417
42700	Matthew Stott Reserve	Seville Grove	3790	Plan 18493	2975
50562		Harrisdale	8014	Deposited Plan 51248	35422
35233	Bryan Gell Reserve	Kelmscott	3269	Diagram 55255	20857
35233	Bryan Gell Reserve	Kelmscott	3269	Diagram 55255	20858
53850		Bedforddale	57	Deposited Plan 130091	25013
53850	Bedforddale Park	Bedforddale	57	Deposited Plan 130091	28301
33125	Emerald Reserve	Mount Richon	2636	Plan 10810	18278
42185	Croyden Park	Roleystone	3780	Deposited Plan 54433	19009
53371	Wattledale Park	Haynes	8021	Deposited Plan 404178	51176
53371		Haynes	8021	Deposited Plan 404178	51174
53371	Glenlossie Park	Haynes	8021	Deposited Plan 404178	51177
53371	Glenlossie Park	Haynes	8021	Deposited Plan 404178	51175
39579	Kendal Reserve	Camillo	581	Diagram 52354	24366
29946	Paterson Park	Mount Nasura	2269	Diagram 37296	15262
29946	Paterson Park	Mount Nasura	2249	Diagram 37296	29653

City of Armadale Freehold Land Containing Bushland				
Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
	Kelmscott	21	Deposited Plan 222705	20073
Creyk Park	Kelmscott	111	Diagram 52714	22262
	Harrisdale	609	Deposited Plan 423274	55385
	Roleystone	2	Diagram 69098	6669
	Armadale	801	Deposited Plan 72851	40317
	Haynes	32	Diagram 99280	8097
Creyk Park	Kelmscott	141	Diagram 53691	7450
	Mount Nasura	201	Deposited Plan 405160	46089
	Mount Richon	167	Plan 10809	17886
	Roleystone	112	Deposited Plan 25492	21852
	Roleystone	211	Diagram 85405	12243
Warwick Savage Park	Roleystone	100	Diagram 64284	24035
	Kelmscott	20	Deposited Plan 222705	20022
Corondale Park	Seville Grove	11	Deposited Plan 35656	3683
Sylvania Park	Roleystone	2	Diagram 61751	11818
	Haynes	33	Diagram 99280	8098
Churchman Brook Park	Bedforddale	188	Deposited Plan 48325	29283
	Mount Richon	298	Diagram 46399	17033
	Roleystone	60	Deposited Plan 32124	14050
	Mount Richon	21	Diagram 90004	2222
	Kelmscott	91	Plan 9794	9268
Rushton Park	Kelmscott	56	Deposited Plan 222705	23360
	Camillo	78	Diagram 59983	9971
	Kelmscott	33	Diagram 62728	23307
	Seville Grove	32	Diagram 71699	6896
	Forrestdale	122	Deposited Plan 41169	30082
	Kelmscott	84	Diagram 35336	14533
	Roleystone	63	Diagram 46554	4518

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City of Armadale Freehold Land Containing Bushland

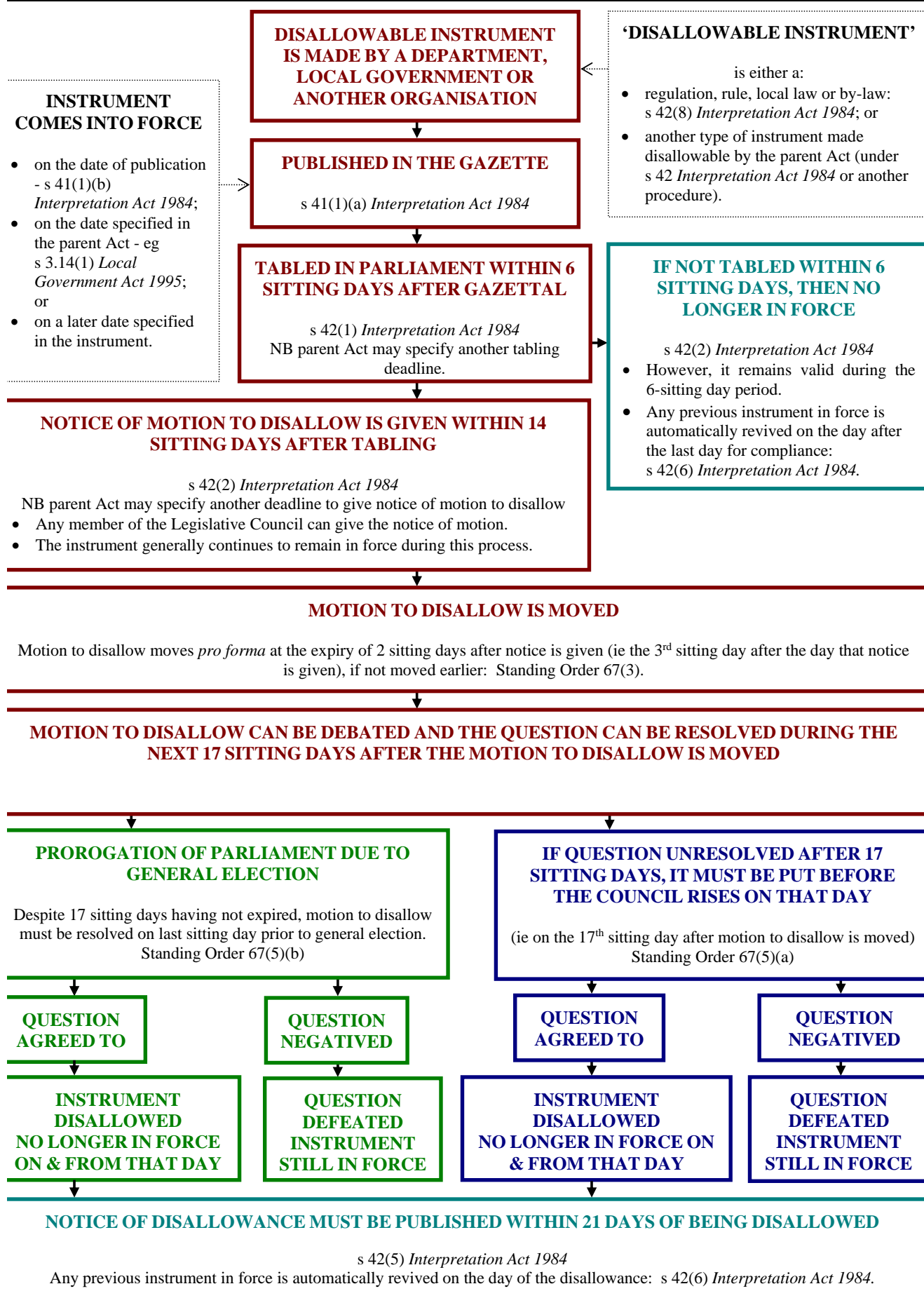
Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
	Roleystone	60	Deposited Plan 32124	29121
Cross Park	Roleystone	1	Deposited Plan 71996	26723
	Roleystone	204	Diagram 79232	12402
	Roleystone	10	Plan 5985	20257
	Bedfordale	510	Deposited Plan 116673	29566
Corondale Park	Seville Grove	9006	Deposited Plan 46274	28170
Bob Blackburn Reserve	Seville Grove	28	Diagram 68683	7399
	Harrisdale	609	Deposited Plan 423274	55386
	Haynes	51	Deposited Plan 62531	33317

Dated the 15th day of January 2025.

