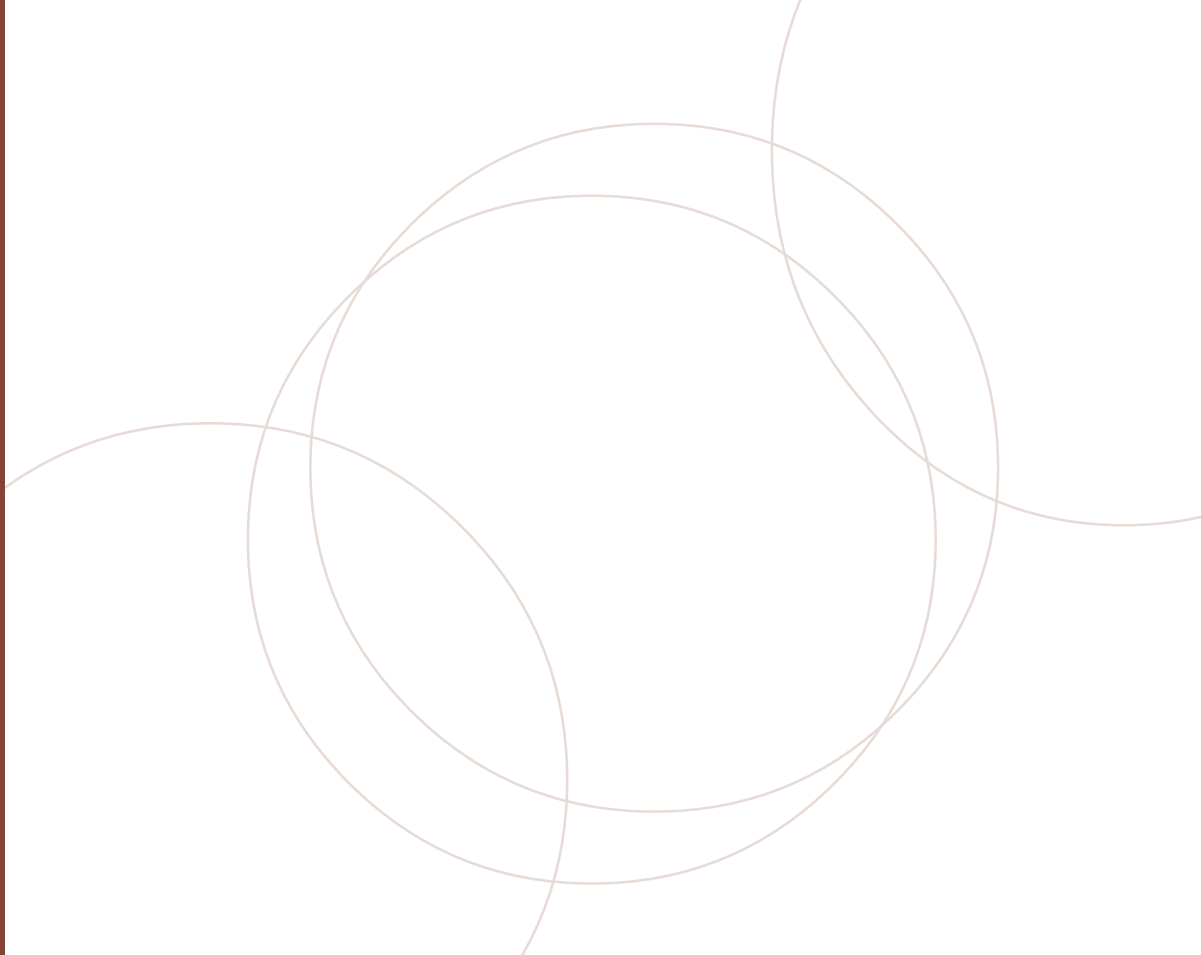


Enclosure

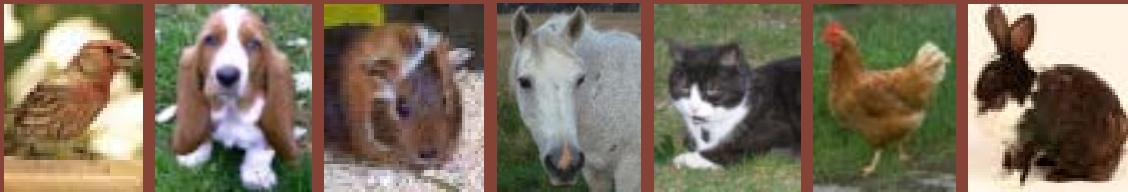
**(Addendum
Local Orders Policy – Order 18
Keeping of Animals)**

