



LOCAL ORDERS SCHEDULE [DRAFT]





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Order 5 – Compliance with Standards and Requirements

To Do What?

To take such action as is necessary to bring into compliance with relevant standards or requirements set or made by or under *Local Government Act 1993* and Regulations.

- a) A camping ground, caravan park or manufactured home estate
- b) A moveable dwelling or manufactured home
- c) A building or a temporary structure used as a public place of entertainment
- d) A place of shared accommodation
- e) A hairdressers shop or beauty salon
- f) A mortuary
- g) A water meter, water supply or sewerage system on premises.

In What Circumstances?

Failure to comply with relevant standards or requirements set or made by or under this Act or under the *Local Government Act 1993*.

To Whom?

Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship by, a licensed contractor (being the holder of a licence under the *Home Building Act 1989* authorising the holder to contract the work) within 12 months after the work is carried out or the material is supplied, the licensed contractor.

A camping ground, Caravan Park or manufactured home estate 5(a) and 5(b) Moveable dwellings: Criteria

1. Camping grounds, caravan parks, manufactured home estates and moveable buildings Regulation 2005.
2. Local Government (Manufactured home estates, caravan parks, camping grounds and moveable dwellings) Regulation 2005.

A building or temporary structure used as a place of public entertainment 5(c):

Criteria

1. Criteria as specified in the order.



A place of shared accommodation 5(d):

Criteria

1. A boarding house is defined in Council's Local Environmental Plan as a building or part of a building let in lodgings or a hostel which provides lodgers with a principal place of residence, but does not include backpacker's accommodation, a guesthouse or serviced apartments.
2. Places of shared accommodation must be kept to the standards prescribed by the Local Government (General) Regulation 2005 (Part 1 of Schedule 2).

Local Government (General) Regulation 2005 – Part 1, Standards for Places of Shared Accommodation:

1 Maximum number of boarders and lodgers

- (1) *The number of occupants (not including children under the age of 5 years) must not exceed the maximum number of persons determined by the council to be accommodated in each bedroom or dormitory and in the whole premises.*
- (2) *The maximum number of persons accommodated in a bedroom, or in a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with clause 46 of the Public Health Regulation 2012.*

Note – a dormitory includes any room used for sleeping purposes.

Public Health Regulation 2012, Clause 46 “Sleeping accommodation”:

- (1) *The occupier of premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless:*
 - a) *the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case), or*
 - b) *the room or cubicle has been exempted by the Minister under this clause and complies with any conditions attached to the exemption, or*
 - c) *the premises are private domestic premises.*

Maximum penalty: 5 penalty units.

- (2) *The Minister may, by order in writing, exempt an occupier in relation to any room or cubicle from the requirements of this clause, either conditionally or unconditionally, if satisfied that the exemption will not have an adverse effect*
- (3) *An order made by the Minister under clause 22 of the Public Health (General) Regulation 2002 that was in force immediately before the commencement of this clause:*
 - a) *is taken to be an order made under this clause, and*



b) continues in force for a period of 2 years from that commencement, unless sooner revoked.

(4) In this clause, long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days.

2 Notices

- (1) A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.*
- (2) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on premises.*
- (3) Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.*

3 Light and Ventilation

- (1) Adequate light and ventilation must be maintained in the premises.*

Note – The Building Code of Australia and AS 1668, parts 1 and 2 are also applicable.

- (2) All partitions forming cubicles in a dormitory must be adequately constructed and provide adequate ventilation.*

Note – Partitions are adequate if they comply with the Building Code of Australia.

4 Kitchen Facilities

- (1) Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.*
- (2) The floor of any kitchen must have an approved impervious surface.*

Note – Council's Food Premises Code is also applicable to this section.

5 General Cleanliness

- (1) All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds, and bed linen) must be kept in a clean and healthy condition, and free from vermin.*
- (2) Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.*

6 Furniture and Fittings

- (1) Appropriate furniture and fittings must be provided and maintained in good repair.*



7 Long Term Residences

- (1) If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.*
- (2) The Building Code of Australia and AS 1668, parts 1 and 2 are applicable to places of shared accommodation.*
- (3) Boarding houses, lodgings and other places of shared*

Hair Dressers - Beauty Salons

Criteria

- a) Hairdresser shops and Beauty salons must be kept to the standards as prescribed by the Local Government (General) Regulation 2005 Part 2, Schedule 2 – Standards for Hairdressers Shops and Part 3 Schedule 2 – Standards for Beauty Salons as amended.
- b) Local Government (General) Regulation 2005, Part 2 Schedule 2 – Standards for Hairdressers Shops:

1 Structural Requirements

- (1) The premises must be structurally suitable for the carrying out of hairdressing.*
- (2) Without limiting the generality of subclause 1, premises are structurally unsuitable for the carrying out of hairdressing if any wash basin is situated against any wall and that wall (from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin) is not constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.*

2 Hygiene

- (1) The premises must be clean and in good repair.*
- (2) The premises must be provided with facilities that are adequate for the purpose of keeping hairdressing appliances and utensils clean.*

3 Hairdressing Facilities

- (1) The premises must be provided with washing, drainage, ventilation and lighting facilities that are adequate for the carrying out of hairdressing.*
- (2) The premises must be provided with facilities that are adequate for the purpose of storing hairdressing appliances and utensils in a hygienic manner.*
- (3) The premises must be provided with floor coverings, shelves, fittings, and furniture that are suitable for the carrying out of hairdressing.*
- (4) Without limiting the generality of subclause 1.1 and 3.1:*



- a) *premises must be provided with washing facilities that are adequate for the carrying out of hairdressing unless those facilities include wash basins fitted with common spouts for the supply of hot and cold running water, and*
- b) *shelves, fittings and furniture are unsuitable for the carrying out of hairdressing unless they are constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.*

c) Local Government (General) Regulation 2005, Part 3 Schedule 2 – Standards for Beauty Salons

1 Structural Requirements

- (1) *Premises must be structurally suitable for the provision of beauty treatment.*
- (2) *Without limiting the generality of subclause 1, premises are structurally unsuitable for the provision of beauty treatment if any wash basin is situated against any wall and that wall (from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side if the basin) is not constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.*

2 Hygiene

- (1) *The premises must be clean and in good repair.*
- (2) *The premises must be provided with facilities that are adequate for the purpose of keeping beauty treatment appliances and utensils clean.*

3 Beauty Facilities

- (1) *The premises must be provided with washing, drainage, ventilation and lighting facilities that are adequate for the provision of beauty treatment.*
- (2) *The premises must be provided with facilities that are adequate for the purpose of storing beauty treatment appliances and utensils in a hygienic manner.*
- (3) *The premises must be provided with floor coverings, shelves, fittings and furniture that are suitable for the provision of beauty treatment.*
- (4) *Without limiting the generality of subclause 3.1 and 3.3:*

- a) *premises must be provided with washing facilities that are adequate for the provision of beauty treatment unless those facilities include wash basins fitted with common spouts for the supply of hot and cold running water, and*
- b) *shelves, fittings and furniture are suitable for the provision of beauty treatment unless they are constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.*

- (d) The Skin Penetration Guidelines issued by the NSW Department of Health and AS 1668, parts 1 and 2 are also required to be satisfied by hairdressers shops and beauty salons this Order.



- (e) Hairdressers shops and beauty salons are subject to registration and yearly inspections. Fees and charges also apply.

A Mortuary 5(f):

Criteria

- (a) Mortuaries must be kept to the standards under the Local Government (General) Regulation 2005, Part 4 Schedule 2 – Standards for Mortuaries as amended.