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

RUTH BUTTERFIELD, Mayor.
JOANNE ABBISS, Chief Executive Officer.

DISALLOWANCE PROCEDURE IN THE LEGISLATIVE COUNCIL



Local Government Act 1995

Cat Act 2011

City of Armadale

Cat Local Law 2024

Under the powers conferred by the *Local Government Act 1995*, the *Cat Act 2011* and under all other powers enabling it, the Council of the City of Armadale resolved on 16 December 2024 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the City of Armadale Cat Local Law 2024.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Terms used

In this local law unless the context otherwise requires —

Act means the *Cat Act 2011*;

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

approved cat breeder has the meaning given to it in the Act;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

cat means an animal of the species *felis catus* or a hybrid of that species;

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

cattery means any premises where 5 or more cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary owner of the cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

~~**effective control** in relation to a cat means any of the following methods —~~

~~(a) the cat is held by a person who is capable of controlling the cat;~~

~~(b) the cat is secured in a cage; or~~

~~(c) any other means of preventing escape of the cat.~~

group dwelling (commonly referred to as a duplex, villa or townhouse) means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

local government means the City of Armadale;

multiple dwelling (often called a flat, apartment or unit) meaning a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—

(a) does not include a group dwelling; and

(b) includes any dwellings above the ground floor in a mixed use development;

nuisance means —

(a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;

(b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;

(c) interference which causes material damage to land or other property on the land affected by the interference;

Notice means a Cat Control Notice issued under section 26 of the Act;

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under Part 4;

permit holder means a person who holds a valid permit issued under Part 4;

pet shop means a shop or place used for the conduct of a business, in the course of which an animal is kept for the purposes of sale;

premises has the meaning given to it in the Act;

public place has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents;

single dwelling means a house that stands alone on its own parcel of land.

PART 2—CAT CONTROL

2.1 Cats in public places

- (1) A cat shall not be permitted in a public place, if the cat is causing a nuisance.
- (2) If a cat is at any time in a public place in contravention of subclause (1) —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

~~2.2 Cats in other places~~

- ~~(1) A cat shall not be in any place that is not a public place if —
 - ~~(a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and~~
 - ~~(b) the cat is causing a nuisance.~~~~
- ~~(2) If a cat is at any time in a place in contravention of subclause (1) —
 - ~~(a) the owner of the cat commits an offence; and~~
 - ~~(b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.~~~~

2.32 Cat in prohibited areas

- (1) A cat shall not be in any Cat Prohibited Area as identified in Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause (1) —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.43 Cat nuisance

- (1) The owner of a cat, ~~or any other person responsible for a cat,~~ shall not allow the cat to create a nuisance.
- (2) Where a cat is creating a nuisance, the local government may give a Notice to the owner of the cat ~~or any other person in control of the cat,~~ requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a Notice is given, the Notice remains in force for the period specified by the local government on the Notice which shall not exceed 6 months from the date of the Notice.
- (4) A person given a Notice shall comply with the Notice within the period specified in the notice.
- (5) If the owner fails to comply with a Notice, then —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

PART 3—CAT PROHIBITED AREAS

3.1 Designation of Cat Prohibited Areas

- (1) The local government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3.
- (2) In determining land as a Cat Prohibited Area for the purposes of subclause (1), the local government may have regard to —
 - (a) the nature of the flora and fauna on the land;
 - (b) whether the land has been recognised by any authority as having flora or fauna of local, regional or state significance;
 - (c) whether it is land to which section 5 of the *Conservation and Land Management Act 1984* applies;
 - (d) whether the land is declared as an 'Environmentally Sensitive Area' under the *Environmental Protection Act 1986*; or
 - (e) whether the land is near another area considered to be environmentally significant.
- (3) In designating land for the purpose of section 3.1 the Local Government shall have regard to clause 2.1.

PART 4—PERMITS FOR KEEPING CATS

4.1 Interpretation

For the purposes of applying this Part, a **cat** does not include a cat less than 6 months old.

4.2 Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit to —
 - (a) keep more than 4 cats on any premises;
 - (b) be an approved cat breeder; or
 - (c) use any premises as a cattery.
- (2) A permit is not required under subclause (1) if the premises concerned are —
 - (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
 - (b) a cat management facility operated by the local government;
 - (c) a ~~veterinary clinic or veterinary hospital~~ **veterinary practice business or veterinary premises** as defined under section ~~2~~ **3** of the ~~Veterinary Surgeons Act 1960~~ **Veterinary Practice Act 2021**, but only in relation to cats kept on those premises for treatment; or
 - (d) a pet shop.
- (3) If the owner fails to obtain a permit under clause 4.2(1), then —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

4.3 Transitional provisions

Where an owner has 5 or more cats on their premises, registered in accordance with the Act, prior to this local law coming into operation they are not required to have a permit; however they will not substitute or replace any cat (in excess of 4 cats) once that cat —

- (a) dies; or
- (b) is permanently removed from the premises.

4.4 Application for permit

An application for a permit under clause 4.2 shall include but may not be limited to the following —

- (a) made in writing by an occupier of either a single or multiple dwelling or premises in relation to that single or multiple dwelling or premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept at the single or multiple dwelling or on the premises;
- (c) accompanied by justification for the request;
- (d) accompanied by the plans of the single or multiple dwelling or premises to which the application relates, to the specification and satisfaction of the local government;
- (e) accompanied by the consent in writing of the owner of the single or multiple dwelling or premises, where the occupier is not the owner of the single or multiple dwelling or premises to which the application relates;
- (f) accompanied by the application fee for the permit determined by the local government from time to time; and
- (g) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to ~~maintain effective control of the cats and~~ ensure ~~their~~ the health and welfare ~~of the~~ cats.

4.5 Refusal to determine application

The local government may not determine an application for a permit if it is not made in accordance with clause 4.4.

4.6 Factors relevant to determination of application

- (1) In determining an application for a permit the local government may have regard to —
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;

- (h) the likely effect on the local environment, including any pollution or other environmental damage which may be caused by the use;
 - (i) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) Where an application is received pursuant to clause 4.4 the local government shall —
 - (a) consult with adjacent occupiers and landowners; and
 - (b) notify adjacent occupiers and 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.