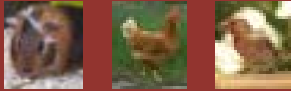
**For Meeting of
11 March 2008**

File No: F00681



Draft Addendum Local Orders Policy - Order 18
Keeping of Animals





Introduction

In 2006, Council adopted a Local Orders Policy for orders issued under Section 124 of the Local Government Act. A Local Orders Policy specifies the criteria which will be taken into consideration in determining whether or not to give an order.

The policy adopted on the 20 June 2006, refers briefly to Order 18 regarding the keeping of animals and birds. This addendum to the policy intentionally focuses solely on the use of Order 18, that is:

To do what?	In what circumstances?	To whom?
Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order	<p>Birds or animals kept on premises are:</p> <p>(a) in the case of any premises (whether or not in a catchment district) - of an inappropriate kind or number or are kept inappropriately, or</p> <p>(b) in the case of premises in a catchment district - birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs</p>	Occupier of premises

The Addendum outlines the matters considered before issuing an order in a more comprehensive manner, while at the same time conveying pertinent information to residents. It replaces the provisions in the 2006 Local Approvals Policy in so far as they relate to Order 18.

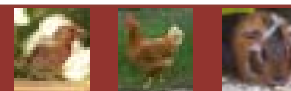
This Addendum to the Local Orders Policy applies to all *animals* (mammals, birds, bees, fish, amphibians and reptiles) kept for domestic reasons as companion animals, pets or for hobby interests in the Blue Mountains local government area.

The Addendum does not apply to *animal establishments* (which require development consent) or animals kept on land zoned Rural Conservation under LEP 1991.

Our aim is to:

- preserve the amenity of the neighbourhood by preventing various nuisances associated with animals;
- recognise that all residents have the right to enjoy the benefits of animal ownership, providing it does not adversely impact on neighbours and wildlife;
- provide guidelines for all local residents on the number and kind of animals and the appropriate standards of amenity and cleanliness; and
- establish the criteria Council will consider prior to issuing Order 18 under Section 124 of the Local Government Act.

Words referenced in *italics* are defined in the glossary.



Enforcement criteria

When investigating a complaint on the keeping of an animal, Council will consider the following criteria in determining whether or not to give an order under Section 124 of the Local Government Act.

Note: Any one or more of these conditions may give rise to the issue of the order.

Animal wellbeing

There is evidence that the animal/s are not actively managed or cared for, such as:

- Water for animal use has been allowed to stagnate and / or food is rancid.
- There is poor or inappropriate accommodation for the animal.
- The mix and number of animals is inappropriate for the premises.
- The animal/s display a lack of training, anxiety or boredom.
- There is insufficient space for animal/s to stand, move freely around, stretch fully and rest.
- Owners have neglected to provide daily care.

Neighbourly living

There are impacts on the health and safety of the local neighbourhood, such as:

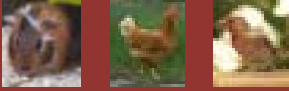
- The animal/s are not properly contained.
- The attraction and / or presence of fleas, ticks, vermin, etc.
- Whether insanitary or unhealthy conditions have been created such as the accumulation of faeces, stale food, old bones, etc.
- There is foul odour, dust or drainage nuisances.
- Animal noise is inappropriate in the locality.
- That an animal is located too close to a habitable building.
- Water has been allowed to stagnate and mosquitos are breeding.

Environmental conditions

There is evidence of impact on the natural environment such as:

- Detrimental affects to protected and environmentally sensitive areas.
- Soil erosion and /or land degradation that interferes with an eco-system.

Where animal/s display signs of ill health, disease, distress, injury or evidence of maltreatment or malnourishment the case will be referred to the RSPCA.