1 Water Supply and Sewerage

- (1) The mortuary must be connected to a permanent water supply in compliance with the requirements of the local water supply authority.*
- (2) A backflow prevention device complying with the requirements of the Local Government (Water Services) Regulation 1999 and specified by the local water supply authority must be provided between the water supply and all equipment, appliances, fittings and areas in a mortuary.*
- (3) The mortuary must be connected to a water carriage sewerage system approved by the local water supply authority.*

2 Closet and Ablution Facilities

- (1) The mortuary must be provided with:*
 - a) separate water closets for the persons of each sex at the rate of 1 water closet for every 20 persons or part of 20 persons of each sex working in or about the mortuary at any one time, and*
 - b) shower facilities approved by the council, with an adequate supply of hot and cold water, for use by persons working in and about the mortuary, and*
 - c) a hand washbasin, with an adequate supply of hot and cold water, adjacent to each closet in the mortuary.*
- (2) Water closer and shower facilities must be provided with an air lock approved by the council between those facilities and any other part of the premises.*

3 Construction

- (1) The mortuary must be physically separated from all public areas of the building in which it is situated but may be integral with the construction of the remainder of the building.*
- (2) A body preparation room, capable of being sealed off from the remainder of the premises, must be provided in the mortuary.*
- (3) The body preparation room must have:*
 - a) a floor area of not less than 9.3 square metres, and*
 - b) a ceiling height of not less than 2.4 metres measured above the floor level, and*



- c) the floor constructed of impervious material with a smooth unbroken surface and uniformly graded to discharge liquids to a floor drain, and*
- d) a floor drain discharging through a removable screen so as to prevent the discharge of any solid materials into the sewerage system, and*
- e) all walls and partitions constructed of impervious materials with a smooth, unbroken finish capable of being readily cleaned, and*
- f) all joints between the floor, walls, partitions, ceiling, ventilation grilles, fittings, pipe work, windows and light fittings sealed with impervious material so as to facilitate cleansing, and*
- g) all joints between the floor and walls or partitions provided with coving of not less than 75 millimetres radius so as to facilitate cleansing, and*
- h) all external windows fitted with fly proof screens, and*
- i) all external doors fitted with self-closing fly screen doors or other suitable apparatus to prevent the entry of flies.*
- j) all external doors fitted with self-closing fly screen doors or other suitable apparatus to prevent the entry of flies.*

(2) In any mortuary constructed after 1 July 1993, all walls and partitions of body preparation room preparation must be of brick or masonry construction finished in compliance with subclause 3(e).

b) The following NSW Health administered standards also apply:

1. Part 8 – Disposal of Bodies – Public Health Regulation 2012.
2. Division 2 – Facilities (clause 50 to 52)
3. Division 3 – Handling of Bodies (clause 53 to 68)
4. Division 4 – Exhumation (clause 69 to 72)
5. Division 5 – Cremation (clause 73 to 88)
6. Division 6 – Miscellaneous (clause 89 to 93)

A Water Meter, Water Supply, or Sewerage System on Premises 5(h):

Criteria

1. An adequate water supply from the Sydney Water controlled reticulation system is to be provided to all premises.
2. All premises are to be connected to Sydney Water's sewerage system.
3. Where connection to Sydney Water's sewerage system is not available or impractical, consideration may be given to an application to install an onsite sewerage management system.



Order 7 – Fencing Land

To Do What?

To fence land.

In What Circumstances?

When public health, safety or convenience renders it necessary or expedient to do so and there is no adequate fence between the land and a public place.

To Whom?

Owner or occupier of land.

Criteria

1. Council will require the installation of fencing where there are conditions that affect public health, safety or convenience, such as the dumping of rubbish on land or a site, whether built upon or not, that has become, or is likely to become a threat to public health and safety.
2. Adequate fencing should be erected that:
 - a) achieves a clear distinction between private and public land and adequately restricts access to the private land by an unauthorised person;
 - b) is sufficient to overcome the problems or conditions affecting public health, safety or convenience;
 - c) meets the following general requirements:
 - the fencing must be structurally sound;
 - the fencing is not to be constructed of defective or dangerous materials such as corrugated iron sheets;
 - the fencing must not pose a safety risk to the public; and
 - the fencing must not be unsightly and should complement the amenity of the area; and
 - the fencing must be between 1.5 and 1.8 metres in height.
3. Certain fences such as those constructed of brick or masonry may require a development approval before construction. Enquiries in this regard should be made with Council's Development Team.
4. Fences erected under this order are to be removed when the land or site is managed so the conditions affecting public health, safety or convenience no longer exist.



Order 8 – The Identification of Premises

To Do What?

To identify premises with such numbers or other identification in such a manner as is specified in the order.

In What Circumstances?

Premises have a frontage to or entrance from a road and there are no markings that can be readily seen and understood from the road.

To Whom?

Owner or occupier of land.

Criteria

1. Premises must be clearly identified by number, or other identification, in a manner that can be understood clearly from the road. Apart from public convenience, identification of premises is vital for swift response by emergency services to locate dwellings.
2. At least one street number of a minimum height of 65 millimetres should be in a position where it is visually prominent from the street, such as on a letterbox, front fence or near a well lit front entrance.
3. The street number to be displayed on premises must be the number allocated to the premises by Council.



Order 9 - To Fence, Fill in or Cover up a Waterhole or Hole

To Do What?

To fence, empty, fill in or cover up a waterhole or hole in a manner specified in the order.

In What Circumstances?

Hole or waterhole becomes dangerous to life.

To Whom?

Owner or occupier of land.

Criteria

1. A swimming pool, spa or the like, other than a pool or spa in the course of construction, will not be considered a waterhole for the purposes of this order. These structures must comply with the requirements of the *Swimming Pool Act 1992*.
2. A hole includes excavations for the purposes of building, where such sites have been abandoned or delayed in construction.
3. A hole or waterhole will be considered dangerous to life by its accessibility and by the manner in which it is maintained and/or the creation of other likely impediments to public health and safety, such as if a waterhole presents a potential breeding ground for mosquitoes.
4. A hole or waterhole must not be accessible by the public and must be maintained so the water does not pose a health or safety risk to persons.
5. In the case of an order requiring a waterhole or hole to be fenced, the fencing is required to:
 - a) separate the hole or waterhole from any residential building on the premises and from any place (whether public or private) adjoining the premises;
 - b) fencing of the hole or waterhole is to be between a height of 1.5 and 1.8 metres and to be constructed of chain wire; and
 - c) any gates are to be provided with suitable locks.
6. The following general requirements must also be met in relation to the construction of fencing:
 - The fencing must be structurally sound;
 - The fencing is not to be constructed of defective or dangerous materials such as corrugated iron sheets;
 - The fencing must not pose a safety risk to the public; and
 - The fencing must not be unsightly and should complement the amenity of the area.
7. If the waterhole is required to be emptied, the water must be flocked, or another suitable treatment used, to prevent sediment from leaving the property, which could impact on waterways.



Order 10 – To Remove, Stack or Cover Articles or Matter, To Erect Fences or Screens or to Plant Trees

To Do What?

To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees.

In What Circumstances?

Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions.

To Whom?

Owner or occupier of land.

Criteria

1. Fencing, covering or screening of articles and/or matter from view shall only be permitted on premises for which the consent of council has been obtained beforehand for the storage of such articles or matter.
2. Articles or matter must not be stored in a manner that will create or be likely to create unsightly conditions. Any such articles or matter must be removed, stacked or covered in an appropriate manner, or fences or screens erected or trees planted, as specified in the order.
3. "Articles or "matter" that will be deemed unsightly includes, but is not limited to:
 - derelict motor vehicles, caravans, trailers, boats and their components and parts;
 - machinery, equipment and appliances;
 - building materials;
 - firewood;
 - any industrial or commercial waste products;
 - any recycled material;
 - furniture and household goods; and
 - other sundry refuse.
4. Articles or matter required to be removed must be relocated or disposed of in an appropriate manner, such as to an authorised waste/recycling facility.
5. Articles or matter must be stacked in an appropriate and safe manner. Articles or matter required to be stacked should be kept to a height of no less than 300 millimetres above ground level and no less than 300 millimetres distance clear of fences, buildings and walls so as to prevent the likelihood of the harbourage of vermin.
6. Fences or screens required to be erected must be sufficient to shield view from the unsightly articles or matter and must meet requirements as specified in the order.
7. Fences or screens erected under this order are to be removed when there are no longer any unsightly conditions being created from the storage of articles or matter.



8. The following general requirements must also be followed in regards to the erection of fences or screens:

- the fencing or screens must be structurally sound,
- the fencing or screens must not be constructed of defective or dangerous materials such as corrugated iron sheets,
- the fencing or screens must not pose a safety risk to the public, and
- the fencing or screens must not be unsightly and complement the surrounding amenity.