4.7 Decision on application

- (1) The local government may —
 - (a) approve an application for a permit, in which case it shall approve it subject to the conditions in clause 4.8, and may approve it subject to any other conditions it considers fit;
 - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
 - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

4.8 Conditions

- (1) Every permit is issued subject to the following conditions —
 - ~~(a)~~ ~~each cat kept on the premises to which the permit relates shall remain under the effective control of a person;~~
 - ~~(b)~~ ~~(a)~~ that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
 - ~~(c)~~ ~~(b)~~ the single, group or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition;
 - ~~(d)~~ ~~(c)~~ the written consent to the application for a permit of the adjoining group or multiple dwellings has been obtained;

- ~~(e)~~ (d) the written consent to the application from the owner of the premises, if not the applicant, has been obtained;
- ~~(f)~~ ~~without the consent of the local government, the permit holder will not substitute or replace any cat once that cat —~~
- ~~(i)~~ ~~dies; or~~
- ~~(ii)~~ ~~is permanently removed from the premises.~~
- ~~(g)~~ (e) those conditions contained in Schedule 1.

- (2) A permit holder who fails to comply with a condition of a permit commits an offence.

4.9 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid until any cat either —

- (a) dies; or
- (b) is permanently removed from the premises; or
- (c) the permit holder ceases to reside at the dwelling or premises to which the permit relates.

4.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

4.11 Permit not transferable

A permit is not transferable in relation to either the permit holder or the dwelling or premises.

PART 5—IMPOUNDING OF CATS

5.1 Cat management facility

- (1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.
- (2) The local government may determine from time to time —
 - (a) the times when a cat management facility will be open for the reception and release of cats; and
 - (b) times for the sale of cats from the facility.
- (3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week that the facility is open to the public.

5.2 Impounding register

- (1) The local government is to keep a register that records the impoundment of each cat.
- (2) The 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, time and location of seizure and impounding;
 - (e) the particulars of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
 - (f) the reason for the impounding;
 - (g) a note of any direction made by an authorised person under clause 2.4(2) relating to the cat; and
 - (h) the date of the sale, release or destruction of the cat.

5.3 Charges and costs

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

- (a) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and

- (b) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 5.1(2).

5.4 Release of impounded cats

- (1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 5.1(1).
- (2) The authorised person referred to in clause 5.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence —
 - (a) of his or her ownership of the cat or of his or her authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the cat; or
 - (c) of proof of registration of the cat in accordance with the Act; or
 - (d) if a permit under Part 4 is required, proof of obtaining the permit.
- (3) A cat may not be released from a cat management facility operated by the local government until the cat is registered and microchipped in accordance with the Act.
- (4) The local government may waive fees required to be paid under subclause (3).
- (5) Subclause (3) does not apply to an authorised person acting in the course of their duties.

PART 6—MISCELLANEOUS

6.1 Giving of a notice

A Notice given under this local law may be given to a person —

- (a) personally;
- (b) by mail, physical or electronic means, addressed to the person; or
- (c) by leaving it for the person at her or his address.

6.2 Content of a notice

The contents of a Notice given under clause 6.1 can be —

- (a) ascertained from the person directly;
- (b) recorded by the local government under the Act; or
- (c) ascertained from enquiries made by the local government.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and review

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 the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 8—OFFENCES AND PENALTIES

8.1 Offences

- (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) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

8.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section ~~84~~ 62 of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

8.3 Forms

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

Schedule 1

ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

[Clause 4.8]

A. Permit to keep 5 cats or more

Additional conditions —

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat—
 - (a) dies; or
 - (b) is permanently removed from the premises.

B. Permit for Approved Cat Breeder

Additional conditions —

- (1) Required to keep records of all purchases and or transfers of cat/s for a period of 2 years, including but not limited to the purchasers' name and address, and the cat/s microchip number; and
- (2) Premises may be inspected annually.

C. Permit to use premises as a Cattery

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) An approved apparatus for the treatment and disposal of sewerage is to be installed to the satisfaction of the local government and where installed it is to be maintained to the manufacturer's specifications.
- (5) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
- (6) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
- (7) Wash basin with the minimum of cold water to be available to the satisfaction of the Local Government;
- (8) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
- (9) An register 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;

- (10) The register is to be made available for inspection on the request of an authorised person;
- (11) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
- (12) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats on the premises; and
- (13) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

Schedule 2
PRESCRIBED OFFENCES

[Clause 8.2]

Item	Clause	Description	Modified Penalty
1	2.1(2)(a)	Cat causing a nuisance in a public place	\$200
2	2.2(2)(a)	Cat in a place that is not a public place without consent and/or is causing a nuisance	\$200
3 <u>2</u>	2.3(2)(a)	Cat in prohibited area	\$200
4 <u>3</u>	2.4(5)(a)	Failure to comply with a Notice	\$200
5 <u>4</u>	4.2(3)(a)	Failure to obtain a Permit	\$200
6 <u>5</u>	4.8(2)	Failure to comply with a condition of a permit	\$200

Schedule 3
CAT PROHIBITED AREAS

[Clause 3.1]

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
29532	Whittington Park	Mount Nasura	3698	Plan 14643	14770
29532	Whittington Park	Mount Nasura	2174	Deposited Plan 180748	14771
29594	Callow Park	Mount Nasura	2198	Plan 8126	14868
52746		Forrestdale	44	Deposited Plan 226029	44475
45284	Rubida Park	Roleystone	4159	Plan 21969	9333
2111	Goolamrup Reserve	Kelmscott	93	Deposited Plan 222700	23754
33975		Bedforddale	2786	Plan 11371	28289
33975		Bedforddale	2786	Plan 11371	28290
33975		Bedforddale	2786	Plan 11371	19365
27165	Armadale Golf Course	Forrestdale	460	Deposited Plan 193976	12870
27165	Forrestdale Lake Nature Reserve	Forrestdale	400	Deposited Plan 129080	28374
27165		Forrestdale	380	Deposited Plan 129080	28375
33953	Meyer Reserve	Kelmscott	233	Plan 11213	19306
44324	Richon Park	Mount Richon	4043	Diagram 89016	9964
28794	Hellenic Reserve	Roleystone	2110	Diagram 33985	14270
53736		Kelmscott	205	Deposited Plan 412263	52306
28584		Kelmscott	2071	Plan 8408	13861
53835	Barossa Park	Harrisdale	8217	Deposited Plan 419074	53617
27073		Kelmscott	4132	Plan 21211	14023
27073		Kelmscott	501	Deposited Plan 411503	49676
27073		Kelmscott	1942	Diagram 27030	14020
27073		Kelmscott	500	Deposited Plan 411503	49675
27073		Kelmscott	3678	Diagram 66505	14022
27073		Kelmscott	3667	Diagram 66210	14021
50804		Harrisdale	8106	Deposited Plan 68520	36524
53118		Piara Waters	1551	Deposited Plan 401607	44257
53118	Bate Park	Piara Waters	1550	Deposited Plan 401607	44256
51310	Fernhill Park	Harrisdale	8209	Deposited Plan 74304	38963
49322	Verdant Reserve	Seville Grove	8001	Deposited Plan 56131	31494
28428		Mount Nasura	3765	Plan 14643	28387
28428	Adair Park	Mount Nasura	2053	Diagram 33203	21960
28428	Adair Park	Mount Nasura	2247	Diagram 35807	21961
28428	Adair Park	Mount Nasura	3765	Plan 14643	28388
30100	Windsor Reserve	Roleystone	2281	Plan 9281	15588