Assessment Criteria

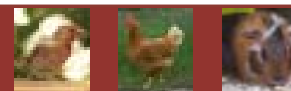
In most years the Council receives and investigates approximately 2,000 complaints concerning the keeping of animals. The majority of these complaints relate to stray, roaming, attacking or barking dogs. A significant number also relate to the number of animals on a single property and/or their impact on the environment and the amenity of the immediate neighbourhood due to any one or more contributing factors. These include excessive and objectionable noise, odour, unsightliness, unhygienic conditions, inadequate distances to habitable rooms in nearby properties or lack of containment.

The following criteria has been developed for the benefit of all stakeholders including the Council, the pet owner/s, the immediate neighbours and the broader community to provide some guidance in the way respective animals should be kept on premises within the local government area.

It should not be interpreted that the keeping of animals in excess of the numbers specified is prohibited but rather an indication of one of the criteria which will be used to determine whether an order should be issued.

All animals (irrespective of whether they are specifically identified within this document)

Recommended number	<ul style="list-style-type: none">The mix of animals should be appropriate to the size, location of the property and the amount of space required for the animals to have sufficient room to move and roam within the boundaries of the property and / or enclosure.
Recommended requirements	<ul style="list-style-type: none">Structures and containment areas occupied by animals must be outside <i>development excluded land</i>.Structures and containment areas should not be located in onsite effluent disposal areas.Structures including fences used to accommodate and / or enclose any animal or bird may require development consent. Refer to the provisions of exempt and complying development to determine whether development consent is required.Animals must not cause a nuisance by way of noise, pollution, nor kept in a manner that attracts vermin, flies, lice, fleas or other insects.Run-off associated with natural waterflow from animal enclosures and / or cleaning of these areas must not discharge into neighbouring properties or waterways.
Advice	<ul style="list-style-type: none">Although distances from buildings may be referred to, greater distances may be required in some cases.Owners or occupiers of a strata title should become familiar with the rules that relate to keeping a pet in a strata scheme (obtain a copy of the By-laws pertaining to the strata scheme). Depending on the By-laws, the owner may need the consent of the Owners Corporation. Tenants should also seek landlord consent prior to signing any lease.Any owner or occupier within a strata title scheme can apply for an order to remove a pet on the grounds that it is causing a nuisance. If you do not comply with an order the matter can be referred to the Consumer, Trader and Tenancy Tribunal. This action is not managed by the Council.



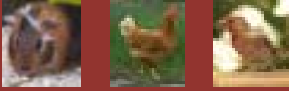
Assessment Criteria

Alpacas / Llamas

- | | |
|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none"> A stocking rate of 1 per hectare. |
| Recommended requirements | <ul style="list-style-type: none"> Animals should be kept a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. Enclosures should not be located within 20 metres of a dwelling or place where food is kept, processed or stored, or within 6 metres of any roadway or within 1 metre of any property boundary. Yards must be enclosed to prevent escape. |
| Advice | <ul style="list-style-type: none"> Alpacas have specific fencing requirements - development consent may be required for enclosures. |

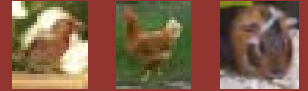
Bees

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|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none"> Stocking rate of 4 hives per 1000 square metres. Maximum of 8 hives. |
| Recommended requirements | <ul style="list-style-type: none"> Hives should not be located within the vicinity of schools, child care centres, hospitals or other public facilities. Beehives should not be located in the front yard and be positioned out of sight of the public. Keep only docile strains of bees. Keep the apiary neat and tidy. Provide fresh water for the bees to encourage retention on the site. Flight paths should be above 2 metres when crossing property boundaries. This may be achieved by using screens, shrubs, walls, hedges, fence, etc. Note: development consent may be required for fencing, walls, screens or the like. |
| Advice | <ul style="list-style-type: none"> Beekeepers must be registered with NSW Department of Primary Industries and must comply with the Apiaries Act 1995, and the Beekeeping Code of Practice for NSW. Take care when mowing around hives. Try to mow when hives are not active, but if the hives are active, use a smoker. Use escape boards to remove honey rather than shaking, brushing or blowing methods. Control swarming by requeening; population control or splitting into smaller hives. Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au |



