

Planning and Providing Our Infrastructure

Item: 13.07

Subject: LOCAL ORDERS POLICY: KEEPING OF DOGS IN THRUMSTER
KOALA HABITAT

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

1. Publicly exhibit the attached draft Local Orders Policy to Restrict Keeping of Dogs in Core Koala Habitat Areas at Thrumster.
2. Consider a further report following completion of the public exhibition period, including a review of submissions and any necessary amendments to the draft Local Orders Policy.

Executive Summary

On 10 January 2008, Council's Koala Plan of Management for the Thrumster (Area 13) Urban Investigation Area was approved by the State Government.

On 12 June 2008, Council adopted a Local Orders Policy (LOP) to Restrict Keeping of Dogs in Core Koala Habitat Areas at Thrumster in order to implement one of the measures of the Koala Plan of Management.

The LOP related only to the central part of the Thrumster release area which contains high use koala habitat and planned corridors for movement of koalas through the release area. The provisions of the LOP were discussed with existing landowners in the LOP area and specific provisions were included in the LOP for the Thrumster Street rural residential area.

The local orders policy was automatically revoked at the expiration of 12 months after the declaration of the poll for the last general election of Council.

It is proposed that Council exhibit an updated Local Orders Policy and consider reinstating the local policy. The purpose of this report is to seek Council's approval to publicly exhibit the updated Local Orders Policy.

Discussion

On 10 January 2008, the Director General of the then Department of Planning approved Council's Koala Plan of Management for the Thrumster (Area 13) Urban

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Investigation Area. The Koala Plan of Management addresses the potential impacts of urban development on koalas in the Thrumster area and was a key part of the overall planning that enabled rezoning of parts of Thrumster to proceed.

The Koala Plan of Management includes several development design principles, including a requirement to restrict the keeping of domestic dogs in areas of Core Koala Habitat. The purpose of this restriction is to protect the koala population from dog attack, one of the major causes of koala death and injury in urban areas.

A Local Orders Policy was identified as the best means to achieve this outcome. A Local Orders Policy is prepared under the Local Government Act 1993 to give Council specific powers and to issue an Order if necessary. Notification of the policy is given on planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979* to alert landowners and prospective purchasers of land to the application of the policy.

On 12 June 2008, Council adopted a Local Orders Policy to Restrict Keeping of Dogs in Core Koala Habitat Areas at Thrumster (the local policy). The local policy applies to a defined area at Thrumster generally relating to the location of known koala habitat and restricts the keeping of domestic dogs in this area.

On 22 October 2008, Council adopted an amendment to the local policy (Attachment 1).

The boundaries of the LOP were determined so that the LOP area is generally bounded by streets and signage can be implemented in conjunction with the LOP to inform the local community that it is a koala habitat area.

To date, with the exception of existing development in the Thrumster Street area, there has been no new development in the LOP area.

In accordance with section 165 (4) of the Local Government Act 1993, the local policy was automatically revoked at the expiration of 12 months after the declaration of the poll for the last general election of Council. The local policy has therefore been revoked since September 2013. It is now proposed to reinstate the local policy.

The revocation of the previous local policy requires a new policy to be prepared and follow the process set out in the *Local Government Act 1993* and associated regulations.

Pursuant to section 159 of the Act, Council may decide to prepare a draft local orders policy. Once prepared, section 160 of the Act states that Council must give notice of the draft local policy and publicly exhibit it for not less than 28 days.

A draft local policy is attached for Council's consideration (Attachment 2). Other than minor updates to dates and references, the draft local policy (Attachment 2) remains the same as that approved in 2008.

Options

Based on the above, Council's options are:

1. To publicly exhibit the attached draft local policy.
2. To publicly exhibit an amended draft local policy.

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3. Not to exhibit the draft local policy.

Given the proposal is of largely an administrative nature in order to reinstate an approved policy automatically revoked due to the Council election, Option 1 is the preferred option.

Should Council not proceed to exhibit the draft policy, a key action in the Thrumster Koala Plan of Management will not be implemented and the effectiveness of koala conservation planning will be undermined.

Community Engagement & Internal Consultation

Should Council decide to proceed with the draft local policy, it is proposed to publicly exhibit it for at least the minimum period required of 28 days.

A public notice will be placed in local newspapers and on Council's website announcing the public exhibition and advising the public how to make a submission.

Public exhibition is proposed to commence as soon as practicable after the Council meeting.

Consultation was undertaken in 2008 during preparation of the Local Orders Policy with existing landowners in the Thrumster Street area. Certain concessions in relation to existing residents were agreed, as detailed in the attached Council report (Attachment 3). It is proposed that these concessions be retained in the updated Local Orders Policy.

Planning & Policy Implications

The Thrumster Koala Plan of Management is the key document to guide development outcomes that are compatible with retention and improvement of koala habitat.

The restriction on keeping of domestic dogs in koala habitat areas is one of a suite of measures designed to work together to protect koalas and their habitat.

Financial & Economic Implications

The preparation and implementation of planning controls relating to Thrumster is identified in action 5.4.2.1 in Council's Operational Plan for 2014-2015. Completion of the work in the manner outlined in this report is able to be undertaken within Council's Strategic Land Use Planning program in consultation with other divisions of Council. The work is funded as a scheduled project within Council's Strategic Planning Program for 2014-2015.

Attachments

- 1 [View](#). 2008 Local Orders Policy (Amendment 1)
- 2 [View](#). DRAFT Local Orders Policy for Council consideration
- 3 [View](#). 2008 Council Report