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
33652	Peaceful Pond	Mount Nasura	2981	Plan 11151	29880
33652	Peaceful Pond	Mount Nasura	2733	Diagram 48601	29878
33652	Peaceful Pond	Mount Nasura	2981	Plan 11151	18847
52231	Springfield Reserve	Bedfordale	108	Diagram 49266	17830
51613		Piara Waters	5005	Deposited Plan 414500	51230
51797		Bedfordale	4000	Deposited Plan 76739	42940
51797		Bedfordale	4004	Deposited Plan 409632	49266
51797	Benbecula Park	Bedfordale	4001	Deposited Plan 76739	42941
51797	Benbecula Park	Bedfordale	4002	Deposited Plan 76739	42942
51797		Bedfordale	4004	Deposited Plan 409632	49267
51797	Benbecula Park	Bedfordale	4003	Deposited Plan 76739	42943
33976	Brookside Park	Kelmscott	232	Plan 11213	19414
44389	Springdale Park	Karragullen	3906	Deposited Plan 218591	11039
52780	Jim and Alma Baker Park	Harrisdale	8201	Deposited Plan 401234	43612
28625	Ellis Park	Mount Nasura	2069	Plan 8619	13871
34507	Gilcoe Reserve	Roleystone	2865	Diagram 38315	20055
25074	Lina Hart Memorial Park	Roleystone	1639	Plan 7053	3855
44836		Kelmscott	256	Diagram 73462	11084
53681		Piara Waters	8000	Deposited Plan 417958	52801
28746	Bamlett Reserve	Mount Nasura	2085	Diagram 33142	14214
28746	Bamlett Reserve	Mount Nasura	2123	Diagram 33882	14321
50407	Robot Park	Piara Waters	738	Deposited Plan 63326	35076
32224	Morrison Park	Kelmscott	225	Plan 9774	17307
50620	Conical Reserve	Harrisdale	8002	Deposited Plan 65850	35922
50599	Jim and Alma Baker Park	Harrisdale	8109	Deposited Plan 66306	36056
36741		Kelmscott	238	Diagram 55100	22478
35763		Mount Nasura	3080	Plan 12384	29847
35763		Mount Nasura	3644	Diagram 58972	21776
35763	Mazzega Park	Mount Nasura	3347	Plan 13710	29849
33647		Kelmscott	247	Deposited Plan 191031	18774
50583	Maclean Park	Roleystone	830	Deposited Plan 62604	35512
39798	Bob Blackburn Reserve	Seville Grove	3560	Diagram 68683	19075
39798		Seville Grove	3560	Diagram 68683	29633
29887	Paterson Park	Mount Nasura	2246	Diagram 35807	15149
46864		Bedfordale	4839	Deposited Plan 27788	21327

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
29054	Travers Park	Kelmscott	206	Diagram 33883	14505
35905	Heather Locke Reserve	Kelmscott	3106	Plan 12654	21897
52971		Kelmscott	301	Deposited Plan 406400	49686
33795	Westview Reserve	Mount Nasura	3588	Deposited Plan 216850	19502
33795	Westview Reserve	Mount Nasura	4180	Plan 15183	19503
33795	Westview Reserve	Mount Nasura	3673	Deposited Plan 216850	19146
33795	Westview Reserve	Mount Nasura	3588	Deposited Plan 216850	29648
53167		Piara Waters	100	Deposited Plan 406316	50235
30048		Kelmscott	255	Plan 17317	23686
30048	Hicks / Savage Park	Kelmscott	262	Diagram 30754	23688
30048	Hicks / Savage Park	Kelmscott	212	Diagram 37539	23687
48763	Thomas Price Reserve	Karragullen	320	Deposited Plan 52025	29909
Reserve 28293, Lot 60 Collins Rd Roleystone, Reserve 28353, Reserve 28293, Canning River Reserve between Soldiers Road and Thompsons Road.	Roley Pool	Roleystone	4697	Deposited Plan 26280	13592
4127	Armadale Settlers Common	Bedfordale	4171	Deposited Plan 219828	28292
4127	Armadale Settlers Common	Bedfordale	4175	Deposited Plan 219828	28296
4127	Armadale Settlers Common	Bedfordale	4178	Deposited Plan 219828	28294
4127	Armadale Settlers Common	Bedfordale	1625	Deposited Plan 193588	3805
4127	Armadale Settlers Common	Bedfordale	1624	Deposited Plan 193587	3804
4127	Armadale Settlers Common	Bedfordale	1623	Deposited Plan 193586	3803
4127	Armadale Settlers Common	Bedfordale	4174	Deposited Plan 219828	28295
4127	Armadale Settlers Common	Bedfordale	4173	Deposited Plan 219828	28291

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
4127	Armadale Settlers Common	Bedfordale	4176	Deposited Plan 219828	24606
29837	Paterson Park	Mount Nasura	2231	Diagram 36859	15003
27763	Karragullen Oval	Karragullen	49	Deposited Plan 165650	13109
46207	Ticklie Park	Seville Grove	4496	Plan 24185	14636
38820		Champion Lakes	571	Diagram 61861	24026
50582		Roleystone	831	Deposited Plan 62604	35513
37779		Kelmscott	3432	Diagram 65527	23401
29052	Hamersley Reserve	Kelmscott	207	Diagram 33883	14467
52240		Seville Grove	616	Deposited Plan 404236	45960
47977		Bedfordale	4000	Deposited Plan 41792	27820
47977		Bedfordale	4001	Deposited Plan 41792	27819
47977		Bedfordale	4002	Deposited Plan 41792	27814
47977		Bedfordale	4009	Deposited Plan 53601	30306
47977		Bedfordale	4003	Deposited Plan 42369	28095
47977		Bedfordale	4007	Deposited Plan 51614	30208
47977		Bedfordale	4004	Deposited Plan 48129	29258
51071	Cam Clay Reserve	Seville Grove	802	Deposited Plan 29567	24457
51071	Cam Clay Reserve	Seville Grove	51	Diagram 87716	17527
35613		Mount Richon	2980	Plan 10028	18570
35613	Neerigen Brook Reserve	Mount Richon	3207	Plan 12993	18572
35613		Mount Richon	3716	Plan 12992	18581
35613	Neerigen Brook Reserve	Mount Richon	3717	Plan 12992	18578
35613		Mount Richon	3053	Plan 12370	18571
35613		Mount Richon	3217	Plan 12993	18575
35613		Mount Richon	3211	Plan 12993	18574
35613		Mount Richon	3713	Plan 12992	18577
35613	Neerigen Brook Reserve	Mount Richon	3223	Diagram 58102	18576
35613		Mount Richon	18	75271	50157
35613	Neerigen Brook Reserve	Mount Richon	4085	Diagram 51172	18579
35613	Neerigen Brook Reserve	Mount Richon	899	Deposited Plan 404697	48661
35613	Neerigen Brook Reserve	Mount Richon	3053	Plan 12370	21452
35613	Neerigen Brook Reserve	Mount Richon	3207	Plan 12993	29858

