

# **Enclosure**

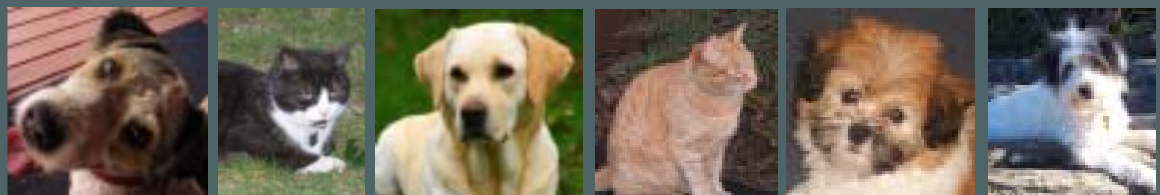
**(Draft Addendum Local Orders Policy  
– Order 18 - Keeping of Animals  
and  
Companion Animals Management  
Plan (Cats and Dogs) 2008-2011)**

**For Meeting of  
24 June 2008**

**File No: F00681**



# Companion Animals Management Plan (Cats and Dogs) 2008-2011





## Introduction

The development of the Companion Animals Management Plan reflects, in part, the fact that Council's role in animal management, which once was simply administrative and regulatory, has changed in keeping with community attitudes and expectations towards a more holistic approach to animal management.

The Blue Mountains City Council has a unique location within a National Park and a World Heritage Area. This brings special responsibilities for people to protect the natural environment by the appropriate management of their Companion Animals. This plan serves, amongst other things, to provide the platform for future actions to reflect this status.

The Companion Animals Management Plan provides an opportunity for Council to find the balance between encouragement and support for the social benefits of pet ownership, whilst at the same time indicating a strong commitment to protecting public amenity, safety and the environment. The plan focuses on the following outcomes:

- To be consistent with Council's 25 year Strategic Plan.
- To ensure that Council meets its responsibilities under the Companion Animals Act 1998 and Companion Animals Regulation 1999 and help to find the correct blend between regulatory action and education.
- Helping to protect the natural environment including sensitive land and native fauna from the actions of some cats and dogs.
- Providing information to residents to support socially responsible pet ownership.
- Identifying and prioritise relevant companion animal management issues.
- Maintaining constructive communication with people who have expertise in companion animal management in order to forge stronger community ties.
- Creating an awareness of, and seeking compliance with, the provisions of the Companion Animals Act and Regulation.

The plan has been prepared to guide actions for the period 2008 to 2011. The document is separated into 10 segments and is supported by the Local Orders Policy:

1. Responsible Pet Ownership
2. Microchipping and Registration
3. Protection of the Natural Environment
4. Roaming Dogs
5. Animal Welfare
6. Public Amenity and Use of Open Spaces
7. Barking Dogs
8. Compliance Issues
9. Pound Activities
10. Educational Initiatives



Each segment overviews the issues. Key actions have been listed and performance indicators identified to assist in measuring the progress towards achieving the stated outcome. Where possible, the key actions have been kept to match existing resource levels. The changes proposed primarily seek to shape the work that is currently undertaken, to give it a strategic direction and to influence the workload mix to incorporate non-regulatory activities into daily practice. Where funding is required this is indicated in the Plan.

### Council's Key Regulatory Roles

Companion animal management is currently undertaken by Council's Environmental Rangers who also perform a range of other important regulatory roles for Council. The implementation of the actions of this plan may require an expansion of companion animal management to include other areas of Council's operations. The key legislative responsibilities under the Companion Animal Act, include:

#### Cats

**Section 31** The issuing of a nuisance notice or order - issued where a cat persistently makes a noise or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise or where a cat repeatedly damages anything outside the property on which it is ordinarily kept.

**Sections 92;30; 10A** Issuing of penalty infringement notices - Cats found in prohibited places such as food preparation / consumption areas and designated wildlife protection areas. **Note:** Roaming cats are not regulated other than in these areas. A notice can also be issued where a cat has not been microchipped, registered or is not properly identified while away from the property on which it is ordinarily kept.

Council does not have regulatory powers to restrict roaming cats, unless clear evidence is available that shows the cat is causing a nuisance to neighbours and wildlife.

#### Dogs

**Section 34** Declaration of a dangerous dog - Council can declare a dog as dangerous where it displays unreasonable aggression or is a dog kept for hunting purposes. Owners may also voluntarily declare their pet as a dangerous dog.

**Section 21** The issuing of a nuisance notice or order - issued where a dog is habitually at large, persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise; repeatedly defecates outside the property;



## Council's Key Regulatory Roles

---

repeatedly chases or runs at any person or vehicle; endangers the health of any person and / or repeatedly causes substantial damage to anything outside the property on which it is kept.

Sections 18;57 Seizure of an attacking and / or biting dog and where control requirements associated with restricted breeds are not complied with.

Sections 92;14;12A; 13;20;57A; 10A Issuing of penalty infringement notices - Dogs found in prohibited places such as child care centres, children's play areas, food preparation and consumption areas (unless in a road reserve), public bathing areas and parks / recreational areas so indicated as prohibiting dogs; and designated wildlife protection areas. Dogs not being contained within a property and not on a leash whilst in a public place other than a designated off leash area; as well as fines for dogs defecating in public place; the sale of a restricted dog or proposed restricted dog; where a dog has not been microchipped and registered.



## Companion Animals Management Issues

### 1. Responsible Pet Ownership

#### Outcome Sought

*Pet owners are aware of their responsibilities and manage their pet/s in a manner which does not adversely impact on other residents, the environment and wildlife.*

A recurring theme throughout the Companion Animals Management Plan is the issue of socially responsible pet ownership.

These responsibilities include but are not limited to:

- Selecting the correct type of pet for the family or individual.
- Providing adequate food, grooming and shelter for the animal with sufficient space to exercise.
- Ensuring adequate veterinary care including desexing (if appropriate) and vaccinations.
- Ensuring proper care by adopting acceptable hygiene practices including cleaning the premises, the removal and proper disposal of animal faeces.
- Providing opportunities for social interaction with other animals and humans.
- Managing the pet in a way which does not adversely impact on neighbours, wildlife and / or which does not create a nuisance in public places.

Note: Predation by feral cats is listed as a key threatening process under Schedule 3 of the Threatened Species Conservation Act 1995.

