

**DRAFT**  
**Local Orders Policy**  
to  
**Restrict Keeping of Dogs in**  
**Koala Habitat Areas:**  
**Thrumster**

Draft policy for public consultation. Not yet  
considered by Council.



## CONTENTS

<b>TITLE</b>	<b>2</b>
<b>STATUS AND PURPOSE OF THE POLICY</b>	<b>2</b>
<b>COMMENCEMENT OF THE POLICY</b>	<b>2</b>
<b>AMENDMENT OF THE POLICY</b>	<b>2</b>
<b>SCOPE OF THE POLICY</b>	<b>2</b>
<b>GENERAL AIMS OF THE POLICY</b>	<b>2</b>
<b>LAND TO WHICH THE POLICY APPLIES</b>	<b>3</b>
<b>COUNCIL’S POWERS TO CONTROL AND REGULATE THE KEEPING OF ANIMALS</b>	<b>4</b>
<b>GIVING OF ORDERS BY COUNCIL</b>	<b>4</b>
<b>General Matters for Consideration</b>	<b>4</b>
<b>SPECIFIC REQUIREMENTS FOR THE KEEPING OF DOGS</b>	<b>5</b>
<b>TABLE 2 – PRESCRIPTIVE REQUIREMENTS</b>	<b>5</b>

## **TITLE**

This Policy (“The Policy”) is called the “Port Macquarie-Hastings Council Local Orders Policy to Restrict Keeping of Dogs in Koala Habitat Areas: Thrumster”.

## **STATUS AND PURPOSE OF THE POLICY**

The Policy is a local orders policy prepared and adopted under Chapter 7, Part 3 of the Local Government Act, 1993 (“the Act”).

The purpose of the Policy is to supplement provisions of the Act and the Local Government (Orders) Regulation by specifying Council’s policy in regards to the type of order described in item 18 of Section 124 of the Act.

## **COMMENCEMENT OF THE POLICY**

Not yet considered by Council. The Policy has not commenced.

## **AMENDMENT OF THE POLICY**

The Policy has not been amended.

## **SCOPE OF THE POLICY**

This Policy applies to dogs kept for domestic purposes, as companion animals, pets or for hobby interests. However, does not apply to assistance animals (as defined in the Companion Animals Act 1998), such as guide dogs and hearing assistance dogs.

The principles contained in the prescriptive requirements will also apply to the keeping of dogs for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading or selling.

This Policy relates to Order 18 of Chapter 7 of the Local Government Act 1993.

## **GENERAL AIMS OF THE POLICY**

The Policy seeks to inform the Thrumster community of Council’s regulatory powers concerning the keeping of dogs in Koala Habitat Areas. The Orders Policy aims to:

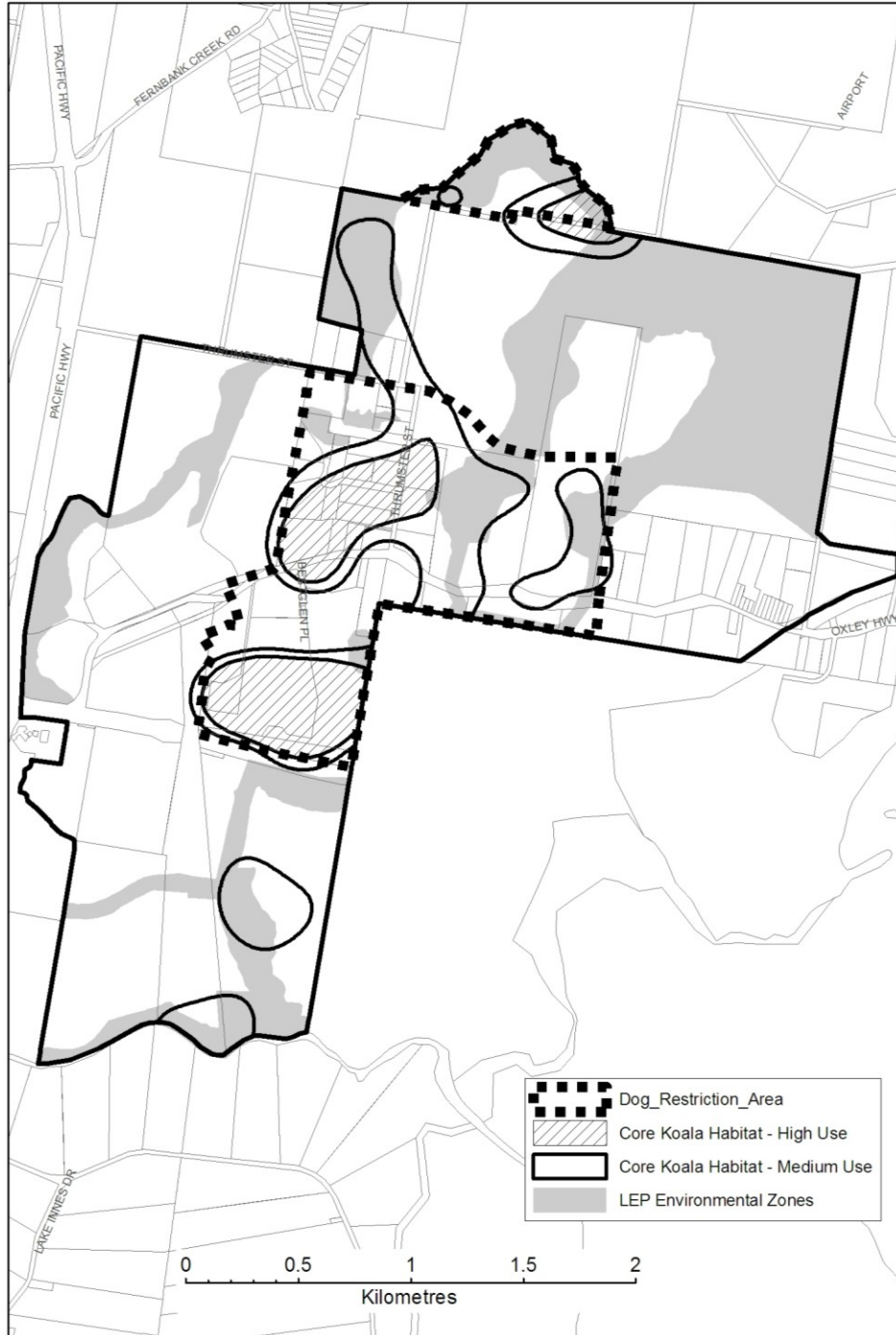
- a) Protect the welfare of wildlife, in particular Koalas, within Koala Habitat Areas

