

AGENDA

Environment and Planning Committee

Monday, 11 November 2024

7:00 PM

Dragon Room

**Georges River Civic Centre,
Hurstville**



OATH OF OFFICE OR AFFIRMATION OF OFFICE

All Georges River Councillors are reminded of their Oath of Office or Affirmation of Office made at the time of their swearing into the role of Councillor.

All Councillors are to undertake the duties of the office of Councillor in the best interests of the people of the Georges River Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgement.

DISCLOSURES OF INTEREST

All Georges River Councillors are reminded of their obligation to declare any conflict of interest (perceived or otherwise) in a matter being considered by Council or at any meeting of Council.

ENVIRONMENT AND PLANNING COMMITTEE MEETING

ORDER OF BUSINESS

OPENING

ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

APOLOGIES / LEAVE OF ABSENCE

REQUEST TO JOIN VIA AUDIO VISUAL LINK

NOTICE OF WEBCASTING

DISCLOSURES OF INTEREST

PUBLIC FORUM

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Item: ENV038-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 12 August 2024

Author: Executive Services Officer

Directorate: Office of the General Manager

Matter Type: Previous Minutes

ENV038-24

RECOMMENDATION:

That the Minutes of the Environment and Planning Committee Meeting held on 12 August 2024, be confirmed.

ATTACHMENTS

Attachment [↓](#)1 Minutes of the Environment and Planning Committee Meeting held on 12 August 2024



MINUTES

Environment and Planning Committee

Monday, 12 August 2024

7:00 PM

Dragon Room
Georges River Civic Centre,
Hurstville

UNCONFIRMED



GEORGES RIVER COUNCIL

PRESENT

COUNCIL MEMBERS

Councillor Peter Mahoney (Chairperson), Deputy Mayor, Councillor Borg Councillor Ashvini Ambihaipahar, Councillor Christina Jamieson, Councillor Nick Katris, Councillor Kathryn Landsberry, and Councillor Benjamin Wang.

COUNCIL STAFF

Acting General Manager – Kristie Dodd, Director Environment and Planning – Joseph Hill, General Counsel – James Fan, Manager Environment Health and Regulatory Services – Andrew Spooner, Acting Manager Development and Building – Nicole Askew, Coordinator Environment Sustainability and Waste – Elyse Ballesty, Acting Coordinator Strategic Planning – Harkirat Singh, Business Improvement Officer – Rebecca Hosking, Senior Environment Officer – Sean Simpson, Executive Manager City Futures – Simon Massey, Manager Office of the General Manager – Vicki McKinley, Executive Assistant to the Director, Environment and Planning - Leanne Allen (Minutes), Executive Services Officer – Jennifer Anderson, Team Leader Technology Business Support – Mark Tadros

OPENING

The Chairperson, Councillor Mahoney, opened the meeting at 7pm.

ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Councillor Mahoney acknowledged the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

REQUEST TO ATTEND VIA AUDIO VISUAL LINK

There were no requests to attend via Audio Visual Link.

APOLOGIES/LEAVE OF ABSENCE

There were no apologies or requests for leave of absence.

NOTICE OF WEBCASTING

The Chairperson, Councillor Mahoney advised staff and the public that the meeting is being recorded for minute-taking purposes and is also webcast live on Council's website, in accordance with section 5 of Council's Code of Meeting Practice. This recording will be made available on Council's Website.

CODE OF MEETING PRACTICE

Council's Code of Meeting Practice prohibits the electronic recording of meetings without the express permission of Council.

DISCLOSURES OF INTEREST

There were no disclosures of interest made.

PUBLIC FORUM

There were no registered speakers.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ENV031-24 Confirmation of the Minutes of the Environment and Planning Committee Meeting held on 8 July 2024
(Report by Executive Services Officer)

RECOMMENDATION: Councillor Landsberry, Councillor Jamieson

That the Minutes of the Environment and Planning Committee Meeting held on 8 July 2024, be confirmed.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

COMMITTEE REPORTS

ENV032-24 Investigation of Missed Waste Collection Services and Appropriate Actions to Resolve
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Wang, Councillor Jamieson

That Council receive and note this report on missed waste bin collection services in the local government area.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV033-24 Review of E - Waste Events and Future Community Recycling Events
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Landsberry, Councillor Jamieson

- (a) That Council acknowledge the increasing demand for community recycling events and the pressure that it is placing on the Carlton Depot.
- (b) That Council rescind the decision to alternate community recycling events between Carlton and Mortdale Depots.
- (c) That Council delegate to the General Manager to determine the most suitable location to host community recycling events based on their expected demand.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor

Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV034-24 Zero Litter to Georges River - Progress Update Report 2024
(Report by Manager Environment Health & Regulatory Services)

RECOMMENDATION: Councillor Jamieson, Deputy Mayor, Councillor Borg

- (a) That Council note the progress made towards Councils target of zero litter to Georges River originating from terrestrial locations above the high-water mark within the Georges River Local Government Area by 2030.
- (b) That Council note a litter target update report will continue to be provided every two years in line with Council's resolution dated 22 June 2020.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV035-24 Draft Principal Certifier Complaints Policy 2024 - Outcome of Public Exhibition
(Report by Business Improvement Officer)

RECOMMENDATION: Councillor Jamieson, Councillor Katris

That this item be deferred to the ordinary Council meeting scheduled for 26 August 2024 to seek clarification on item 2.3.4 of the Draft Policy.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV036-24 Development and Building Q4 Metrics Report
(Report by Manager Development and Building)

RECOMMENDATION: Councillor Katris, Councillor Jamieson

That Council receive and note the Quarterly Development and Building Section Functions and Services Metrics Report for the period April to June 2024.

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

ENV037-24 Planning Proposal for Gateway Determination - 84D Roberts Avenue Mortdale
(Report by Strategic Planner/Information Management)

RECOMMENDATION: Councillor Katris, Councillor Jamieson

- (a) Support the proposed amendment to Schedule 1 of the *Georges River Local Environmental Plan 2021*;
- (b) Endorse the forwarding of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Georges River Local Environmental Plan 2021* by introducing medical centre as an additional permitted use on the land at 84D Roberts Avenue, Mortdale (Lot 21, DP 542051).

Record of Voting

For the Motion: Deputy Mayor, Councillor Borg, Councillor Mahoney, Councillor Ambihaipahar, Councillor Jamieson, Councillor Katris, Councillor Landsberry, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CONCLUSION

The Meeting was closed at 8.01pm

Chairperson

COMMITTEE REPORTS

Item: ENV039-24 Management of Feral and Infant Companion Animals Policy (2024) - Outcome of Public Exhibition

Author: Manager Environment Health & Regulatory Services

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV039-24

RECOMMENDATION:

That Council adopt the Management of Feral and Infant Companion Animals Policy (2024) as attached to this report.

EXECUTIVE SUMMARY

1. Council at its meeting on 25 March 2024 considered a report (ENV011-24) regarding a number of policies under review, including the Management of Feral and Infant Companion Animals Policy (2024) and resolved:
 - (a) *That Council endorse the following draft Policies, as attached to this report, for the purpose of public exhibition for a minimum period of 60 days, in accordance with Section 160 of the Local Government Act, 1993:*
 - *Management of Feral and Infant Companion Animals Policy (2024) (Attachment 1).*
 - *Georges River Smoke Free Policy for Outdoor Areas (2024) (Attachment 2).*
 - *Georges River Council Enforcement Policy (2024) (Attachment 3).*
 - *Keeping of Animals Policy (2024) (Attachment 4).*
 - (b) *That a further report be provided to Council on the outcomes of the public exhibition.*
2. The Draft Management of Feral and Infant Companion Animals Policy (2024) was publicly exhibited for a 120 day period between the 4 April 2024 to 3 August 2024 to allow targeted consultation with key stakeholders. During this period 16 submissions were received from community members, seven were in support, two were considered neutral and a further seven submissions were not directly related to the draft Policy but expressed broader uncontained cat management issues. Attachment 2 contains a summary of the submissions received and staff comments to address each of the matters raised.
3. One submission requested that clarification be made where the draft Policy references the length of time that a completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility and provided suggested clarifying wording. This suggestion is supported and it is recommended that the draft Policy be amended accordingly. As these amendments are of a clarifying nature, they are not considered to be substantial, and as such Council may adopt the amended draft Policy without further public exhibition. In addition to the above recommended amendments a number of editorial updates have also been made, with all amendments to the draft Policy shown in Attachment 1 in red text.
4. As the majority of submissions received were in support of the draft Policy, and there were no submissions received against the draft Policy, it is recommended that the amended

version of the draft Management of Feral and Infant Companion Animals Policy (2024) as contained in Attachment 1 be adopted.

BACKGROUND

5. The *Companion Animals Act 1993* (NSW) (the CA Act), allows councils to sell or euthanise a seized or surrendered companion animal is not claimed or rehomed after the following holding periods have expired:
 - 7 days for unidentified animals
 - 14 days for identified animals.
6. However, Section 64(2) of the CA Act, allows a council, in accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals to euthanise the seized or surrendered animal before the end of the above holding periods. Such a policy would also consider alternatives to euthanasia in accordance with section 64(5) of the CA Act, through animal Rehoming Organisations approved under section 88B of the CA Act, who will be given the opportunity to rehome animals.
7. This provision in the CA Act acknowledges that it is often not humane or practical to detain feral or infant companion animals at Council's impound facility for various reasons. These may include biosecurity risk (i.e., transmission of disease), animal welfare or behavioural issues (e.g., feral cats), humane reasons or care requirements (i.e., infant animals which need an intense level of 'round the clock' care particularly in terms of warmth and feeding).
8. In many circumstances it can be determined at the time the animal is seized or surrendered that it is not suitable for rehoming (e.g., feral cat). However, without a policy in place the animal is required to be securely confined for the minimum holding period often only to be humanely euthanised once the holding period ends. In addition to not being in the best interests of the animal this practice comes at an increasing cost to Council.
9. In relation to feral cats, it is acknowledged by the Federal Department of Agriculture, Water and the Environment that predation by feral cats threatens the survival of over 100 Australian native species and has already caused the extinction of a number of native birds and mammals. The NSW Department of Planning, Industry and Environment refers to feral cats as a major threat to biodiversity. The Australian Veterinary Association acknowledges that humane control of feral cats may be necessary in urban areas that support populations of native fauna including some that are endangered or highly vulnerable. The implementation of the Policy, which supports the ability to appropriately manage animals found in Wildlife Protection Areas within the Council area, is therefore consistent with the *Companion Animals Act 1998* (NSW), which declares that the protection of native birds and animals is an objective of animal welfare policy in NSW.
10. The Policy authorises, following assessment by a veterinarian (subject to the terms of the Policy) the humane euthanasia of feral or infant companion animals prior to the expiration of the mandatory holding periods. Euthanasia would only occur prior to the expiration of the mandatory holding periods where the animal:
 - was not considered suitable for re-homing (i.e., feral animals); or
 - where a Rehoming Organisation could not accommodate the animal; or
 - where it is not practical to retain the animal at Council's impound facility (e.g., due to the intensive care requirements of infant animals being less than eight weeks of age).
11. Council is aware of at least ten other councils across NSW that have adopted a similar policy on the management of infant and feral companion animals.

12. An independent veterinarian previously reviewed the Policy to provide comment on the merits of the Policy from an animal welfare perspective. The veterinary advice supported the implementation of the Policy on animal welfare grounds. Contact was also made with the RSPCA (who is the lead animal welfare agency in NSW and acts as an impounding agency for many councils) who advised that the procedures implemented at its holding facilities are consistent with those in the Policy.
13. The Policy seeks to provide the necessary support to address some of the symptoms of the broader issue within the community, of the number of unwanted companion animals as more legislative support is required to permit councils to effectively manage this ongoing issue. In this regard, Council's proposed actions to implement microchipping and de-sexing programs were considered by Council on 25 September 2023 via ENV023-23 – Companion Animal Identification and De-sexing Program. Staff have commenced a pilot program and are in discussions with animal welfare organisations and veterinarians to implement an ongoing program to support companion animal owners to identify and de-sex their animals.
14. The Policy aims to achieve the long-term outcome of reducing the number of occasions where Council and its impounding services provider are placed in a position of having to maintain animals detained for extended periods whose prospects of being rehomed are remote.
15. The Policy is consistent with the principles for decision-making by councils set out in the *Local Government Act 1993* (NSW), in particular with the requirements that councils should recognise diverse local community needs and interests and consider the long term and cumulative effects on future generations, as it will result in ongoing cost-savings to the community and assist to sustain the long-term biodiversity of native fauna in the Council area.
16. The Policy also aims to provide Council with the necessary flexibility to appropriately manage feral and infant companion animals impounded in the area and it provides sufficient provisions to consider alternatives to euthanising the animal not available in the CA Act. The Policy also supports the responsible and effective use of community funds to manage these animals.
17. Since the adoption of the Policy in 2021, there were nine instances of unowned animals being rehomed prior to the expiry of the holding period and none euthanised. However, in March 2022 a Private Members amendment to the Act, was passed with little or no consultation with key stakeholders by the NSW Parliament, resulted in uncertainty over Council's ability to use the Policy resulting in its provisions being delayed. Legal advice obtained by Council clarified that the Policy did not conflict with the amendment to the Act and its provisions could be applied when necessary.
18. The requirements of the Policy are still considered relevant and necessary, particularly given Council's resolution to adopt the Wildlife Protection Area Policy which, to be effective, relies upon the practical application of the Management of Infant and Feral Companion Animals Policy. Following a review of the Policy there was no need to amend its provisions and at its meeting on 25 March 2024, Council resolved to place the draft Policy on public exhibition for a period of 60 days.
19. As with the previous versions of this Policy targeted consultation also occurred during this period by sending a copy of the Policy and seeking comment from the RSPCA, Sydney Dogs and Cats Home, The Cat Protection Society of NSW, local Veterinary Practices and Rescue Groups.

REPORT

20. The Draft Management of Feral and Infant Companion Animals Policy (2024) was publicly exhibited for a 120 day period between the 4 April 2024 to 3 August 2024 to allow targeted consultation with key stakeholders. The draft Policy, whilst on the Your Say platform attracted 42 visits with 16 submissions being made. Seven submissions were in support of the draft Policy, two made suggestions or posed questions and were considered to be neutral as they neither supported nor opposed the draft Policy. A further seven submissions were not directly related to the draft Policy but expressed broader uncontained cat management issues. The submissions called for Council to implement a curfew and greater controls on roaming cats which are outside the scope of this draft Policy and not permissible under current legislation. Attachment 2 contains a summary of the submissions received and staff comments to address each of the matters raised.
21. One submission requested that clarification be made within the draft Policy at 1.3.1 and 1.4.1 around the length of time that a completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility and suggested the following clarifying wording:
- A record of completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility for a period of 5 years for provision to Council upon request.*
22. It is considered appropriate to amend the draft Policy with the above wording, however as Council is typically required to keep records for seven years and not the five as per the submission. Therefore, it is recommended that the draft Policy be amended by adding 'for a period of seven years' into 1.3.1 b) and adding the following wording to a new 1.4.1 b) and renumbering the existing 1.4.1 b) to 1.4.1 c):
- A record of the completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility for a period of seven years for provision to Council upon request.*
23. These amendments to the draft Policy are shown in Attachment 1 in red text.
24. The *Local Government Act 1993* at Section 161 - Adoption of draft local policy, outlines the next steps for Council in considering amendments to the draft Policy:
- “(1) After considering all submissions received by it concerning the draft local policy, the council may decide—
- (a) to amend its draft local policy, or
- (b) to adopt it without amendment, or
- (c) not to adopt it, except where the adoption of criteria is mandatory.
- (2) If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.”
25. Therefore, as the majority of submissions received were in support of the draft Policy, there were no submissions received against the draft Policy and the recommended amendments are not considered to be substantial, it is recommended that the amended version of the draft Management of Feral and Infant Companion Animals Policy (2024) as contained in Attachment 1 be adopted.