- Ensuring pets are well cared for during extended periods of absence with regular meals, exercise and human contact.
- Meeting the regulatory requirements including a collar, identification, microchipping and registration, being restrained on a lead and under effective control, minimise excessive noise, ensuring containment of the animal on the premises, etc., and where relevant, satisfying the legislative requirements for dangerous or restricted breeds of dogs.

The following key actions have been identified.

#### Key Actions

#### Timeframe / Comment

- |     |  |
|-----|--|
| 1.1 | Enlist the support and co-operation of key stakeholders such as vets, pet shops, kennels and cattery operators, pet groomers, animal trainers and the like to promote responsible pet ownership. |
| 1.2 | Complement action taken by government agencies and other stakeholders to support responsible pet ownership.  |

As opportunities arise

---

As opportunities arise

---



## Companion Animals Management Issues

	Timeframe / Comment
1.3 Encourage responsible ownership as part of the regulatory activities.	Integrate into existing practices
1.4 Encourage responsible pet ownership by seeking voluntary co-operation in the management of companion animals by providing accessible promotional material.	As opportunities arise
1.5 Investigate ways to improve data collection in relation to companion animal ownership, including the incidents of animal attack.	As opportunities arise
<b>Performance Indicators</b>	Measurement tool
1.A Trend analysis on the number of orders issued on the keeping of animals under the Local Government Act.	Council database

## 2. Microchipping and Registration

### Outcome Sought

*All eligible cats and dogs within the City are microchipped and registered on the NSW Companion Animals Register.*

As at June 2007, there were over 16,000 microchipped dogs and cats residing in the Blue Mountains City area. Of these microchipped animals 8,563 have been registered on the New South Wales Companion Animal Register. Note that these figures are for animals over 6 months old.

Registration is required for all dogs and cats and is a one off lifetime registration, fees apply. Identification and registration of cats and dogs is important if Council is to manage at least the partial costs for pet activities. Identification also allows for the speedy reunion of lost pets with their owners. The Companion Animals Act (Sections 8&9) requires owners to:

- Have their cats and dogs microchipped from 12 weeks of age or at the time in which they are sold or given away;
- Register their cats and dogs on the NSW Companion Animals Register once they reach 6 months of age; and
- Advise Council when there is a change in either ownership or place of residence and on the death of their pet/s.

Note: There are exemptions to these requirements for cats born before the commencement of the Act on 1 July 1999. These cats do not have to be registered (unless sold) but are required to be identifiable when away from the place of residence.



### Companion Animals Management Issues

Reasons why people do not register their cats and dogs can be summarised in the following points:

- Confusion – people think that the microchip identification is the registration of the pet;
- Forgetfulness – people delay having their pet registered until the animal is desexed to take advantage of reduced registration fees;
- Unaware of the legal requirement to do so;
- Fear that the registration of numerous pets by a single owner may trigger enforcement action on the number of pets owned;
- Disregard for the legal requirement to do so; and
- Affordability.

The identification and registration of cats and dogs underpins responsible pet ownership and delivers the following benefits:

- Lost pets can be identified and returned to the legal owners. This can also be an advantage in the event of bushfire or other emergency where pets may be separated from owners;
- Ownership of pets can be legally established in the event where liability has been incurred as a result of animal behaviour and where the enforcement strategies of the Companion Animals Act need to be used;
- Owners of abandoned animals can be readily identified to aid the efforts of Animal Welfare bodies to locate and bring to account irresponsible animal owners;
- Faster reunion with pet owners saves costs on collection, kennelling, impounding and possible destruction of pets. It also reduces stress on lost pets by returning the pet directly to the owner;
- Enables Council to engage in more direct communication with pet owners to advise of new programs, initiatives and requirements;
- Provides an accurate source of data on local cat and dog populations, distribution and their characteristics to enable effective and efficient application of Council resources;
- Nuisance pets can be readily identified to appropriately enforce the provisions of the Companion Animals Act.

It is in everyone's interest for the entire cat and dog population of the City to be identified and registered. Council needs to focus on initiatives that address the percentage of the population that do not have their pets microchipped and registered, including those who sell or give a gift of a cat or dog, to ensure compliance with the law at the point of origin.



## Companion Animals Management Issues

Animals which have unfortunately been killed on the road are scanned and where microchipped, the owner is notified. In circumstances where the animal is removed to a waste disposal facility the recovery of the animal by the owner is not possible.

To achieve this outcome the following key actions have been identified.

Key Actions	Timeframe/ Comment
2.1 Council continues to act as an agent for the State Government by accepting payment for lifelong membership of companion animals and enter the relevant details into the electronic NSW Companion Animals Register.	Ongoing - within existing resources
2.2 Department of Local Government to be requested to establish a system to autogenerate letters to owners of dogs and cats over 6 months of age that have been microchipped but not registered, advising of the legal requirement to register their cat and/or dog on the NSW Companion Animals Register.	Year 1 - within existing resources
2.3 Implement appropriate enforcement action against the owners who fail to have their cat or dog microchipped in accordance with the Companion Animals Act.	Ongoing - within existing resources
Performance Indicators	Measurement tool
2.A The number of cats and dogs both microchipped and registered increases.	Comparative data - Companion Animals Register



### 3. Protection of the Natural Environment

#### Outcome Sought

*The City's cats and dogs are managed in a way that minimises impact on the natural environment, particularly wildlife.*

The Blue Mountains local government area covers approximately 143,000 hectares of the Great Dividing Range. About 70% of the City is designated as National Park that is recognised with World Heritage status due to its unique eucalypt vegetation and globally outstanding biodiversity. As at December 2005, there were 36 known threatened animal species within our Local Government area.

In the year 2000, our resident population was approximately 77,000 people who live in, or in the vicinity of 26 towns and villages. With only 10.5% of the total land within the local government area falling under private ownership, the management of the activities of human settlement needs to be carefully balanced to protect world-renowned natural environment. Community feedback to the Council's 25 year strategic plan indicates that the protection of the environment is of significance, identifying the following environmental priorities for the City:

- The natural environment is preserved with:
  - The diversity of native flora and fauna being maintained;
  - The health of waterways and catchments being improved;
  - Our clean air quality being maintained.
- Management of the impact of existing and new development on the environment.
- Blue Mountains residents living sustainably in the environment.

Many privately owned properties particularly those located at the bushland interface provide habitat and shelter for native flora and fauna. Cats and dogs, if allowed to roam unrestricted in these environments, can have a significant impact on native flora and fauna. Cats in particular are very efficient hunters with studies estimating that each domestic cat kills on average 30 native animals per year.