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Order 11 – To Prevent Environmental Damage, to Repair Environmental Damage or to Prevent Further Environmental Damage

To Do What?

To do or refrain from doing such things as are specified in the order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage.

In What Circumstances?

Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:

- a) drainage; or
- b) drainage works; or
- c) obstructing a natural watercourse other than by work constructed or used under a water management work approval granted under the *Water Management Act 2000*.

not being environmental damage arising from premises, works or equipment the subject of a licence issued under the *Protection of the Environment Operations Act 1997* or the subject of a notice or direction issued by a regulatory authority under that Act.

To Whom?

Owner or occupier of land.

Criteria

1. Physical environmental damage as a result of the flow of water over any land caused for example by:
 - a) stormwater containing oil, trade waste or other contaminants being discharged into a public waterway or the drainage system; and
 - b) stormwater containing silt, soil, sand or other sediments is being, or is likely to be, discharged into a public waterway or the drainage system;
2. The natural flow of surface/seepage water must not be impeded unless connected to an approved drainage system. Includes work undertaken, or structure erected, without proper approval, that is obstructing or is likely to obstruct, the natural flow of water along any watercourse.
3. Council has the option to pursue these matters under the *Protection of the Environment Operations Act 1997*.



Order 12 – To Control the Flow of Surface Water across Land

To Do What?

To do such things as are necessary to control the flow of surface water across land.

In What Circumstances?

Other land, or a building on the land or other land, is being damaged or is likely to be damaged.

To Whom?

Owner or occupier of land.

Criteria

1. Surface water across land must not be artificially controlled, manipulated or impeded.
2. Examples where this order applies include:
 - a) work undertaken or structure erected that is damaging or is likely to damage other land or a building;
 - b) erosion of land is occurring from the flow of surface water;
 - c) premises contain defective or insufficient guttering, spouting, downpipes or roofing;
 - d) when drainage pipes are not connected to an appropriate stormwater disposal system; and
 - e) bunding that prevents the natural flow of surface water.
3. Roof guttering must be connected to downpipes that are connected to an approved stormwater disposal system.
4. Paved, cemented or other hard surfaced areas must have surface water diverted to an approved stormwater disposal system to minimise discharge onto adjoining properties.



Order 15 – Activities Causing a Life Threatening Hazard of a threat to Public Health or Safety

To Do What?

Not to conduct, or to cease conducting, an activity on premises (whether or not the activity is approved under the Act).

In What Circumstances?

The activity constitutes or is likely to constitute:

- a) a life threatening hazard; or
- b) a threat to public health or public safety

and is not regulated or controlled under any other Act by a public authority.

To Whom?

Any person apparently engaged in promoting, conducting or carrying out the activity.

Criteria

1. Any activity carried out on premises that constitutes or is likely to constitute a life threatening hazard or a threat to public health or safety, must cease to be conducted or not conducted as specified in the order.
2. An example where this order may be given is where there is defective electrical wiring on premises.



Order 16 – To Cease to Use of Evacuate Premises

To Do What?

To cease to use or to evacuate premises.

In What Circumstances?

A person to whom order No 15 is given has failed to comply with the order.

To Whom?

The person to whom order No 15 is given.

Criteria

1. Criteria and requirements as specified in the order



Order 17 – To Leave or not to Enter Premises

To Do What?

To leave or not to enter premises.

In What Circumstances?

A person to whom order No 15 is given has failed to comply with the order.

To Whom?

The person to whom order No 15 is given.

Criteria

Criteria and requirements as specified in the order.



Order 18 – The Keeping of Birds and Animals

Preamble:

Dogs, cats, birds and other animals are usually kept by residents without difficulty or nuisance. The keeping of animals and birds can be rewarding for both animals and humans.

Occasionally a nuisance arises caused by the keeping of animals and birds, which results in complaints being lodged with Council.

This Policy details criteria of reasonable limits on maximum numbers, and circumstances under which certain animals and birds may be kept in the interest of amenity and public health.

To Do What?

Not to keep birds or animals on premises, other than such kinds, in such numbers or in such manner as specified in the order.

In What Circumstances?

Birds or animals kept on premises are:

- a) In the case of any premises (whether or not in a catchment district) – of an inappropriate kind or number or are kept inappropriately; or
- b) In the case of premises in a catchment district – birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs.

To Whom?

Occupier of premises

Criteria

1. Please refer to:

- Order 18 (1) - The keeping of birds
- Order 18 (2) - The keeping of cats
- Order 18 (3) - The keeping of dogs
- Order 18 (4) - The keeping of declared dogs
- Order 18 (5) - The keeping of greyhounds
- Order 18 (6) - The keeping of static guard dogs
- Order 18 (7) - The keeping of rabbits
- Order 18 (8) - The keeping of ferrets
- Order 18 (9) - The keeping of guinea pigs
- Order 18 (10) - The keeping of rodents
- Order 18 (11) - The keeping of horses and other livestock
- Order 18 (12) - The keeping of cattle
- Order 18 (13) - The keeping of poultry



- Order 18 (14) - The keeping of pigeons
- Order 18 (15) - The keeping of sheep and goats
- Order 18 (16) - The keeping of primates (monkeys)
- Order 18 (17) - The keeping of bees
- Order 18 (18) - The keeping of pigs (swine)
- Order 18 (19) - The keeping of fish, aquariums and ponds
- Order 18 (20) - The keeping of reptiles
- Order 18 (21) - The keeping of native wildlife

Order 18 (1) - The Keeping of Birds

Objectives:

- To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly;
- To ensure that local and neighbouring residents are not affected visually by any aviculture structure;
- To ensure that the neighbours and the surrounding environment are not affected by noise, odour or vermin; and
- To ensure that the welfare of birds is maintained.

Criteria:

1. All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council. The material must be of new or good second hand quality and be designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
2. All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.
3. Careful regard must be given to the requirements of neighbours, especially the avoidance of excessive noise and odour.
4. The Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia, must be complied with at all times.
5. Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the *Environmental Planning and Assessment Act 1997* may apply.
6. Extensive aviculture activities are required to submit aviary plans for development approval by Council.
7. Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.
8. Aviaries must not be within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Enclosed buildings for the primary purpose of holding caged birds require Council consent.



10. An animal trade must not be conducted without prior consent.
11. Vermin proof food storage facilities must be provided.
12. An adequate rodent and pest control program must be in place.
13. Excessive noise and odour must be controlled by the use of sound proofing materials, distance and choice of bird species.

Exempt Development Standards:

The provides exempt development standards for the construction of aviaries. If the aviary does not satisfy the development standards or the general requirements outlined in clauses 1.15, 1.16 and 1.19 of the State Environmental Planning Policy.

Exempt Development Standards – Residential Zones:

- Cannot be installed on land in a foreshore area
- Domestic purposes only
- Maximum 10 square metres floor area
- Maximum height of 2.4 metres
- Located in rear yard and 900 millimetres from side/rear boundaries
- Must have an impervious floor
- Stormwater to be disposed of without causing nuisance
- If metal, low reflective and factory pre-coloured materials
- If bushfire prone land, if within 5 metres of the dwelling, must be constructed of non-combustible materials
- Maximum of 2 per lot

Order 18 (2) – The Keeping of Cats

Objectives:

- To encourage the satisfactory care and management of cats in the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of cats does not adversely impact on the community or the environment; and
- To ensure that all provisions of relevant legislation are complied with.

Criteria:

1. Those persons requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council to do so. Council Officers will determine the suitability of the premises for the purpose and number of cats to be held.
2. The provision of adequate holding facilities must be in place, especially for all non desexed male cats.



3. Cats must not be permitted to create a nuisance in any form, including straying, interfering with the properties of others.
4. The applicant must have a demonstrated high level of expertise in the management and caring for cats.
5. The applicant must have the ability to control all odours and waste to the satisfaction of Council.
6. The applicant should seek agreement of near neighbours.
7. The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.
8. Wildlife must be protected where possible from cats.
9. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2001* must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.