FINANCIAL IMPLICATIONS

26. No budget impact for this report.

RISK IMPLICATIONS

27. No risks identified.

COMMUNITY ENGAGEMENT

28. Community engagement on the draft Policy was conducted via advertisement in St George and Sutherland Shire Leader and on Council's website via the Your Say platform for a 120-day period between the 4 April 2024 and 3 August 2024.

FILE REFERENCE

D24/147105

ATTACHMENTS

Attachment [↓](#)1 Draft Management of Feral and Infant Companion Animals Policy



Attachment [↓](#)2 Summary of submissions - GRC Management of Feral and Infant Companion Animals Policy





Draft Management of Feral and Infant Companion Animals Policy

~~March~~ November 2024

Policy administration

Dates	Policy approved xxx This policy is effective upon its approval. Policy is due for review xxx
Approved by	Council Meeting xxx Council Resolution xxx
Policy Type	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
Exhibition Period	xxx to xxx
Policy Owner	Manager Environment, Health and Regulatory Services Environment and Planning Unit
Related Documents	Council's Enforcement Policy
Appendices	Appendix A – Feral Companion Animal Assessment Form Appendix B – Infant Companion Animal Assessment Form
References & Legislation	<ul style="list-style-type: none"> • Prevention of Cruelty to Animals Act 1979 Prevention of Cruelty to Animals Act 1979 • Companion Animals Act 1998 (NSW) Companion Animals Act 1998 (NSW) • Local Government Act 1993 (NSW) Local Government Act 1993 (NSW) • Public Spaces (Unattended Property) Act 2021 (NSW) Public Spaces (Unattended Property) Act 2021 No 38 - NSW Legislation
Document Identifier	Policy #: Pol-075.01 Doc Number: D21/053428
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

Purpose

This policy outlines humane assessment criteria to be applied in the management of Feral or Infant Companion Animals, which have been lawfully seized or surrendered.

Scope

This Policy applies to the assessment and management of any Feral or Infant Companion Animal which has been lawfully seized or surrendered within the local government area of Georges River Council that is not suitable for re-homing, or able to be housed at Council's Impounding Facility.

Definition of Terms

Term	Meaning
Approved Premises	As defined in the Companion Animals Act 1998 (NSW)
Authorised Officer	An employee of Georges River Council with delegated authority under the Companion Animals Act 1998 (NSW)
Companion Animal	As defined in the Companion Animals Act 1998 (NSW)
Council	Georges River Council
Council's Impounding Facility	As nominated in Council's Impounding Facility contract from time to time.
Feral Animal	Wild Companion Animal that has escaped domestication. It is born outside human society and has had no or minimal contact with people.
Infant Animal	Companion Animal that appears to be under 8 weeks of age, and which is unable to feed or fend for itself without the assistance of another animal or person.
Statutory Holding Period	As defined in s 64 of the Companion Animals Act 1998 (NSW).

Policy Statement

1. General Principles

- 1.1. This Policy provides for the humane assessment and management of Feral or Infant Companion Animals that are deemed unsuitable for re-homing or which are not able to be housed at ~~Georges River~~ Council's Impounding Facility.

1.2. This Policy authorises their humane euthanasia before the end of any Statutory Holding Period in certain circumstances, in accordance with this Policy and as permitted under Section 64 (2) of the [Companion Animals Act 1998](#) (NSW).

1.3. Feral Companion Animals

1.3.1. Feral Companion Animals accepted into Council's Impounding Facility or held at any Approved Premises within Council's local government area may be humanely euthanised at any time prior to the expiration of the relevant Statutory Holding Period, provided the following requirements are observed:

- a) Upon the intake of a Companion Animal that appears to be 'Feral' at an Approved Premises or at Council's Impounding Facility, an Animal Assessment Form (Appendix A) is to be completed by a veterinarian to verify the assessment of the Companion Animal as 'Feral'.
- b) A record of the completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility for a period of Seven years for provision to Council upon request.

1.4. Infant Companion Animals

1.4.1. Infant Companion Animals accepted into Council's Impounding Facility or held at any Approved Premises within Council's local government area may be humanely euthanised at any time prior to the expiration of the relevant Statutory Holding Period, provided the following requirements are observed:

- a) Upon the intake of a Companion Animal that appears to be an Infant at an Approved Premises or at Council's Impounding Facility, an Animal Assessment Form (Appendix B) is to be completed by a veterinarian to verify the assessment of the Companion Animal as 'Infant'.
- b) *A record of the completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility for a period of seven years for provision to Council upon request.*
- c) Following the completion of an Animal Assessment Form the following options are to be applied:
 - i. If the Infant Companion Animal is of such a size and age that survival in the long term would be remote, humane euthanasia is authorised under this Policy.
 - ii. If the Infant Companion Animal is of such a size and age that survival is possible through intensive care of an approved animal rescue organisation, then Council authorises the release of the Infant Companion Animal as an alternative to euthanasia, subject to the early release conditions as outlined within this Policy.

1.5. Early release as an alternative to euthanasia

1.5.1. Companion Animals identified as being Infant may be released on a permanent basis prior to the expiration of the Statutory Holding Period as an alternative to euthanasia, or on the basis that such action is in the best interest of the Infant Companion Animal's welfare.

1.5.2. Early release is subject only to the Infant Companion Animal being released to one of the following organisations:

- a) Royal Society for the Prevention of Cruelty to Animals NSW; or
- b) Any animal rehoming organisation approved by the Departmental Chief Executive, Local Government NSW under clause 88B of the [Companion Animals Act 1998 \(NSW\)](#).

Responsibilities

Position	Responsibility
Authorised Officer (within the Environment Health and Regulatory Services Section)	<ul style="list-style-type: none">• To effectively participate in policy training.• To follow the policy outlined.• To report any barriers or concerns relating to policy implementation to the Coordinator without undue delay.• To effectively participate in document review.• To make a decision relating to the investigation of alleged unlawful activity with the support of the Coordinator.
Coordinator Parking and Rangers	<ul style="list-style-type: none">• To effectively train, guide and monitor staff in policy implementation.• To effectively respond to reported concerns or barriers to policy implementation.• To be an active advocate for policy implementation.• To effectively coordinate and participate in policy review.• To ensure policy requirements remain consistent with Council Policy and organisational objectives.• To review decisions relating to investigation of alleged unlawful activity made by an Authorised Officer.
Manager Environment Health and Regulatory Services	<ul style="list-style-type: none">• To effectively respond to reported concerns or barriers to policy implementation.• To be an active advocate for policy implementation.• To effectively coordinate and participate in policy review.• To ensure policy requirements remain consistent with Council Policy and organisational objectives.

Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	New Georges River Management of Feral and Infant Companion Animals Policy	Manager Environment, Health and Regulatory Services	22/02/2021 – ongoing 25/11/2024
2.0	<p>Georges River Management of Feral and Infant Companion Animals Policy</p> <ul style="list-style-type: none"> Clarification provided in 1.3.1 and 1.4.1 on the length of time a completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility 	Manager Environment, Health and Regulatory Services	25/11/2024 – ongoing

DRAFT

Appendix A – Feral Companion Animal Assessment Form

Feral Companion Animal Assessment Form		
Council Reference Number:		
Date and Time:		
Seized/Surrendered by:		
Address seized:		
Phone:		
Type of Animal(s):	<input type="checkbox"/> Cat	<input type="checkbox"/> Dog
Does the animal have a microchip or collar? (If yes then the animal cannot be assessed as feral)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Notes:		
Does the animal show any signs of aggression? (e.g., hisses, spits, growls, swats, attempts to bite, etc)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Notes:		
Does the animal appear to be fearful or defensive or withdraws from human interaction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the animal in poor physical condition? (e.g., matted coat, obvious injuries or healed injuries, prominent ribs etc.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the animal appear to be domesticated? (e.g., Is it playful, solicits petting or attention. If yes, then cannot be assessed as feral)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Comments/recommendation and reasons for assessment:		
Animal to be <input type="checkbox"/> Rehomed <input type="checkbox"/> Euthanised		
Assessment made by:		
Name	Signature	Title
Date		
Feral animals can be euthanised prior to the expiry of the statutory holding period in accordance with Section 64 of the <i>Companion Animals Act 1998</i> (NSW).		
If released to a rehoming organisation approved under 88B of the Companion Animals Act:		
Have rescue groups been contacted?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Rehoming Organisation name		
Person collecting		
Name	Signature	Date
Note: Assessment only to be completed by a qualified veterinarian.		

Appendix B – Infant Companion Animal Assessment Form

Infant Companion Animal Assessment Form	
This form may be used where multiple animals of the same litter are being assessed	
Council Reference Number:	
Date and Time:	
Seized/Surrendered by:	
Address seized:	
Phone:	
Type of Animal(s):	<input type="checkbox"/> Cat <input type="checkbox"/> Dog
Is the animal(s) microchipped? (If yes then owner must be contacted)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
Does the animal(s) appear to be under 8 weeks of age and unable to feed without the assistance of another animal or person, or fend for itself?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
Final assessment – Is the animal Infant?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments/recommendation and reasons for assessment:	
Animal to be	<input type="checkbox"/> Rehomed <input type="checkbox"/> Euthanised
Assessment made by:	
Name	Signature Title Date
Infant animals can be euthanised prior to the expiry of the statutory holding period in accordance with Section 64 of the <i>Companion Animals Act 1998</i> (NSW)	
If released to a rehoming organisation approved under 88B of the Companion Animals Act	
Have rescue groups been contacted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Rehoming Organisation name	
Person collecting Name	Signature Date
Note: Assessment only to be completed by a qualified veterinarian.	

Attachment 2 - Summary of Submissions – GRC Management of Feral and Infant Companion Animals Policy 2024			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
1	<ul style="list-style-type: none"> It is good that Council has a Policy to deal with unwanted and stray cats. The Government doesn't do anything, so its good Council is. Cats are a menace and need to be controlled, people who let their cats out should be fined. Suggests Councillors push the State Government to change laws to stop cats from straying. Can they do that? Supports the Policy and its good that Council has this in place, so we are not paying for feral cats to be held at the pound. 	<ul style="list-style-type: none"> Comments of support noted. Council may wish to consider a resolution as suggested to amend current legislation to prevent cats from roaming and enact legislative penalties for owners who do not responsibly manage their animals. Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Support of Policy.
2	<ul style="list-style-type: none"> Resident is unhappy that Council will not remove feral cats that have taken up residence in the street at Lugarno. Concerned that 2 adult cats and several kittens are roaming at night and killing local native birdlife / blue tongue lizards and other native animals. Spoke to Council Ranger about removing the cat family and was told nothing could be done and was my responsibility. Is frightened to get too close to the feral cats who seem very aggressive, would like Council assistance. 	<ul style="list-style-type: none"> Comments do not directly relate to the Policy but broader uncontrolled cat management issues. Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas (including Gannons Park and Evatt Park Lugarno) in Council managed bushland reserves across the LGA. This declaration prohibits cats as per section 30(1)(b) of the NSW Companion Animals Act 1998 from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. The Act prevents councils from responsibly managing unattended or unowned cats in other areas as no offence exists for a cat that attacks another animal. Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Not directly relevant to Policy.
3	<ul style="list-style-type: none"> Council should make it compulsory to keep all cats inside at night. Better still have a cat run in their 	<ul style="list-style-type: none"> Comments do not directly relate to the Policy but broader uncontained cat management issues. 	Not directly relevant to Policy.

Attachment 2 - Summary of Submissions – GRC Management of Feral and Infant Companion Animals Policy 2024			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	<p>yard so their animal doesn't have the temptation of an easy kill.</p> <ul style="list-style-type: none"> • Has seen the results of cats wandering in the bush, spotted pardalotes used to nest in the banks of the creek and found a mass of pardalote feathers which had fallen prey to a neighbour's cat. • A few years ago, a Foxman caught a feral cat in one of the humane fox leg traps, which was wild and furious at the approach of anyone. It was skin and bones, had rotten teeth and its fur matted, this was someone's pet and when they tired of it, they dumped it in the bush. • Any measures Council can take would be an improvement, however the State Government should be lobbied to introduce legislation concerning cat problems. 	<ul style="list-style-type: none"> • NSW legislation does not allow Council to implement a cat curfew or cat containment. • Council may wish to consider a resolution as suggested to amend current legislation to prevent cats from roaming. • The Act prevents councils from responsibly managing unattended or unowned cats in other areas as no offence exists for a cat that attacks another animal. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	
4	<ul style="list-style-type: none"> • Ensure all cats are kept indoors (in an enclosed cage) at night and dogs are indoors or on a leash at night. 	<ul style="list-style-type: none"> • Comments do not directly relate to the Policy but broader uncontrolled cat management issues. • NSW legislation does not allow Council to implement a cat curfew or cat containment. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Not directly relevant to Policy.
5	<ul style="list-style-type: none"> • Fully supports the Policy. It would be fantastic for our native animals if Council could step up its capture process too. 	<ul style="list-style-type: none"> • Comments of support noted. • Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the LGA. This declaration prohibits cats as per section 30(1)(b) of the NSW Companion Animals Act 1998 from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland 	Support of Policy

Attachment 2 - Summary of Submissions – GRC Management of Feral and Infant Companion Animals Policy 2024			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
		<p>reserves are being signposted and trapping programs (where funded) will be implemented.</p> <ul style="list-style-type: none"> • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	
6	<ul style="list-style-type: none"> • Supports all cats should be kept in house from 6.00pm to 7.00am. 	<ul style="list-style-type: none"> • Comments do not directly relate to the Policy but broader uncontained cat management issues. • NSW legislation does not allow Council to implement a cat curfew or cat containment. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Not directly relevant to Policy
7	<ul style="list-style-type: none"> • Has personally seen the destruction of wildlife that feral animals particularly feral and domestic cats cause so is fully supportive of the Policy to humanely euthanise. • Whilst this Policy only applies to feral's, strongly believes it should also apply to domestic cats that are allowed to freely roam in Oatley Park given the number of wildlife they kill and given how irresponsible owners are. 	<ul style="list-style-type: none"> • Comments of support noted. • Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas (including Oatley Park) in Council managed bushland reserves across the LGA. This declaration prohibits cats as per section 30(1)(b) of the NSW Companion Animals Act 1998 from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. • The Act prevents councils from responsibly managing unattended or unowned cats in other areas as no offence exists for a cat that attacks another animal. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Support of Policy

Attachment 2 - Summary of Submissions – GRC Management of Feral and Infant Companion Animals Policy 2024			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
8	<ul style="list-style-type: none"> Agrees with all points made. Strikes a great balance with humane treatment but also protecting the local environment. 	<ul style="list-style-type: none"> Comments of support noted. 	Support of Policy
9	<ul style="list-style-type: none"> Cats have a devastating impact on local fauna, strongly urges Council to ensure they are all contained inside their owner's property at all times. Often sees cats roaming and heading towards the reserve at the end of the street in the evening and this unacceptable. They should be constrained within the owner's property or on a leash if they go for a walk. 	<ul style="list-style-type: none"> Comments do not directly relate to the Policy but broader uncontained cat management issues. NSW legislation does not allow Council to implement a cat curfew or cat containment. Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Not directly relevant to Policy.
10	<ul style="list-style-type: none"> Feral cats are a real problem around Kyle Bay. Has seen them attack and kill the wildlife in particular various parrots. They have to be caught and eradicated. Cats are roaming the streets at night causing problems and most are also venturing from owner's properties and are unkept and unchecked and many appear malnourished. Whatever Council proposes to rid us of this problem has support for Policy. 	<ul style="list-style-type: none"> Comments of support noted. Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the LGA. This declaration prohibits cats as per section 30(1)(b) of the NSW Companion Animals Act 1998 from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. Issues relating to animal welfare are to be referred to the relevant animal welfare agency such as the RSPCA. The Act prevents councils from responsibly managing unattended or unowned cats in other areas as no offence exists for a cat that attacks another animal. Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Support of Policy