Dogs and cats seek and kill small mammals, lizards and other reptiles and the physical impact of larger dogs can destroy elements of local ecosystems rendering them more prone to weed infestation and destruction. The flow on effects of such activities threaten the survival of our unique native plants and animals.

The mere presence of cats and dogs can attract other predators of our native flora and fauna such as foxes. The Blue Mountains local government area contains a very high fox population and this is partly attributed to the presence of companion animals. Pet food for cats and dogs is a source of nourishment for foxes and they are known to enter backyards to eat remaining pet foods that have been left out in bowls.



## Companion Animals Management Issues

The impact of companion animals on the environment is mitigated by a number of actions within this plan. Wildlife Protection Areas or the proper disposal of animal waste are not dealt with elsewhere in terms of “Key Actions”.

### Wildlife Protection Areas

The Companion Animals Act enables Council to prohibit dogs and / or cats from “Wildlife Protection Areas” (meaning any public place or any part of a public place set apart by the Council for the protection of wildlife and in which the Council has ordered that cats and/or dogs are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the Council at reasonable intervals notices to the effect that dogs and cats are prohibited in or on that public place).

The establishment of Wildlife Protection Areas within the City of Blue Mountains will require the careful consideration of all issues including the requirements for additional resources to effectively investigate, establish and manage such areas together with an assessment of the impacts of Wildlife Protection Areas on all users.

Additional resources will be required to facilitate any introduction of Wildlife Protection Areas.

### Animal waste

The presence of dog and cat waste, including faeces, urine and foodscraps, not only impacts on health and amenity, but also through its decomposition releases high levels of nutrients into local soil systems that threaten biodiversity. Adding nutrients upsets the soil balance leaving the local environment prone to exotic weed infestation. It is an offence under Section 20 of the Act for an owner not to remove and appropriately dispose of dog faeces. In general, however these offences are difficult to enforce.

To manage these issues the following key action has been identified.

#### **Key Action**

#### **Timeframe / Comment**

- |     |   |                              |
|-----|---|------------------------------|
| 3.1 | Develop educational material, particularly for residents living close to sensitive environmental areas, to promote better pet management within the native bushland environment, focusing on the importance of the urban backyards to wildlife. | Years 2-3 - funding required |
| 3.2 | Investigate the viability of declaring a trial area as “Wildlife Protection Area”.  | Years 2-3 - funding required |

#### **Performance Indicators**

#### **Measurement tool**

- |     |   |  |
|-----|---|--|
| 3.A | Random survey of residents.   | Results of survey                                  |
| 3.B | A report to Council is prepared in relation to the establishment of a trial Wildlife Protection Area. | An investigation and report to Council is prepared |



#### 4. Roaming Dogs

##### Outcome Sought

*The incidence of roaming dogs is reduced to preserve the health, safety and convenience of the wider community and to preserve native fauna and natural ecosystems..*

Dogs are by far the most common animal found to be roaming. Roaming dogs affect the surrounding neighbourhood by engaging in skirmishes, defecation, urinating and damage to gardens. Note: Council does not have regulatory powers to restrict roaming cats, unless they are causing a nuisance (see [Section 6 - Public Amenity and Open Spaces](#)).

Some common reasons that cause dogs to roam include:

- Boredom;
- Separation from family/ pack;
- Inadequate property fencing;
- To find a mate;
- To find food.

The Companion Animals Act has provisions to penalise the owners of roaming dogs. The public health, safety and convenience consequences of roaming dogs include:

- Threatening, harassing and attacking behaviour;
- Traffic hazard;
- Loss or injury of the dog;
- Damage to other property;
- Barking nuisances;
- Pollution from defecation, urination and rummaging through bins;
- Indiscriminate breeding;
- Transmission of diseases;
- Destruction of wildlife;
- Increase in the feral dog population.



## Companion Animals Management Issues

A reduction in the number of roaming dogs will increase the level of safety and build tolerance in the community for animal ownership. There are a number of measures that can be employed by owners to address the roaming animal problem in the Mountains.

- Ensure all dogs in public spaces are on a leash and under effective control.
- Ensure that a dog is not able to overpower the person who is in control of the dog.
- Ensure yard areas are adequately fenced.
- Ensure dogs are registered.

To address the issues raised by roaming dogs the following key actions have been identified.

<b>Key Actions</b>	<b>Timeframe / Comment</b>
4.1 Develop guidelines to assist in the appropriate design of fencing and yard areas to minimise the chance of escape.	Years 1-2 - funding required
4.2 Target enforcement surveillance in areas identified as having higher complaint profiles and pet population density.	Ongoing - within existing resources
4.3 Ensure repeat offences are recorded / captured for easy analysis.	Years 1-2 - within existing resources
<b>Performance Indicators</b>	<b>Measurement tool</b>
4.A Analysis of trends on the number of complaints about roaming dogs.	Council database



## Companion Animals Management Issues

### 5. Animal Welfare

#### Outcome Sought

*All companion animals are appropriately cared for by their owner by the provision of adequate shelter, nutrition, exercise and interaction with other pets and people, and are kept in a manner that protects wildlife.*

The Companion Animals Act 1998 declares that the protection of native birds and animals is an objective of animal welfare policy in the State of NSW, so owners of companion animals must make every effort to prevent their animals from adversely impacting on wildlife.

Companion animals which are provided with appropriate management, attention and care are less likely to develop behavioural problems which can impact on wildlife, other animals, family members and friends as well as the broader community. Animals kept in a confined space can become bored and this may lead to barking, excessive jumping and chasing. Animals that are adequately prevented from roaming are safe from other cat, dog or fox attacks, or motor vehicle injuries/death and are less likely to impact on wildlife.

To address the issue of animal welfare, the following key actions have been identified.

#### Key Actions

	Timeframe / Comment
5.1 Report incidents of suspected maltreatment of companion animals to the RSPCA.	Ongoing - within existing resources
5.2 Implement a Local Orders Policy on the minimum standards required for the keeping of domestic animals to improve animal welfare and minimise impact on the immediate neighbourhood.	Years 1-2 - within existing resources
5.3 Provide educational material on animal welfare, including wildlife protection.	Years 1-2 - within existing resources

#### Performance Indicator

	Measurement tool
5.A Animal welfare statistics.	RSPCA data



## Companion Animals Management Issues

### 6. Public Amenity and Open Spaces

#### Outcome Sought

*People are able to move freely throughout the public areas of the City without loss of amenity due to cats and dogs not being under effective control, and furthermore that dog owners have access to safe leash free exercise areas for their pets.*

Cats and dogs are important companions to their owners and the rights of owners to enter public places with their pets needs to be protected. It is equally important that general rights to enjoy community and open spaces, free of dog and cat nuisances, are enforced.