Caged birds (Excludes fowls, pigeons, poultry which are separately defined)

- Recommended number**
- Appropriate numbers for the size of the cage and type of birds.
- Recommended requirements**
- The aviary must be located at least 4.5 metres from any dwelling on an adjoining property and 1 metre from any property boundary.
 - Enclosures must be located within the rear yard area of the premise.
 - Barriers around cages should be used to prevent the entry of vermin.
 - Suspended cages should include trays for the collection of bird waste.
 - Lice and pests including wild rodents must be controlled.
 - Aviaries should be cleaned regularly.
- Advice**
- Noise made by some bird species should be considered when making selections for the aviary. The combination of species may also impact on noise (Lorikeets, Cockatoos and Corellas have been the subject of noise complaints). Advice from birdkeeper associations could assist you in selecting appropriate species for your locality.
 - Check with NSW National Parks & Wildlife Service for licence requirements on keeping of native birds.
 - Refer to the Non-Indigenous Animals Act 1987, for licence requirements on the keeping of non-indigenous species.



Assessment Criteria

Cats

Recommended number

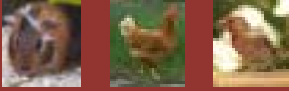
- No more than 3 adult cats per residence.
- Kittens up to 6 months of age.

Recommended requirements

- Cats should be provided with litter trays with a sufficient depth of suitable litter material, such as commercial cat litter shavings or shredded paper. (Note: sawdust is not recommended as it can irritate eyes). Faeces should be removed daily, litter should be changed and replenished as required, and litter trays cleaned and disinfected regularly. Litter must not be recycled.
- Cats should be kept indoors particularly at night with access to outdoor cat enclosures / runs and shelter.
- Any cat enclosures / runs and shelter must be located within the rear yard area of the premise.
- Pet foods should not be left outside. They can be a source of nourishment for foxes and other animals.
- Pests including fleas, ticks, flies, lice and wild rodents must be controlled.

Advice

- Microchipping and registration is a two part process. Requirements for cat owners are:
 - Microchip animals by 12 weeks of age, at point of sale or change of ownership (whichever occurs first).
 - Register animals with the Council by 6 months of age.
- There are provisions, where cats settled with owners up to 1st July 1999, are exempt from lifetime registration. However, they must be identified by either a microchip or a collar with a tag attached showing the cat's name, and owner's address or phone number.
- Note: Under the Companion Animals Act, Council does not have regulatory powers to restrict roaming cats, unless incontrovertible evidence is available that shows the cat is causing a nuisance to neighbours and wildlife.



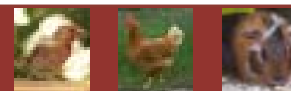
Assessment Criteria

Cattle (bull, cow, ox, heifer, steer, calf and buffalo)

- Recommended number**
- A stocking rate of 1 per 5 hectares.
- Recommended requirements**
- Animals should be kept a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
 - Enclosures should not be located within 20 metres of a dwelling or place where food is kept, processed or stored, or within 6 metres of any roadway or within 1 metre of any property boundary.
 - Yards must be so enclosed as to prevent the escape of animals.
- Advice**
- The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for details.
 - Cattle must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.
 - Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au
 - This policy incorporates the requirements of the Local Government (General) Regulation 2005, Schedule 2, Part 5 - Standards for Keeping Birds or Animals.

Deer (stag, hart, buck, bull, hind, doe, cow, calf and fawn)

- Recommended number**
- A stocking rate of 1 per 5 hectares.
- Recommended requirements**
- Animals should be kept a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
 - Enclosures should not be located within 20 metres of a dwelling or place where food is kept, processed or stored, or within 6 metres of any roadway or within 1 metre of any property boundary.
 - Yards must be enclosed so as to prevent the escape of animals.
- Advice**
- The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for further details.
 - Deer have specific fencing requirements - development consent may be required for enclosures.
 - Deer must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.