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
35613	Neerigen Brook Reserve	Mount Richon	3208	Plan 12993	18573
35613	Neerigen Brook Reserve	Mount Richon	4126	Diagram 51172	18580
23658	Conifer Reserve	Karragullen	1261	Deposited Plan 182790	3329
23658	Conifer Reserve	Karragullen	623	Deposited Plan 143418	28317
37778		Champion Lakes	556	Plan 13615	23349
46259		Roleystone	3991	Diagram 79232	20687
46259		Roleystone	4538	Diagram 96251	287
46259		Roleystone	4415	Diagram 96251	28305
46259		Roleystone	4414	Diagram 96251	28304
51692		Piara Waters	1213	Deposited Plan 77482	42728
29398		Kelmscott	2159	Diagram 33384	29647
29398	Fancote Park	Kelmscott	2778	Diagram 44249	29645
29398		Kelmscott	3569	Diagram 70026	14657
29398		Kelmscott	2536	Plan 9569	29646
29398		Kelmscott	248	Diagram 73462	6608
29398		Kelmscott	246	Diagram 50104	14655
38523	Forrestdale Lake Nature Reserve	Forrestdale	454	Deposited Plan 91462	23909
50355	Lauraine Reserve	Harrisdale	8009	Deposited Plan 64280	34856
50355	Lauraine Reserve	Harrisdale	8012	Deposited Plan 64280	34857
21897	Rushton Park	Kelmscott	30	Deposited Plan 255765	482
43146	Henrietta Reserve	Mount Nasura	3860	Plan 19041	8075
24557		Kelmscott	1364	Diagram 20899	3579
45930		Bedfordale	4330	Plan 22894	23281
44602	Leys Reserve	Mount Richon	3876	Plan 19192	13626
30253		Kelmscott	254	Plan 17317	29111
30253	Hicks / Savage Park	Kelmscott	259	Diagram 30754	22664
30253	Hicks / Savage Park	Kelmscott	254	Plan 17317	29112
30253		Kelmscott	4999	Deposited Plan 38136	6485
30253	Hicks / Savage Park	Kelmscott	216	Diagram 37539	22661
30253	Hicks / Savage Park	Kelmscott	259	Diagram 30754	29110
30151	Hookway Reserve	Roleystone	2287	Plan 8732	15654
33671	Mimosa Reserve	Kelmscott	2737	Plan 11216	18962
52972	Lauraine Reserve	Harrisdale	8116	Deposited Plan 401770	43530
49028	Silvershot Reserve	Harrisdale	8010	Deposited Plan 57670	31717
29964	Paterson Park	Mount Nasura	2399	Plan 9381	29654
29964	Paterson Park	Mount Nasura	2245	Diagram 35804	15277

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
29964		Mount Nasura	2245	Diagram 37296	34043
49044	Oakleigh Park	Harrisdale	8003	Deposited Plan 52131	30181
50406		Piara Waters	737	Deposited Plan 63326	35075
51958	Moraba Park	Piara Waters	8009	Deposited Plan 401232	43427
51958		Piara Waters	8020	Deposited Plan 403872	44799
51958	Moraba Park	Piara Waters	8004	Deposited Plan 401232	43426
32219	Lions Park	Armadale	27	Plan 10126	4639
32219		Mount Nasura	25	Plan 20703	3444
32219	Carradine Reserve	Mount Nasura	26	Plan 10126	17295
25699	Derry Reserve	Mount Nasura	1766	Plan 7317	252
25699	Derry Reserve	Mount Nasura	3081	Plan 12480	4018
37199		Wungong	3745	Plan 14239	29673
37199	Rails Crescent Bridle Trail	Wungong	3260	Plan 13366	4009
37199		Wungong	3260	Plan 13366	4010
37199		Wungong	3259	Plan 13367	4012
37199	Rails Crescent Bridle Trail	Wungong	3259	Plan 13367	29671
37199		Wungong	3258	Plan 13365	4006
37199	Rails Crescent Bridle Trail	Wungong	3745	Plan 14239	29672
52816	Robot Park	Piara Waters	651	Deposited Plan 409800	48680
32635	Gibbs Reserve	Forrestdale	427	Deposited Plan 207272	17896
32635	Gibbs Reserve	Forrestdale	466	Deposited Plan 180404	17895
30058	Garland Reserve	Roleystone	2263	Plan 8181	15488
30231	Peet Reserve	Roleystone	2284	Plan 9325	16039
33364	Meyer Reserve	Kelmscott	231	Plan 11213	18552
26011	Tredale Field	Mount Richon	3793	Deposited Plan 190739	4191
29597	Errol Green Park	Mount Richon	2197	Plan 8773	14883
7072	Scott Park	Kelmscott	169	Deposited Plan 222701	24903
39773	Hobbs Park	Armadale	3548	Diagram 65714	24378
27970	Ranford Park	Kelmscott	240	Diagram 55151	13361
27970	Ranford Park	Kelmscott	204	Plan 8371	13362
53427	Moraba Park	Piara Waters	8002	Deposited Plan 413451	51334
52370	Fairweather Park	Piara Waters	8015	Deposited Plan 407389	46754
52077	Dovedale Park	Harrisdale	8213	Deposited Plan 403431	44692
52077	Dovedale Park	Harrisdale	8212	Deposited Plan 401794	43823
52077	Dovedale Park	Harrisdale	8210	Deposited Plan 402399	44350
53354		Champion Lakes	850	Deposited Plan 38287	27745