There are a number of locations where the Companion Animals Act (Sections 14, 30) prohibits cats and dogs.

	Applies to Dogs	Applies to Cats
• Food preparation and consumption areas, unless it is a public thoroughfare such as a road, footpath or pathway in which case appropriate food laws apply.	✓	✓
• “Wildlife protection areas” as defined under the Act.	✓	✓
• In or within 10 metres of children’s play areas.	✓	
• Recreation and public bathing areas where signage prohibits dogs.	✓	
• School grounds, unless with the permission of the person controlling the grounds.	✓	
• Child care centres unless with the permission of the person controlling the centre.	✓	
• Shopping arcades / complexes where animals are prohibited unless secured in a vehicle, or with the permission of the person controlling the place or going to or from a vet or pet shop.	✓	

It is essential that owners keep their pets under effective control when they exercise their rights to enter the public domain and immediately pick up and appropriately dispose of faeces.

Council can declare a public place to be an “off leash” area under Section 13 of the Act. In areas so designated, dog owners do not have to restrain their animal on a leash, but must act in a responsible manner to ensure that the dog does not cause injury, nuisance or harm to any other animal, person or the environment.



## Companion Animals Management Issues

There are a number of benefits in having multiple off leash areas including the popularity of dog ownership, the opportunity for dogs to socialise with other dogs and humans, the likelihood that exercise and recreation activities will minimise poor behaviour and aggression.

These off leash areas provide an opportunity for human social interaction as well as exercise to keep pets healthy and relieve boredom thereby minimising potential nuisances.

A list of off leash areas and operational times can be found on [www.bmcc.nsw.gov.au](http://www.bmcc.nsw.gov.au)

There is a need to protect these areas from conflicting uses and this would be best achieved by developing and implementing plans of management and improving the planning and design of new areas.

To address the public space and amenity issues, the following key actions have been identified.

Key Actions	Timeframe / Comment
6.1 Ensure that signage of Council parks/reserves and off leash areas is prominent, clear and easily understood.	Years 1-2 - within existing resources
6.2 Investigate the inclusion of additional off leash areas within the City for the purpose of enabling owners to exercise their dog/s without adversely impacting on the community or the environment, including wildlife.	Years 1-2 - within existing resources
6.3 Conduct regular patrols of Council parks/reserves and off leash areas to ensure pets are appropriately managed within these spaces.	Ongoing - within existing resources
6.4 Enforce the provisions of the Act where breaches of the Act associated with pets in public areas occur.	Ongoing - within existing resources
6.5 Investigate the feasibility of ensuring that waste bins are provided and maintained in designated off leash areas.	Years 1-2 - within existing resources
Performance Indicators	Measurement tool
6.A Audit of animal management signage in the Council reserves.	Audit undertaken



## Companion Animals Management Issues

---

### 7. Barking Dogs

#### Outcome Sought

*Reduce the overall impact of barking dogs with a responsible approach to community living.*

Noise pollution from barking dogs is normally reported by an adjoining resident because it intrudes into their awareness, be heard against their wishes and affects their comfort.

In the mountains, background noise levels throughout the community are quite low, even in the urbanised areas. The topography of the land often means that a barking dog may produce a noise level that it is clearly audible for quite a distance from the source with the potential to affect many surrounding residences.

Traditional noise attenuation strategies of separation and acoustic treatment are not usually practical for the control of animal noise. Separation distances to attenuate a barking dog are too great to represent a control strategy in the urban environment and acoustic treatments are expensive and often of a material that create unhealthy conditions.

Control of animal noise can be enforced under a range of legislation including the Companion Animals Act, Protection of the Environment Operations Act and the Local Government Act. The Community Justice Centre and the local Chamber Magistrate at Katoomba Court may be of assistance in resolving neighbourhood noise issues.

By far, the most effective tool is to control the noise at the source, i.e., the owner takes responsibility for managing their pet. To be effective, animal owners need to understand why an animal will bark or make a noise.

- Attention seeking – the animal usually gains a response from its owners.
- Dominant spoilt – the animal when left alone or not getting its way will bark.
- Boredom.
- Separation anxiety.
- Traits of different breeds.
- Lack of training.

To address the noise nuisance issues arising from barking dogs, the following key actions can be taken.



## Companion Animals Management Issues

Key Actions	Timeframe/ Comment
7.1 To educate the community on the definition and management options associated with nuisance barking.	Integrate into daily activities
7.2 Promote the benefits of early desexing of animals in addressing behavioural traits.	Integrate into daily activities
7.3 Design guidelines that encourage direct dialogue between neighbours on noise issues.	Years 2-3 - funding required
7.4 Enforce the provisions of the relevant legislation.	Ongoing - within existing resources
Performance Indicators	Measurement tool
7.A Analysis on number of complaints relating to barking dogs.	Council database

## 8. Compliance Issues

### Outcome Sought

*The community is protected from serious dog attacks and/or injury by the enforcement of the prescribed requirements of the Companion Animals Act.*

Significant changes have occurred to the Companion Animals Act in recent years placing additional responsibilities on Council's regulatory services.

The practical problems which can arise from the management of pets, can be an emotive issue at the local neighbourhood level and this is reflected in the receipt of an increasing number of complaints by Council on a broad range of animal management issues.

Whilst every effort is made to resolve such complaints in a negotiated manner, there are occasions in which some form of enforcement action is required. The management of dogs and cats consequently represents a major impact on staff resources, particularly the Council's Ranger services. The Act provides for a broad range of compliance options for Council including:

- The issuing of Nuisance orders;
- Dangerous dog declarations;
- Restricted breed requirements;
- Penalty infringement notices;
- Legal action in the Local Court;



## Companion Animals Management Issues

- Seizure powers;
- Destruction orders through the Local Court.

The following summary provides an indication of some of the compliance issues which Council officers regularly confront.

Nuisance cats and dogs include the following situations in which the animal is:

	Applies to Dogs	Applies to Cats
• habitually at large;	✓	
• making a persistent noise;	✓	✓
• defecating on another person's property;	✓	
• chasing a person, vehicle or animal;	✓	
• endangering the health of any person, animal;	✓	
• repeatedly causes substantial damage to anything outside the premises.	✓	✓

Under any of these circumstances the cat or dog can be declared a nuisance within the terms of either Sections 21 or 31 of the Act respectively. Whilst every effort is made to resolve these situations by negotiation, there are occasions when regulatory action is required.