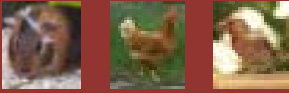
Assessment Criteria

Dogs

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|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none"> • No more than 3 adult dogs per residence. • Pups up to 6 months. |
| Recommended requirements | <ul style="list-style-type: none"> • Dogs and pups should be contained within the rear yard area of the premise. • Bedding must be changed frequently and kept clean, dry and free of parasites. • The size of the kennel should be based on the body size / bedding requirements of the dog and be accessible for easy cleaning. • Housing and exercise areas must be kept clean with the regular removal and proper disposal of animal faeces. • Pets foods should not be left outside. They can be a source of nourishment for foxes and other animals. • Pests including fleas, ticks, flies, lice and wild rodents must be controlled. • Enclosures for Dangerous Dogs and Restricted Breeds must comply with the Companion Animals Act & Regulation. |
| Advice | <ul style="list-style-type: none"> • Microchipping and registration is a two part process. Requirements for dog owners are: <ul style="list-style-type: none"> — Microchip animals by 12 weeks of age, at point of sale or change of ownership (whichever occurs first). — Register animals with Council by 6 months of age. • When in public, dogs must wear a collar with a tag attached showing the dog's name, and owner's address or phone number. • Animals are not permitted to roam or cause nuisance to neighbours. • The Council has a number of dog off leash exercise areas across the Blue Mountains. Refer to www.bmcc.nsw.gov.au for full details on locations and times of use. |

Ferrets

- | | |
|---------------------------------|--|
| Recommended number | <ul style="list-style-type: none"> • No more than 2 ferrets per property. |
| Recommended requirements | <ul style="list-style-type: none"> • The hutch should be located in the rear yard, at least 9 metres from any dwelling and 1 metre from any property boundary. • Ferrets should be contained within the rear yard area of the premise. |
| Advice | <ul style="list-style-type: none"> • Female ferrets (Jills) should be desexed before reaching sexual maturity (approximately 6 months of age), or they may die if not mated. |

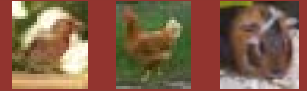


Fish (external ponds)

- | | |
|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none">• Appropriate numbers for the size of the pond and type of fish. |
| Recommended requirements | <ul style="list-style-type: none">• Ponds must be located well clear of drainage easements or flowlines to reduce incidence of spread (ie., fish and eggs) to creeks during heavy rains.• Water is to be kept clean and not allowed to stagnate and breed mosquitoes. |
| Advice | <ul style="list-style-type: none">• Refer to the provisions of exempt and complying development on size of pond before development consent is required.• Do not release water or water plants into the environment.• Pumps are not to cause a noise nuisance to neighbours.• Any ponds having a depth in excess of 300mm should be covered with wire mesh to prevent access by children. |

Fowls (birds of the species Gallus Gallus such as domestic chickens, guinea fowls and red junglefowl)

- | | |
|---------------------------------|--|
| Recommended number | <ul style="list-style-type: none">• No more than 12 birds per property.• Young up to 6 months. |
| Recommended requirements | <ul style="list-style-type: none">• Fowls are to be kept at least 4.5 metres from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food and at least 1 metre from any property boundary.• Fowls and any enclosures must be located in the rear yard of the property and enclosed to prevent escape.• Roosts and fowl houses must be kept in a clean state so as not to attract vermin. |
| Advice | <ul style="list-style-type: none">• Roosters in residential areas often cause noise nuisances to neighbours. Roosters are best managed by covering enclosures at night and to remain covered until morning. In some cases, roosters may still interfere with the amenity of the neighbourhood and will need to be removed from the property.• This policy incorporates the requirements of the Local Government (General) Regulation 2005, Schedule 2, Part 5 - Standards for Keeping Birds or Animals. |



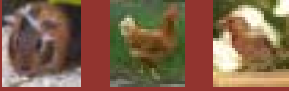
Assessment Criteria

Goats (buck, doe, wether and kid)