Note – Owners of cats are encouraged to de-sex their cats. Registration fees are cheaper for desexed animals.

Order 18 (3) – The Keeping of Dogs

Objectives:

- To encourage the satisfactory care and management of dogs in the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of dogs does not adversely impact on the surrounding community or the environment; and
- To ensure that all dog owners comply with all relevant government legislation and regulations.

Criteria:

Note – This section does NOT limit section 18(4) The Keeping of Declared Dogs (Dangerous and Restricted Dogs) Criteria.

1. No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.
2. The number of dogs permitted to be kept on any property in the Canterbury-Bankstown Local Government Area are as follows:

Residential Areas

a) Residential Allotments

Dogs in excess of 25 kilograms - maximum 2 dogs OR



Dogs between 11 and 25 kilograms - maximum 3 dogs OR

Dogs less than 11 kilograms - maximum 4 dogs

Note: *Townhouses, units or those properties with a land area of less than four hundred square metres are not included in residential areas under this section.*

b) Units and Townhouses Allotments and sites less than 400m²

Council recommends a maximum of 1 dog maximum weight 11kg per unit/villa/ townhouse and sites less than 400m² unless it can be demonstrated that the keeping of additional dogs does not adversely impact upon the neighbouring community or the environment.

Dogs shall only be kept on these premises with the written permission of the body corporate.

3. Waste material, including litter and bedding, must be disposed of in an approved manner, which may include composting.
4. All noise, including barking, must be controlled.
5. All odours must be controlled.
6. The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.
7. Wildlife must be protected where possible from dogs.
8. Dog breeding and/or boarding kennels are subject to Council approval.
9. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2006* must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.

Note - *Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.*

Council will consider altering the above criteria in a case-by-case basis, depending on the facilities provided by the applicant, and after taking submissions of close neighbours into account.

Dog breeders may apply for permission from Council to vary the number of dogs permitted on any property.



Order 18 (4) – The Keeping of Declared Dogs (Dangerous and Restricted Dogs)

Objectives:

- To ensure that all requirements of the *Companion Animals Act 1998* for Declared Dogs are complied with;
- To ensure that the keeping of Declared Dogs does not adversely affect the surrounding community or the environment; and
- To ensure that the keeping of Declared Dogs does not endanger the community.

Criteria:

Note – This section does NOT limit section 18(3) *The Keeping of Dogs Criteria*.

1. A declared dog must be kept in an enclosure that complies with the requirements prescribed by the regulations.
2. One or more signs must be displayed on the property showing the words **"Warning Dangerous Dog"** in letters clearly visible from the boundaries of the property on which the dog is kept.
3. The dog must at all times wear a distinctive collar as required by the regulations.
4. Whenever outside the enclosure, a declared dog must be muzzled, leashed and under the effective control of a competent person at all times.
5. Declared dogs must be de-sexed.
6. Declared dogs must not be sold or given away.
7. Council must be advised as soon as practicable if a declared dog dies, change of address or other information regarding the dog.
8. A declared dog must not be kept under the control of any person under the age of 18 years.
9. Owners of declared dogs must inform council within 24 hours if the dog becomes lost, attacks or injures a person or other animal.

Restricted Dogs

1. Restricted breeds include: American pit bull terrier, Pit-bull terrier, Japanese tosas, Argentinean fighting dogs, Brazilian fighting dogs, Perro de Presa Canario/Presas Canario and any Crossbreed of a Restricted Breed that has been declared a Restricted Breed by Council; must comply with the requirements of the *Companion Animals Act 1998*.



Order 18 (5) – The Keeping of Greyhounds

Objectives:

- To ensure the satisfactory care and management of greyhounds;
- To ensure that the keeping of greyhounds does not adversely affect the surrounding community or the environment; and
- To ensure that all owners of greyhounds comply with all relevant government legislation and regulations.

Criteria:

1. Greyhounds registered with the Greyhound Racing Control Board are not required to be micro-chipped. All other greyhounds must be micro-chipped.
2. Greyhounds must be muzzled and be leashed at all times in public places exempt if “pet” greyhounds muzzle free after completing approved re-training program and wears an approved collar in a public place (Companion Animals Regulation 33B).
3. Greyhounds must be kept in a secure, fenced property to prevent escape.
4. The number of greyhounds permitted to be kept on any residential property in the Canterbury-Bankstown Local Government Area are as follows:

Greyhounds in excess of 25 kilograms - maximum 2 dogs
Greyhounds between 11-25 kilograms - maximum 3 dogs

Note – This section does not include townhouses, units or those properties with a land area of less than 400 square metres see 5.5.

5. The keeping of greyhounds in townhouse and unit developments and properties less than 400 square metres is not permitted.
6. Greyhounds must be provided with:
 - Sufficient food drink and clothing;
 - Sufficient exercise;
 - Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
 - Veterinary attention when necessary.
7. Greyhound trainers must be registered with the Greyhound Racing Control Board.



Order 18 (6) – The Keeping of Static Guard Dogs

Objectives:

- To encourage the appropriate care and management of static guard dogs within the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of static guard dogs (eg. Dogs that are kept on a site) does not pose a safety threat to the Canterbury-Bankstown community; and
- To ensure that the owners of static guard dogs comply with all relevant Legislation.

Criteria:

1. Owners and persons in charge of on-site guard dogs are required to undertake the following control requirements:
 - a) To provide and erect appropriate signage that is prominently displayed upon the perimeter fences to those premises being guarded, which reads “Warning – Guard Dog on Premises”;
 - b) Such signs must be of a standard to alert any reasonable person of the consequences of entry;
 - c) Such signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and
 - d) Such signs must include an emergency contact phone number to be used in emergency situations.
2. Owners and lessees of guard dogs must ensure that such dogs are securely contained upon the premises being guarded.
3. No attack trained dog may be held within the Canterbury-Bankstown Local Government Area (police dogs and other Government instrumentalities excepted).
4. All provisions of the *Companion Animals Act 1998* must be followed in respect to any dog kept within the Canterbury-Bankstown Local Government Area.
5. Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the *Companion Animals Act 1998* are not permitted to be utilised as static guard dogs upon any land within the Canterbury-Bankstown Local Government Area, on a commercial or private basis.

Order 18 (7) – The Keeping of Rabbits

Objectives:

- To encourage the appropriate care and management of rabbits within the Canterbury-Bankstown Local Government Area;
- To ensure that rabbit owners comply with all relevant legislation; and regulations and;
- To ensure that the keeping of rabbits does not adversely affect the surrounding community and environment.

**Criteria:**

1. The keeping of wild rabbits is subject to all requirements of NSW Agriculture, Fisheries and Forestry which may include gaining a licence for the keeping of wild rabbits. No more than 2 wild rabbits may be kept at any one time, unless approval has been received from the Minister of Agriculture and Council.
2. No more than 4 adult domestic rabbits may be kept at any one time without the prior approval of Council.
3. Rabbits being kept in residential areas must not be kept closer than 9 metres to a dwelling or place that prepares stores or handles food for sale.
4. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
5. Hutches and cages must be kept clean at all times.
6. All odours must be controlled.
7. Rabbits must not be bred for greyhound training.
8. Rabbits must be protected from all predators.
9. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure.

Order 18 (8) – The Keeping of Ferrets

Objectives:

- To encourage the correct care and management of ferrets in the Canterbury-Bankstown Local Government Area;
- To ensure that ferret owners comply with all relevant government legislation; and
- To ensure that the keeping of ferrets does not adversely affect the surrounding community and environment.

Criteria:

1. Hutches and cages must be kept clean at all times.
2. Odours must be vigorously controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.
3. Protection for ferrets from extreme weather conditions must be provided.
4. Hutch or cage construction must be of a standard that will prevent escape.
5. Ferrets are not to be fed live food.
6. Sufficient food and drink must be provided at all times.
7. Ferrets must be caged and/or secured at all times and are not permitted to free range.
8. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.



Order 18 (9) – The Keeping of Guinea Pigs

Objectives:

- To encourage the appropriate care and management and care of guinea pigs within the Canterbury-Bankstown Local Government Area; and
- To ensure that the keeping of guinea pigs does not adversely affect residents and the surrounding environment.

