

6.3.32 Keeping of Animals in Urban Areas

REPORT BY THE MANAGER GOVERNANCE TO 5 FEBRUARY 2014 COUNCIL MEETING

Keeping of animals

GOV400038, A0100021

RECOMMENDATION

That:

1. **the report by the Manager Governance on the Keeping of Animals in Urban Areas be received;**
2. **Council adopt the attached policy on the Keeping of Animals in Urban Areas.**

Executive summary

This report introduces a new policy aimed addressing complaints about certain types of animals being kept on urban properties Mudgee, Gulgong, Rylstone and Kandos.

Detailed report

Council staff have in recent months being receiving an increasing number of complaints about persons keeping animals on urban properties that are not suitable for this purpose. These complaints generally relate to "farm animals".

While the most recent complaints have been about pigs, there are other classes of animals that are considered to be out of place in an urban setting. Apart from pigs - roosters, goats, rams and cattle could impact on the amenity of residents in adjoining properties in closely settled urban areas. The noise from roosters crowing and the potential for goats, rams, cattle and pigs to attract flies and vermin and result in offensive odours are examples of problems that arise.

While Council is empowered by the Local Government legislation to control and regulate the keeping of such animals, at the present time Council has no specific policy in place on this subject and, as such, Council has been unable to satisfactorily resolve these complaints.

The attached policy serves to address that issue.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

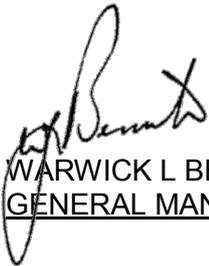


IAN ROBERTS
MANAGER GOVERNANCE

22 January 2014

Attachments: 1. Policy on Keeping of Animals in Urban Areas

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M MINUTE NO.
	KEEPING OF ANIMALS IN URBAN AREAS	REVIEW: FILE NO: A0100021

OBJECTIVES

- 1 To inform the community of the statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes in the urban areas of Mudgee, Gulgong, Rylstone and Kandos.
- 2 To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
- 3 To establish standards, acceptable to the community, for the keeping of animals.
- 4 To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under Section 124 of the Local Government Act, 1993 to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.
- 5 To identify which animals are prohibited within the urban areas in the Mid-Western Regional local government area and the circumstances in which such animals are prohibited.

PREAMBLE

This policy seeks to inform the Mid-Western community of Council's regulatory powers concerning the keeping of animals in the urban environment. The Policy aims to:

- (a) Minimise the incidence of nuisance being caused to persons;
- (b) Protect the welfare of farm animals;
- (c) Protect the welfare and habitat of wildlife; and
- (d) Minimise the disturbance of or damage to protected vegetation.

SCOPE

This policy applies to animals kept for domestic purposes but excludes companion animals (dogs and cats), control of which is adequately handled under the Companion Animals Act.

RELATED LEGISLATION

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

The Council may, in the appropriate circumstances, issue an Order to:

- * prohibit the keeping of various kinds of animals;
- * restrict the number of various kinds of animals to be kept at a premises;
- * require that animals be kept in a specific manner.

The Council may also issue Orders requiring:

- * demolition of animal shelters built without the prior approval of Council;
- * the occupier to do or refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

It is advised that Council can exercise further controls over animals under the following Acts:

- * Protection of the Environment Operations Act 1997
- * The Impounding Act, 1993
- * Companion Animals Act 1998

GIVING OF ORDERS BY COUNCIL

Generally, where a problem is identified with the keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue a notice of intention to serve an Order. Normally a person will be given opportunity to make representation to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

POLICY REQUIREMENTS

URBAN LAND

For the purposes of this policy, the term "urban" shall include all land in Mudgee, Gulgong, Rylstone and Kandos that is less than 1ha in area.

ANIMALS PROHIBITED IN URBAN AREAS

The following animals are not permitted to be kept in urban areas due to the likely impacts on health and amenity;

- Roosters;
- Goats;
- Rams;
- Cattle; and
- Pigs.

VARIATION TO THIS POLICY

Variations to this policy may be sought, by the occupier of the land, by making written representation to Mid-Western Regional Council. Any proposal for a variation to this policy will be considered on a case-by-case basis and must provide the following information as a minimum:

- The size of the property;
- A site plan showing the location where the animals will be kept and the distance from any structures on site or on adjoining properties;
- The type of animals to be kept;
- The number of animals to be kept;
- Owners consent from the owner of the property;
- The likely impact of the animals on the environment and the amenity of the area;
- Information addressing any matters raised by Council in any correspondence.

Written support from neighbouring properties will be beneficial in supporting your case for a variation.

CONSIDERATIONS

In assessing any proposals seeking to vary this policy, as well as the specific provisions in Schedule 2 of the Local Government (General) Regulation 2005, the following matters shall be taken into consideration:

- The kind of animal that is suitable to be kept at any premises will be determined having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building.
- Animals should be kept in a manner which does not:
 - * Create unclean or unhealthy conditions for people or for the animals.
 - * Attract or provide a harbourage for vermin.
 - * Create offensive noise or odours.
 - * Cause a drainage nuisance or dust nuisance.
 - * Create waste disposal problems or pollution problems.
 - * Create an unreasonable annoyance to neighbouring residents or fear for safety.
 - * Cause nuisance due to proliferation of flies, lice, fleas or other insects.
- Animals should not be kept at premises used for the manufacture, preparation, sale or storage of food for human consumption.
- Suitable shelter(s) should be provided for all animals. Certain species of animals are required to be kept in cages to prevent escape or attack by predators. Generally, other animals are to be securely enclosed with adequate fencing to prevent escape.
- Certain animal shelters and facilities should not be erected or located at a premise without the prior approval of Council. Animal owners wishing to erect such structures should consult Council to determine which structures require development approval.