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|---------------------------------|--|
| Recommended number | <ul style="list-style-type: none"> • A stocking rate of 1 per 5 hectares. |
| Recommended requirements | <ul style="list-style-type: none"> • Animals should be kept a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. • Enclosures should not be located within 20 metres of a dwelling or place where food is kept, processed or stored, or within 6 metres of any roadway or within 1 metre of any property boundary. • Yards must be enclosed so as to prevent the escape of animals. |
| Advice | <ul style="list-style-type: none"> • The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for further details. • Goats must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir. • Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au |

Guinea Pigs

- | | |
|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none"> • Adult stocking rate of 1 per 0.5 square metre of hutch. • Young up to 3 months. |
| Recommended requirements | <ul style="list-style-type: none"> • The hutch must be located at the rear of the property, at least 4.5 metres from any dwelling and 1 metre from any property boundary. • Guinea pigs must be contained within the rear yard area of the premise. • Hutches must be kept in a clean state so as not to attract vermin. |
| Advice | <ul style="list-style-type: none"> • It is recommended that males be separated from each other to prevent animals fighting and creating a noise nuisance. • Guinea pigs breed from 3 months of age. |

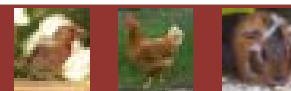


Horses (mare, stallion, gelding, colt, filly, foal, hinny, mule, donkey and ass)

- Recommended number**
- A stocking rate of 1 per 5 hectares.
- Recommended requirements**
- Animals should be kept a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
 - Enclosures should not be located within 20 metres of a dwelling or place where food is kept, processed or stored, or within 6 metres of any roadway or within 1 metre of any property boundary
 - Yards must be enclosed so as to prevent the escape of animals.
- Advice**
- The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for further details.
 - Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au
 - This policy incorporates the requirements of the Local Government (General) Regulation 2005, Schedule 2, Part 5 - Standards for Keeping Birds or Animals.

Peacocks

- Recommended number**
- A stocking rate of 1 per 5 hectares.
- Recommended requirements**
- Coops to be located at the rear of the property, at least 10 metres from any dwelling on an adjoining property and 1 metre from any property boundary.
 - Peacocks should be contained within the yard area of the premise.
- Advice**
- Peacocks create noise nuisances in residential areas. They can also cause damage to premises (such as broken roof tiles, etc).
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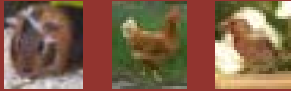
Assessment Criteria

Pigeons

- | | |
|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none"> • Maximum of 20 adult birds. • Young up to 6 months. |
| Recommended requirements | <ul style="list-style-type: none"> • Coops are to be located in the rear of the yard, at least 9 metres from any dwelling on an adjoining property and 1 metre from any property boundary. • Flight times are restricted to 2 hours after sunrise and 2 hours before sunset. Exercise runs of no more than 1 hour. • Coops are to be kept clean at all times. Manure should be regularly removed and properly disposed. • Open coops are not permitted. |
| Advice | <ul style="list-style-type: none"> • Pigeons can negatively impact on both the environment and indigenous birds. Food sources and roosting opportunities must not be made available to wild pigeons. • Wild pigeon numbers can be managed by discouraging uncontrolled feeding and bird-proofing known roost sites. |

Poultry (duck, geese, turkey, swan, peafowl and pheasant)

- | | |
|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none"> • No more than 12 birds per property. • Young up to 6 months. |
| Recommended requirements | <ul style="list-style-type: none"> • Poultry to be kept at least 30 metres from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. • Poultry and any enclosures must be located in the rear yard of the property and enclosed to prevent escape. • Roosts and poultry houses must be kept in a clean state so as not to attract vermin. |
| Advice | <ul style="list-style-type: none"> • Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au • This policy incorporates the requirements of the Local Government (General) Regulation 2005, Schedule 2, Part 5 - Standards for Keeping Birds or Animals. |



Pigs / swine (boar, sow, barrow, piglet and sucker)

Recommended number

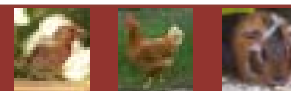
- A stocking rate of 1 per 5 hectares.