Criteria:

1. Hutches and cages must be kept clean at all times.
2. Protection from the natural elements must be provided (particularly extreme hot weather).
3. Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
4. Sufficient food and drink must be provided at all times.
5. Odours must be vigorously controlled at all times.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Order 18 (10) – The Keeping of Rodents

Objectives:

- To encourage the satisfactory care and management of companion rodents, rats and mice; and
- To ensure the keeping of rodents, rats and mice does not adversely affect the surrounding community and the environment.

Criteria:

1. The keeping of these animals is permitted as pet companion animals only. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.
2. Only domesticated breeds of rats and mice are permitted to be kept.
3. Rodents, rats and mice must be confined within rodent proof cages or enclosures.
4. These animals must be protected from the predation of cats and dogs.
5. Any excess rodents must be disposed of in an appropriate and humane manner.
6. Odours must be vigorously controlled at all times.
7. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.



Order 18 (11) – The Keeping of Horses (Donkeys) and Other Livestock not Covered in this Policy

Objectives:

- To ensure that the satisfactory care and management of horses is maintained in the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of horses does not adversely affect residents or the surrounding environment; and
- To ensure that horse owners comply with relevant government legislation.

Criteria: Subject to compliance with the stables provisions of Council's Development Control Plan which includes but not limited to the following:

1. Horses must not be kept within 9 metres of an adjoining property, boundary or a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. This distance may be varied on application in areas zoned for stable/horse keeping purposes (refer to Development Control Plan).
2. The floors of stables must be paved with concrete mineral asphalt or other equally impervious material, and must be properly graded to an approved drain.
3. Horse yards must be so enclosed as to prevent the escape of horses.
4. Yarded horses must be provided with a loosebox or similar shelter.
5. The provision of protection from sun, rain, wind and extremes of temperature should be provided. The facilities must be of such a standard of construction and state of repair that prevents escape or injury to the horse. Yards and other holding facilities must be of post and rail or similar construction. Paddock held horses may use natural cover, but rugging and constructed shelters should also be considered.
6. External and internal walls of stables are to be of brick or masonry construction of an approved design, and:
 - a) Be vermin resistant;
 - b) Have a minimum floor area of 12 square metres for every pony;
 - c) Have doors with a minimum height of 1.3 metres. The doors must open outward; and
 - d) Provide ventilation of such a standard that prevents dampness, avoids excessive odours and prevents draughts.
7. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
8. All fences must be of such construction and standard of maintenance that will reasonably ensure that the horse cannot escape and/or be injured.



9. No tethered horse may be on a roadway or public place, unless under the direct supervision of an adult.
10. Horses on busy roadways must be under the direct care of a responsible adult.
11. No horse may be taken onto a public reserve, unless permission to do so has been obtained from Canterbury-Bankstown Council.
12. The keeping of horses or donkeys in townhouse or unit developments is not permitted.
13. No horse may be kept on a public place or vacant allotment within the Canterbury-Bankstown Local Government Area.
14. Any stabled horse must be exercised at least daily and exercise must not be less than 30 minutes and the time out of stables must be in excess of 2 hours.

15. Cleansing and Waste Requirements

- a) No impervious surfaces used by horses shall drain into any stormwater drainage system or waterway. All liquid waste shall be disposed of in a manner approved by Sydney Water.
 - b) Cleaning of all areas must be completed daily.
 - c) Provision of waste bin for solid matter and manure, such a waste bin must be cleaned out at least weekly. Council will allow certain forms of composting of stable waste on a case-by-case basis.
16. Suitable fire safety procedures must be provided. In the case of more than four individual stables (connected) and for all barn type stables, fire assessment and fire plans are required, including the provision of:
- a) At least one exit to the outside per five stables;
 - b) Exit width of 1.3 metres per stable, and an exit width of 2 metres for aisles. All doors are to open outwards;
 - c) Fire hose reels, in working order;
 - d) Adequate water pressure;
 - e) Feed and bedding storage in a separate and unconnected building; and
 - f) Smoke detection equipment in working order.



Order 18 (12) – The Keeping of Cattle

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of cattle in the Canterbury-Bankstown Local Government Area;
- Ensuring that the keeping of cattle does not adversely affect the community or the environment; and
- To ensure that cattle owners comply with relevant government legislation.

Criteria:

1. Cattle must not be within 9 metres (or such a greater distance as the council may determine in a particular case) of any premises.
2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
3. Cattle yards must be enclosed as to prevent the escape of cattle.
4. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
5. All fences must be constructed and up to a standard of maintenance so that the cattle cannot escape or be injured.
6. No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.
7. No cattle may be kept in a residential area with a free land mass area less than 1500 square metres.
8. The keeping of cattle in townhouse or unit developments is not permitted.

Order 18 (13) – The Keeping of Poultry

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of poultry does not adversely affect the community or the environment; and
- To ensure that poultry owners comply with relevant government legislation.

Criteria:

1. All poultry must be kept in accordance with the **Local Government (General) Regulation 2005 Part 5, Schedule 2 – Division 2 clause 19/20**, as follows:



Poultry not to be a nuisance or health risk

- A. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- B. Poultry yards must at all times be kept clean and free from offensive odours.

Poultry not to be kept near certain premises

- C. Fowls (that is, birds of the species *Gallus Gallus* "chicken/chook") or guinea fowls must not be kept within 3 metres of an adjoining lot boundary nor within 4.5 metres of any dwelling, public hall, school or premises used for manufacture, preparation, sale or storage of food.
- D. Other types of poultry of a species permitted in clause 8 below must not be kept within 30 metres of any building referred to in subclause **C** above.
- E. The floors of poultry houses must be paved with concrete underneath the roosts or perches. However, this subclause does not apply to poultry houses:
 - i. that are not within 15 metres of any dwelling, public hall or school; or
 - ii. that are situated on clean sand.
- F. Poultry yards must be so enclosed as to prevent the escape of poultry.

Poultry houses must not exceed 3 metres in height or 15 sq.M in floor area.

- 2. All food must be stored in sealed vermin proof containers and must not be left uncovered.
- 3. All offensive noise, odours, vermin and other pests must be controlled.
- 4. All poultry must be housed in purpose built facilities. Council approval is required for all structures.
- 5. The slaughtering of poultry is not permitted.
- 6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
- 7. Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.
- 8. The total numbers of poultry (excluding pigeons, see 18(14)) kept on premises must not exceed the maximum amount specified below:

Type	Maximum Numbers
Peacocks	Nil
Roosters	Nil
Ducks	Nil
Geese	Nil
Swans	Nil
Turkeys	Nil
Fowls (chickens)	10
Pheasants	10



Quails	10
Pea Fowls	2
Pigeons	See Clause 18 (14)
Total Number per property	10 maximum

Order 18 (14) – The Keeping of Pigeons

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Canterbury-Bankstown Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the surrounding community or the environment.

Criteria:

The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the Canterbury-Bankstown Local Government Area is permitted with the following control conditions applying:

1. A maximum 40 pigeons except as permitted for Racing Pigeons (see below) may be kept.
2. All pigeons must be housed in purpose built facilities. All aviaries/lofts and other built facilities for the keeping of caged birds including pigeons require prior Council development consent, except where aviaries/lofts do not exceed the following dimensions as prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Cl2.7.
 - a) A maximum 10 square metres surface area, a maximum height of 2.4 metres and with a set back from any boundary, fence or wall of 900 millimetres; and
 - b) A maximum of 2 aviaries/lofts provided the total area does not exceed 10 square metres without prior Council approval.
3. The keeping of pigeons within unit or townhouse developments is not permitted.
4. **Racing Pigeons:** The maximum number of racing pigeons that may be kept on premises within a residential area is 150 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association is an active member of the sport and otherwise complies with other provisions of this local policy
5. Development Consent is required for any activity not considered a hobby including breeding pigeons for sale purposes.
6. Enclosed housing must use deep litter or other appropriate substrate.
7. Rodents other vermin and offensive odours must be vigorously controlled. All food must be stored in sealed vermin proof containers and must not be left uncovered.



8. Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
10. Waste must be disposed of in an approved manner

11. Liberation of Pigeons (General)

Note: *This section relates to the practice commonly referred to as homing*

- a) The uncontrolled release of pigeons (free lofting) in a residential area is not permitted.
- b) Free flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.
- c) Free non-flight time must be conducted under close supervision by the owner.
- d) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.
- e) Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.
- f) Every reasonable attempt must be made to retrieve birds that do not return.
- g) Birds must not be permitted to roost on neighbours' premises.
- h) Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.

Order 18 (15) – The Keeping of Sheep and Goats

Objectives:

- To ensure that sheep and goats are kept in a satisfactory manner in the Canterbury-Bankstown Local Government Area;
- To ensure that the welfare of sheep and goats remains a priority;
- To ensure that the keeping of sheep and goats does not adversely affect nearby residents or property; and
- To ensure that the keeping of sheep and goats does not affect the surrounding environment.

Criteria:

1. No sheep or goat may be kept in a residential area on premises with a free land mass area less than 1500 square metres.



2. Sheep or goats may not be kept within 9 metres of any premises or facility used for the commercial preparation or storage of food for human consumption.
3. Sheep and goats are only permitted to be kept on land where suitable grazing exists.
4. The keeping of sheep or goats in townhouse or unit developments is not permitted.
5. No sheep or goat may be kept on a public place, including footpath areas and vacant allotments within the Canterbury-Bankstown Local Government Area.
6. The slaughtering of sheep or goats is not permitted within the Canterbury-Bankstown Local Government Area.

Order 18 (16) – The Keeping of Non-Indigenous Animals Primates (Monkeys)

Objectives:

- To ensure the satisfactory care and management of non-indigenous animals in the Canterbury-Bankstown Local Government Area;
- To ensure that the welfare of non-indigenous animals remains a priority; and
- To ensure that the owners keeping non-indigenous animals comply with the relevant government legislation and regulations.

Criteria:

1. All primates must have access to outside enclosures on most days.
2. Inside enclosures must maintain a temperature and humidity range that is appropriate to the species being kept.
3. All primates must be tested for tuberculosis annually, using an intradermal skin test that is conducted and assessed by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.
4. All owners of primates within the Canterbury-Bankstown Local Government Area must provide the Council, each year, with a certificate prepared by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.
5. The certificate must include an opinion by the veterinary surgeon that the animal is healthy and is maintained in conditions that are suitable for the particular species.
6. The owner of any primate must agree to allow access to council officers at any reasonable time to inspect any premises where primates are kept.
7. Primates may only be held by private individuals under highly regulated circumstances. These include the provisions of a B class Zoo Licence, the *Exhibited Animals Protection Act 1986*, or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.



8. Appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.
9. The standards and conditions of management and care prescribed by the *Exhibited Animals Protection Act 1986* must be fully complied with.
10. The primates must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of the primate.
11. Any enclosure used for the purposes of keeping primates must exceed the following dimensions:
12. **Species less than one kilogram in body weight** – indoor enclosure of 0.75 cubic metres, outdoor enclosure of at least 1.8 metres high and two cubic metres wide. Such an enclosure is suitable for small family groups. Building consent is required.
13. **Species between one kilogram and ten kilograms in body weight** – indoor enclosure of two cubic metres per animal, outdoor enclosure of five cubic metres per animal.
14. Enclosure must not be within 9 metres of any dwelling.
15. No species greater than ten kilograms may be held, except for individuals holding a B Class Zoo Licence.
16. The keeping of primates within unit or townhouse developments is not permitted.

Order 18 (17) – The Keeping of Squirrels

Criteria

1. Squirrels may only be held by private individuals under highly regulated circumstances. These include the provision of a B Class Zoo Licence, the *Exhibited Animals Protection Act 1986* or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.
2. All appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.
3. The standards and conditions of management and care as prescribed by the *Exhibited Animals Protection Act 1986* must be fully complied with.
4. Squirrels must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of squirrels.
5. The keeping of squirrels in unit and townhouse developments is not permitted.
6. All squirrels must have access to outside enclosures on most days.
7. Inside enclosures must maintain a temperature and humidity range appropriate to the species.
8. The owner of squirrels must agree to allow access to council officers at any reasonable time to inspect any premises where squirrels are kept.



Order 18 (18) – The Keeping of Bees

Objectives:

- To ensure the satisfactory care and management of domestic honey bees *Apis mellifera* in the Canterbury-Bankstown Local Government Area;
- To ensure that the welfare of bees remains a priority;
- To ensure that the keeping of bees does not adversely affect nearby residents or property; and
- To ensure that the keeping of bees does not affect the surrounding environment.
- To ensure that the owners keeping bees comply with the relevant government legislation and regulations.

Criteria:

1. All provisions of the *Apiaries Act 1985* must be complied with.
2. The aims, objectives and husbandry procedures as defined in the NSW Code of Practice for Beekeeping must be complied with.
3. **Residential Areas**

In urban areas, no more than two hives per residential block is permitted, and then only when the following circumstances prevail:

- a) The hive is more than 9 metres from any neighbouring premises, greater distances apply from child care centres and schools;
- b) The hive is regularly re-queened with a recognised mild strain;
- c) The flight board is not directed at, or within 9 metres of any public thoroughfare or recreation area;
- d) A permanent water source suitable for bees is established within close proximity to the hive;
- e) The hive is not within nine metres of any neighbouring swimming pool;
- f) A suitable barrier is erected close to the landing board to force flight paths above two metres;
- g) The hive is regularly serviced by a competent manager;
- h) The swarming of the bees is controlled;
- i) The flight board is not directed at any neighbour activity area, for example washing area, barbeque area or children's' play area;
- j) Diseases are properly controlled, as is regulated by NSW Agriculture; and
- k) The keeping of bees in unit and townhouse developments is not permitted.

Note – In order to keep more than two hives, development consent is required.



4. Wild Hives

- a) Wild hives must be controlled. Any person having a wild hive on their property must consult NSW Agriculture for advice.
- b) A wild hive is described as feral bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

Order 18 (19) – The Keeping of Pigs (Swine)

Objectives:

- To ensure the satisfactory standard of care for pigs (swine) in the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of pigs (swine) does not adversely affect the community or the environment; and
- To ensure that the keeping of pigs (swine) complies with the relevant government legislation and regulations.

Criteria:

1. Pigs' dung and other waste must be disposed of in an approved manner on a daily basis.
2. Pigs must not be kept (and pigs dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling or a neighbouring property boundary.
3. No pigs may be kept in a residential area with a free land mass area less than 1500 square metres.
4. Keeping pigs within units or townhouse developments is not permitted.
5. Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property.
6. Prior to the erection of any building or shed, a development application must be lodged to and approved by council.
7. The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.
8. The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.
9. Feeding troughs must be used and the troughs must be constructed of an impervious material.
10. All feed must be stored in vermin proof containers.
11. Noise must be controlled at all times.
12. All odours must be kept under control.



Note: *Canterbury-Bankstown Council considers the keeping of pigs, in any size or breed, within the Canterbury-Bankstown Local Government Area to be inappropriate.*

Order 18 (20) – The Keeping of Fish, Aquariums and Ponds

Objectives:

- To ensure the satisfactory standard of care for aquatic organisms in the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of fish, aquariums and ponds does not adversely affect the community or the environment; and
- To ensure that all relevant guidelines, regulations and Australian Standards are complied with.

Criteria:

1. Water is to be maintained at clean and sufficient levels.
2. All noise from filtration pumps must not be used in a manner that creates a nuisance.
3. Ponds must contain shade of some kind. This may include aquatic plants.
4. Food must be made available that suits the species of aquatic organism(s). This may include aquatic plants.
5. Fish must be protected from predation. This may be done with fencing or a cover of some kind.
6. All fish and aquatic plants must be disposed of in a council approved manner. Council does not approve the dumping of fish and aquatic plants into any type of waterway, or anywhere that leads to one.
7. Ponds are required to be made child proof with a fence. The fence must comply with Australian Standard 1926. Applies to ponds more than 300 millimetres in depth.
8. Council approval is required for the construction of a pond that fails to meet the following requirements:
 - a) The pond is to be located at the rear of the yard and no closer than 900 millimetres to the nearest adjoining boundary;
 - b) The maximum surface area of the pond is to be 2 square metres;
 - c) The pond will not be capable of being filled to a greater depth than 300 millimetres;
 - d) The pond will not be constructed so that it prevents the natural flow of stormwater, drainage or runoff; and
 - e) The pond will not be constructed so that it is higher than 300 millimetres above the existing ground level.