Attachment 2 - Summary of Submissions – GRC Management of Feral and Infant Companion Animals Policy 2024			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
11	<ul style="list-style-type: none"> • Cats are the biggest problem. That have no natural limits to inclinations, which is to kill. • Should be kept inside at all times as difficult as that may be. • Council needs to strongly promote this throughout the community, so that any comment about a loose cat does not lead to friction between neighbours. 	<ul style="list-style-type: none"> • Comments do not directly relate to the Policy but broader uncontained cat management issues. • NSW legislation does not allow Council to implement a cat curfew or cat containment. • The Act prevents councils from responsibly managing unattended or unowned cats in other areas as no offence exists for a cat that attacks another animal. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Not directly related to Policy.
12	<ul style="list-style-type: none"> • Agrees with the intent of the Policy as it stands. Sadly, this Policy does not solve the problem of feral and other cats entering properties and killing natives as well as creating obnoxious smells, and they breed. • What are the options/policies in that regard? 	<ul style="list-style-type: none"> • Comments of support noted. • Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the LGA. This declaration prohibits cats as per section 30(1)(b) of the NSW Companion Animals Act 1998 from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Support of Policy
13	<ul style="list-style-type: none"> • Sees feral cats and foxes in Lugarno. • Has considered engaging social media to draw attention to this, being extremely hostile to the natural environment. Great work. 	<ul style="list-style-type: none"> • Comments of support noted. • Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the LGA. This declaration prohibits cats as per section 30(1)(b) of the NSW Companion Animals Act 1998 from these bushland 	Support of Policy

Attachment 2 - Summary of Submissions – GRC Management of Feral and Infant Companion Animals Policy 2024			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
		<p>reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented.</p> <ul style="list-style-type: none"> • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	
14	<ul style="list-style-type: none"> • Cats should not be allowed to roam freely, they are a serious threat to native wildlife. 	<ul style="list-style-type: none"> • Comments do not directly relate to the Policy but broader uncontained cat management issues. • Current legislation does not require owners to responsibly manage their cats and prevent roaming. • The Act prevents councils from responsibly managing unattended or unowned cats in other areas as no offence exists for a cat that attacks another animal. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. 	Not directly related to Policy.
15	<ul style="list-style-type: none"> • Sub section 1.3.1 Feral Companion Animals item b) A record of the completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility – For what period of time? This should be for a period of 5 years. • Sub-section 1.4.1 – Infant Companion Animals after item a) the following should be added b) <i>A record of completed Animal Assessment Form is to be retained at the Approved Premises or Impounding Facility for a period of 5 years for provision to Council upon request.</i> 	<ul style="list-style-type: none"> • Comments are noted; however, document retention is covered by the Veterinary Practitioners Code of Professional Conduct which is a period of 3 years. • Documents provided to Council as part of impounding process and are kept by Council under State Records Act for a minimum of seven years. • The comments in regard to 1.3.1 and 1.4.1 are supported and it is recommended that the Policy be amended by adding 'for a period of Seven years' into 1.3.1 b) and adding the following wording to a new 1.4.1 b) and renumbering the existing 1.4.1 b) to 1.4.1 c) - A record of the completed Animal Assessment Form is to be retained at the Approved 	Neutral

Attachment 2 - Summary of Submissions – GRC Management of Feral and Infant Companion Animals Policy 2024			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	<ul style="list-style-type: none"> • Current b) Following the completion, should be renamed item c). 	Premises or Impounding Facility for a period of Seven years for provision to Council upon request.	
16	<ul style="list-style-type: none"> • The Policy does not address the cases where these feral animals could be successfully homed through a rescue animal organisation. Seems to be mainly focused on euthanising the majority of these animals. 	<ul style="list-style-type: none"> • The policy provides additional scope to permit alternatives to euthanasia that are not provided by NSW Companion Animals Act 1998, including early release to rehoming organisations. • Where a qualified veterinarian determines through their professional experience that an animal is feral and is not suitable for rehoming, then the provisions of the policy may be enacted. 	Neutral

Item: ENV040-24 Keeping of Animals Policy (2024) - Outcome of Public Exhibition

Author: Manager Environment Health & Regulatory Services

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

That Council adopt the Keeping of Animals Policy (2024) as attached to this report.

EXECUTIVE SUMMARY

1. Council at its meeting on 25 March 2024 considered a report (ENV011-24) regarding a number of policies under review, including the Keeping of Animals Policy (2024) and resolved:
 - (a) *That Council endorse the following draft Policies, as attached to this report, for the purpose of public exhibition for a minimum period of 60 days, in accordance with Section 160 of the Local Government Act, 1993:*
 - *Management of Feral and Infant Companion Animals Policy (2024) (Attachment 1).*
 - *Georges River Smoke Free Policy for Outdoor Areas (2024) (Attachment 2).*
 - *Georges River Council Enforcement Policy (2024) (Attachment 3).*
 - *Keeping of Animals Policy (2024) (Attachment 4).*
 - (b) *That a further report be provided to Council on the outcomes of the public exhibition.*
2. The draft Keeping of Animals Policy (2024) was publicly exhibited for a 120 day period between the 4 April 2024 to 3 August 2024 to allow targeted consultation with key stakeholders. During this period 22 submissions were received from community members, the RSPCA NSW and Pigeon Fanciers Society of NSW Inc. Eight related to the Draft Policy, offering suggestions without any indication for support or opposition and were considered to be neutral, eight submission were not directly related to the Draft Policy, but broader uncontained cat management issues, three made direct reference to support of the Draft Policy whilst three disagreed with the Draft Policy.
3. Those submissions that were against the Draft Policy raised concern over the numerical restrictions for the keeping of cats, the inconsistency between the requirements between dogs and cats and suggested numerical standards be introduced for the keeping of dogs. In response to these submissions the following is provided:
 - Where Council has no independently verified complaint, there is no limitation on the number of animals that can be kept. The number restrictions for cats are only one option that may be implemented to rectify an independently verified nuisance complaint regarding the keeping of animals.
 - Whilst the Draft Policy does not contain a specific number in regard to dogs it does indicate 'numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.'
 - A previous version of this Policy suggested limits on the size and number of dogs based on available property area, however that was not supported by the community.

4. Attachment 2 contains a summary of the submissions received and staff comments to address each of the matters raised.
5. The recommended amendments based on the submissions relate to the following:
 - Requirements for the Keeping of Cats – 4.4.3 amended to specify that one option that may be used when a verified complaint is received regarding a roaming cat is to ensure that the cat is ‘confined on the property’ rather than the previous wording which required the cat to be ‘kept indoors (house, enclosure, shed or garage)’.
 - Requirements for the Keeping of Poultry – 4.11 updated to mirror the requirements of the *Local Government (General) Regulation 2021* rather than relying on a link to this legislation.
6. These suggestions are supported and it is recommended that the draft Policy be amended accordingly. As these amendments are of a clarifying nature, they are not considered to be substantial, and as such Council may adopt the amended draft Policy without further public exhibition. In addition to the above recommended amendments, a number of editorial and legislative reference updates have also been made, with all amendments to the draft Policy shown in Attachment 1 in red text.
7. As the matters raised by the submissions have either been addressed by suggested amendments or explained through clarification and the practical application of the draft Policy it is recommended that the amended version of the draft Keeping of Animals Policy (2024) as contained in Attachment 1 be adopted.

BACKGROUND

8. The *Local Government Act 1993* (the LG Act) under Section 124 (Orders) provides Council with the ability to regulate the keeping of animals on private premises via an Order 18; “Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order”.
9. The Local Government (General) Regulation, 2021 (the Regulation) in Schedule 2, contains standards only for the keeping of swine, poultry, horses and cattle that may be enforced by any Order 18 issued by Council. These standards specify the conditions by which each animal type must be kept on a premises and the distance of any enclosure, used to house animals, is located from a property boundary or a specified type of premise, i.e., a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.
10. As the type of animals listed in the Regulation is rather limited and not reflective of the current broad scope of pet animals, Council used the provisions in Section 159 of the LG Act to prepare a Local Orders Policy (LOP) on the keeping of Animals.
11. The Policy specifies the criteria which Council must take into consideration prior to issuing an Order (Order 18) of Section 124 of the *Local Government Act 1993*, relating to the keeping of animals within any premises. The Policy seeks to inform the community of Council’s regulatory powers concerning the keeping of animals within the Georges River Council Local Government Area (LGA). The Policy details criteria of reasonable limits on maximum numbers, and circumstances under which certain animals may be kept in the interest of amenity and public health when amenity impacts are verified. The Policy is applied when Council verifies a complaint regarding the keeping of animals on a premises in the LGA.
12. The Policy also provides guidance where concerns include both amenity and animal welfare issues and, in such cases, advice will be obtained from an animal welfare enforcement agency. Where a concern solely relates to animal welfare, Council will refer the matter to an animal welfare enforcement agency. In NSW the animal welfare

enforcement agencies under the *Prevention of Cruelty to Animals Act 1979* are the RSPCA, the Animal Welfare League of NSW, NSW Police and the Greyhound Welfare and Integrity Commission.

13. Since the adoption of the Keeping of Animals Policy on 23 March 2020 the following requests have been received from the community regarding animal amenity issues:

Year (Calendar)	Number of Requests	Most Common Animal Types
2020	19	Roosters, chickens and cats
2021	29	Roosters, cats and chickens
2022	28	Cats, roosters and pigeons
2023	49	Roosters, cats, pigeons, goats and chickens
2024	62	Cats, roosters and chickens

14. The requirements of the Policy are still considered relevant and necessary, and whilst Council does not receive a significant number of requests regarding animal amenity, those that are received often take considerable time to resolve and having the support of an overarching Policy to assist with the resolution of these matters on behalf of the community, is most beneficial to Council staff. Following a review of the Policy there was no need to amend its provisions and at its meeting on 25 March 2024, Council resolved to place the draft Policy on public exhibition for a period of 60 days.
15. As with the previous versions of this Policy targeted consultation also occurred during this period by sending a copy of the Draft Policy and seeking comment from Birds Australia, The Avicultural Society of NSW, Australian Pigeon Fanciers Association, Australian Pigeon Fanciers Protection Union, RSPCA, The Cat Protection Society of NSW, Department of Primary Industries, NSW Apiarists' Association, Amateur Beekeepers Association NSW, Office of Environment & Heritage, Illawarra Reptile Society and the Central Cumberland Racing Pigeon Federation Inc.

REPORT

16. The Draft Keeping of Animals Policy (2024) was publicly exhibited for a 120 day period between the 4 April 2024 to 3 August 2024. The draft Policy, whilst on the Your Say platform attracted 71 visits with 22 submissions being made. Eight related to the Draft Policy, offering suggestions without any indication for support or opposition and were considered to be neutral, eight submissions were not directly related to the Draft Policy, but broader uncontained cat management issues, three made direct reference to support of the Draft Policy whilst three disagreed with the Draft Policy.
17. Those submissions that were against the Draft Policy raised concern over the numerical restrictions for the keeping of cats, the inconsistency between the requirements between dogs and cats and suggested numerical standards be introduced for the keeping of dogs. In response to these submissions the following is provided:
- Where Council has no independently verified complaint, there is no limitation on the number of animals that can be kept. The number restrictions for cats are only one option that may be implemented to rectify an independently verified nuisance complaint regarding the keeping of animals.
 - Whilst the Draft Policy does not contain a specific number in regard to dogs, it does indicate 'numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.'

- A previous version of this Policy suggested limits on the size and number of dogs based on available property area, however that was not supported by the community.
18. Attachment 2 contains a summary of the submissions received and staff comments to address each of the matters raised.
 19. The recommended amendments based on the submissions relate to the following:
 - Requirements for the Keeping of Cats – 4.4.3 amended to specify that one option that may be used when a verified complaint is received regarding a roaming cat is to ensure that the cat is ‘confined on the property’ rather than the previous wording which required the cat to be ‘kept indoors (house, enclosure, shed or garage)’.
 - Requirements for the Keeping of Poultry – 4.11 updated to mirror the requirements of the *Local Government (General) Regulation 2021* rather than relying on a link to this legislation.
 20. These suggestions are supported and it is recommended that the draft Policy be amended accordingly. As these amendments are of a clarifying nature, they are not considered to be substantial, and as such Council may adopt the amended draft Policy without further public exhibition. In addition to the above recommended amendments, a number of editorial and legislative reference updates have also been made, with all amendments to the draft Policy shown in Attachment 1 in red text.
 21. The *Local Government Act 1993* at Section 161 - Adoption of draft local policy, outlines the next steps for Council in considering amendments to the draft Policy:
 - “(1) After considering all submissions received by it concerning the draft local policy, the council may decide—
 - (a) to amend its draft local policy, or
 - (b) to adopt it without amendment, or
 - (c) not to adopt it, except where the adoption of criteria is mandatory.
 - (2) If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.”
 22. As the matters raised by the submissions have either been addressed by suggested amendments or explained through clarification and the practical application of the draft Policy it is recommended that the amended version of the draft Keeping of Animals Policy (2024) as contained in Attachment 1 be adopted.

FINANCIAL IMPLICATIONS

23. No budget impact for this report.

RISK IMPLICATIONS

24. No risks identified.


COMMUNITY ENGAGEMENT

25. Community engagement on the draft Policy was conducted via advertisement in St George and Sutherland Shire Leader and also on Council’s website via Your Say platform for a 120-day period between the 4 April 2024 and 3 August 2024.