Recommended requirements

- Swine must not be kept in such a place or manner as to pollute any water supplied for use (or used, or likely to be used) by a person for drinking or domestic purposes, or in a dairy.
- Swine's dung must not be deposited in such a place or manner as to pollute any water supplied for use (or used, or likely to be used) by a person for drinking or domestic purposes, or in a dairy.
- Swine must not be kept (and swine's dung must not be deposited) within 60 metres of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.
- Yards must be so enclosed as to prevent the escape of animals.

Advice

- The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for details.
- Pigs / swine must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.
- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au
- This policy incorporates the requirements of the Local Government (General) Regulation 2005, Schedule 2, Part 5 - Standards for Keeping Birds or Animals.



Assessment Criteria

Rabbits

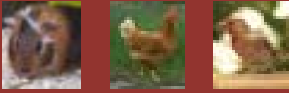
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| Recommended number | <ul style="list-style-type: none"> • Adult stocking rate of 1 per 0.5 square metre of hutch. • Young to up to 5 months. |
| Recommended requirements | <ul style="list-style-type: none"> • The hutch must be located in the rear yard, at least 4.5 metres from any dwelling and 1 metre from any property boundary. • Hutches must be kept in a clean state so as not to attract vermin. • Must be a recognised domestic breed. • Rabbits must be contained within the rear yard area of the premise. |
| Advice | <ul style="list-style-type: none"> • Rabbits should be desexed before 5 months of age. • Do not release rabbits into the environment. • Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au |

Reptiles

- | | |
|---------------------------------|--|
| Recommended number | <ul style="list-style-type: none"> • Maximum number as appropriate in the circumstances. |
| Recommended requirements | <ul style="list-style-type: none"> • Must be adequately housed to prevent escape. |
| Advice | <ul style="list-style-type: none"> • All lizards, snakes and turtles require a licence from NSW National Parks & Wildlife. • Refer to the Non-Indigenous Animals Act 1987 for licence requirements on keeping of non-indigenous species. |

Rodents (rats and mice)

- | | |
|---------------------------------|---|
| Recommended number | <ul style="list-style-type: none"> • Adult stocking rate of 2 per 0.5 square metre of cage. • Young to up to 3 months. |
| Recommended requirements | <ul style="list-style-type: none"> • External cages must be located at least 4.5 metres from any dwelling on an adjoining property and 1 metre from any property boundary. • Cages must be kept in a clean state. |
| Advice | <ul style="list-style-type: none"> • Do not release rodents into the environment. |



Sheep (ewe, ram, wether, hogget and lamb)

Recommended number

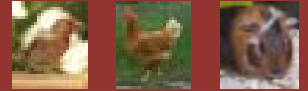
- A stocking rate of 1 per 5 hectares.

Recommended requirements

- Animals should be kept a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
- Enclosures should not be located within 20 metres of a dwelling or place where food is kept, processed or stored, or within 6 metres of any roadway or within 1 metre of any property boundary.
- Yards must be so enclosed as to prevent the escape of animals.

Advice

- The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for details.
- Sheep must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.
- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au
- This policy incorporates the requirements of the Local Government (General) Regulation 2005, Schedule 2, Part 5 - Standards for Keeping Birds or Animals.



Enforcement action

Whilst every effort is made to resolve complaints in a co-operative environment, regulatory action is undertaken by the Council from time to time, generally because negotiations have failed to rectify unsatisfactory situations.

This policy will be used by Council Officers to determine whether to use the provisions of Order 18 under Section 124 of the Local Government Act.

Enforcement action may involve the service of a written Notice of Intention under Section 124 of the Local Government Act, the purpose of which is to give the owner of the animal/s an opportunity to make a written submission as to why a formal order should not be served.

The Notice of Intention generally gives owners 28 days to respond and / or take corrective action.

If the matter is not resolved within this timeframe an order is issued. Examples of the content of a proposed order may include the need for rectification work to be carried out or changes made in the way the animal/s are kept, or a restriction on the numbers to be kept in the particular situation. The time frame given in the order will be appropriate to the type of works and take into account whether development consent is required.

Orders usually have a minimum period of 28 days. Emergency orders can however be issued directly where Council can justify the issue is a matter of urgency.