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
53354		Champion Lakes	901	Deposited Plan 29645	23070
37637	Notting Hill Reserve	Roleystone	3303	Plan 9075	23168
39837		Mount Nasura	3566	Plan 15182	24561
31139	Borrello Park	Roleystone	2377	Deposited Plan 187069	29692
31139	Borrello Park	Roleystone	2377	Deposited Plan 187069	16534
32113	Stonegate Reserve	Roleystone	2480	Plan 9511	17166
28434	Bettenay Park	Roleystone	2049	Diagram 33219	28389
28434	Bettenay Park	Roleystone	3473	Diagram 51484	13749
28434	Sefton Park	Roleystone	3476	Diagram 51484	28391
28434	Sefton Park	Roleystone	3476	Diagram 51484	28392
47424		Bedforddale	4831	Deposited Plan 32445	622
47424		Bedforddale	4822	Deposited Plan 32106	27305
23592		Bedforddale	300	Deposited Plan 45724	3317
23592		Bedforddale	801	Deposited Plan 60777	32834
44372	Hilltop Reserve	Kelmscott	4164	Plan 21904	28319
44372	Hilltop Reserve	Kelmscott	4082	Plan 21040	21252
39812	Colquhoun Reserve	Roleystone	3561	Diagram 69098	24489
25560	Hassett Winstanley Reserve	Roleystone	1748	Plan 7283	4004
44185	Corondale Park	Seville Grove	8002	Deposited Plan 46274	28168
44185	Corondale Park	Seville Grove	4229	Plan 20797	1745
44185		Seville Grove	8005	Deposited Plan 63673	34398
44185	Corondale Park	Seville Grove	4927	Deposited Plan 35656	3669
32286	Holden Park	Roleystone	2540	Diagram 40708	17533
36896		Roleystone	500	Deposited Plan 402605	45179
36896		Roleystone	3209	Diagram 56232	22785
44182	Ticklie Park	Seville Grove	972	Deposited Plan 47594	28371
44182	Ticklie Park	Seville Grove	4046	Diagram 88632	3846
33062	Westfield Park Reserve	Camillo	2632	Plan 9386	18178
33062	Westfield Park Reserve	Camillo	3048	Plan 12437	29868
2121	Migrant Park	Kelmscott	244	Deposited Plan 188410	23798
33742	Armadale Settlers Common	Bedforddale	2740	Deposited Plan 148700	19035
39208	Creyk Park Flora Reserve	Kelmscott	3481	Plan 9070	24142
38843	Matthew Stott Reserve	Seville Grove	3665	Diagram 75003	24041
38843	Matthew Stott Reserve	Seville Grove	3450	Plan 14512	24039

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
38843	Matthew Stott Reserve	Seville Grove	3666	Diagram 75002	24040
33653	Peaceful Pond	Mount Nasura	2734	Diagram 48601	18895
33653	Peaceful Pond	Mount Nasura	2811	Plan 11151	18896
46948		Mount Richon	49	Deposited Plan 33541	1236
35687	Peaceful Pond	Mount Nasura	3074	Plan 12384	21630
35687	Peaceful Pond	Mount Nasura	3074	Plan 12384	29851
28248		Mount Nasura	4391	Plan 13872	24090
28248		Mount Nasura	3322	Plan 13504	23287
28248	Carrawatha Park	Mount Nasura	4507	Deposited Plan 26000	20843
28248	Carrawatha Park	Mount Nasura	4734	Deposited Plan 25999	13534
28638		Kelmscott	201	Deposited Plan 172671	13992
4561	Bungendore Park	Bedfordale	3597	Deposited Plan 216929	24708
4561	Bungendore Park	Bedfordale	3597	Deposited Plan 216929	24708
4561		Bedfordale	3895	Deposited Plan 191837	28284
27337	Wandoo Reserve	Mount Nasura	1957	Plan 8084	12916
33067	Opal Park	Mount Richon	2627	Plan 10810	18194
35733	Arbour Park	Kelmscott	3077	Plan 12556	21644
36382		Kelmscott	3152	Plan 12865	14009
36382		Kelmscott	260	Diagram 58145	29693
46515		Bedfordale	4694	Plan 23935	28300
46515		Bedfordale	4693	Plan 23934	20782
51539	Kellogg Park	Piara Waters	1212	Deposited Plan 77482	42727
43933	Treecrest Gardens	Mount Richon	4031	Plan 20672	10199
24883		Kelmscott	195	Diagram 20951	3634
38122	Ranford Park	Kelmscott	242	Diagram 55151	23801
38122	Ranford Park	Kelmscott	242	Diagram 55151	29644
51309	Torridge Park	Piara Waters	8003	Deposited Plan 412970	52307
51267		Piara Waters	406	Deposited Plan 67643	37036
36180	Palomino Park	Champion Lakes	3124	Diagram 55454	29870
36180	Palomino Park	Champion Lakes	3124	Diagram 55454	22050
36180	Palomino Park	Champion Lakes	4993	Deposited Plan 42879	28172
2110	Goolamrup Reserve	Kelmscott	92	Deposited Plan 222700	23738
48977	William Lockard Park	Harrisdale	8006	Deposited Plan 50041	29800
48977	Warbler Park	Harrisdale	8113	Deposited Plan 59399	32787
48977	Tolarno Park	Harrisdale	8003	Deposited Plan 57671	34169
48977	Warbler Park	Harrisdale	8105	Deposited Plan 59399	32786
48977	Whitehorse Park	Harrisdale	8104	Deposited Plan 59399	32785
48977	Whitehorse Park	Harrisdale	8001	Deposited Plan 57671	34168

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
38818		Haynes	3443	Diagram 65992	23975
38818		Haynes	3813	Diagram 82342	23976
45283	Albens Vale Park	Roleystone	4157	Plan 21970	10479
33126	Amethyst Reserve	Mount Richon	2637	Plan 10809	18325
6468	Lloyd Hughes Park	Kelmscott	263	Deposited Plan 194807	24847
28745	Ringwood Reserve	Armadale	2083	Plan 8636	29635
45366		Mount Richon	4163	Plan 22162	12172
50619	Benalla Reserve	Harrisdale	8004	Deposited Plan 65851	35962
41523	Barry Poad Reserve	Seville Grove	3850	Deposited Plan 191625	2558
50082	Armadale Settlers Common	Bedforddale	811	Deposited Plan 56587	31726
34155		Kelmscott	516	Deposited Plan 116676	29944
34155		Kelmscott	515	Deposited Plan 116675	29942
34155	Canning Mills Reserve	Kelmscott	515	Deposited Plan 116675	29943
34155	Canning Mills Reserve	Kelmscott	516	Deposited Plan 116676	19652
34155	Canning Mills Reserve	Roleystone	516	Deposited Plan 116676	29945
34694	Alderson Park	Armadale	4303	Deposited Plan 194304	20119
44605		Bedforddale	3980	Diagram 64012	21777
49892	Heronwood Reserve	Harrisdale	8101	Deposited Plan 58342	33080
32120	Russelia Reserve	Roleystone	2486	Diagram 43826	17172
32120	Russelia Reserve	Roleystone	3110	Diagram 54987	17173
34027		Bedforddale	2794	Plan 11379	19423
34027	Wallangara Bridle Trail	Bedforddale	2869	Plan 11540	19427
34027	Wallangara Bridle Trail	Bedforddale	2983	Diagram 51349	29940
34027	Wallangara Bridle Trail	Bedforddale	2867	Plan 11540	19425
34027	Wallangara Bridle Trail	Bedforddale	2794	Plan 11379	19424
34027	Wallangara Bridle Trail	Bedforddale	2866	Plan 11540	19422
34027	Wallangara Bridle Trail	Bedforddale	2868	Plan 11540	19426
36839	Wright Brook Park	Kelmscott	3222	Diagram 39669	22591
34077	Shepherd Reserve	Harrisdale	501	Deposited Plan 60917	32623
34077	Shepherd Reserve	Harrisdale	500	Deposited Plan 60917	32622
26755		Kelmscott	199	Diagram 26882	14116
26755		Kelmscott	241	Diagram 54235	28324
26755		Kelmscott	264	Deposited Plan 31492	26702
26755		Kelmscott	105	Deposited Plan 46528	28852
33954	Brookside Park	Kelmscott	243	Deposited Plan 188380	19321
53441	Marrinup Park	Piara Waters	8001	Deposited Plan 401809	51493