Order 18 (21) – The Keeping of Reptiles

Objectives:

- To ensure satisfactory standards of care and management are met in regards to the keeping of all reptiles in the Canterbury-Bankstown Local Government Area;
- To ensure that the keeping of reptiles does not adversely affect the surrounding community and the environment; and
- To ensure that all relevant government legislation and regulations are complied with.

Criteria:

1. All provisions of the *National Parks and Wildlife Act 1974* must be complied with. This includes obtaining a licence to keep reptiles.
2. Advice regarding the keeping of reptiles must be obtained from the National Parks and Wildlife Service.
3. It is prohibited to move a reptile from the natural environment.
4. Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the particular species.
5. All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to:

Snakes –

- a) Venomous snakes may only be kept in lockable, sealed, escape proof containers or cages within a lockable and sealed escape proof room;
- b) The individual containers and the room itself must be locked when the licensee is not present in the room, so as to prevent unauthorised entry and/or tampering with containers or cages and the escape of snakes;
- c) Access to all venomous snakes must be limited to persons who are under the direct supervision of the licensee or to persons holding a Class 2 licence with the same category endorsement;
- d) All housing for snakes must be kept in a clean condition;
- e) Canterbury-Bankstown Council must approve all housing facilities for snakes.

Turtles –

- f) Ponds that house turtles must be cleaned on a regular basis;
- g) Basking logs and rocks must be available along and partly emerged in the pond to allow for stress free basking;
- h) Adult turtles (30 centimetres or greater shell length) require a 2 metres length by 2 metres width by a 0.5 metre depth (2m (L) x 2m (W) x 0.5m (D)), with gradual sides to allow easy exit;
- i) Turtles are to be in an enclosed area so as to prevent escape.



6. All offensive odours must be controlled.
7. All noise must be controlled.
8. The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.
9. All reptiles must be protected from the predation of other animals.
10. Canterbury-Bankstown Council strongly suggests that all reptile enthusiasts join a Reptile Keepers organisation.
11. All reptiles must be kept in appropriate numbers.

Order 18 (22) – The Keeping of Native Wildlife

Objectives:

- To ensure the satisfactory care and management of injured native wildlife;
- To ensure that the keeping of injured native wildlife does not adversely affect the surrounding community or the environment; and
- To ensure that the carers of injured native wildlife comply with relevant government legislation.

Criteria:

1. No native animal may be taken from the wild and kept as a pet.
2. Carers of injured native wildlife must complete a WIRES training course for the caring of injured animals.
3. A temporary caring licence must be obtained from the National Parks and Wildlife Service.
4. Injured wildlife must not create a nuisance of any kind to the surrounding community.
5. All offensive noise must be controlled.
6. All odours must be controlled.
7. Suitable facilities for the housing of injured animals must be available and used.
8. The caring of injured native wildlife in townhouse or unit developments is not permitted.



Order 19 – The Use of Tennis Courts

To Do What?

To use or not to use a tennis court as specified.

In What Circumstances?

Actual or likely annoyance or threat to the safety of neighbours or users of a public place.

To Whom?

Occupier of land.

Criteria

1. Whilst Council recognises the benefits and enjoyment gained from the use of tennis courts, the needs of neighbours and the public are also considered in this order.
2. Lighting of tennis courts must be adequately shielded from the view of neighbouring residents and passing motorists or users of a public place, so as not to cause an annoyance to neighbours or to the public.
3. Tennis courts and lighting of tennis courts are not permitted for use between the hours of 10pm and 8am, to prevent the annoyance of neighbouring residents.



Order 20 – Clean and Sanitary Premises, Vehicles or Articles in Relation to Food

To Do What?

To do such things as are specified in the order to put premises, vehicles or articles used for the manufacture, preparation, storage, sale, transportation of other handling or use of or in relation to food into a clean or sanitary condition.

In What Circumstances?

The premises, vehicle or article is not in a clean or sanitary condition.

To Whom?

Owner or occupier of premises or owner or operator of vehicle or article.

Criteria

1. All premises manufacturing, preparing, storing, selling, transporting, processing and/or handling food for human consumption must:
 - a) Comply with *Food Act 2003*, *Food Regulation 2015* and Food Standards Code.
 - b) Ensure hygiene standards of premises and operators are adequate and appropriate; and
 - c) Ensure foodstuffs are handled and stored appropriately.
2. The following are also relevant to this order:
 - a) Food Standards Code;
 - b) *Food Act 2003*
 - c) *Food Regulation 2015*



Order 21 – Land and Premises in a Safe and Healthy Condition

To Do What?

To do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.

In What Circumstances?

The land or premises are not in a safe or healthy condition.

To Whom?

Owner or occupier of land or premises.

Criteria

1. Control of rats, mice and other vermin

An occupier of premises must take reasonable measures to keep the premises free from fleas, rats, mice and other vermin (except any such animals kept as pets).

Rats, mice and other vermin should be kept under control on land and premises by:

- a) not providing places for vermin to harbour, such as overgrown vegetation or accumulated rubbish or refuse;
- b) eradicating rats, mice and/or other vermin from premises where necessary to prevent further breeding and infestation, in an approved manner; and
- c) not allowing any other conditions on land or in premises which are likely to harbour rats, mice and/or other vermin, for example, not leaving dog/cat food in pet food bowls.

2. Overgrown vegetation

Dead or live vegetation must not be accumulated so that it is, or is likely to be, a harbourage for vermin or a fire hazard. Overgrown vegetation, whether dead or alive, should be cut or slashed and the cuttings disposed of in an approved manner, such as composting in an approved compost bin.

In clearing overgrown vegetation it is important not to:

- a) effect erosion control;
- b) completely remove plants other than weeds;
- c) contravene Council's Tree Preservation order; or
- d) compromise other environmental concerns.

Council expects the owner or occupier of premises to maintain grass and lawns at approximately 50 millimetres above ground surface neatly trimmed to paths, curbing and fence lines. If grass or weeds exceed a height of 300 millimetres above ground level enforcement action may commence. Grass and weeds must not exceed a height of 50 millimetres. Grass and weeds above this height is considered a



likely harbourage for vermin, capable of concealing dangerous objects and generally creating unhealthy and unsafe conditions that may result in an order to be issued.

It is the responsibility of the property owner or occupier to maintain the grass area between the street boundary and the road verge in a similar condition as their lawn.

3. Waste or other refuse on premises

Rubbish or refuse must not be accumulated on premises so that it is likely to be a harbourage for vermin, unsightly, or a health or safety risk to the owner/s or occupier/s of the land or premises or to the public.

4. Private swimming pool/spa water quality

Swimming pools/spas, including water quality, on private premises must be maintained to a standard that provides safe and healthy conditions.

Swimming pools must be surrounded by a childproof barrier and non-slip surroundings pursuant to the *Swimming Pool Act 1992*

The occupier of premises shall at all times maintain the swimming pool/spa and all fixtures and fittings in a clean and working condition.

Swimming pools/spas must have a filtration system capable of circulating a volume of water equal to the swimming pool's capacity at least every 8 hours.

The occupier of premises should use a test kit to monitor the levels of free residual chlorine, total chlorine and pH levels in the swimming pool/spa.

Swimming pool/spa water quality standards required to maintain healthy and safe conditions, are:

- a) Free residual chlorine – 1.0 mg/L.
- b) Total chlorine level should never be more than double the free residual chlorine level.
- c) pH level – 7.2 to 8.0
- d) Total alkalinity – 60.0 to 100.0 mg/L.

Swimming pool/spa water must be maintained so a breeding ground for mosquitoes is not provided.

5. Defective floors, walls, ceilings, window frames and window glass in residential premises

Premises should be impervious to moisture such as rain, seepage or rising damp as it promotes the growth of mould, decay and unhealthy, unsafe and unsanitary conditions.