FILE REFERENCE

D24/147491

ATTACHMENTS

Attachment 1 Draft Keeping of Animals Policy - November 2024



Attachment 2 Summary of submissions - Draft Keeping of Animals Policy





Draft Keeping of Animals Policy

~~March~~ November 2024

Policy administration

Dates	This policy is effective upon its approval. Policy is due for review xxx
Approved by	Council at meeting held on xxx
Policy Type	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
Exhibition Period	xxx – xxx
Policy Owner	Manager Environment, Health and Regulatory Services
Related Documents	Georges River Council - Enforcement Policy, 2021
Appendices	Appendix A – List of web links to applicable reference documents (other than Legislation or Council documents)
References and Legislation	<ul style="list-style-type: none"> • Prevention of Cruelty to Animals Act 1979 (POCTA) Prevention of Cruelty to Animals Act 1979 No 200 - NSW Legislation • Companion Animals Act 1998 (NSW) Companion Animals Act 1998 No 87 - NSW Legislation • Local Government Act 1993 (NSW) Local Government Act 1993 (NSW) • Local Government (General) Regulation 2005-2021 (NSW) Local Government (General) Regulation 2005 (NSW) Local Government (General) Regulation 2021 - NSW Legislation • Protection of the Environment Operations Act 1997 (NSW) Protection of the Environment Operations Act 1997 (NSW) • Environmental Planning and Assessment Act 1979 (NSW) Environmental Planning and Assessment Act 1979: (NSW) • Public Spaces (Unattended Property) Act 2021 (NSW) Public Spaces (Unattended Property) Act 2021 No 38 - NSW Legislation • Food Act 2003 (NSW) Food Act 2003 (NSW) • Biodiversity Conservation Act 2016 (NSW) Biodiversity Conservation Act 2016 (NSW) • Biosecurity Act 2015 (NSW) Biosecurity Act 2015 (NSW) • NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - NSW Legislation

	<ul style="list-style-type: none"> • Animal Welfare Code of Practice – Breeding dogs and cats Department Primary Industries (DPI) Animal Welfare Code of Practice - Breeding dogs and cats (nsw.gov.au) • Beekeeping Code of Practice (DPI) Beekeeping Code of Practice for NSW • Bee Biosecurity Code of Practice (DPI) Biosecurity Code of Practice (nsw.gov.au) • NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading birds (DPI) NSW Code of Practice No 4 - Keeping and Trading of Birds • Code of Practice for the Private Keeping of Reptiles, Office Environment & Heritage (OEH) Code of Practice for the Private Keeping of Reptiles NSW Environment and Heritage • Hygiene Protocol for the Control of Disease in Captive Snakes (OEH) Hygiene protocol for the control of disease in captive snakes (nsw.gov.au) • Model Code of Practice: Domestic poultry Commonwealth Scientific and Industrial Research Organisation (CSIRO) Scarm83Text (csiro.au) • Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits (Australian Agricultural Council) Australian Animal Welfare Standards and Guidelines - DAFF (agriculture.gov.au) • NSW Pest fish list (DPI) Freshwater pests Department of Primary Industries (nsw.gov.au)
Document Identifier	Policy #: Pol-071.02 Doc Number: D22/132476
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with Council's Enforcement Policy.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

Purpose

This Policy specifies the criteria which Council must take into consideration prior to issuing an Order (Order 18) of Section 124 of the [Local Government Act 1993](#), relating to the keeping of animals within any premises. This policy seeks to inform the community of Council's regulatory powers concerning the keeping of animals within the Georges River Local Government Area (LGA).

A nuisance may arise from the keeping of animals. This Policy details criteria of reasonable limits on maximum numbers, and circumstances under which certain animals may be kept in the interest of amenity and public health when amenity impacts are verified.

The Policy is applied when Council verifies a complaint regarding the keeping of animals on a premises in the Local Government Area.

Scope

This policy does not apply to the keeping of animals for business or commercial purposes where prior Development Consent of Council is required under the [Environmental Planning and Assessment Act 1979 \(NSW\)](#).

This policy should be read in conjunction with Council's Enforcement Policy.

Definition of Terms

Term	Meaning
Amenity Impact	Includes disturbance from the keeping of animals due to noise, odour, dust, vermin, effluent or the unsightliness of structures used to house animals
Animal	'Animal' includes a mammal, bird, reptile, amphibian or fish. 'Animal' does not include a human being (as defined by the Prevention of Cruelty to Animals Act 1979, NSW).
Authorised Officer	An employee of Georges River Council provided with delegated authority to act under the Local Government Act 1993
Certain Prescribed premises	An adjoining 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
Council	Georges River Council
DPI	NSW Department of Primary Industries

Livestock	Includes cattle, horses, donkeys, mules asses, camels, sheep, goats and deer; including any that are a 'mini' breed of these animals.
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Policy Statement

1. Policy objectives

- 1.1. The objective of this Policy is to publicly notify the circumstances that the Council will consider in determining whether to serve an Order No. 18 under Section 124 of the [Local Government Act 1993](#) to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals
- 1.2. In achieving the above objective, the following associated objectives will also be achieved:
 - To minimise nuisance caused by noise, odour or vermin through the keeping of animals and to maximise residential amenity, and
 - To ensure the keeping of animals does not compromise the environment or minimum standards of building, public health, safety and convenience.
- 1.3. To guide the enforcement process in the investigation of a complaint relating to the keeping of animals.

2. Application

- 2.1. This policy applies to the occupier of all premises within the LGA where a complaint regarding an amenity impact from the keeping of an animal has been verified by an Authorised Officer of Council.
- 2.2. The Policy does not apply to commercial or business premises operating under a Development Consent or strata managed premises where the amenity impact is contained to within that premises.

3. Principles

3.1. Keeping of Animals generally

- 3.1.1. Animals are usually kept by residents without difficulty or nuisance. However, on occasion a nuisance may arrive that has an adverse impact on the surrounding amenity, resulting in the lodgement of a complaint. When a complaint is verified by Council, the Authorised Officer may apply the criteria outlined in section 4 in order to resolve the complaint (i.e., to mitigate any nuisance or improve the amenity of neighbours).
- 3.1.2. Generally, the number and kind of animal that is suitable to be kept on any premises will be determined having regard to the size of the available yard (free land mass area) and the distance to the nearest dwelling or other **certain prescribed** premises, and the likely impact upon the amenity of any neighbouring premises.
- 3.1.3. Where the number of animals kept on any premises before the commencement of this Policy exceeds that shown for each animal, there

is no immediate requirement to reduce animal numbers to comply with this Policy. Should a nuisance be caused as a result of the additional animals, then this exemption does not prevent Council from issuing an order to comply with this Policy.

- 3.1.4. Council will consider on its merits any request to vary the numerical standards contained within this Policy for the keeping of animals on a premises subject to the Policy on the submission of substantive supporting evidence.
- 3.1.5. Animals are to be kept in a manner which does not:
- a) create unsanitary or unhealthy conditions,
 - b) attract or provide harbourage for vermin,
 - c) create offensive noise or odours,
 - d) cause a drainage or dust nuisance,
 - e) create a waste disposal problem,
 - f) unreasonably affect the amenity of neighbouring residents,
 - g) cause nuisance due to proliferation of flies, lice, fleas or other insects, and
 - h) cause any ill health or distress to the animals.
- 3.1.6. All animals are to be housed in suitable shelters complying with specific keeping requirements for specified animals as contained in this Policy. Animal shelters not deemed exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will require approval via a complying development certificate or development consent.
- 3.1.7. Design guidelines for the size, layout and construction of animal shelters are produced by various animal welfare organisations including the NSW Department of Primary Industries and may be referenced by this policy. These documents are accurate of the time of adoption of this policy, however nothing in this policy prevents the use of an updated version of these documents.

3.2. Council's Powers to Control and Regulate the Keeping of Animals

- 3.2.1. Councils power to control and regulate the keeping of animals is provided under Section 124 of the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#). ~~Local Government (General) Regulation 2005~~ [Local Government \(General\) Regulation 2021 - NSW Legislation](#)
- 3.2.2. Council may, (although not limited to) issue an Order to:
- a) prohibit the keeping of various kinds of animals,
 - b) restrict the number of various kinds of animals,
 - c) require that animals are kept in a specific manner,
 - d) demolish animal shelters built without prior approval, and
 - e) require the occupier to do or to refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

3.3. Breaches and Sanctions

- 3.3.1. Any regulatory action relating to the enforcement of this policy will be in accordance with Council's Enforcement Policy. Council staff will consider the impact of any Policy non-compliance on community amenity before deciding to take regulatory action. A breach of the numerical standards contained within this Policy alone will not necessarily result in regulatory action being taken by Council.

4. Criteria that may be applied when amenity impacts are verified.

- 4.1. The following criteria may be utilised by Council Authorised Officers when seeking to resolve verified complaints regarding the keeping of animals.

4.2. The Keeping of Bees

Criteria that may be applied to verified complaints:

- 4.2.1. Beekeepers must be registered with the NSW Department of Primary Industries (NSW DPI) and must comply with the Beekeeping and Bee Biosecurity Codes of Practice for NSW.
- 4.2.2. Beehives must be identified by branding all brood boxes with their registration number.
- 4.2.3. Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with a disease.
- 4.2.4. Complaints about beehives are to be directed to the Director-General of the NSW DPI.

Residential Areas:

- 4.2.5. In urban areas, the number of hives permitted to be kept on a premises of certain sizes is specified in the table below:

Free land mass area (metres square)	Max. number of hives
< 400	2
>400 and less than 1000	4
>1000	8

- 4.2.6. Beekeepers must obtain permission from the owners of private lands or from the authority of government controlled lands before placing beehives on such lands.
- 4.2.7. Beehives should not be located within 100m of schools, childcare centres, hospitals or other public facilities.
- 4.2.8. A suitable barrier must be erected close to the landing board to force flight paths above two metres.
- 4.2.9. Beehives are not to be positioned in the front yard of domestic premises.
- 4.2.10. Swarming must be controlled. This may be achieved by re-queening regularly with a reduced swarming strain, population control or temporarily splitting into smaller hives.
- 4.2.11. A permanent water source suitable for bees is to be provided at the property storing the beehive.

4.2.12. The beehive is not to be located within nine metres of any neighbouring swimming pool.

4.2.13. Beehives are to be regularly monitored for signs of disease.

4.2.14. The keeping of bees in unit and townhouse developments is not permitted.

Note (i): Beekeepers are encouraged to increase and update their knowledge by attending training and/or belonging to a beekeeping association.

Note (ii): Beekeepers are encouraged to contact their immediate adjoining neighbours prior to establishing beehives to consider any impacts that may arise from persons vulnerable to bee stings.

Wild Hives

4.2.15. Any person having a wild beehive on their property must consult the NSW DPI for advice on controlling the beehive.

Note: A wild beehive is described as introduced bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

4.3. The Keeping of Birds (other than poultry or pigeons)

Criteria that may be applied to verified complaints:

4.3.1. There is no maximum number of birds permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.

4.3.2. Aviaries and cages must be:

- a) constructed of appropriate materials (new or good quality second hand materials) and maintained to these standards during their use.
- b) constructed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
- c) maintained by the owner so as to avoid the escape of birds.
- d) managed to prevent excessive noise and odour.
- e) operated in accordance with the Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia and NSW Animal Welfare Code of Practice No 4 - Keeping and Trading of Birds.

4.3.3. Vermin proof food storage facilities must be provided.

4.3.4. A continuous rodent and pest control program must be in place.

4.4. The Keeping of Cats

Criteria that may be applied to verified complaints:

4.4.1. The maximum number of cats permitted to be kept on any property is four.

4.4.2. All cats kept on any property must be microchipped and receive appropriate care.

4.4.3. Where Council receives verified complaints regarding a roaming cat, the cat is to be prevented from leaving from the property at which it is

ordinarily kept by being **confined on the property**. ~~kept indoors (house, enclosure, shed or garage).~~

- 4.4.4. Any enclosure used for housing cats shall be in accordance with Section 6, Table 2: Minimum Sizes for Cat Enclosures; DPI Animal Welfare Code of Practice – Breeding dogs and cats.

Note 1: Further information regarding the keeping of dogs and cats can be found in the [Companion Animals Act 1998](#). Owners of cats are encouraged to de-sex their cats to prevent unwanted litters and keep them contained to minimise the impact on native wildlife or nuisance to neighbouring residents.

Note 2: The criteria contained in 4.4.1 will only be applied where there are verified amenity impacts and where there are also concerns with the welfare of the cats following advice from the animal welfare enforcement agencies. Where a concern solely relates to animal welfare, Council will refer the matter to an animal welfare enforcement agency. In NSW the animal welfare enforcement agencies under the Prevention of Cruelty to Animals Act 1979 are the RSPCA, the Animal Welfare League of NSW, NSW Police and the Greyhound Welfare and Integrity Commission.

4.5. The Keeping of Dogs

Criteria that may be applied to verified complaints:

- 4.5.1. There are no specific limitations for the number of dogs permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.

Note: Further information regarding the keeping of dogs and cats can be found in the [Companion Animals Act 1998](#). Owners of dogs are encouraged to de-sex their animals to prevent unwanted litters.

4.6. The Keeping of Fish

Criteria that may be applied to verified complaints:

- 4.6.1. There are no specific limitations for the number of fish permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.
- 4.6.2. Species listed in Schedule 2 of the [Biosecurity Act 2015](#) and DPI Pest Fish list, are classed as prohibited matter and must not be kept.
- 4.6.3. Ponds are to comply with the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 - NSW Legislation](#) requirements.
- 4.6.4. Pond water is to be maintained to prevent the harbouring of mosquito larvae.
- 4.6.5. Pond water filtration pumps must not be used in a manner that creates a noise nuisance to adjoining properties.
- 4.6.6. Ponds must be provided with shade which includes aquatic plants.

- 4.6.7. Food must be provided that suits the species of aquatic organism(s) being kept.
- 4.6.8. Ponds must be provided with fencing or a cover to protect fish from predation.
- 4.6.9. All deceased or unwanted fish and aquatic plants must be disposed of via an approved waste disposal system. Fish and aquatic plants must not be disposed of into any type of waterway, pond or dam.

4.7. The Keeping of Ferrets and Guinea Pigs

Criteria that may be applied to verified complaints:

- 4.7.1. No more than four adult animals may be kept at any one premises.
- 4.7.2. Hutches and cages must be:
 - a) kept clean at all times; and
 - b) of a construction standard that will prevent escape.
- 4.7.3. Ferrets and Guinea Pigs must be caged and/or secured at all times from escape and are not permitted to free range.
- 4.7.4. It is recommended that ferrets are de-sexed from four to six months of age.
- 4.7.5. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.

4.8. The Keeping of Livestock

Criteria to be applied to verified complaints:

- 4.8.1. Livestock are not permitted to be kept within the LGA.

4.9. The Keeping of Pigeons

Criteria that may be applied to verified complaints:

- 4.9.1. The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the LGA is permitted and the following conditions may apply:

Standard Requirements:

- 4.9.2. A maximum 20 pigeons except as permitted for Racing Pigeons (see below) may be kept.
- 4.9.3. Pigeons must be housed in purpose built facilities at least 15m from ~~prescribed~~ certain premises.
- 4.9.4. Aviaries (Lofts) must be constructed on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground. Lofts must be enclosed to prevented food or waste becoming wet.
- 4.9.5. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from the loft or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.

- 4.9.6. Keeping of pigeons is only permissible on residential properties that have single dwelling or dual occupancy development.
- 4.9.7. Pigeons must be fed within the aviaries/lofts.
- 4.9.8. Free lofting of pigeons (that is allowing pigeons to freely roam outside of their Aviary (loft) in a residential area is not permitted at any time, except as permitted for Racing Pigeons (see below)
- 4.9.9. Pigeons are not allowed to roost on neighbouring buildings. Aviary (Loft) doors and traps must be locked at all times except as permitted for Racing Pigeons (see below).
- 4.9.10. Food must be stored in sealed vermin proof containers and must not be left uncovered.
- 4.9.11. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.9.12. Council is to be notified of the keeping of pigeons, construction of the loft of less than 10 sqm, and any activity not considered a hobby.

Racing Pigeon Requirements:

- 4.9.13. In addition to the above controls the following requirements may apply specifically to the keeping of Racing Pigeons:
 - a) The maximum number of racing pigeons that may be kept on premises within a residential area is 120 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 Policy.
 - b) Racing pigeon Aviaries (lofts) are to have adequate visible landing platforms.
 - c) Pigeons must have a leg band with the club name, and unique ID number.
 - d) Exercising/free flight is to occur between 7:00am and 8.00am and between 4.00pm and 5:00pm give or take 15mins either side of the time restrictions at all other times the pigeons must be kept within their enclosure. All exercise should be conducted under close supervision by the owner.
 - e) The exit and entry of these birds from the Aviary (loft) must be controlled by the keeper. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.

4.10. The Keeping of Pigs (Swine)

Criteria to be applied to verified complaints:

- 4.10.1. Pigs are not permitted to be kept within the LGA.

