 City of Mount Gambier	A520 - ANIMAL CONTROL	Version No:	3
		Issued:	August 2023
		Next Review:	August 2027

1. INTRODUCTION


This document sets out the policy of the City of Mount Gambier (“Council”) for the keeping of animals, birds and livestock within the Council area.

2. PROPOSED KEEPING OF ANIMALS, BIRDS OR LIVESTOCK

- (a) Where the keeping of animals, birds or other livestock is not subject to consent pursuant to the provisions of the Development Act, 1993 the following policy applies, subject to policy statements for particular policy areas or zones:
 1. Consent is NOT to be granted to keep horses, pigs or poultry or to build stables, piggeries, feed lots, dairies, poultry batteries, stock yards, kennels or similar within the area of the City of Mount Gambier;
 2. Consent is NOT to be granted to keep cattle, donkeys or wild animals in Residential Zones or on parcels of land where there is less than 0.2 ha of fenced vacant land for the exclusive use of the animals and stocking rates are consistent with accepted free range agriculture practice;
 3. Consent is NOT to be granted to keep sheep or goats in Residential Zones or on parcels of land where there is less than 0.1ha of fenced vacant land for the exclusive use of the animals and stocking rates are consistent with accepted free range agriculture practice.
- (b) Where consent is granted for the keeping of animals, birds or other livestock, the conditions of approval must identify:
 1. The type of animal/s to be kept;
 2. The maximum number of animals to be kept;
 3. That the animals are to be free range animals, although some shelter may be provided;
 4. The type of shelter and/or enclosure in which the animal/s will be kept;
 5. That where applicable, the approval is subject to the provisions of Council By-Laws; and
 6. That where applicable the approval is subject to the provisions of the Local Government Act.
- (c) This policy does not prevent any person from submitting a formal Development Application in accordance with the provisions of the Development Act, 1993. This policy will be used as a guide in determining such application.

3. EXISTING KEEPING OF ANIMALS, BIRDS AND LIVESTOCK

- (a) Where an Authorised Officer becomes aware that the keeping of any animal, bird or other livestock is causing a public health risk the Authorised Officer may take appropriate action pursuant to the provisions of the South Australian Public Health Act 2011.
- (b) Where a complaint of nuisance (other than noise) arising from the keeping of animal/s, bird/s or livestock is received the Chief Executive Officer shall, (if the complainant makes a written complaint, and is prepared to give evidence in a Court of Law, should legal proceedings be necessary) inspect or cause to be inspected the property which is the subject of the complaint.

 City of Mount Gambier	A520 - ANIMAL CONTROL	Version No:	3
		Issued:	August 2023
		Next Review:	August 2027

(c) Should the complaint be found to be justified, the following procedure shall be followed:

- In the first instance, Council will serve a notice requiring the animal/s, bird/s or livestock to be reduced (if appropriate) in number and/or moved to another position on the property in accordance with Part 3 of the Animal Control policy;
- Should the nuisance persist, a report be placed before Council for recommending that the animals, birds or livestock be removed from the property entirely;
- For the purposes of this procedure and the Animal Control policy, nuisance includes offence from odours, dust, noise, rats, mice or other vermin, flies, aggression and frequent straying;
- Where Council receives a complaint of noise nuisance as the result of keeping animal/s, bird/s or other livestock the owner/s of the animal/s, bird/s or other livestock are to be advised of the nature of the complaint and requested to take appropriate action to abate the nuisance. Such requests should initially be verbal, and then confirmed in writing. Any advice from Council should include any available information on how to abate the nuisance;
- The complainant is to be forwarded a copy of the letter and advised:

"Should the nuisance persist, you may wish to consider taking legal action by way of a Neighbourhood Dispute application, which may be obtained from the Registrar at the Mount Gambier Courthouse.


When making an application for a Neighbourhood Dispute, it is recommended that you provide the following information to the Registrar to enable him/her to make an accurate assessment of the problem and action required to resolve the situation.

- (a) *Keep a diary for at least two (2) weeks noting the dates, times and nature of the nuisance and be available as a witness in Court.*
- (b) *If you are not the only close neighbour of the offending premises, get at least one other close neighbour to keep a diary noting the dates, times and nature of the nuisance and be available as a witness in Court.*
- (c) *Detail how you (and likewise for any other witness) established which animal was the source of the complaint.*
- (d) *Forward the information collected as per paragraphs (a), (b) and (c) above to Council for its consideration.*
- (e) *Continue to maintain the diary until the matter is resolved.*

4. RECOMMENDATIONS FOR THE KEEPING OF ANIMALS, BIRDS OR LIVESTOCK TO MINIMISE NUISANCE

(a) Any housing or shelter or yard appurtenant to such housing or shelter should be sited:

1. At least 9 metres from any building (whether on the subject land or any adjoining land) used for human habitation, where people work or is used to store food;

 City of Mount Gambier	A520 - ANIMAL CONTROL	Version No:	3
		Issued:	August 2023
		Next Review:	August 2027

2. At least 18 metres from any street or public place within the meaning of the Local Government Act (other than a laneway or service way), provided that in the case of a corner allotment such housing etc. shall be situated so that it is at least 9 metres from the side street;
3. At least 2 metres from the boundary of any adjoining premises, except for situations as stated in (1) above.

- (b) The floor of any housing or shelter or yard must be paved with concrete, clay bricks bedded in cement mortar or other suitable impervious material. A suitable alternative in the case of poultry is a deep litter system. Refer to relevant fact sheets at www.pir.sa.gov.au/biosecuritysa/animalhealth
- (c) The following be the maximum number of animals or birds to be kept at an average sized residential property:
 1. Not more than twelve (12) head of poultry aged more than 6 months, including not more than one (1) rooster and not more than two (2) ducks or geese, or combinations thereof;
 2. Not more than three (3) dogs aged more than three (3) months.
- (d) Paragraphs (a) to (c) above are not legal requirements but will be used as a guide when action is taken pursuant to this policy.

5. KEEPING OF HORSES AND HORSE STABLES


- (a) Council does not support the keeping of horses or the construction of stables in the City of Mount Gambier area.
- (b) This policy does not apply to:
 1. land that has been approved as Farm Land in terms of the Local Government Act; and
 2. that has existing/continuing use rights (i.e. showgrounds area, etc) in accordance with the Development Act 1993.
- (c) All existing horse stables are required to comply with all appropriate legislation.

6. REVIEW & EVALUATION

This Policy is scheduled for review by Council in August 2027; however, will be reviewed as required by any legislative changes which may occur.

7. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

 City of Mount Gambier	A520 - ANIMAL CONTROL	Version No:	3
		Issued:	August 2023
		Next Review:	August 2027

File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1934; Local Government Act 1999, Development Act 1993, South Australian Public Health Act 2011
Reference: Community Plan	Goal 2: Our Location
Related Policies:	
Related Procedures:	
Related Documents:	Council By-Laws

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	3.0
Last revised date:	15 August 2023
Effective date:	15 August 2023
Minute reference:	Council Meeting 15 August 2023, Item No. 19.3, Resolution 2023/177
Next review date:	August 2027
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	17 th February, 2015 17 th February, 2015; 20 th February, 2018; 15 August 2023