

Dear Ms Manderson

I refer to your below response and attachments to the City's earlier correspondence, your other email sent to the City on 30 July 2018, and to our earlier telephone conversation had yesterday prior to this e-mail.

I wish to address the issues which you have identified in your letter and other email. In your submission regarding powers of entry, I wish to confirm that the City did not enter your property directly, but rather undertook an assessment from the boundary fence. Furthermore, whilst you are correct that the City's Animals Local Law falls under the *WA Local Government Act 1995*, the original complaint was regarding the attraction of vermin and offensive odours. These non-compliances fall under the *WA Health (Miscellaneous Provisions) Act 1911*, and its related powers of entry. However, should the City be required to enter your property in relation to the non-compliances raised in the letter sent on 9 July 2018, then the *WA Local Government Act 1995* will be the relevant legislation, which the City will abide by.

Secondly, I refer your assertion regarding the lack of concerns that your neighbours raised to you, and your interest in sending written statement to this effect to the City (as raised in our earlier phone correspondence). Please be advised that as non-compliances was identified due to complaints received by the City, then Health Services is required to ensure the City's local law is enforced.

Further to this, I refer you to your assertion that quails are not considered poultry und the City's Animals Local Law 1999, and your comments regarding your compliance with the technical bulletin 'Importing and Keeping Introduced Mammals, Birds, Reptiles and Amphibians in Western Australia'. Please be advised that whilst you are correct that quails are not specifically named in the definition of poultry, they are part of the Galliforme order and are a fowl. As such, they fall into the definition of poultry "any domestic fowl" in the local law. This has also been confirmed by the WA Department of Primary Industries and Regional Development, the department formed by the amalgamation of the former Department of Agriculture and Food, who published the bulletin you refer to. Further to this, this department has confirmed that whilst animals listed in the bulletin are required to be imported in accordance with its requirements, the City's Local Laws supersede it. As such, even if an individual has a permit to keep animals listed in the document, they are required to adhere to the relevant local laws at all times. As such, you are required to keep no more than 12 poultry, including fowls and chickens, and the design and setback of any enclosures must meet the City's requirements. I also confirm that your comments regarding the defining of open yard notwithstanding, section 2(b) of the Animals Local Law 1999 requires that:

"poultry must be kept in a shed or hut designed to permit a deep litter system in accordance with the diagram which follows this clause and the following specifications"

As such, you are required to ensure that all poultry are stored within a shed or hut compliant with the local laws requirements. As such, allowing poultry to remain unhoused in a residential property yard would be non-compliant.

Please be advised that the City seeks an amicable resolution to this issue, however should these non-compliances continue to be present then further action may be taken. This may include the serving of an infringement notice for each identified non-compliance with the Animals Local Law 1999, or the undertaking of legal action. As the timeframe from the original letter will expire shortly, the City may be required to take such action should these non-compliances remain present. However should you undertake to correct the non-compliances identified by Health Services, then the City may be able to provide you further time to correct these issues. If you intend to do so, please contact the City at your nearest convenience and detail the corrective measures you wish to take.

Should you have any further queries, please do not hesitate to contact me further.

Kind Regards