4.11. The Keeping of Poultry

Criteria that may be applied to verified complaints:

~~*Poultry must be kept in accordance with the Local Government (General) Regulation 2005, Part 5, Schedule 2 – Division 2, clauses 19 and 20.*~~

4.11.1. Poultry must be kept in accordance with the Local Government (General) Regulation 2021, Schedule 2, Part 5, – Division 2, clauses 19 and 20 which currently requires:

- a) Fowls (that is, birds of the species Gallus gallus) or guinea fowls must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- b) Poultry (other than fowls referred to in subsection (1)) must not be kept within 30 metres of any building referred to in subsection (1).
- c) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subsection does not apply to poultry houses—
 - (a) that are not within 15.2 metres of a dwelling, public hall or school, or
 - (b) that are situated on clean sand.

4.11.2. Poultry must be housed in purpose built facilities.

4.11.3. Food must be stored in sealed vermin proof containers and must not be left uncovered.

4.11.4. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.

4.11.5. Outside runs must be free draining, not discharge onto neighbouring properties and not be allowed to become muddy.

4.11.6. The total numbers of poultry (excluding pigeons and other birds) kept on premises must not exceed the maximum amount specified below.

Type	Maximum Numbers
Peacocks	Nil
Roosters	Nil
Ducks	2
Geese	Nil
Swans	Nil
Turkeys	Nil
Fowls (female chickens)	5
Pheasants	5
Quails	5
Pea Fowls	2
Total Combined Number per property	10 maximum

4.11.7. The slaughtering of poultry is not permitted.

4.12. The Keeping of Rabbits

Criteria that may be applied to verified complaints:

4.12.1. No more than two adult domestic rabbits may be kept on premises.

- 4.12.2. Rabbits being kept in residential areas must not be kept closer than 9 metres to a **certain** premises.
- 4.12.3. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.12.4. Rabbits must be of a recognised domestic breed and be kept in a rabbit proof enclosure.
- 4.12.5. Rabbits are to be kept in accordance with the Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits.
- 4.12.6. Rabbits should be de-sexed to prevent unwanted litters.

4.13. The Keeping of Reptiles

Criteria that may be applied to verified complaints:

- 4.13.1. There is no maximum number of reptiles permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.
- 4.13.2. Reptiles may only be kept if in accordance with the [Office of Environment & Heritage Code of Practice for the Private Keeping of Reptiles](#) and [NSW Department of Environment and Climate Change – Hygiene Protocol for the Control of Disease in Captive Snakes](#), this includes obtaining a licence to keep reptiles.

Note: Reptiles must be obtained from a licensed breeder and not taken from the natural environment.

4.14. The Keeping of Rodents

Criteria that may be applied to verified complaints:

- 4.14.1. No more than 4 adult rats or 10 adult mice are permitted on a premises.
- 4.14.2. Only domesticated breeds of rats and mice are permitted to be kept.
- 4.14.3. Cages must be of a construction standard that will prevent escape.
- 4.14.4. Rodents must be caged and/or secured at all times from escape and are not permitted to free range.
- 4.14.5. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.14.6. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.

5. General Notes

- 5.1. Policy details may change prior to review date due to legislative changes.
- 5.2. Further information regarding the keeping of dogs and cats can be found in the [Companion Animals Act 1998](#).

Responsibilities

Position	Responsibility
Authorised Officer (within the Environment Health and Regulatory Services Section)	<ul style="list-style-type: none"> To effectively participate in policy training. To follow the policy outlined. To report any barriers or concerns relating to policy implementation to the Coordinator without undue delay. To effectively participate in document review. To make decisions relating to the investigation of alleged unlawful activity with the support of the Coordinator.
Coordinator (within the Environment Health and Regulatory Services Section)	<ul style="list-style-type: none"> To effectively train, guide and monitor staff in policy implementation. To effectively respond to reported concerns or barriers to policy implementation. To be an active advocate for policy implementation. To effectively coordinate and participate in policy review. To ensure policy requirements remain consistent with Council Policy and Organisational objectives. To review decisions relating to investigation of alleged unlawful activity made by an Authorised Officer.
Manager Environment Health and Regulatory Services	<ul style="list-style-type: none"> To effectively respond to reported concerns or barriers to policy implementation. To be an active advocate for policy implementation. To effectively coordinate and participate in policy review. To ensure policy requirements remain consistent with Council Policy and Organisational objectives.
Councillors	<ul style="list-style-type: none"> To refer customers that have allegations of unlawful activity to appropriate Council officers/Managers to ensure appropriate action is taken. Councillors are not to make decision around the way unlawful activities are investigated and/or prosecuted. Councillors are prohibited from involvement in the day to day operation and management decisions around enforcement and prosecution. Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly.

Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
KCC	Kogarah City Council – Local Orders Policy No. 18 – The keeping of Birds and Animals	Kogarah Governance	14/12/2015 – 20/04/2020
HCC	Hurstville City Council – Local Orders Policy – Keeping of Animals.	Hurstville Governance	01/07/2015 – 20/04/2020
1.0	New Georges River Council Keeping of Animals Policy 2020 Publicly exhibited 28/06/2019 – 2/08/2019 Approved by Council Resolution CCL013-20 (ENV006-20)	Manager Environment, Health and Regulatory Services	20/04/2020 – 31/10/2022
2.0	Review of policy within 12 months of ordinary election as required under section 165 of the Local Government Act 1993. Seeking approval of the Council to place Georges River Council Keeping of Animals Policy 2022 (Version 2) on public exhibition 15 August to 12 September 2022	Manager Environment, Health and Regulatory Services	31/10/2022 – 25/11/2024
3.0	Georges River Council Keeping of Animals Policy 2024 <ul style="list-style-type: none"> • Updated legislative references. • Added hyperlinks to referenced documents. • Change Prescribed Premises to Certain Premises to reflect Local 	Manager Environment, Health and Regulatory Services	25/11/2024 - ongoing

	<p>Government (General) Regulation 2021.</p> <ul style="list-style-type: none">• Requirements for the Keeping of Cats – 4.4.3 amended to specify 'confined on the property' rather than 'kept indoors'.• Requirements for the Keeping of Poultry – 4.11 updated to reflect requirements of Local Government (General) Regulation 2021		
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APPENDIX A – ADDITIONAL WEB BASED RESOURCES AND INFORMATION

[DPI Breeding Dogs and Cats Code of Practice](#)

[DPI Code of Practice Bee Keeping](#)

[The Australian Honey Bee Industry Biosecurity Code of Practice](#)

[NSW Code of Practice No 4 - Keeping and Trading of Birds](#)

[Office of Environment & Heritage Code of Practice for the Private Keeping of Reptiles](#)

[NSW Department of Environment and Climate Change – Hygiene Protocol for the Control of Disease in Captive Snakes](#)

[Model Code of Practice for Welfare of Animals – Domestic Poultry](#)

[Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits](#)

[DPI – Caring for Animals & Livestock](#)

[DPI – Aquatic Biosecurity – Caring for Fish](#)

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
1	<ul style="list-style-type: none"> • Should be limits on the number of cats you can own. Agrees with the desexing of cats, question raised as to whether Council can enforce (4.4.2 of Policy) • Welfare of animals should be dealt with by the State Government, not enforceable. • 4.4.2 should be deleted from the Policy. 	<ul style="list-style-type: none"> • Submission questions the legality of clause 4.4.2. of the Policy which requires: - All cats kept on any property must be microchipped and receive appropriate care. • Microchipping requirement – whilst this is a requirement of the <i>Companion Animals Act 1998</i>, (the Act) there is no impediment to repeating this in the Policy to provide all requirements in one location. Further, microchipping is a matter that Council staff will enforce in regard to any complaint received regarding the keeping of animals. • Appropriate Care requirement – the submission states that this is not something that Council can enforce, which is acknowledged by the Policy in Note 2 under 4.4 which indicates - In NSW, the animal welfare enforcement agencies under the <i>Prevention of Cruelty to Animals Act 1979</i> are the RSPCA, the Animal Welfare League of NSW, NSW Police and the Greyhound Welfare and Integrity Commission. Again, this requirement is provided in the Policy to ensure all requirements relating to responsible pet management are in one location and Council will, if required, refer any matters of animal welfare to the appropriate agency. 	Submission related to the Policy, offering suggestions without any indication for support or opposition and is considered to be Neutral .
2	<ul style="list-style-type: none"> • Domestic cats should be kept indoors 24/7. • Cats hunt wildlife and defecate on gardens. • Owners should take more responsibility. 	<ul style="list-style-type: none"> • NSW legislation does not allow Council to implement a cat curfew or cat containment. • The Act prevents councils from responsibly managing unattended or unowned cats as no offence exists for a cat that attacks another animal. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. • Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the Local Government Area. This declaration prohibits cats as per section 30(1)(b) of the Act from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. 	Not directly relevant to Policy.

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
3	<ul style="list-style-type: none"> Cats should be required to be kept indoors or enclosed to protect wildlife and prevent them from causing a nuisance. 	<ul style="list-style-type: none"> NSW legislation does not allow Council to implement a cat curfew or cat containment. The <i>Companion Animals Act 1998</i> (the Act) prevents councils from responsibly managing unattended or unowned cats as no offence exists for a cat that attacks another animal. Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the Local Government Area. This declaration prohibits cats as per section 30(1)(b) of the Act from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. 	Not directly relevant to Policy.
4	<ul style="list-style-type: none"> Supports that all pets/domesticated animals whether owned or cared for must be desexed. GRC could run free stray desexing program. 	<ul style="list-style-type: none"> Council is unable to mandate desexing of animals except in limited cases under the <i>Companion Animals Act 1998</i>. Council currently operates a heavily subsidised desexing program for companion animals and since the commencement of this program over 100 animals have been desexed. 	Not directly relevant to Policy.
5	<ul style="list-style-type: none"> Domestic pets should be kept in houses with a yard. The number allowed should be limited to size of property, suggests one per 300m² of property capped at 3 pets. Only small pets should be kept in units/apartments and should be limited to 1 per unit. 	<ul style="list-style-type: none"> The majority of criteria for the keeping of animals within the Policy is consistent with this comment, however under the <i>Companion Animals Act 1998</i>, Cats are not required to be responsibly controlled by their owners and Council cannot override that legislation. A previous version of this Policy suggested limits on the size and number of dogs based on available property area, however that was not supported by the community. 	Submission related to the Policy, offering suggestions without any indication for support or opposition and is considered to be Neutral .

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
		<ul style="list-style-type: none"> Animal number and sizes are a matter for the body corporate of specific units/apartments and are not covered by this Policy. 	
6	<ul style="list-style-type: none"> Comment unrelated to Policy. 	<ul style="list-style-type: none"> Comments do not directly relate to the Policy 	Not directly relevant to Policy.
7	<ul style="list-style-type: none"> 100% supports the Policy on keeping cats. Cats should be chipped, locked in and desexed. 	<ul style="list-style-type: none"> Comments of support noted. 	Support
8	<ul style="list-style-type: none"> It should be compulsory for cats to be desexed, if not Council should be advocating for this to occur. There are no longer lizards and blue tongue lizards because the cats attack them. Cats should be kept inside – work on making that compulsory. 	<ul style="list-style-type: none"> Council is unable to mandate desexing of animals except in limited cases under the <i>Act</i>. Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the Local Government Area. This declaration prohibits cats as per section 30(1)(b) of the <i>Act</i> from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. The <i>Act</i> prevents councils from responsibly managing unattended or unowned cats as no offence exists for a cat that attacks another animal. Council has previously written to the NSW State Government seeking support to amend the <i>Act</i> to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. Council may wish to consider a resolution as suggested to amend current legislation to prevent cats from roaming. 	Submission related to the Policy, offering suggestions without any indication for support or opposition and is considered to be Neutral .
9	<ul style="list-style-type: none"> <u>Keeping of fish</u> does not prevent someone building a fishpond in a front yard which a child could drown in – this should be regulated. 	<ul style="list-style-type: none"> Clause 4.6.3 of the Policy refers to <i>NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> which permits a pond to be constructed as exempt development provided that it does not have a water depth of more than 300mm. A pond with a depth 	Submission related to the Policy, offering suggestions without any

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	<ul style="list-style-type: none"> • <u>Keeping of cats and dogs</u> is inconsistent – if required to keep cats indoors due to straying and nuisance the same should apply to dogs who stray and/or cause nuisance. • Too often people leave howling dogs outside unable to hear them while they interrupt quiet enjoyment of neighbours – the Policy should also allow for a provision that dogs also be required to be kept indoors, which generally stops the howling. • Owners of cats should be required as much as practicable to keep cats indoors at night to protect wildlife and to extend the life of the cats to prevent them dying on the roads. • <u>Keeping of Poultry</u> should retain the distance from prescribed premises which was previously in the Policy and is still in the Policy for pigeons. The impact of chickens and pigeons is very similar, noise, smell, dust and vermin. Had to get cats to deal with vermin coming from neighbours' chickens, geese and ducks – walls of house were full of rats. • Residents with poultry should be required to have their soil tested for lead before eating the eggs – recent study showed lead in soil can end up in the eggs posing a risk to human consumption. 	<p>greater than 300mm is required to be fenced consistent with the <i>Swimming Pools Act 1992</i>.</p> <ul style="list-style-type: none"> • The control requirements for dogs and cats are different because the <i>Companion Animals Act 1998</i>, requires dogs to be kept on a premises and can only leave the premises if under the effective control of a person over the age of 16 years and on a leash. These legislative requirements do not apply to cats and the Policy addresses this by including restrictions for verified complaints regarding cat roaming. • Noise complaints regarding howling dogs is regulated under the <i>Protection of the Environment Operations Act 1997</i>. However, to be consistent with other clauses in the Policy where reference to other legislation is made, it is recommended that the following note be added in regard to noise nuisance from dogs: <ul style="list-style-type: none"> - Note: Consistent with NSW Environment Protection Authority's Noise Guide for Local Government and Fact Sheet – dealing with barking dogs, Council requires complaints from more than one resident before commencing an investigation into a barking dog complaint. Members of the community who suffer a personal nuisance from a barking dog can escalate the matter independently of Council. It is recommended that the complainant first approach their neighbour in a respectful manner to discuss concerns in an attempt to resolve the matter. Where this approach does not resolve the issue, the following options are available: <ul style="list-style-type: none"> - Mediation – The local Community Justice Centre can assist with mediation and further details regarding this option can be found at http://www.cjc.justice.nsw.gov.au/ - Noise Abatement Order – The Local Court can issue a Noise Abatement and further details regarding this option can be found at https://www.epa.nsw.gov.au/your- 	<p>indication for support or opposition and is considered to be Neutral.</p>

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
		<p>environment/noise/neighbourhood-noise/seeking-noise-abatement-orders</p> <ul style="list-style-type: none"> • NSW legislation does not allow Council to implement a cat curfew or cat containment. • The Policy makes reference to the legislative source for the setback distances for the keeping of Poultry, however, to be consistent throughout the Policy is recommended that 4.11.1. be amended as follows: <p>Current 4.11.1 - Poultry must be kept in accordance with the <i>Local Government (General) Regulation 2005</i>, Part 5, Schedule 2 – Division 2, clauses 19 and 20.</p> <p>Proposed 4.11.1 Poultry must be kept in accordance with the <i>Local Government (General) Regulation 2021</i>, Schedule 2, Part 5, – Division 2, clauses 19 and 20 which currently requires:</p> <p>(1) Fowls (that is, birds of the species <i>Gallus gallus</i>) or guinea fowls must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.</p> <p>(2) Poultry (other than fowls referred to in subsection (1)) must not be kept within 30 metres of any building referred to in subsection (1).</p> <p>(3) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subsection does not apply to poultry houses—</p> <p>(a) that are not within 15.2 metres of a dwelling, public hall or school, or</p> <p>(b) that are situated on clean sand.</p> • The comments regarding lead are noted but are not directly related to the Policy. 	
10	<ul style="list-style-type: none"> • Wants the new amended Policy adopted urgently. 	<ul style="list-style-type: none"> • Comments of support noted. 	Support

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	<ul style="list-style-type: none"> Had issue with a neighbour keeping excessive numbers of cats in oversized cages – suffered adverse health and safety effects from this. 		
11	<ul style="list-style-type: none"> Section 4.4 – The Keeping of Cats requires strengthening to prevent cats roaming freely at all times. Large number of wild birds visited yard until recently when a number of cats were allowed to roam free resulting in a number of birds being killed. Noticeable decline in blue tongue lizards due to cats roaming freely. The necessity of disposing of the remains of the killed birds is distressing as the unpleasant task of constantly cleaning-up the faeces of cats belonging to others with no connection to the property. Irresponsible actions of cat owners must be addressed to ensure the protection of native wildlife and the detrimental impact on the neighbourhood. 	<ul style="list-style-type: none"> NSW legislation does not allow Council to implement a cat curfew or cat containment. The Act prevents councils from responsibly managing unattended or unowned cats in other areas as no offence exists for a cat that attacks another animal. Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the LGA. This declaration prohibits cats as per section 30(1)(b) of the <i>Companion Animals Act 1998</i> from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. 	Submission related to the Policy, offering suggestions without any indication for support or opposition and is considered to be Neutral .
12	<ul style="list-style-type: none"> Disagrees with Council potentially limiting the number of cats a resident can own to 4, whereas the number of dogs being owned by a resident is unlimited. Provided a person takes responsible steps such as registering and desexing their cats, they should be allowed to keep an unlimited number. If set number is to be imposed by Council, that some number should be applied to dogs. 	<ul style="list-style-type: none"> Whilst the Policy does not contain a specific number in regard to dogs it does indicate 'numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.' The number restrictions for cats are only one option that may be implemented to rectify an independently verified nuisance complaint regarding the keeping of animals. Where there is no independently verified complaint there is no limitation on the number of animals that can be kept. 	Against.