In these circumstances, Council is required to observe the principles of natural justice and serve a 'Notice of Intention' on the pet owner. The affect of the process is to give the owner a certain time period in which to lodge a written submission as to why a formal Order should not be issued.

A Nuisance Order remains in place for 6 months and the owner is expected to undertake whatever action is necessary to change the behaviour of their pet. Penalties apply for non compliance and any enforcement action undertaken will be in accordance with Council's Enforcement Policy and / or Local Orders Policy.

With respect to cats, it should be understood that a distinction needs to be drawn at this point between feral and domestic owned cats, the latter being the subject of this aspect of the legislation. The primary issue is the potential for domestic cats to stray from their home and either into a neighbouring property or bushland with an adverse impact on wildlife.



### Companion Animals Management Issues

#### Dangerous dogs

Significant changes were introduced in the Companion Animals Act in recent times in response to growing community concerns on the irresponsibility of a very small minority of dog owners and the seriousness and frequency of attacks by certain breeds of dogs.

Consequently under the provisions of the Companion Animals Act (Section 34), a dog can be declared a dangerous dog by an authorised officer of Council (or a Court), if the dog:

1. (a) has, without provocation, attacked or killed a person or animal (other than vermin), or
  - (b) has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or
  - (c) has displayed unreasonable aggression towards a person or animal (other than vermin), or
  - (d) is kept or used for the purposes of hunting.
2. A dog is not, for the purposes of subsection (1) (d), to be regarded as being kept or used for the purposes of hunting if it is used only to locate, flush, point or retrieve birds or vermin. "Vermin" for the purposes of this subsection includes small pest animals only (such as rodents).

**Note:** If a hunting dog is declared to be a dangerous dog, the declaration does not necessarily mean that the dog cannot be used for the purposes of lawful hunting.

The Act provides for certain procedures to be followed in which the owner of the dog is given an opportunity to make a written submission as to why an Order should not be issued. The prescribed requirements of the Act can include, but are not limited to, the desexing of the dog, the wearing of a muzzle and on a lead in public places, in addition to certain signage, a mandatory dog collar to be worn, and the installation of an enclosure of a minimum size and construction on the property.

A certificate of compliance for the enclosure is required to be obtained from the Council. The dangerous dog Order remains with the dog for its lifetime and the Order is recorded on the State-wide Companion Animals Register.

#### Restricted breeds

The Act (Section 55) currently prescribes the following breeds to be restricted breeds:

- (a) American pit bull terrier or pit bull terrier;
- (b) Japanese tosa;
- (c) dogo Argentino;



## Companion Animals Management Issues

- (d) fila Brasileiro;
- (d1) any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth;
- (e) any dog declared by an authorised officer of a council under Division 6 of this Part to be a restricted dog;
- (f) any other dog of a breed, kind or description prescribed by the regulations for the purposes of this section.

The requirements which apply to dangerous dogs such as the enclosure of the property and other safety matters also apply to the restricted breed dogs. The Act also provides for an independent breed and temperament assessment should there be a dispute as to the specific breed of the dog.

### Seizure of dogs

Authorised officers may seize an animal in certain circumstances. In these situations, the RSPCA facility at Mort Street Katoomba is used to impound the animal for the statutory period, ie., microchipped animals are held for a minimum of fourteen days and unidentified animals kept for seven days.

In accordance with the legislation, every effort will be made by the Council to notify the owner of the dog's seizure or impounding. A formal notice will be left in a conspicuous location on the premises if the residence is unattended.

The regulatory powers to seize animals do not extend to entering private property to seize an animal that may have been the subject of neglect or cruelty. In any such case, the RSPCA is the appropriate authority.

### Dog attacks

Offences relating to dog attacks are broadly defined in the Act. An offence occurs if a dog consistently rushes at, bites, harasses or chases any person or animal, whether or not any injury is caused. It is not an offence if the dog is provoked by teasing, is being mistreated or attacked. The circumstances associated with dog attacks can also occur if the owner leaves a gate open, allowing the dog to attack pedestrians.

The offence provisions also apply to a person/owner who urges a dog to attack.

Victim and witness statements received by Council on alleged dog attacks will be assessed on their individual merits to determine the extent of any enforcement action.

All confirmed dog attacks will be reported to the Department of Local Government, in accordance with the established protocol.



## Companion Animals Management Issues

The following key actions are to be undertaken.

### Key Actions

### Timeframe/ Comment

- |     |  |  |
|-----|--|--|
| 8.1 | Implement the requirements of the Companion Animals Act in accordance with Council’s Enforcement Policy and / or Local Orders Policy.                      | Ongoing - within existing resources        |
| 8.2 | Implement a strategy for the issue of a Certificate of Compliance and periodic inspections of premises on which a dangerous or restricted dog is located.  | Year 1 - integrate into existing practices |
| 8.3 | Investigate all dog attacks as a matter of high priority and report confirmed incidents to the Department of Local Government for inclusion on a database. | Ongoing - within existing resources        |
| 8.4 | Develop a statement for Council’s Annual Report on activities relating to enforcement and compliance with the Companion Animals Act and Regulation.        | Annually - within existing resources       |

### Performance Indicators

### Measurement

- |     |  |   |
|-----|--|---|
| 8.A | Local trends on the number of dog attacks. | Department of Local Government database |
|-----|--|---|



## Companion Animals Management Issues

---

### 9. Pound Activities

#### Outcome Sought

*Council continues to operate an animal pound to provide the best available service in a cost effective manner.*

A component of Council's animal management services is the need to provide food and short term shelter for stray or roaming cats and dogs until claimed by their owner. This service is currently provided (under contract) by the RSPCA who operate a pound at Mort Street Katoomba.

As a guide, a total of 659 cats and dogs were delivered to the Pound during 2006/07. Cats and dogs are taken to the Pound by various means including Council rangers and the public.

#### Impounding of animals

If a dog or cat is picked up by a Council Ranger as a roaming or stray animal, every effort is made to return the animal to the owner, assuming the animal is microchipped and the place of residence affords suitable containment for the animal. In most other circumstances the animal will be transported to the Pound for collection by the owner within the prescribed time limits.

The Act provides that microchipped animals be held for a minimum of fourteen days and unidentified animals kept for seven days.