Restrictions on the keeping of domestic dogs in areas of Koala Habitat were recommended as part of the Koala Plan of Management prepared for the Area 13 Urban Investigation Area.

## LAND TO WHICH THE POLICY APPLIES

This Policy applies to land as shown outlined in Map 1 below.

**Map 1: Dog Restriction Area**



## **COUNCIL'S POWERS TO CONTROL AND REGULATE THE KEEPING OF ANIMALS**

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; and/or
- 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, or
- 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.

Council can exercise further controls over animals and associated structures under the following Acts:

- Companion Animals Acts 1998
- Protection of the Environment Operations Act 1997
- Food Act 2003
- Environmental Planning & Assessment Act 1979
- Local adopted planning instruments and policies.

## **GIVING OF ORDERS BY COUNCIL**

Generally, where the keeping of an unauthorised dog is identified within a Koala Habitat Area and the matter cannot be resolved by consultation, the Council will proceed to issue a Notice of Intention to Serve an Order under the provisions of Section 124 of the Local Government Act 1993. Normally a person will be given the opportunity to make representations to Council prior to a formal Order being served.

In situations where urgency is required, an emergency Order may be issued without prior notice.

## **General Matters for Consideration**

The matters that Council must consider in determining whether to issue an Order are:

- The matters prescribed in Section 124 of the Local Government Act 1993 and the Local Government (General) Regulation 2005;

- Procedures to be observed before giving orders as detailed in Chapter 7, Part 2, Division 2 of the Local Government Act 1993;
- Requirements referred to in Table 2 of this policy.

## SPECIFIC REQUIREMENTS FOR THE KEEPING OF DOGS

TABLE 2 – PRESCRIPTIVE REQUIREMENTS

Kind of Animal	General Requirement	Special Provisions
Dogs	Keeping of dogs is prohibited within the “Dog Restriction Area” shown on Map 1.	a) Restrictions do not apply to assistance animals (as defined in the Companion Animals Act 1998), such as guide dogs and hearing assistance dogs. b) Restrictions do not apply to an <b>allotment existing</b> at 12 June 2008 within ‘The Grange’ neighbourhood west of Thrumster Street. c) Restrictions do not apply to <b>existing dogs</b> on properties where under the same ownership as at 12 June 2008. That dog may be replaced following sale or death. d) Voluntary Restriction (refer to note 3 below)

**Notes:**

1. The sale of a property **WILL NOT** restrict the ability to keep dogs on existing allotments referred to in b) above.
2. The keeping of dogs is prohibited on all NEW ALLOTMENTS other than residue lots created in ‘The Grange’ neighbourhood.
3. The owner of a property within the “Dog Restriction Area” may voluntarily elect to have the restrictions apply to their existing allotment or residue allotment following subdivision. This can be done by specific inclusion of such a restriction on their property title.
4. Prospective purchasers will be advised of the general “Dog Restriction Area” by a notification on a planning certificate issued under section 149 of the Environmental Planning and Assessment Act 1979.