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	<ul style="list-style-type: none"> The more dogs owned, the higher likelihood of there being noise issues as a result. 	<ul style="list-style-type: none"> A previous version of this Policy suggested limits on the size and number of dogs based on available property area, however that was not supported by the community. 	
13	<ul style="list-style-type: none"> Changes proposed to the maximum number of cats (4) is unfair – inconsistent to that of other animals such as dogs (no max) and Pigeons (20, 120 racing). The noise from dogs is a continued and growing concern to peaceful tranquillity in the suburbs. One dire cat investigation case should not pre-determine this harshness in change of Policy. Suggests both cats and dogs should be each limited to a maximum of 6. 	<ul style="list-style-type: none"> The number restrictions for any animal are only one option that may be implemented to rectify an independently verified nuisance complaint regarding the keeping of animals. Where there is no independently verified complaint there is no limitation on the number of animals that can be kept. Noise issues associated with dogs has been addressed above, under submission 9. Council investigates 40 requests on average per year in regarding cats and can be extremely time consuming and difficult to resolve without specific and workable criteria in a Policy as there is no requirement under The <i>Companion Animals Act 1998</i> for owners to responsibly manage their animals. The current number restrictions are working appropriately since the last version of the Policy was adopted in 2021 and there is no verifiable evidence presented to suggest that these numbers should be changed. 	Against.
14	<ul style="list-style-type: none"> With regards to 4.4.3 Where Council receives verified complaints regarding a roaming cat, the cat is to be prevented from leaving from the property at which it is ordinarily kept by being kept indoors (house, enclosure, shed or garage). Suggests this be revised to remove "by being kept indoors (house, enclosure, shed or garage)". Cats can be prevented from leaving their owner's property in a variety of different ways that do not require them to be confined solely indoors. Safe access to the outdoors can be very important for a cat's health and 	<ul style="list-style-type: none"> Comments are supported and it is recommended that the words 'confined on the property' are used in place of the words 'kept indoors' in 4.4.3, as this provides some additional flexibility should a person be able to utilise cat-proof fencing. The comments regarding containment are acknowledged however the policy permits some flexibility for what method of control is adopted, including an enclosure that may be located outside. 	Submission related to the Policy, offering suggestions without any indication for support or opposition and is considered to be Neutral .

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	<p>wellbeing, especially one who has been accustomed to free roaming.</p> <ul style="list-style-type: none"> Concerned about the suggestion that cats can be kept confined to only an enclosure, shed, or garage as this could lead to poor welfare. Cats can also be prevented from roaming away from their owner's property by constant supervision while outdoors and using cat escape-proof fencing. 		
15	<ul style="list-style-type: none"> Should be more Council Rangers fining people who set their dogs free in parks near children. Have been attacked by dogs half a dozen times within two years and do not find local parks safe as a result. Some dog owners struggle to have control over their dog. 	<ul style="list-style-type: none"> Comments do not directly relate to the Policy 	Not directly relevant to Policy.
16	<ul style="list-style-type: none"> Too many dogs in Oatley and they all bark whilst taking daily walks. It's not just annoying to the people who walk, jog or deliver mail, doesn't know how neighbours cope with all the barking. 	<ul style="list-style-type: none"> Comments do not directly relate to the Policy 	Not directly relevant to Policy.
17	<ul style="list-style-type: none"> Would like Council to reconsider the number of fancy pigeons allowed to be kept. That number should be the same number as Racing Pigeons, which is 120. Noting that all Fancy Pigeons entered, to be shown, have to be owned by a member of a recognised Fancy Club. The bird has to be rung with a permanent leg band, which has a unique ID number, which 	<ul style="list-style-type: none"> The number restrictions for fancy class pigeons are only one option that may be implemented to rectify an independently verified nuisance complaint regarding the keeping of animals. Where there is no independently verified complaint there is no limitation on the number of birds that can be kept. 	Submission related to the Policy, offering suggestions without any indication for support or opposition and is considered to be Neutral .

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	is distributed by our National Club, Australian National Pigeon Association.		
18	<ul style="list-style-type: none"> Well worded and worthwhile policy that should help deal with nuisance people and their animals. Controls listed for verified nuisances for most other animals though Section 4.5 Keeping dogs does not have any criteria applied, why? Are there laws that exist that you cannot put a number on? How will enforcement staff make a determination on a number that will allow law enforcement action to occur, the current wording is open to subjectivity. Has looked at other Council’s policies that have good ideas, even the old Kogarah and Hurstville policies listed the number of dogs that could be kept, why is this not specified? Does not agree that taking the number of dogs out as a law enforcement tool is a good idea. When a neighbour has 5 large dogs in a small backyard that constantly bark, wine and the property stinks, thinks placing limited numbers would be a good idea. Strongly suggests this is included, Wants something done about cats, has previously complained to Council and Senior officer who advised the State Government need to change laws to stop cats attacking native animals. Wants Councillor to write to the State Government to have laws changed. Person is sick of cats defecating in yard and killing the lizards. Why are the rules for cats 	<ul style="list-style-type: none"> A previous version of this Policy suggested limits on the size and number of dogs based on available property area, however that was not supported by the community. The <i>Local Government Act 1993</i> does not prevent the number of dogs kept being specified, Council will assess the number of dogs that may be kept on a case by case basis in the event of a verified complaint. The Policy provides additional support to other statutory provisions available to Council and individuals to address such matters, issues with smell and noise may be address under <i>Protection of the Environment Operations Act 1997</i>. The Act prevents councils from responsibly managing unattended or unowned cats as no offence exists for a cat that attacks another animal. Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. Council has adopted a Wildlife Protection Area Policy which declares 19 Wildlife Protection Areas in Council managed bushland reserves across the Local Government Area. This declaration prohibits cats as per section 30(1)(b) of the <i>Act</i> from these bushland reserves. An authorised officer may seize and remove cats found in declared Wildlife Protection Areas. These bushland reserves are being signposted and trapping programs (where funded) will be implemented. Council may wish to consider a resolution as suggested to amend current legislation to prevent cats from roaming and enact legislative penalties for owners who do not responsibly manage their animals. 	Submission offering suggestions and general support and is considered to be Support .

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	different to dogs? Gathers the policy cannot control cats but thinks there is something that Council can do. There is a feral cat policy can't you trap cats that are attacking the put them down, you would do it to an attacking dog, why not cats? Are they protected? Cat people have no idea the damage cats do probably do not care, hopes none of the Councillors support stray cats.		
19	<ul style="list-style-type: none"> • It is unfair to place a limit on the number of cats, ferrets and guinea pigs that can be kept but not on dogs. • It is the dogs that are yapping all day and leaving poo everywhere when they are walked. Dog parks are popping up as if they are the superior pet. • Houses and lot sizes are getting smaller, small pets make sense, put a limit on dog ownership. 	<ul style="list-style-type: none"> •The number restrictions for these animals are only one option that may be implemented to rectify an independently verified nuisance complaint regarding the keeping of animals. Where there is no independently verified complaint there is no limitation on the number of animals that can be kept. •A previous version of this Policy suggested limits on the size and number of dogs based on available property area, however that was not supported by the community. 	Against
20.	<ul style="list-style-type: none"> • Cats freely roam the neighbourhood and their properties. These cats have left carcasses of dead animals (birds, rodents, lizards) and cat droppings and urine is left in their yard and carport. Is difficult for Council to address as the Council Policy requires identification of the owner of the roaming animal. – which is practicable impossible. • Council's regulation for dogs is stricter than cats i.e., dogs are not allowed to roam freely so there is not as much as an issue for roaming dogs than roaming cats. This is odd as cats can be destructive to wildlife (lives 	<ul style="list-style-type: none"> • The Act prevents councils from responsibly managing unattended or unowned cats as no offence exists for a cat that attacks another animal. • Council has previously written to the NSW State Government seeking support to amend the Act to prevent cats from roaming and provide the necessary legislative support to manage stray cats, however the request was not supported. • The control requirements for dogs are specified throughout NSW under <i>the</i> Act and not through Council policy. • Council may wish to consider a resolution as suggested to amend current legislation to prevent cats from roaming and enact legislative penalties for owners who do not responsibly manage their animals. 	Submission related to the Policy, offering suggestions without any indication for support or opposition and is considered to be Neutral .

Summary of Submissions – Draft Keeping of Animal Policy			
Submission Number	Issues Raised by Submission	Comments on Submission	Submission in Support / Neutral / Against / Not Relevant
	<p>next door to park with a multitude of birdlife). Cats impact the hygiene of the environment where young children play which is a potential health risk.</p> <ul style="list-style-type: none"> • Requests the Policy be updated to make regulations more consistent between dogs and cats so that cats are also not allowed roam freely from their own premises. 		
21	<ul style="list-style-type: none"> • Strongly agrees that cats/kittens should have a curfew between 5pm to 7am. • Any cats/kittens found roaming around in the curfew time should be lawfully captured by Council staff. 	<ul style="list-style-type: none"> • Comments do not directly relate to the Policy 	Not directly relevant to Policy.
22	<ul style="list-style-type: none"> • What questions do you have for us? Dogs ok. Barking puppies ok. 	<ul style="list-style-type: none"> • Comments do not directly relate to the Policy 	Not directly relevant to Policy.

Item: ENV041-24 Endorsement of study areas and objectives for Kogarah Strategic Centre and Riverwood Local Centre Master Plans

Author: Senior Strategic Planner and Senior Strategic Planner

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

That Council endorse the proposed study areas (shown in **Figures 2 and 4**) and objectives for the Kogarah Strategic Centre and Riverwood Local Centre master plans as contained within the body of this Report.

EXECUTIVE SUMMARY

1. On 25 March 2024, Council resolved to adopt a staged approach to master plan 12 growth precincts to enable a sustained delivery of housing and jobs over the next 10-20 years. This staged approach includes commencing master planning for Kogarah Strategic Centre and Riverwood Local Centre to prioritise growth in both housing and jobs.
2. The preparation of master plans for the Kogarah Strategic Centre and Riverwood Local Centre will provide a clear vision to support their long-term future growth for both housing and jobs. The master plans will be supported by considerations of urban design, landscape and public domain, transport, land use economics, heritage, sustainability, and site constraints to enable a holistic review.
3. The master plans will provide recommendations to inform amendments to the Georges River Local Environmental Plan (GRLEP) 2021, Georges River Development Control Plan (GRDCP) 2021 and Council's Local Infrastructure Contributions Plan 2021.
4. This report seeks Council's endorsement of the proposed study areas and objectives to progress the preparation of the Kogarah Strategic Centre and Riverwood Local Centre master plans.
5. It is recommended that Council endorse the proposed study area for Kogarah Strategic Centre which extends southwest beyond the 800m catchment from Kogarah Station to Jubilee Avenue (refer **Figure 2**) and the proposed objectives for the Master Plan as detailed under the Kogarah Strategic Centre section of this report.
6. It is recommended that Council endorse the proposed study area for Riverwood Local Centre which is generally located within the 800m catchment of Riverwood Station (refer **Figure 4**) and the proposed objectives for the Master Plan as detailed under the Riverwood Local Centre Master Plan section of this report.
7. Future reports will be submitted to Council to seek endorsement to publicly exhibit the draft master plans.

BACKGROUND

8. In late 2023, the NSW Government released a series of housing reform proposals to dramatically increase the supply of housing by providing bonus height and floor space to developments that contain affordable housing, mandating high density developments

around key railway stations and allowing for medium rise housing in areas close to existing public transport, amenities and services.

9. The full extent of the proposed changes is outlined in the Extraordinary Council Meeting report titled NSW Government Housing Reforms 2023-24 dated 12 February 2024 (refer item CCL001-24).
10. At that meeting, Council resolved to request the Department of Planning, Housing and Infrastructure (DPHI) to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River Local Government Area (LGA) so Council is given the opportunity to review its Local Strategic Planning Statement (LSPS) to create capacity for additional and diverse housing through the creation of new R3 and R4 zones within the following 12 precincts:
 - a. Hurstville Railway Station and Hurstville City Centre
 - b. Kogarah Railway Station and Kogarah Town Centre
 - c. Beverly Hills Railway Station and Local Centre
 - d. Kingsgrove Railway Station and Kingsgrove Local Centre
 - e. Mortdale Railway Station and Mortdale Local Centre
 - f. Penshurst Railway Station and Penshurst Local Centre
 - g. Riverwood Railway Station and Local Centre
 - h. South Hurstville (King Georges Road) Local Centre
 - i. Oatley Railway Station and Oatley (Mulga Road) Local Centre
 - j. Allawah Railway Station
 - k. Carlton Railway Station
 - l. Narwee Railway Station
11. The request to defer the implementation of the Low and Mid-Rise Housing Reform within the Georges River LGA was lodged with the DPHI on 23 February 2024. Council resolved to demonstrate its commitment to addressing the existing housing crisis by investigating capacity for additional housing across the LGA.
12. On 25 March 2024, Council resolved to adopt a staged approach to master plan the 12 growth precincts (see paragraph 10) to enable a sustained delivery of housing and jobs over the next 10-20 years. This staged approach includes commencing master planning for the Kogarah Strategic Centre and Riverwood Local Centre to prioritise growth in both housing and jobs.