Appropriate fees apply for the accommodation, sustenance, registration and microchipping, veterinary costs, upon collection of the animal. At the expiration of the prescribed periods the unclaimed animal may be disposed of by sale or euthanised.

#### Feral and infant animals

Infant or feral animals can find their way to the RSPCA animal shelter by a number of means including delivery by:

- The owner of the animals, or
- Resident or visitor, or
- Council staff.

Consequently and in a practical sense, a prompt, humane and cost effective decision is required upon receipt of an infant or feral animal/s at the RSPCA animal shelter. The Companion Animal Act (Section 64(2)) allows for the decision to be made without waiting the prescribed minimum time periods.



## Companion Animals Management Issues

Under these circumstances the following operational arrangements will apply.

The shelter manager or the person acting in that position will, in the context of infant animal/s, carry out an assessment which includes:

- The approximate age of the animal/s;
- Whether the animal/s have been microchipped;
- The condition of the animal/s, the ability to eat without assistance;
- Whether the animal/s appears malnourished;
- The likelihood of survival;

or for feral animals:

- The capacity of the staff to safely handle and store the animal/s;
- Any occupational health and safety issues;
- The sustainability of caring for the animal/s;
- The prospects of re-housing the animal into a responsible environment.

If the assessment by the shelter manager in either of the above situations discloses that it is not humane, or practical to provide immediate or long term care and shelter for the infant or feral animal/s, then the shelter manager, after consultation with the appropriate Council representative who is satisfied that the alternatives under Section 64 (5) of the Act have been considered, the shelter manager may exercise the discretion under Section 64 (2) of the Act and seize and destroy the animal/s without waiting the prescribed mandatory time outlined in Section 64 (1) (a) and (b).

Any such action taken by the shelter manager shall be appropriately reported to the Council in accordance with routine reporting arrangements.

The following key actions in relation to Pound activities are to be undertaken.

<b>Key Actions</b>	<b>Timeframe/ Comment</b>
9.1 That Council submit an annual report to the Department of Local Government in accordance with the provisions of Section 67A of the Act by 30 September each year.	Annually - within existing resources
9.2 Review Pound activities and contract.	Years 1 & 2- within existing resources
<b>Performance Indicators</b>	<b>Measurement</b>
9.A Pound statistics.	Pound data



## Companion Animals Management Issues

### 10. Educational Initiatives

#### Outcome Sought

*A practical balance is achieved which delivers sustainable outcomes between enforcement and education.*

There will continue to be emotional arguments from all stakeholders on the relative merits of education versus enforcement with regard to domestic animal management. In reality there is a role for both.

Whilst voluntary compliance and/or behavioural changes are preferable, there will be a need from time to time, for regulatory action to be instigated. The latter approach can be time consuming and comes with some financial cost to Council and therefore ratepayers. In relation to serious safety, amenity and environmental matters, it is sometimes unavoidable.

Whilst the Companion Animals Act is prescriptive in many of its requirements, there is scope for an educational approach at a state and local level.

The State Government has developed a number of educational strategies and it is in the community and Council's interests to support these initiatives. This plan seeks to facilitate educational programmes to reduce the need for regulatory action and both financial and social costs.

The following key actions are proposed.

#### Key Actions

#### Timeframe/ Comment

- |  |                              |
|--|------------------------------|
| 10.1 Organise either alone or in association with other stakeholders a Companion Animals Day or alternate activity at appropriate intervals at different venues. | Years 1-3 - funding required |
| 10.2 Support and promote the educational initiatives of both Government and non-government agencies in regard to companion animals.                              | As opportunities arise       |
| 10.3 Develop online and hardcopy educative material on responsible pet ownership and other companion animal related initiatives.                                 | Years 2-3 - funding required |

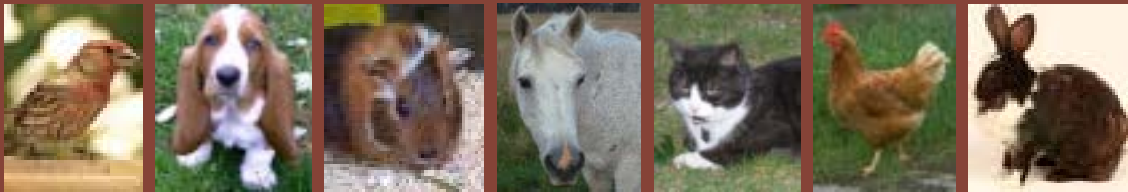
#### Performance Indicators

#### Measurement

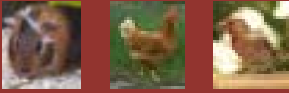
- |  |                   |
|--|-------------------|
| 10.A Any educational initiatives are advised in the Council Annual Report. | Reported annually |
|--|-------------------|



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.

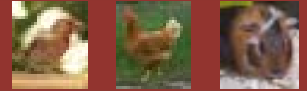
This Addendum to the Local Orders Policy applies to all *animals* (mammals, birds, bees, fish, amphibians and reptiles) kept for domestic reasons as companion animals, pets or for hobby interests in the Blue Mountains local government area.

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:

- be consistent within the Council's 25 vision;
- contribute to preserving the values of the Blue Mountains World Heritage Area;
- 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:

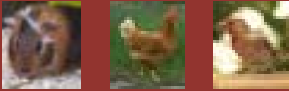
- The animal/s are not properly contained.
- The attraction and / or presence of fleas, ticks, vermin, etc.
- Whether unsanitary or unhealthy conditions have been created such as the accumulation of faeces, stale food, old bones, etc.
- There is foul odour, dust or drainage nuisances.
- Animal noise 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.
- Predation on local fauna.

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

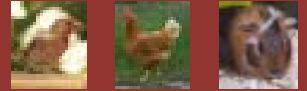
In most years the Council receives and investigates approximately 2,000 complaints concerning the keeping of animals. The majority of these complaints relate to stray, roaming, attacking or barking dogs. A significant number also relate to the number of animals on a single property and/or their impact 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 listed 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)

<b>Recommended number</b>	<ul style="list-style-type: none"><li>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.</li></ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"><li>Structures and containment areas occupied by animals must be outside <i>development excluded land</i>.</li><li>Structures and containment areas should not be located in onsite effluent disposal areas.</li><li>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.</li><li>Animals must not cause a nuisance by way of noise, pollution, by attacking other animals, nor kept in a manner that attracts vermin, flies, lice, fleas or other insects.</li><li>Run-off associated with natural waterflow from animal enclosures and / or cleaning of these areas must not discharge into neighbouring properties or waterways.</li></ul>
<b>Advice</b>	<ul style="list-style-type: none"><li>Although distances from buildings may be referred to, greater distances may be required in some cases.</li><li>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.</li><li>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.</li><li>Enclosures of all susceptible animals should be "fox proof".</li></ul>



## Assessment Criteria

---

### Alpacas / Llamas

---

**Recommended number**

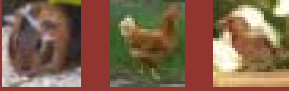
- A stocking rate of 1 per hectare (a minimum of 1 hectare is required).