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
29381	Hassett Winstanley Reserve	Roleystone	3472	Deposited Plan 187077	14605
46208	Pamplona Reserve	Seville Grove	4497	Plan 24185	10258
48941	Broadway Park	Piara Waters	1007	Deposited Plan 58143	28666
48941		Piara Waters	345	Deposited Plan 49192	30080
44982	Slab Gully Reserve	Roleystone	4081	Plan 21113	20121
33367	Lina Hart Memorial Park	Roleystone	2670	Plan 10528	18621
52044		Piara Waters	8003	Deposited Plan 402674	45058
47394		Bedforddale	4823	Deposited Plan 32160	27419
27708	Possum Park	Kelmscott	202	Diagram 30764	13047
27708	Possum Park	Kelmscott	239	Diagram 49821	28378
27708	Possum Park	Kelmscott	217	Diagram 37868	28376
27708	Possum Park	Kelmscott	218	Diagram 37868	28377
28293		Roleystone	3932	Plan 19760	29918
28293	Araluen Walk Trail	Roleystone	2066	Diagram 33015	29915
28293	Araluen Walk Trail	Roleystone	3035	Diagram 54229	29916
28293	Araluen Walk Trail	Roleystone	2027	Diagram 32534	13580
28293	Araluen Walk Trail	Roleystone	2233	Diagram 36899	14961
28293	Araluen Walk Trail	Roleystone	3932	Plan 19760	29917
27764		Karragullen	60	Deposited Plan 192461	23054
53168	Fogarty Park	Piara Waters	101	Deposited Plan 406316	50236
45929		Bedforddale	4331	Plan 22893	21889
5247	Brian O'Neill Memorial Reserve	Bedforddale	29	Deposited Plan 222071	24722
52165		Piara Waters	1689	Deposited Plan 401574	45340
48975	Mossgreen Reserve	Harrisdale	8008	Deposited Plan 50041	29801
28728	Alice Reserve	Roleystone	4527	Deposited Plan 195167	14056
28245		Mount Nasura	2172	Diagram 33882	29921
32226	Scott Park	Kelmscott	227	Plan 9774	29852
32226	Scott Park	Kelmscott	227	Plan 9774	17366
36339	Palomino Park	Champion Lakes	8003	Deposited Plan 58004	29874
36339		Champion Lakes	565	Plan 13486	22162
36339	Palomino Park	Champion Lakes	8021	Deposited Plan 58004	29876
25721		Kelmscott	197	Diagram 25197	4093
46287		Bedforddale	59	Deposited Plan 195143	16736
51504	Fairweather Park	Piara Waters	5004	Deposited Plan 414499	51229
51504	Fairweather Park	Piara Waters	1362	Deposited Plan 75173	39951
50453	Moseri Reserve	Roleystone	8000	Deposited Plan 64285	34563

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
14217	Fletcher Park	Wungong	106	Deposited Plan 27606	27117
14217	Fletcher Park	Wungong	110	Deposited Plan 186513	28303
48976	Sotheby Reserve	Harrisdale	8005	Deposited Plan 50041	29799
37636		Roleystone	3904	Plan 19389	18804
37636	Lockyer Park	Roleystone	3291	Plan 9075	18809
37636	Hall Park	Roleystone	2186	Diagram 35357	18806
37636	Hall Park	Roleystone	3646	Plan 16250	18805
37636	Michael Park	Roleystone	3728	Plan 17070	18810
37636	Hall Park	Roleystone	209	Deposited Plan 42041	28122
37636	Hall Park	Roleystone	3290	Plan 9075	18808
37636	Hall Park	Roleystone	3721	Plan 17070	18807
37636	Hall Park	Roleystone	3721	Plan 17070	29109
38116	Westview Reserve	Mount Nasura	3374	Diagram 52122	13606
35371	Higgins Park	Mount Nasura	3083	Plan 12479	20965
35371	Higgins Park	Mount Nasura	3026	Plan 12151	29054
35371	Higgins Park	Mount Nasura	3618	Plan 15933	29055
28630	Kembla Park	Kelmscott	2079	Diagram 33582	13980
28630	Kembla Park	Kelmscott	2679	Diagram 47722	28394
28630	Kembla Park	Kelmscott	2680	Diagram 47723	28395
43932		Mount Richon	4034	Plan 20671	8162
232	Kalajzich Park	Kelmscott	500	Deposited Plan 91048	28271
232		Kelmscott	500	Deposited Plan 91048	28272
232	Kalajzich Park	Kelmscott	500	Deposited Plan 91048	23434
232		Kelmscott	500	Deposited Plan 91048	28273
232		Kelmscott	500	Deposited Plan 91048	28274
53873		Champion Lakes	808	Deposited Plan 418871	53531
44606	Cammillo Reserve	Kelmscott	4071	Plan 20788	14550
39794		Mount Nasura	3319	Plan 13504	29636
39794		Mount Nasura	3562	Plan 15181	13653
39794		Mount Nasura	3966	Plan 15182	13655
39794	Westview Reserve	Mount Nasura	3082	Plan 12383	13656
52003	Monticello Park	Piara Waters	700	Deposited Plan 76720	40258
41640	San Jacinta Reserve	Seville Grove	3737	Diagram 78185	7491
46382		Roleystone	4559	Plan 23686	7733
31934		Kelmscott	224	Plan 9557	17034
48887		Bedforddale	4010	Deposited Plan 56083	31396
48887		Bedforddale	3000	Deposited Plan 52537	30369
48887		Bedforddale	3000	Deposited Plan 52537	30368