PREPARATION OF MASTER PLANS

13. The preparation of master plans for the Kogarah Strategic Centre and Riverwood Local Centre will provide a clear vision to support their long-term future growth. The master plans will encourage more jobs and housing, improve the amenity and quality of the built environment and public domain to sustain liveable neighbourhoods close to public transport and services.
14. The master plans will be supported by considerations of urban design, landscape and public domain, transport, land use economics, heritage, sustainability, and site constraints to enable a holistic review.
15. The master plans will provide recommendations to inform amendments to the Georges River Local Environmental Plan (GRLEP) 2021, Georges River Development Control Plan (GRDCP) 2021 and Georges River Council Local Infrastructure Contributions Plan 2021 (Sec 7.11 and Sec 7.12). These amendments may include recommendations for future

land use zones, building heights, floor space ratios (FSRs), road network improvements and public domain improvements that will facilitate place activation, job creation and housing choice within the study areas. The master plans will also include investigations into infrastructure needs, costings, implementation mechanisms and funding through development contributions.

KOGARAH STRATEGIC CENTRE

16. The Kogarah Strategic Centre was nominated for master planning due to the following:
- Despite the Kogarah being identified as a strategic centre by the Greater Sydney Region Plan in 2017, planning controls have not been updated to reflect its role as a regionally significant commercial centre and a health and education precinct,
 - The need to improve the quality of public domain, specifically in the Kogarah North Precinct; in light of the proposed increase of 900 residents as part of the Kogarah LEP 2012 Amendment No 2, without adequate open space provisions,
 - The Kogarah Railway Station has been identified as one of the stations to be included within the Transport Oriented Development State Environmental Planning Policy (TOD SEPP) as per the NSW Housing Reforms,
 - Council resolved (12 February 2024) to request DPHI for funding for the development of a master plan for the Kogarah Strategic Centre to support the objectives of the TOD SEPP and to promote the role of Kogarah as a Strategic Centre;
 - Council has received two (2) pre-planning proposals within the Kogarah Strategic Centre in the past year requesting significant increases to existing development standards demonstrating a strong appetite for change within the existing centre;
 - The Georges River Local Planning Panel (LPP) in June 2024 and Council in July 2024 resolved that Council identify additional R3 Medium Density Residential and R4 High Density Residential Zones in its review of the Georges River LSPS. Hence, Council needs to work on providing more housing choice (i.e. more R3 and R4 zones) in the residential zones, and
 - Council has been successful in receiving Federal funding to prepare a Master Plan for Kogarah Town Centre in July 2024.

Proposed Study Area for Kogarah Strategic Centre Master Plan

17. Kogarah Strategic Centre is located on the T4 Eastern Suburbs & Illawarra train lines in the eastern part of the LGA, and benefits from its proximity to major health and education precincts such as St George Hospital and St George TAFE, making it a focal point for both economic activity and residential growth.
18. The inner 400m circle in **Figure 1** is where the TOD SEPP applies. It includes parts of the Kogarah North Precinct (KNP- zoned R4) and part of the Kogarah Town Centre (zoned MU1). The outer 800m circle refers to the majority of the broader study area around the Kogarah station covering the remaining part of the KNP and the MU1 Town Centre.
19. **Figure 2** illustrates the study area (outlined in purple) which consists of the existing commercial centre (zoned MU1 Mixed Use), St George Hospital (zoned SP2 Infrastructure – Hospital) and pockets of R4 High Density Residential and R2 Low Density Residential and is extended in the south-west direction towards Jubilee Avenue. The study area is generally bounded by the Illawarra train line on the west, Jubilee Avenue on the south-west, Princes Highway on the east and Harrow Road on the north-east direction.

Note: The south-west boundary of the study area is defined by Jubilee Avenue, which includes Jubilee Stadium and a portion of the Carlton E1 Local Centre zone. It should be noted that the inclusion of these areas is notional, as the Kogarah Strategic Centre Master Plan will focus primarily on the surrounding areas within the designated boundary marked by the purple line. A separate Plan of Management and Master Plan is currently underway for the Netstrata Jubilee Stadium. Additionally, as outlined in paragraph 10, Carlton Railway Station is one of the 12 precincts that will be examined in the staged review of Council's Local Strategic Planning Statement (LSPS).

Objectives for Kogarah Strategic Centre Master Plan

20. The objectives of the Kogarah Strategic Centre Master Plan are to:

- Reinforce the role of Kogarah as a Strategic Centre and a Health and Education precinct that addresses and responds to the communities' vision and its future,
- Review existing controls to better support the objectives of the TOD SEPP,
- Strengthen the Centre by planning for sustainable housing, jobs, community infrastructure and open space to support long term growth,
- Include the provision of affordable housing as guided by Council's Affordable Housing Contributions Scheme (under preparation),
- Improve connectivity and accessibility to, from and within the Strategic Centre, and
- Increase housing diversity that adapts to the population needs of the future.

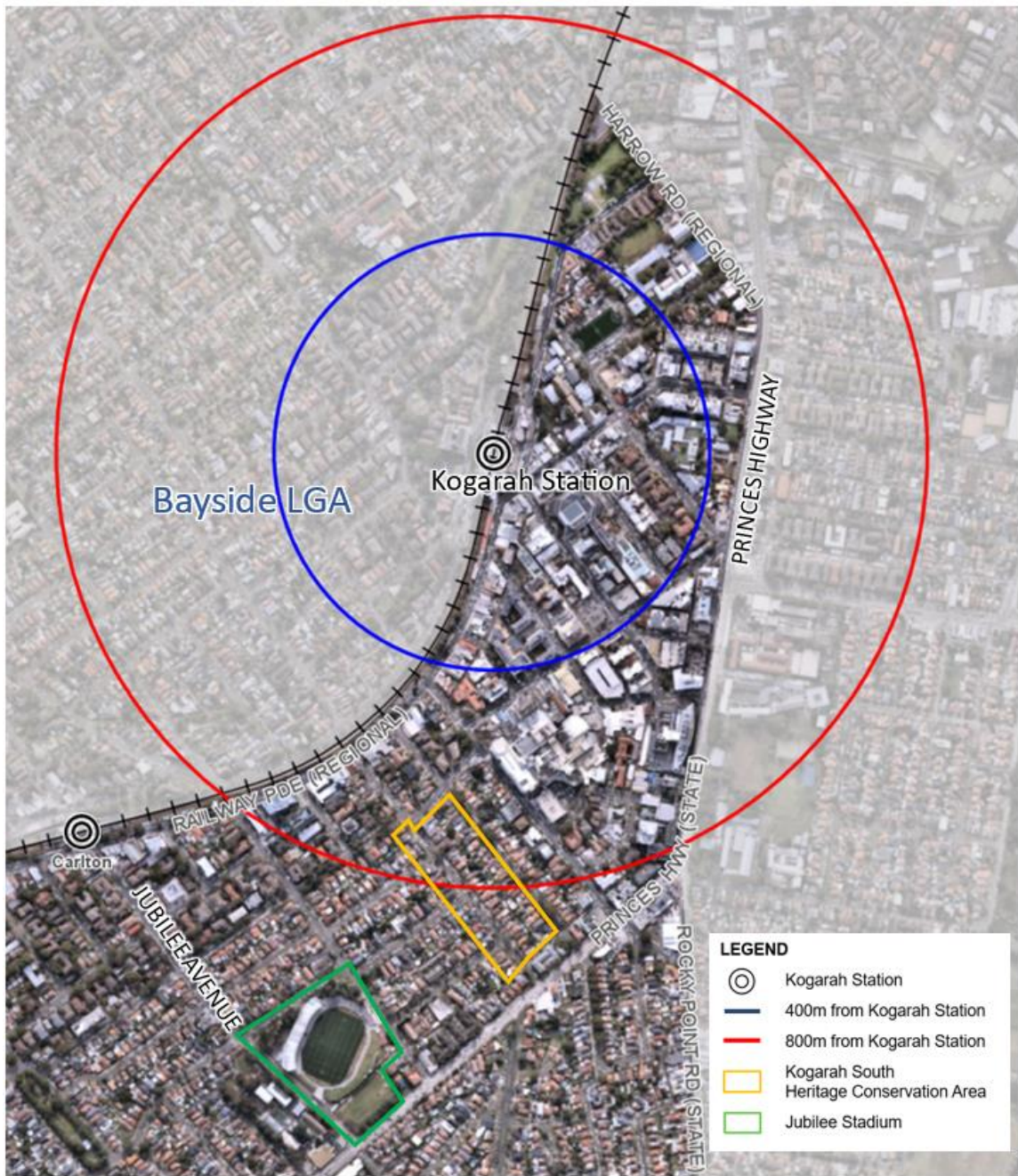


Figure 1. Kogarah Strategic Centre Context Map

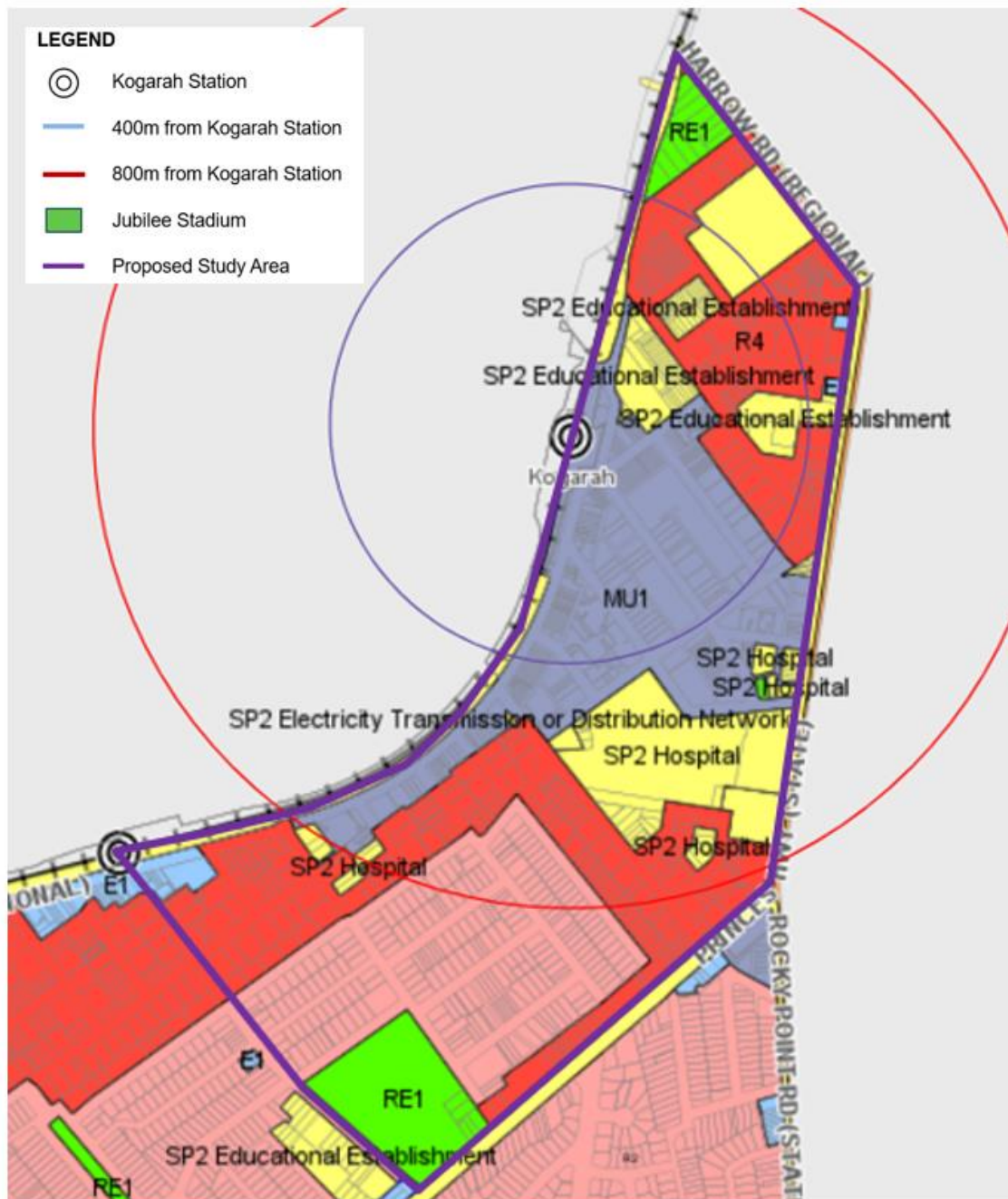


Figure 2. Proposed Study Area for Kogarah Strategic Centre Master Plan

RIVERWOOD LOCAL CENTRE MASTER PLAN

21. The Riverwood Local Centre was nominated for master planning due to:

- Its location adjacent to the Riverwood Estate which is a social housing estate located within the Canterbury-Bankstown Local Government Area (LGA) immediately to the north of Riverwood Local Centre. The Riverwood Estate is currently under renewal by the NSW Government and has been identified as a State Significant Precinct,
- The NSW Government has recently amended planning controls for a section of Riverwood Estate, permitting buildings ranging from 6 to 12 storeys, which could lead to the creation of 420 new dwellings. This presents an opportunity to revitalise the adjoining Local Centre,
- Council has received planning proposal enquiries from landowners on the periphery of the Riverwood Local Centre demonstrating interest for change in the centre, and

- Council has been successful in receiving Federal funding to prepare a Master Plan for Riverwood Local Centre in July 2024.

Proposed Study Area for Riverwood Local Centre Master Plan

22. Riverwood is in the northwestern corner of the Georges River LGA and shares a boundary with Canterbury Bankstown LGA. Riverwood Local Centre is centred around a railway station as well as a retail and commercial strip running north-south along Belmore Road. Belmore Road is bisected by the T8 Airport and South railway line. **Figure 3** below provides the site context for Riverwood, including the location of the Riverwood Estate State Significant Precinct.
23. The proposed study area for the Riverwood Local Centre Master Plan is generally within the 800m catchment of Riverwood Station and is shown in the purple outline in **Figure 4** below. The proposed study area is generally bounded by the boundary with Canterbury Bankstown LGA to the north, Bonds Road and Talbot Street to the east, Peakhurst Park, and Clarendon Road to the south and Salt Pan Creek to the west.
24. The proposed study area includes the E1 Local Centre zone, the adjoining R4 High Density Residential zoned areas, the surrounding R2 Low Density Residential and the R3 Medium Density Residential zone in the south adjoining Peakhurst.

Objectives for Riverwood Local Centre Master Plan

25. The objectives of the Riverwood Centre Master Plan are to:
 - Provide housing diversity that adapts to the population needs of the future,
 - Encourage the delivery of affordable housing in accordance with the Georges River Affordable Housing Contributions Scheme,
 - Introduce additional employment generating floorspace to strengthen the Centre's economy and provide essential services to support the future population, including the renewal of Riverwood Estate,
 - Leverage opportunities for transit-oriented development to improve walkability and increased use of public transport,
 - Enhance the quality and amenity of Riverwood's public domain,
 - Enhance access to public spaces including Salt Pan Creek and increase the urban tree canopy, and
 - Ensure new development in Riverwood is associated with the provision of local, community and state infrastructure.



