

Appendix A

Our Orders, Local Laws, Council Policies and Procedures

PART 2 – ANIMALS

2.1 Permitted Quantity of Animals

- (1) The limitations and restrictions in this Part do not prohibit the keeping of any animals or birds regulated by the Planning Scheme.
- (2) An owner or occupier of any land in a Residential Area must not, without a permit, keep or allow to be kept on that land any more than four different species of animals stated in the following table.
- (3) An owner or occupier of any land in a Residential Area must not, without a permit, keep or allow to be kept on that land in excess of the number of animals stated in the following table:

Animal Type	Land up to 999 square metres	Land which is 1,000 to 3,999 square metres	Land which is 4,000 square metres and greater
Dogs	2	3	4
Cats	2	2	2
Horses, Ponies	0	0	2
Sheep, Goats, Alpacas or similar	0	2	4
Pig	0	0	0
Rooster	0	0	0
Poultry	6	6	No limit
Cattle	0	0	1

2.2 Keeping of Dogs and Cats on Rural Zoned Land

- (1) An owner or occupier of land in a Rural Zone must not, without a permit, keep or allow to be kept on that land more than:
 - (2) 5 dogs; and
 - (3) 5 cats.

2.3 Animal Excrement

- (1) A person in charge of an animal must not allow any part of the animal's excrement to remain on any road or public land and must immediately collect and dispose of the excrement upon it being deposited there.
- (2) A person in charge of an animal on any road or public land must carry sufficient litter devices to collect and dispose of excrement from that animal and must produce them on the request of an Authorised Officer.

2.6 Keeping of Animals

- (1) An owner or occupier of land must ensure that any part of the land used for keeping an animal is:
 - (a) maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other person;
 - (b) kept to the satisfaction of Council or an Authorised Officer; and
 - (c) adequately fenced and keep the fence maintained in a satisfactory condition, so that any animal or bird kept on the land cannot escape from the land.
- (2) An owner or occupier of any land on which an animal is kept must ensure that:
 - (a) any structure on the land which houses an animal is sited so as not to cause a nuisance to any person;
 - (b) the part of the land surrounding the place where the animal is kept is free from rubbish or vegetation that could attract or harbour rats or vermin;
 - (c) all animal food for consumption kept or stored on the land is kept or stored in a vermin and fly proof receptacle; and
 - (d) all animal waste is removed from the land so as not to be offensive or a nuisance to any other person.

2.7 Animal Noise

- (1) An owner or occupier of any land must take all reasonable steps:
 - (a) to prevent any animal making unreasonable noise on the land; or
 - (b) to prevent any noise caused by an animal being emitted from the land which in the opinion an Authorised Officer is:
 - (i) unreasonable or objectionable to a person on other land or premises; or
 - (ii) adversely affects the amenity of any person on other land or premises.
- (2) For the purposes of sub-clause (1), in determining whether noise is unreasonable, objectionable or adversely affecting the amenity, regard must be had to:
 - (a) its volume, intensity and duration; and
 - (b) the time, place and other circumstances in which it is emitted.

- (3) For the purposes of sub-clause (1), reasonable steps to prevent the noise include (but are not limited to):
- (a) identifying and modifying stimuli or conspicuous causes of the animal's behaviour; and
 - (b) controlling or modifying the physical environment in which the animal is kept; and
 - (c) where the animal causing the noise is a dog, the owner and the dog participating in behavioural training; and
 - (d) where the animal causing the noise is a dog, using an anti-barking citronella collar; and
 - (e) where the animal causing the noise is a dog, and where veterinary approval has been obtained, using a shock collar; and
 - (f) obtaining advice from a veterinarian or animal behaviourist and implementing that advice; and
 - (g) securing the animal within a dwelling unless supervised by a person capable of preventing the animal from making unreasonable or objectionable noise, or noise adversely affecting the amenity of any person on other land or premises; and
 - (h) considering removal of the animal from the land or dwelling; and
 - (i) keeping records of any steps taken, including the dates and times that steps were taken and the effectiveness of such steps, and providing those records to the Council upon request by an Authorised Officer.

SCHEDULE 4 - Orders

Dogs must be under effective control

- (1) Pursuant to Section 26 of the *Domestic Animals Act 1994*, the owner of any dog must keep the dog in effective control by means of a chain, cord or leash held by the owner and attached to the dog while the dog is in any public place, other than designated off-leash areas.

Designated off-leash areas

- (1) A dog may be exercised off leash in designated off-leash areas, providing the owner:
 - carries a chain, cord or leash sufficient to bring the dog under effective control if the dog behaves in a manner which threatens any person or animal;
 - remains in effective voice or hand control of the dog so as to be able to promptly bring the dog under effective control by placing the dog on a chain, cord or leash if that becomes necessary; and
 - does not allow the dog to worry, attack, rush at or threaten any person or animal.

Mandatory Desexing of Cats

- (1) As of 1 July 2016 all cats being registered for the first time (new registrations) must be desexed from the age of six months. Exemptions include any cat registered with Baw Baw Shire Council before 30 June 2016 and animals exempt under the Domestic Animals Act 1994.

Exemptions include the following:

- A cat that is owned by a person or body that conducts a domestic animal business registered with Council where the cat is used for breeding purposes in connection with that business.
- A cat that is the subject of written veterinary advice that the health of the cat is liable to be significantly prejudiced if it is desexed.
- A cat that is owned by a person who is a current member of an *applicable organisation and the animal is registered with that organisation (proof must be provided of both owners and cat membership at the time of registration).

***Applicable Organisations**

- Australian National Cats Inc (previously known as Waratah National Cat Alliance);
- Cats Victoria Inc. (new organisation);
- Feline Control Council (Victoria) Inc; and

- The Governing Council of the Cat Fancy Australia and Victoria Inc

Cat Curfew

- (1) From 1 July 2016 pursuant to Section 25 of the Domestic Animals Act 1994 all owners of a cat are required to keep that cat securely confined to the owner's property and not allow that cat to wander at large outside the owner's premises. The Order covers all areas of the municipality.

Local Laws

Council Policies

- Number of animals in a residential area.

Procedures

- Impounding domestic animals
- Handling 'aggressive dogs'
- Releasing impounded domestic animals
- Assisting police
- Domestic animal complaints
- Declaration dangerous/menacing dog
- Search warrants
- Restricted dog breeds
- After hours emergency service
- Excess animal permits
- Registration of a domestic animal business
- Equipment
- Vehicle use and maintenance
- Manual handling
- Community Local Law 2016