

Samantha Manderson  
47 Templeton Crescent  
GIRRAWHEEN WA 6064

29<sup>th</sup> July 2018

Daniel Maguire  
Environmental Health Officer  
Health & Compliance  
Locked Bag 1,  
WANNEROO WA 6946

Dear Daniel

**RE: 47 Templeton Crescent, Girrawheen**

I'll address your email first dated the 9<sup>th</sup> July 2018. In that email you refer to the

*"City has been in receipt of complaints ....the submission refers to the keeping of chickens resulting in odours being released onto neighbouring properties".*

In response to that complaint I have 8 submissions from my surrounding neighbours' that they have not noticed any odour coming from my property. Some were quite surprised when I went door knocking for letters of support to discover that I did in fact have chickens and quail. The property directly behind us is unable to provide a letter of support as it has been vacant for the past 4 months, however all other surrounding neighbours have done so. Letters of Support are attached herein.

Your email next states that

*"An inspection as undertaken on Thursday 5<sup>th</sup> July 2018, where multiple non-compliances with the City's Animal Local Law 1999 were identified".*

Firstly, no Inspector from the City of Wanneroo Council was on my property on the 5<sup>th</sup> July 2018, nor was any City of Wanneroo Inspector granted access to my property on any other date. If an Inspector did in fact enter the property, they will be in breach *Local Government Act 1995 Subdivision 3 – Powers of Entry*, for failing to give notice and failing to obtain permission. Thus they have trespassed, and breached my privacy. A formal complaint will be lodged with the Ombudsman.

Now I'll address the letter that accompanied the above mentioned email from you. In the first paragraph you now allege that my

*"animals are attracting vermin".*

I will assume that the term "vermin" relates to mice and rats. Here again I refer to my Letters of Support attached herein, and state that my neighbours have had no such issue with vermin. We all recognise there are rats around, and we are aware that they live and nest in our neighbours palm trees.

I personally have laid Ratsak with warfarin in PVC pipe in several locations to bait any mice or rats should they enter my property. PVC pipe is used so that birds cannot get to the bait, and warfarin is used as it doesn't do secondary poisoning to any animal that should eat the poisoned mice or rat. Whilst it has a slower reaction time, as the animal must ingest large quantities for it to be effective, it is safer for our wildlife, than the other poisons on the market.

I also ensure feed isn't left lying around. All feed is kept in plastic rubbish bins with a secure lid. 3 of these bins are kept inside aviaries that are mice and rat proof. Only 1 feeder is kept out for the chickens, and only enough food for that day is given to them.

Paragraph two of the letter, you once again mention the Inspection on the 5<sup>th</sup> July, which I have already addressed. You then state that

*"it was found that over sixty poultry"*

were on the premises. This statement is untrue. You included only page 12 and page 13 of the *City of Wanneroo Animal Local Law 1999* however; I have obtained a full copy of the *Animal Local Law 1999* and the definition of

*"poultry" as defined within the law is "domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock."*

Japanese Quail are Gamebirds and are considered aviary birds as per the Government of Western Australia's Department of Agriculture and Food. This information can be found in their publication *"Importing and keeping introduced mammals, birds, reptiles and amphibians in Western Australia Technical bulletin 4848"* which has been included herein, thus are not considered poultry.

*The City of Wanneroo Animal Local Law 1999* goes into great detail as to what animals are covered by the law. In relation to birds it clearly mentions

- chicken,
- bantam,
- duck,
- goose,
- guinea fowl,
- pheasant,
- turkey,
- peahen,
- peacock,
- pigeons,
- ostrich,
- emu and
- rooster.

There is no mention of quail. Thus as per the *Animal Local Law 1999* definition of poultry on the 5<sup>th</sup> July 2018 I had 22 chickens which is not sixty poultry. I have actively been reducing those numbers and have had ads up on Gumtree and Facebook. I have so far attended 2 Mundijong Markets, 1 Sawyer Valley Auction, and 1 Midland Poultry Auction to reduce numbers. As it stands today I have 18 chickens, 1 of which is being homed in Gidgegannup this week.

Returning to the second paragraph of your letter, you mention that the

*“sixty poultry were being kept in multiple makeshift coups. Two of these coups ..... were found to have no solid flooring”*

What you refer to as *“makeshift coups”* are aviaries. As per the specifications listed in the Government of Western Australia’s Department of Agriculture and Food publication *“Importing and keeping introduced mammals, birds, reptiles and amphibians in Western Australia Technical bulletin 4848”* which has been included herein. No solid floor is required for aviaries.