**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 to prevent escape.

**Advice**

- Alpacas have specific fencing requirements - development consent may be required for enclosures.
- Food that is packaged or otherwise requires storage, should be kept in a manner that prevents access by vermin.



## Bees

**Recommended number**

- Stocking rate of 4 hives per 1000 square metres. Maximum of 8 hives.

**Recommended requirements**

- 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**

- 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.
- Competition by feral honey bee, *Apis mellifera* is listed as a key threatening process under Schedule 3 of the Threatened Species Conservation Act 1995.
- 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](http://www.dpi.nsw.gov.au)
- The keeping of native bees may be explored as an alternative.



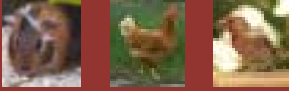
## Assessment Criteria

### Birds

There is a variety of definitions under the different categories of “birds”. This is especially so for fowls and poultry. So as to aid interpretation of this policy, all birds are included under this section and each category of bird - caged bird, fowls, peafowls, pigeons and poultry - is provided with examples in brackets.

**Caged birds** (Includes lorikeets, cockatoos, corellas, excludes fowls, pigeons, poultry which are separately defined in this policy)

- |                                 |  |
|---------------------------------|--|
| <b>Recommended number</b>       | <ul style="list-style-type: none"> <li>• Appropriate numbers for the size of the cage and type of birds.</li> </ul>  |
| <b>Recommended requirements</b> | <ul style="list-style-type: none"> <li>• The aviary must be located at least 4.5 metres from any dwelling on an adjoining property and 1 metre from any property boundary.</li> <li>• Enclosures must be located within the rear yard area of the premise.</li> <li>• Barriers around cages should be used to prevent the entry of foxes, vermin, and other pests.</li> <li>• Suspended cages should include trays for the collection of bird waste.</li> <li>• Lice and pests including wild rodents must be controlled.</li> <li>• Aviaries should be cleaned regularly.</li> <li>• Food must be stored in secure containers to prevent access by vermin.</li> </ul> |
| <b>Advice</b>                   | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Check with NSW National Parks &amp; Wildlife Service for licence requirements on keeping of native birds.</li> <li>• Refer to the Non-Indigenous Animals Act 1987, for licence requirements on the keeping of non-indigenous species.</li> </ul>                           |



## Birds (cont.)

### Fowls

(birds of the species Gallus Gallus such as domestic chickens, guinea fowls and red junglefowl, excluding other forms of poultry which are separately defined for the purposes of this policy)

#### Recommended number

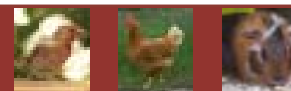
- No more than 12 birds per property.
- Young up to 6 months.

#### Recommended requirements

- 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 and constructed in a manner that will exclude foxes.
- Roosts and fowl houses must be kept in a clean state so as not to attract vermin.
- Food must be stored in secure containers to prevent access by vermin.

#### Advice

- 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

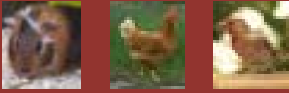
### Birds (cont.)

#### Peafowls (peacocks, peahens)

- |                                 |  |
|---------------------------------|--|
| <b>Recommended number</b>       | <ul style="list-style-type: none"> <li>• A stocking rate of 1 per 5 hectares (a minimum of 5 hectares is required).</li> </ul>   |
| <b>Recommended requirements</b> | <ul style="list-style-type: none"> <li>• 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 and constructed in a manner that will exclude foxes.</li> <li>• Peacocks should be contained within the yard area of the premise.</li> <li>• Food must be stored in secure containers to prevent access by vermin.</li> </ul> |
| <b>Advice</b>                   | <ul style="list-style-type: none"> <li>• Peacocks create noise nuisances in residential areas. They can also cause damage to premises (such as broken roof tiles, etc).</li> </ul>   |

#### Pigeons (pigeons, doves)

- |                                 |  |
|---------------------------------|--|
| <b>Recommended number</b>       | <ul style="list-style-type: none"> <li>• Maximum of 20 adult birds.</li> <li>• Young up to 6 months.</li> </ul>  |
| <b>Recommended requirements</b> | <ul style="list-style-type: none"> <li>• Coops are to be constructed in a manner that prevents the entry of dogs and foxes.</li> <li>• 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.</li> <li>• Flight times are restricted to 2 hours after sunrise and 2 hours before sunset. Exercise runs of no more than 1 hour.</li> <li>• Coops are to be kept clean at all times. Manure should be regularly removed and properly disposed.</li> <li>• Open coops are not permitted.</li> <li>• Food must be stored in secure containers to prevent access by vermin.</li> </ul> |
| <b>Advice</b>                   | <ul style="list-style-type: none"> <li>• Pigeons can negatively impact on both the environment and indigenous birds. Food sources and roosting opportunities must not be made available to wild pigeons.</li> <li>• Wild pigeon numbers can be managed by discouraging uncontrolled feeding and bird-proofing known roost sites.</li> </ul>  |



## Birds (cont.)

**Poultry** (duck, geese, turkey, swan, quail and pheasant, excluding fowls which are separately defined for the purposes of this policy)

**Recommended number**

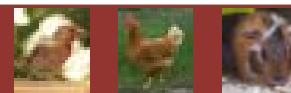
- No more than 12 birds per property.
- Young up to 6 months.

**Recommended requirements**

- 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.
- Food must be stored in secure containers to prevent access by vermin.

**Advice**

- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website [www.dpi.nsw.gov.au](http://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.

