

<b>POLICY:-</b>	
Policy Title:	Keeping of Companion Animals Policy
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Date Policy was adopted by Council initially:	
Resolution Number:	XX/2017
Other Review Dates:	
Resolution Number:	XX/2017
Current Policy adopted by Council:	XX/XX/XX
Resolution Number:	
Next Policy Review Date:	XX/2020

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	Ranger
Committee/s (if any) consulted in the development of this policy:	
Responsibility for implementation:	Manager Environment and Planning
Responsibility for review of Policy:	Director Environment and Planning

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## **1. Introduction**

This policy seeks to inform the Upper Lachlan Shire Council and its community of the powers concerning Councils regulatory approach to the keeping of dogs and or cats in the operational area of the Council.

It is not intended this policy will regulate the manner in which all animals should be kept. It is, however necessary that this policy should inform the reasonable limits (both statutory and advisory) which apply concerning the maximum number of animals and the circumstances under which they may be kept on premises.

## **2. Scope**

This policy applies to animals kept for the purpose of being a companion, breeding of animals for fee and or reward, keeping of working dogs, dogs used for the purpose of hunting, boarding, grooming, treatment, training, exhibiting, trading, caring or subject to repeat complaints.

## **3. Objectives**

The policy will address the community of the statutory restrictions and acceptable limits to apply to the keeping of animals within the operational area of Council.

To provide guidance and advice to persons making enquires as to the keeping of animals for domestic purposes.

To enable local standards, acceptable to the community for the keeping of animals in general.

To notify the circumstances that Council will consider in determining whether to serve an Order pursuant to the Local Government Act to prohibit, restrict in or some other way require things to be done regarding the keeping of animals.

## **4. Prescriptive Requirements**

The number of animals that may be kept at a premises should not exceed the number shown appropriate to the kind of animal listed in this policy. This does not limit the ability of Councils Ranger or other authorised person to increase or decrease the permissible number of animals or not enforce this policy after taking into account all available information.

The responding Council officer will take into consideration the size of available yard area, distance to the nearest dwelling or other prescribed building, the

purpose of keeping such animals and any other statutory requirements pertaining to the keeping of animals in such numbers and any verified compliance history.

Animals must not be kept in a manner which does not:

- a) Create unclean or unhealthy conditions for people or other animals.
- b) Create offensive noise or odours to be emitted from the property.
- c) Create drainage or dust issues.
- d) Create waste or pollution issues.
- e) Create an unreasonable annoyance to neighbouring residents or fear for safety.
- f) Contravene any animal welfare law, or code applicable to the state of New South Wales.

Animal Shelter/s should be provided for all animals.

Animal shelters must comply with the requirements of any applicable legislation. Please contact Councils Department of Planning to discuss individual circumstances.

Guidelines for the size, layout and construction of animal shelters are produced by various animal welfare organisations and the Department of Agriculture. These guidelines maybe adopted where required from time to time to supplement this policy.

## **5. Councils Ability to Control and Regulate the Keeping of Animals**

Council's powers to control and regulate the keeping of animals is provided under Local Government Act 1993 and its Regulations.

Within the Act Council is empowered to issue an Order to the occupier or owner of a property to:

- Prohibit the keeping of various kinds of animals.
- Restrict the numbers of various kinds of animals to be kept at a premises.
- Require that animals be kept in a specific manner.

In addition the Council may also issue an Order requiring:

- Demolition of an animal shelters built without the approval where approval was or is required.
- The occupier / owner of a property to refrain from doing such things as specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

Where Council is required to exercise further controls over animals it is able to reply upon further Acts including:

- Companion Animals Act 1998
- The Protection of the Environment Operations Act 1997
- The Impounding Act 1993
- The Food Act 2003.

## 6. Issuing of Orders

Councils Ranger is predominately responsible for the investigation and enforcement of complaints concerning animals within Councils jurisdiction. In the event that Councils Ranger is not available to conduct an investigation into complaints relating to animals, Councils management may delegate another staff member to conduct such a role.

Upon receipt of a complaint an investigation of the complaints validity would be attempted to be established. In the event that a problem with the keeping of animals is identified and cannot be resolved by consultation or the identification of an animal breeding facility or a place that is connected to the supply of animals, including the sale of animals is established Council will issue a Notice of Intention to serve an order pursuant to section 124 order 18 of the Local Government Act 1998, to reduce to numbers of animals at the premises. This will not take place where approval has been granted by Council.

Council will consider any representations made against the Notice of Intention to serve an order.

Upon expiry of any timeframe for representations Council will issue an Order to reduce the number of animals in accordance with this policy. Any order issued in accordance with the Local Government Act 1998 is subject to appeal via the Land and Environment Court.

Council may also rely upon other legislative functions to enforce the keeping of animals.

In situations where urgency is required, an emergency order may be issued regarding the keeping of animals.

## 7. Table of Requirements

<b>KIND OF ANIMAL</b>	<b>MAXIMUM NUMBERS</b>	<b>APPLICABLE REGULATION AND OTHER ADVISORY MATTERS</b>
Dogs	4	The Companion Animals Act 1998 requires registration and effective control of dogs at all times. Adequate fencing is essential. The Council may approve requests to keep additional dogs were adequate yard size, proper care and desexing can be demonstrated,

		or the recommendation of the RSPCA is establish or the circumstances after consideration of Councils Ranger warrants the increase of numbers.
Dogs Used For Breeding	0	The Environment Planning and Assessment Act 1997 and or other resources will be relied upon to determine the requirement for Development Consent until such time no additional animals for the purpose of breeding will be permitted.
Cats	4	More than 4 cats will not be appropriate in many situations. Compliance with desexing, use of identity collars with multiple bells, proper care, and the restriction of access to outdoors at night will be relevant factors in determining whether more than 4 cats may be kept at the premises or the recommendation of the RSPCA.
Dogs Used For Breeding	0	The Environment Planning and Assessment Act 1997 and or other resources will be relied upon to determine the requirement for Development Consent until such time no additional animals for the purpose of breeding will be permitted
Cats Used For Breeding	0	The Environment Planning and Assessment Act 1997 and or other resources will be relied upon to determine the requirement for Development Consent until such time no additional animals for the purpose of breeding will be permitted

## RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Companion Animals Act 1998
- Food Act 2003
- Protection of the Environment Operations Act 1997
- Impounding Act 1993

## VARIATION

Council reserves the right to vary or revoke this policy.