Ceilings, walls, floors, cladding, window frames and window glass of premises must be maintained at all times to an acceptable standard.

Damage to flooring, walls, ceilings, window frames or window glass on premises should be repaired or replaced as necessary to maintain a healthy and safe standard.

Openable windows are to be operational at all times.



6. The provision of adequate water supply

An adequate water supply, in volume and pressure, from Sydney Water must be available to premises at all times to maintain the health of the owner/s or occupier/s of the premises.

7. The provision of adequate electric power

All electrical wiring, outlets and switches are to be maintained to a standard not less than that required by the electricity supply authority and relevant Australian Standards.

8. Inadequate bathing, washing or cooking facilities

Bathing, clothes washing and cooking facilities are required to be provided to all residential buildings to maintain the health of the owner/s or occupier/s of the premises. All plumbing fixtures are to be operational at all times.

9. Defective roofing, guttering, downpiping, stormwater drainage and/or spouting

All roofing is to be provided with roof guttering attached to downpipes and downpipes connected to an approved stormwater drainage system.

Roofing, guttering, downpiping, stormwater drainage lines and spouting are to be regularly maintained.

10. Lighting and ventilation

A habitable room in a residential building must be provided with natural light and ventilation at all times. For this purpose:

- a) each room must be provided with a glazed window, each not less than 10 percent of the floor area of the room with at least half of the window being openable; and
- b) a room or cubicle used for sleeping purposes must have a minimum floor area of 5.5 metres squared per person with a minimum of 2 metres squared for each additional person.

11. Notes

- a) All materials, rubbish and vegetative matter required to be disposed of or removed from premises, should be done so in an approved manner, to an authorised waste disposal facility.
- b) All works should be undertaken by an appropriately qualified tradesperson.
- c) All works must be completed to the satisfaction of the council.



Order 22 – Waste on Land or Premises

To Do What?

To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the order, provided that it is not inconsistent with requirements made under the *Protection of the Environment Operations Act 1997*.

In What Circumstances?

Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the *Protection of the Environment Operations Act 1997*.

To Whom?

Owner or occupier of land or premises, owner or person responsible for the waste or for any receptacle or container in which the waste is contained.

Criteria

1. All waste is to be disposed of at an approved waste transfer station or depot, unless otherwise approved by a development approval.
2. Premises must be provided with approved receptacles that are impervious with close fitting lids for the containment of waste of premises.
3. Premises must also be provided with adequate waste container storing facilities.
4. Other requirements as specified in the order.



Order 22A – Removal of Waste from Land

To Do What?

To remove or dispose of waste that is on a residential premises or to refrain from keeping waste on those premises.

In What Circumstances?

The waste is causing or is likely to cause a threat to public health or the health of any individual.

To Whom?

Owner or occupier of the land.

Criteria

As specified in the Order



Order 23 – Connection to Water Supply

To Do What?

To connect premises to Sydney Water's main water supply by a specific date.

In What Circumstances?

The premises are situated within 225 metres of a water pipe under the control of Sydney Water.

To Whom?

Owner or occupier of premises

Criteria

1. Premises should be connected to the water supply in accordance with Sydney Water's requirements and the relevant Australian Standards.



Order 24 – Connection to Sewerage System

To Do What?

To connect premises with a sewerage system by a specified date.

In What Circumstances?

The premises are situated within 75 metres of a sewer under the control of Sydney Water.

To Whom?

The owner or occupier of premises.

Criteria

1. Premises should be connected to the sewerage system in accordance with Sydney Water's requirements and the relevant Australian Standards.



Order 25 – Human Waste Storage Facility on Premises

To Do What?

Not to use or permit the use of a human waste storage facility on premises after a specified date.

In What Circumstances?

When it is necessary for the purposes of protecting public health.

To Whom?

Owner or occupier of premises.

Criteria

1. All human waste is required to be disposed of via the sewerage system of Sydney Water.
2. Council may direct the removal and/or decommissioning of a human waste facility such as a septic tank upon connection of the premises to a sewer.



Order 27 – Object or Matter in a Public Place

To Do What?

To remove an object or matter from a public place or prevent any object or matter being deposited there.

In What Circumstances?

The object or matter:

- a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any other Act; or
- b) is causing, or is likely to cause danger, annoyance or inconvenience to the public.

To Whom?

Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate.

Criteria

1. Objects or matter must not obstruct or encroach upon a public place, or cause danger, annoyance or inconvenience to the public. Examples of objects or matter under this order may include, but is not limited to:
 - a) unauthorised site sheds and work caravans;
 - b) unauthorised structures on or over a public place;
 - c) unauthorised vehicles, materials and equipment;
 - d) unauthorised footpaths, crossings and driveways;
 - e) protruding tree or plant growth;
 - f) unauthorised signage;
 - g) gates that open outwards from a property;
 - h) garbage skips, unless approved; and
 - i) storage or accumulation of material, including waste.



Order 28 – Damage to a Public Place

To Do What?

To take whatever steps are necessary to prevent damage to a public place and to repair damage to a public place.

In What Circumstances?

There is actual or likely damage:

- a) by excavation or removal of material from or adjacent to the public place;
- b) by a worker or structure; or
- c) by surface drainage or irrigation spray.

To Whom?

- a) Person responsible for the excavation or the removal of the material structure.
- b) Owner or person entitled to the work or structure.
- c) Owner or occupier of land from which surface drainage flows or from which spray emanates.

Criteria

1. Damage to a public place must be prevented by installation of appropriate barriers and/or work practices, or other requirements. Council will require satisfactory repair or replacement of damaged areas.
2. Examples of activities where this order may apply include:
 - a) a road opened without a permit;
 - b) unauthorised use of a driveway, footpath, or other roadworks causing or likely to cause damage to the public area;
 - c) an unauthorised site shed or work caravan;
 - d) unpermitted use of a crane;
 - e) the erection of an unauthorised structure on a public place;
 - f) the storage of building materials, plants and equipment on a public place and/or adjacent to trees or drip lines; and
 - g) stormwater discharge onto a public road, other than by an approved stormwater kerb outlet.



Order 29 – Work or Structure in a Public Place

To Do What?

To alter or repair work or structure on, over or under a public place.

In What Circumstances?

It is in the public interest to do so.

To Whom?

Owner of the work or structure.

Criteria

1. Council may require the alteration or repair of a work or structure on, over or under a public place where it is in the public interest to do so.
2. Examples of works or structures to which this order may apply are:
 - a) Shop awnings;
 - b) Pedestrian overpasses or pedestrian underpasses;
 - c) Hoardings;
 - d) Utilities (permanent or temporary);
 - e) Low electricity cables;
 - f) Stormwater pits and grates;
 - g) Advertising structures;
 - h) Bus shelters; and
 - i) Any other structure or work.



Order 30 – Compliance with Approvals

To Do What?

To comply with an approval.

In What Circumstances?

The approval is not being complied with.

To Whom?

Person entitled to act on the approval or person acting otherwise than in compliance with the approval.

Criteria

1. All requirements, terms and conditions of an approval are to be complied with, pursuant to relevant legislation.
2. Examples of approvals that may be required are to:
 - a) Install a manufactured home, moveable dwelling or associated structure on land;
 - b) Install a temporary structure on land;
 - c) Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment;
 - d) Place a waste storage container in a public place;
 - e) Operate a system of sewerage management;
 - f) Engage in a trade or business;
 - g) Direct or procure a theatrical, musical or other entertainment for the public;
 - h) For fee or reward, play a musical instrument or sing;
 - i) Set up, operate or use a loudspeaker or sound amplifying device, excluding spruiking, which is not permitted;
 - j) Deliver a public address or hold a religious service or public meeting;
 - k) Swing or hoist goods across or over any part of a public road by means of lift, hoist or tackle projecting over the footway;
 - l) Expose or allow to be exposed (whether for sale or otherwise) in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road;
 - m) Operate a public car park;
 - n) Operate a caravan park or camping ground;
 - o) Operate a manufactured home estate;



- p) Install or operate amusement devices;
- q) Operate an undertaker's business; and
- r) Operate a mortuary.

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