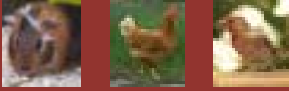


## Assessment Criteria

### Cats

- |                                 |  |
|---------------------------------|--|
| <b>Recommended number</b>       | <ul style="list-style-type: none"> <li>• No more than 3 adult cats per residence.</li> <li>• Kittens up to 6 months of age.</li> </ul>   |
| <b>Recommended requirements</b> | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Cats should be kept indoors, particularly at night, with access to outdoor cat enclosures / runs and shelter.</li> <li>• Any cat enclosures / runs and shelter must be located within the rear yard area of the premise.</li> <li>• Pet foods should not be left outside. They can be a source of nourishment for foxes and other animals.</li> <li>• Food must be stored in secure containers to prevent access by vermin.</li> <li>• Pests including fleas, ticks, flies, lice and wild rodents must be controlled.</li> </ul> |
| <b>Advice</b>                   | <ul style="list-style-type: none"> <li>• Microchipping and registration is a two part process. Requirements for cat owners are:                         <ul style="list-style-type: none"> <li>— Microchip animals by 12 weeks of age, at point of sale or change of ownership (whichever occurs first).</li> <li>— Register animals with the Council by 6 months of age.</li> </ul> </li> <li>• 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.</li> <li>• Note: Under the Companion Animals Act, Council does not have regulatory powers to restrict roaming cats, unless clear evidence is available that shows the cat is causing a nuisance to neighbours and wildlife.</li> </ul>   |

Note: Predation by feral cats is listed as a key threatening process under the Threatened Species Conservation Act 1995, so owners must make every effort to prevent their animals from straying.



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

**Recommended number**

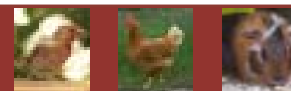
- A stocking rate of 1 per 5 hectares (a minimum of 5 hectares is required).

**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**

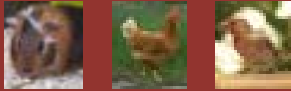
- The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for details.
- Cattle must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.
- Food that is packaged or otherwise requires storage, should be kept in a manner that prevents access by vermin.
- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website [www.dpi.nsw.gov.au](http://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

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

- |                                 |   |
|---------------------------------|---|
| <b>Recommended number</b>       | <ul style="list-style-type: none"> <li>• A stocking rate of 1 per 5 hectares (a minimum of 5 hectares is required).</li> </ul>  |
| <b>Recommended requirements</b> | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Yards must be enclosed so as to prevent the escape of animals.</li> </ul>  |
| <b>Advice</b>                   | <ul style="list-style-type: none"> <li>• The keeping of hoofed animals above the recommended number may require development consent. Refer to LEP 1991 for further details.</li> <li>• Deer have specific fencing requirements - development consent may be required for enclosures.</li> <li>• Deer must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.</li> <li>• Food that is packaged or otherwise requires storage, should be kept in a manner that prevents access by vermin.</li> <li>• Refer also to the requirements of the Deer Act 2006 and Regulations made thereunder. A person must not keep a deer in contravention of the Regulations.</li> </ul> |



## Dogs

**Recommended number**

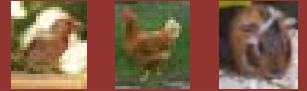
- No more than 3 adult dogs per residence.
- Pups up to 6 months.

**Recommended requirements**

- 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.
- Food must be stored in secure containers to prevent access by vermin.
- 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**

- Microchipping and registration is a two part process. Requirements for dog owners are:
  - 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](http://www.bmcc.nsw.gov.au) for full details on locations and times of use.



## Assessment Criteria

---

### Ferrets

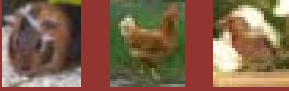
---

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

### Fish (external ponds)

---

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



## Goats (buck, doe, wether and kid)

### Recommended number

- A stocking rate of 1 per 5 hectares (a minimum of 5 hectares is required).

### 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.
- Goats must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.
- Food that is packaged or otherwise requires storage, should be kept in a manner that prevents access by vermin.
- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

## Guinea Pigs

### Recommended number

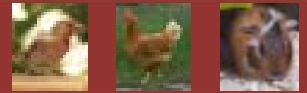
- Adult stocking rate of 1 per 0.5 square metre of hutch.
- Young up to 3 months.

### Recommended requirements

- 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.
- Food must be stored in secure containers to prevent access by vermin.
- Hutches must be kept in a clean state so as not to attract vermin and constructed in a manner that will exclude foxes.

### Advice

- 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.



## Assessment Criteria

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

**Recommended number**

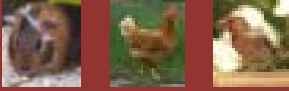
- A stocking rate of 1 per 5 hectares (a minimum of 5 hectares is required).

**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.
- Food that is packaged or otherwise requires storage, should be kept in a manner that prevents access by vermin.
- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website [www.dpi.nsw.gov.au](http://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**

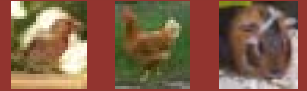
- A stocking rate of 1 per 5 hectares (a minimum of 5 hectares is required).

**Recommended requirements**

- Swine must not be kept in such a place or manner as to pollute any waterway or 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.
- Food that is packaged or otherwise requires storage, should be kept in a manner that prevents access by vermin.
- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website [www.dpi.nsw.gov.au](http://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

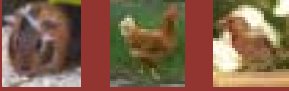
---

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

### Reptiles

---

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



## Rodents (rats and mice)

---

**Recommended number**

- Adult stocking rate of 2 per 0.5 square metre of cage.
- Young to up to 3 months.

**Recommended requirements**

- 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.
- Food must be stored in secure containers to prevent access by vermin.

**Advice**

- Do not release rodents into the environment.

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

---

**Recommended number**

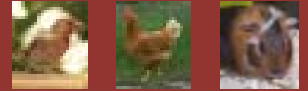
- A stocking rate of 1 per 5 hectares (a minimum of 5 hectares is required).

**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.
- Food that is packaged or otherwise requires storage, should be kept in a manner that prevents access by vermin.
- Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website [www.dpi.nsw.gov.au](http://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.**

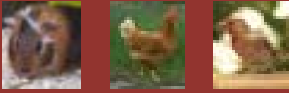
Orders can be modified or revoked. These provisions generally apply to a negotiated outcome where time frames either need to be extended (modified) or the requirements outlined in the order have been met (in which case the order is revoked).

**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. 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

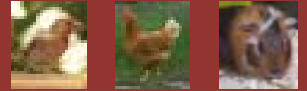
d) that is the habitat of any threatened species, populations or ecological communities within the meaning of the Threatened Species Conservation Act 1995, the development of which would have a significant effect on the threatened species populations or ecological communities as determined in accordance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