As to these aviaries

*“were also found to be stored directly adjacent to the rear boundary fence”*

In my research I have found no laws in the City of Wanneroo bylaws for any directions as to where aviaries can be placed, the number of aviaries allowed, the size of an aviary, the construction specifications of an aviary or the number of birds allowed per aviary. Since there are some local councils that have specific laws for aviaries but not the City of Wanneroo I am not breaching any laws.

Now I'll address

*"Furthermore, some individual chickens were found unenclosed in the backyard"*

And paragraph 3

*"no poultry should be kept in an open yard"*

I have read the *Animal Local Act 1999* and there is no definition of what is considered an *"open yard"* nor can one be found in the City of Wanneroo bylaws, furthermore, in *Section 48* of the laws there is no mention of poultry run, and only mentions the *"hut or shed"*. A *"hut or shed"* can only be interpreted as the space required for poultry to nest and roost, as *Section 48 (vii)* specifies a minimum of *"at least 0.3m<sup>2</sup> for each and every bird kept therein"*. A minimum space of 0.3m<sup>2</sup> would be the equivalent of keeping poultry in a battery cage environment and gives no provisions in *Section 48* for the poultry to have room to move or have access to vegetation, or open areas of sunlight. My chickens have access to vegetation, natural shade, sand for dust baths, insects and worms to supplement their diet and enough room to roam freely in a fully fenced backyard which is deliberately mulched to provide a deep litter system to cater for my chickens scratching and their waste. My chickens are kept in a much more humane way which provides fewer chances of illness and overcrowding than what the Animal Local Law 1999 provides for.

Again in relation to paragraph 3

*"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"*

My coop meets all specified requirements, and is contained within my enclosed backyard.

Moving to paragraph 4

*"A person shall not permit a poultry shed to be nearer than 1 metre from the boundary of land in other occupation or 9 metres from any dwelling house or street"*

My coop has since been moved a further metre from the fence line so it is now in compliance with the 9 metre rule. I have taken 9 metres from a dwelling to be measured from the end of the roof line.

Furthermore in relation to paragraph 4

*“A person shall not keep more than 12 poultry .... In any residential area”*

As already mentioned herein, I have actively been reducing my chicken numbers to 12 prior to the visit on the 5<sup>th</sup> July 2018 by RSPCA Inspector Baumann. As to the number of quail I keep these are not included in my poultry numbers as per my arguments in paragraph 7 and 8 in which City of Wanneroo has no bylaws in regards to the keeping of quail and that the Western Australia Government’s Department of Agriculture and Food deems them an aviary bird as per the requirements to keep them.

Thus in summation the majority of the issues you have mentioned in your letter dated the 9<sup>th</sup> July 2018, there is no evidence of complaints made by my neighbours in relation to odour or vermin coming from my property since I have their Letters of Support attached herein

The term poultry is clearly defined in the *Animal Local Law 1999* and does not mention quail. Furthermore research has shown that they are in fact deemed an aviary bird as per Government of Western Australia’s Department of Agriculture and Food publication *“Importing and keeping introduced mammals, birds, reptiles and amphibians in Western Australia Technical bulletin 4848”* attached herein.

The City of Wanneroo has no bylaws in relation to the construction of aviaries, keeping of aviaries, the location of aviaries or the number of birds kept in said aviaries. So it is beyond your purview to make any findings in relation to my aviaries or aviary birds.

The *City of Wanneroo Animal Local Law 1999* does not define *“open yard”* and thus my interpretation that a fully fenced backyard is not an *“open yard”*. Furthermore, there are many poultry owners in the Perth Metropolitan Area that have also interpreted that a fully fenced backyard is sufficient, as they free range their poultry as is evident on the Facebook Poultry Lovers WA Support group.

As for the *City of Wanneroo Animal Local Law 1999* and the issues raised which are within its purview

- The chicken coop is constructed fully to the specifications mentioned in section 48
- The chicken coop has been moved a further metre from boundary fence to comply with the 9m from dwelling rule.
- The backyard has been divided in half and fenced with a 180cm tall fence to reduce the roaming area of the chickens. They still continue to free range on deep litter mulch with access to the coop for nesting boxes and for sleeping.
- I am actively rehoming 6 more chickens to bring the total to 12 chickens, 1 which is being rehomed to Gidgegannup this week, the other 5 will be going to the Sawyer

Valley Poultry and Small Animal Auction on the 5<sup>th</sup> August, as well as the continued advertising on Gumtree and Facebook.

I believe the final rehoming of the 6 chickens will bring this matter to a close and no further action will need to be taken by either party.

Yours sincerely

Samantha Manderson