Bushland Containing Reserves Managed By City of Armadale					
Reserve Number	Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
48887		Bedforddale	4008	Deposited Plan 51615	30254
48887		Bedforddale	4006	Deposited Plan 48325	29284
48887		Bedforddale	3000	Deposited Plan 52537	30367
48887		Bedforddale	4005	Deposited Plan 48129	29259
51430		Piara Waters	8017	Deposited Plan 401238	45024
51430		Piara Waters	8018	Deposited Plan 401238	45025
51694	Guerin Park	Piara Waters	1087	Deposited Plan 67225	36960
30115	Attunga Reserve	Roleystone	2283	Diagram 38180	15640
30840	Peaceful Pond	Mount Nasura	2347	Plan 9700	16372
52076	Dovedale Park	Harrisdale	8214	Deposited Plan 402399	44351
31140	Kurrajong Reserve	Roleystone	2376	Plan 9467	16581
34326	Eva and Bill Moore Reserve	Camillo	472	Plan 11565	19832
33940	Leake Reserve	Forrestdale	390	Deposited Plan 206261	19257
33940	Leake Reserve	Forrestdale	391	Deposited Plan 206261	29938
33940	Leake Reserve	Forrestdale	397	Deposited Plan 206261	29939
42863	Morolo Park	Seville Grove	8001	Deposited Plan 46274	28167
42863	Morolo Park	Seville Grove	901	Deposited Plan 42273	27782
42863	Morolo Park	Seville Grove	3841	Plan 18621	6417
42700	Matthew Stott Reserve	Seville Grove	3790	Plan 18493	2975
50562		Harrisdale	8014	Deposited Plan 51248	35422
35233	Bryan Gell Reserve	Kelmscott	3269	Diagram 55255	20857
35233	Bryan Gell Reserve	Kelmscott	3269	Diagram 55255	20858
53850		Bedforddale	57	Deposited Plan 130091	25013
53850	Bedforddale Park	Bedforddale	57	Deposited Plan 130091	28301
33125	Emerald Reserve	Mount Richon	2636	Plan 10810	18278
42185	Croyden Park	Roleystone	3780	Deposited Plan 54433	19009
53371	Wattledale Park	Haynes	8021	Deposited Plan 404178	51176
53371		Haynes	8021	Deposited Plan 404178	51174
53371	Glenlossie Park	Haynes	8021	Deposited Plan 404178	51177
53371	Glenlossie Park	Haynes	8021	Deposited Plan 404178	51175
39579	Kendal Reserve	Camillo	581	Diagram 52354	24366
29946	Paterson Park	Mount Nasura	2269	Diagram 37296	15262
29946	Paterson Park	Mount Nasura	2249	Diagram 37296	29653

City of Armadale Freehold Land Containing Bushland				
Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
	Kelmscott	21	Deposited Plan 222705	20073
Creyk Park	Kelmscott	111	Diagram 52714	22262
	Harrisdale	609	Deposited Plan 423274	55385
	Roleystone	2	Diagram 69098	6669
	Armadale	801	Deposited Plan 72851	40317
	Haynes	32	Diagram 99280	8097
Creyk Park	Kelmscott	141	Diagram 53691	7450
	Mount Nasura	201	Deposited Plan 405160	46089
	Mount Richon	167	Plan 10809	17886
	Roleystone	112	Deposited Plan 25492	21852
	Roleystone	211	Diagram 85405	12243
Warwick Savage Park	Roleystone	100	Diagram 64284	24035
	Kelmscott	20	Deposited Plan 222705	20022
Corondale Park	Seville Grove	11	Deposited Plan 35656	3683
Sylvania Park	Roleystone	2	Diagram 61751	11818
	Haynes	33	Diagram 99280	8098
Churchman Brook Park	Bedforddale	188	Deposited Plan 48325	29283
	Mount Richon	298	Diagram 46399	17033
	Roleystone	60	Deposited Plan 32124	14050
	Mount Richon	21	Diagram 90004	2222
	Kelmscott	91	Plan 9794	9268
Rushton Park	Kelmscott	56	Deposited Plan 222705	23360
	Camillo	78	Diagram 59983	9971
	Kelmscott	33	Diagram 62728	23307
	Seville Grove	32	Diagram 71699	6896
	Forrestdale	122	Deposited Plan 41169	30082
	Kelmscott	84	Diagram 35336	14533
	Roleystone	63	Diagram 46554	4518
	Roleystone	60	Deposited Plan 32124	29121
Cross Park	Roleystone	1	Deposited Plan 71996	26723
	Roleystone	204	Diagram 79232	12402
	Roleystone	10	Plan 5985	20257
	Bedforddale	510	Deposited Plan 116673	29566
Corondale Park	Seville Grove	9006	Deposited Plan 46274	28170

City of Armadale Freehold Land Containing Bushland				
Reserve Name	Suburb	Lot Number	Survey Plan	Parcel
Bob Blackburn Reserve	Seville Grove	28	Diagram 68683	7399
	Harrisdale	609	Deposited Plan 423274	55386
	Haynes	51	Deposited Plan 62531	33317

Dated the _____ day of _____ 2024⁴³.

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

Ruth Butterfield

MAYOR

Joanne Abbiss

CHIEF EXECUTIVE OFFICER

Policy – Community Facilities and Reserve Fees and Charges





Community Facilities and Reserves Fees and Charges

Objective

To establish a sound and equitable basis of setting of fees and charges for the use of the City's community facilities and reserves.

Policy

Council acknowledges that it is not feasible or in the interest of the community for community facility and reserve fees and charges to be set at a full cost recovery level.

Council have set guiding principles to determine fees and charges, considering a philosophy that achieves a balance between;

- Recognising the value in providing community facilities for a variety of activities, which enhance community, social, health and wellbeing outcomes.
- A fair and reasonable contribution from users of community facilities

Principles

The principles are established for fee recovery and standard fees, junior subsidy and other considerations to ensure consistency, appropriateness and relevance.

1. Fee recovery and Standard Fees

Community Facilities and Reserves

Community charges will be set by Council each year in the Fees and Charges Schedule giving consideration to the affordability to user groups and any movements in the Perth Consumer Price Index.

Flood Lighting

Flood lighting charges will be based on 100% of the estimated metred electricity cost.

2. Junior subsidy

Use of reserves or community facilities by junior sports clubs and other similar not for profit associations (participants under 18 years of age) will be subsidised 100%. These groups will receive the subsidy on either community facilities or reserves, not both, with the following restrictions:

Community Facilities	Maximum 5 hours per week and 1 committee meeting per month per group.
Reserves	2 training sessions and 1 match play booking per week per team or association. In addition, clubs/associations are eligible for access to a facility for 1 committee meeting per month.

Additional hire of community facilities or reserves above the restrictions outlined will be charged at the community rate.

3. Other principles

Resident Associations that have been in existence for a period of 12 months and have been approved by the CEO, are eligible for free use of a facility or reserve for one booking per month for a maximum of two hours on each occasion.

Applicable legislation

Act	Local Government Act 1995 Section 2.7 – The Role of Council Local Government Act 1995 Section 6.16 – Imposition of fees and charges Local Government Act 1995 Section 6.17 – Setting level of fees and charges
Regulation	
Local law	Local Government Property Local Law
Policy	

Delegation of Power

No

Link to influencing strategies or plans

Community Strategic Plan

1.2.3 – Provide for a diverse range of active and passive recreational pursuits within the City

1.3.1 – Ensure the equitable provision of Community Facilities throughout the City

Link to procedure

Nil

Other implications

Financial/Budget Implications

Fees and charges are incorporated into the Annual Budget

Asset Management Implications

Nil

Environmental Implications

Nil

Occupational Safety and Health Implications

Nil

Administrative information

Adopted on	19 April 2021
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Reviewed or amended	
Responsible department	Recreation