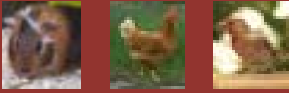
Orders can be modify or revoked. These provisions generally apply to a negotiated outcome where time frames either need to be extended (modified) or the works outlined in the order have been met (in which case the order is revoked).

Any order served by the Council may be appealed within 28 days to the Land and Environment Court.

If the order is not complied with, in the time frame determined, the Council may give effect to the order by carrying out the work. Costs are then recovered from the person concerned.

It is an offence not to comply with an order and Council may also take legal action.

Residents should also be aware that Council may issue an order requiring the demolition of any shelter, aviary, cage or the like for which development approval was required, if the threshold specified in the provisions of exempt and complying development is exceeded or the structure is unsightly or structurally inadequate.



Animal(s) for the purpose of this policy means mammals, birds, bees, fish, amphibians and reptiles.

Animal establishment means

— Under LEP 2005 - a building or place used for the breeding, boarding, training, keeping or care (excluding veterinary care [which is separately defined]) of animals (excluding rural livestock) for commercial purposes, but does not include the use of land and buildings associated with a dwelling house for the breeding, boarding, training, keeping or care of domestic animals owned by the residents of the animals.

— Under LEP 1991 - a building or place used for the breeding, boarding, training, keeping or care of small domestic animals (excluding rural livestock) for commercial purposes.

Companion Animal(s) as defined in the Companion Animals Act 1998 means each of the following: a dog, a cat, any other animal that is prescribed by the regulations as a companion animal.

Note. The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs and police dogs.

Development excluded land (in relation to land zoned under LEP 2005) means any land;

- a) zoned Environmental Protection - General, or
- b) that is designated on Map Panel B of LEP 2005 as a Protected Area - Slope Constraint Area, or
- c) that is designated on Map Panel B of LEP 2005 as a Protected Area - Ecological Buffer Area or that comprises a watercourse corridor, together with any buffers required to protect the watercourse corridor, or
- d) on which any significant vegetation community is located, together with any buffers required to protect that community, or

e) that is the habitat of any threatened species, population or ecological community, the development of which would have a significant effect on the threatened species, population or ecological community as determined in accordance with section 5A of the Act, or

f) on which any rare species of flora is located, together with any buffers required by the Council to protect that flora, or

g) on which there is located any significant landscape or special feature which in the opinion of Council is worthy of preservation.

Development excluded land (in relation to land zoned under LEP 1991) means any part of a lot;

a) that is land zoned Environmental Protection; or

b) that is, designated on the Map as Protected Area - Environmental Constraint Area, together with any buffers required by the Council to protect such area; or

c) on which any Schedule 3 environmentally sensitive vegetation unit is located, together with any buffers required to protect that unit; or

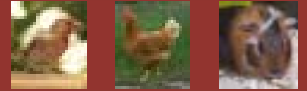
d) that is the habitat of any threatened species, populations or ecological communities within the meaning of the Threatened Species Conservation Act 1995, the development of which would have a significant effect on the threatened species populations or ecological communities as determined in accordance with section 5A of the Act; or

e) on which any rare species of flora is located, together with any buffers required by the Council to protect that flora; or

f) that comprises a watercourse or any buffers required by the Council to protect that watercourse; or

g) that has a slope in excess of 20%; or

h) comprising any significant landscape or special feature, such as rock outcrops and escarpments, which in the opinion of the Council is worthy of preservation.



OTHER POLICIES

The document should be read in conjunction with:

- A number of other plans and policies including: Council's Enforcement Policy adopted on September 2006; Local Environmental Plans 1991 and 2005; the Better Living Development Control Plan; the provisions of Exempt and Complying Development for construction works associated with animal structures, fencing and enclosures.
- Associated legislation including the: Prevention of Cruelty to Animals Act 1979; Protection of the Environment Operations Act 1997; Companion Animals Act 1998; Environmental Planning & Assessment Act 1979; Food Act 2003 and Food Safety Standards; Non-Indigenous Animals Act 1987 (administered by the Department of Primary Industry).

REVIEW

In accordance with Section 165 of the Local Government Act, the Local Orders Policy and this Addendum will be automatically revoked at the expiration of 12 months after the declaration of the poll for the next general election of the Council.