Figure 3. Riverwood Centre Context Map

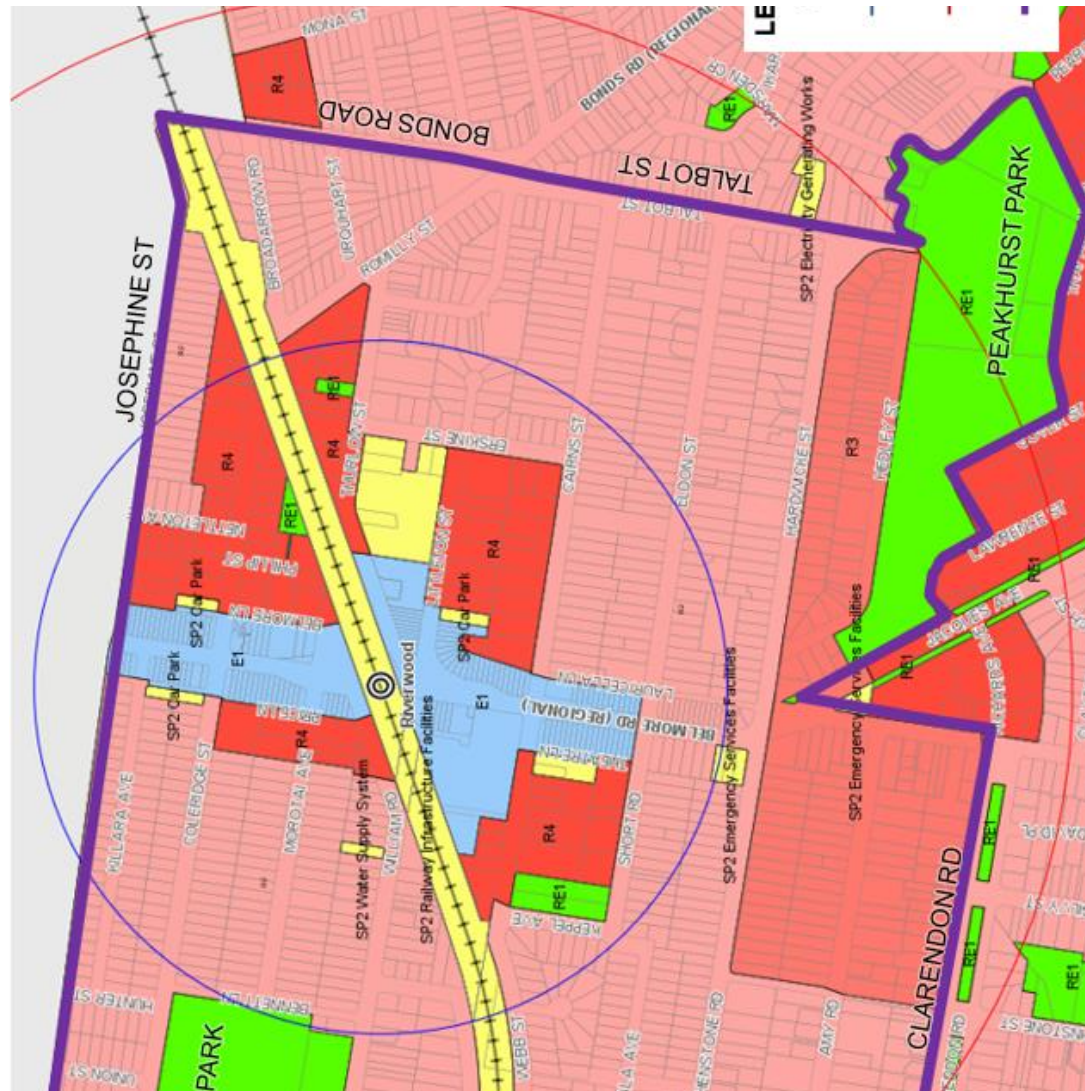


Figure 4. Proposed Study Area for Riverwood Centre Master Plan

COMMUNITY ENGAGEMENT

26. Preliminary community engagement to develop the future vision for the study areas is scheduled to commence in early 2025.
27. Future reports will be submitted to Council seeking endorsement to publicly exhibit the draft master plans. These reports will detail the comprehensive program of community and stakeholder engagement to be undertaken for the preparation of the master plans.
28. There are no mandatory community participation requirements for the exhibition of master plans in the *Environmental Planning and Assessment Act 1979* or Council's Community Engagement Strategy. However, the preparation of master plans is generally proposed to follow a similar engagement process and timeframes as plan-making which includes:
 - A minimum exhibition period of 28 days.
 - Organisation of workshops and drop-in sessions during the exhibition period.
 - Newspaper advertisement in the St George and Sutherland Shire Leader.
 - Notification letters to residents and landowners in the study area.
 - Exhibition material to be available on Council's website, and hard copies available at Council's Georges River Customer Service Centre and libraries.

FINANCIAL IMPLICATIONS

29. Within budget allocation. Council has allocated \$100,000 in FY24/25 and \$100,000 in FY25/26 under the Capital Works Budget for each of the Master Plans.
30. Council has also been successful in receiving \$500,000 in Federal Funding under the Housing Support Program – Stream 1, to prepare the Kogarah and Riverwood Master Plans with an anticipated timeframe for the projects to be completed prior to 30 June 2026.

RISK IMPLICATIONS

31. The following risks have been identified and need to be considered during the preparation of the Kogarah Strategic Centre and Riverwood Local Centre Master Plans:
 - a. Strategic Risk 3: Assets and Infrastructure - Council's failure to facilitate housing and infrastructure that is reflective of the ongoing needs and/or expectations of our community and the infrastructure required to provide the high quality of service being demanded by the community, that is also adequate to withstand the impact of climate change and severe weather events.
 - b. Strategic Risk 9: Social Cohesion - Failure to identify and/or respond to the changing socio-economic needs of our community. Social cohesion erosion and growing socio-economic gap (loss of social capital and a fracture of social networks negatively impacting social stability, individual well-being, and economic productivity, as a result of persistent public anger, distrust, divisiveness, lack of empathy, marginalisation of minorities, political polarisation etc.)

NEXT STEPS

32. Subject to procurement processes, the two master plans will be prepared by separate urban design consultancies and may progress through relevant stages at different times. The indicative timeframes for each master plan will be provided in further Council reports. The next steps for the master plans are shown below:
 - Engage external consultancies to prepare the two master plans
 - Conduct preliminary community engagement to develop the future vision for the study areas
 - Report to Council's Environment and Planning Committee / Council seeking endorsement to publicly exhibit the draft master plans
 - Public exhibition of the draft master plans
 - Consideration of submissions
 - Report to Council on submissions received and seeking adoption of revised draft master plans and implementation pathways.

FILE REFERENCE

D24/268123

ATTACHMENTS

Nil

Item: ENV042-24 Adoption Generic Plans of Management - Amendment 1

Author: Strategic Planner

Directorate: Environment and Planning

Matter Type: Committee Reports

RECOMMENDATION:

- (a) That Council adopt the exhibited Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use (Amendment 1) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Land Management Act 2016*.
- (b) That Council authorise the Director of Environment and Planning to make minor editorial modifications in the finalisation of Amendment 1 to the Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use.
- (c) That the adopted Amendment 1 to the Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use be forwarded to the NSW Department of Planning, Housing and Infrastructure – NSW Crown Lands for information.
- (d) That Amendment 1 to the Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use be placed on Council's website following adoption by Council.

EXECUTIVE SUMMARY

1. Council adopted its Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use at its meeting on 28 November 2022.
2. On the 24 July 2023, Council resolved to place on exhibition an amendment to the Generic Plans of Management for Sportsgrounds, Parks, General Community Use and Natural Areas to incorporate additional land as follows:
 - a) Riverwood Park: Council has been appointed Crown Land Manager (CLM) for Riverwood Park (Lot A DP 325838) (R65642) to permit Council to administer leases and licences on the amenities block located within the Park for current tenants or future tenants in accordance with the Community Lease Policy;
 - b) Rasdall Park: Council is proposing to lodge a request to Crown Lands to be CLM for Rasdall Park (Lot 1-3 DP 1046103) (R71245) under section 48 of the Local Government Act 1993 (LG Act) to allow Council to administer leases and licenses on the land for current tenants or future tenants in accordance with the Community Lease Policy; and
 - c) 25 Joffre Street, South Hurstville: Council has recently purchased 25 Joffre Street, South Hurstville (Lot 60 DP 4607) for its incorporation into the open space of 27 Joffre Street Reserve, requiring it to be incorporated into the Generic Parks Plan of Management.
3. On 27 November 2023, Council resolved to place on exhibition the following additional amendments requested by Council's Community and Culture Directorate to the Generic Plans of Management for Sportsgrounds, Parks, General Community Use and Natural Areas:

- a) Amend the descriptions for the Local Approvals Policy, Public Art Policy and Community Lease Policy in the Generic Plans of Management to keep the descriptions brief and at a high-level, as a means of reducing the need to continually re-amend the Plans of Management as the policies are reviewed and amended on a more regular basis,
 - b) Change the land classification for Pole Depot (3Bridges & Penshurst Child Care & Community Centre) at 5 St Georges Road, Penshurst (Lot 101 DP 586060) from operational land to community land in the General Community Use Generic Plan of Management to reflect the current land classification, and
 - c) Change the address for Pole Depot (3Bridges & Penshurst Child Care & Community Centre) in section 3.8.4 – Management and Use of the General Community Use Generic Plan of Management from 27 Joffre Street to 25 St Georges Road, Penshurst to reflect the correct street address.
4. The draft Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use with the above amendments (known as Amendment 1) was forwarded to the Department of Planning, Housing and Infrastructure (DPHI, landowners) for consent on 29 November 2023. Landowner's consent to exhibit was provided by DPHI on 22 April 2024.
 5. The draft Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use (Amendment 1) were publicly exhibited from 30 July to 11 September 2024.
 6. No submission was received during the public exhibition of the draft Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use (Amendment 1).
 7. On 3 September 2024 a public hearing was independently chaired by Parkland Planners. The public hearing report supports the categorisation of the 25 Joffre Street, South Hurstville (Lot 60 DP 4607). A copy of the public hearing report is provided in **Attachment 1**.
 8. This report recommends that Amendment 1 to the Generic Plans of Management for Sportsgrounds (**Attachment 2**), Parks (**Attachment 3**), Natural Areas (**Attachment 4**) and General Community Use (**Attachment 5**) be adopted and finalised in accordance with the requirements of section 40 of the *Local Government Act 1993* (LG Act) and section 3.23(6) of the *Crown Lands Management Act 2016* (CLM Act).

BACKGROUND

9. The Generic Plans of Management ensure a consistent, transparent, and coordinated approach to public land management of 'community land'. The Plans detail how Council will manage open space for the benefit of the community into the future. It identifies Council's goals and objectives for the land and establishes the overall direction for planning, resource management and maintenance of the land.
10. Council officers reviewed and consolidated six (6) Generic Plans of Management from the former Kogarah and Hurstville Councils into the following four (4) Generic Plans of Management which were adopted by Council on 28 November 2022:
 - Generic Plan of Management - Sportsgrounds;
 - Generic Plan of Management – Parks;
 - Generic Plan of Management - Natural Areas; and
 - Generic Plan of Management - General Community Use.

11. On the 24 July 2023, Council resolved to place on exhibition an amendment to the Generic Plans of Management for Sportsgrounds, Parks, General Community Use and Natural Areas to incorporate additional land as follows:
 - a) Riverwood Park: Council has been appointed Crown Land Manager (CLM) for Riverwood Park (Lot A DP 325838) (R65642) to permit Council to administer leases and licences on the amenities block located within the Park for current tenants or future tenants in accordance with the Community Lease Policy;
 - b) Rasdall Park: Council is proposing to lodge a request to Crown Lands to be CLM for Rasdall Park (Lot 1-3 DP 1046103) (R71245) under section 48 of the Local Government Act 1993 (LG Act) to allow Council to administer leases and licenses on the land for current tenants or future tenants in accordance with the Community Lease Policy; and
 - c) 25 Joffre Street, South Hurstville: Council has recently purchased 25 Joffre Street, South Hurstville (Lot 60 DP 4607) for its incorporation into the open space of 27 Joffre Street Reserve, requiring it to be incorporated into the Generic Parks Plan of Management.
12. On 27 November 2023, Council resolved to place on exhibition the following additional amendments requested by Council's Community and Culture Directorate to the Generic Plans of Management for Sportsgrounds, Parks, General Community Use and Natural Areas:
 - a) Amend the descriptions for the Local Approvals Policy, Public Art Policy and Community Lease Policy in the Generic Plans of Management to keep the descriptions brief and at a high-level, as a means of reducing the need to continually re-amend the Plans of Management as the policies are reviewed and amended on a more regular basis.
 - b) Change the land classification for Pole Depot (3Bridges & Penshurst Child Care & Community Centre) at 5 St Georges Road, Penshurst (Lot 101 DP 586060) from operational land to community land in the General Community Use Generic Plan of Management to reflect the current land classification.
 - c) Change the address for Pole Depot (3Bridges & Penshurst Child Care & Community Centre) in section 3.8.4 – Management and Use of the General Community Use Generic Plan of Management from 27 Joffre Street to 25 St Georges Road, Penshurst to reflect the correct street address.
13. In accordance with Council's resolution, on 27 November 2023, Council referred the draft Plan of Management with the above amendments to the then DPHI, as the owner of Crown Land, in accordance with section 39 of the LG Act.

Consent from the then Department of Planning, Housing and Infrastructure (Landowners)

14. Council referred the draft Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use (Amendment 1) on 29 November 2023 to the DPHI as the owner of Crown Land, seeking landowners' consent in accordance with section 39 of the LG Act.
15. Council received initial feedback from the DPHI in March 2024 requesting the changes in **Table 1** to the draft Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use (Amendment 1):

Table 1 – Amendments requested by the Crown

Plan of Management	Amendments
Sportsgrounds Parks Natural Areas and General Community Use	Make reference in the Plans of Management to the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
General Community Use	Rasdall Park (R79156) – Part Lot 3 DP1046103 needs to be included in the GCU PoM in table 2 (Page 44) and table 3 (Page 55)

ENV042-24

16. The changes were made and the Plans resented to the DPHI. On the 22 April 2024, the DPHI confirmed that Amendment 1 of the Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use satisfied the requirements under section 3.23(6) of the CLM Act and that Council can publicly exhibit the draft Plan in accordance with section 38 of the LG Act.

Community Consultation - Outcomes of Public Exhibition

17. The draft Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use (Amendment 1) was publicly exhibited from 31 July until 11 September 2024 inclusive.
18. As part of the community consultation, the following was undertaken:
- The draft Plan of Management and Master Plan was available for viewing on Council's 'Your Say' webpage,
 - Hard copies of the draft Plan of Management and Master Plan were available for viewing at Council's Service Centre and Hurstville and Clive James (Kogarah) libraries and Oatley Library, and
 - An advertisement placed in The Leader newspaper notifying the community of the public exhibition.

Public Submissions

19. Council received no public submissions regarding the changes proposed in Amendment 1 of the Generic Plans of Management for Sportground, Parks, Natural Areas and Generic Community Use.

Public Hearing

20. A public hearing is required by Section 40A of the LG Act for Council owned Community Land if the draft plan of management would have the effect of categorising, or altering the categorisation of, community land.
21. A public hearing was required to be held for the initial categorisation of 25 Joffre Street, South Hurstville (Lot 60 DP 4607) which Council purchased in June 2023 for public open space.

22. On 3 September 2024 a public hearing was independently chaired by Parkland Planners. Council is to note that no one from the public attended. The public hearing report supports the categorisation of 25 Joffre Street, South Hurstville (Lot 60 DP 4607) as “park”. A copy of the public hearing report is attached in **Attachment 1**.

Next Steps

23. If Council resolves to adopt the amended draft Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use (Amendment 1), the next steps will be as follows:
- The Generic Plans of Management for Sportsgrounds, Parks, Natural Areas and General Community Use will be forwarded to Crown Lands via the DPHI for their information;
 - The Plans of Management will be placed on Council’s website; and
 - Council will publish notice of its decision on its website within 28 days after the decision is made.

FINANCIAL IMPLICATIONS

24. There is no budget impact in Council adopting the recommendations of this report. The amendments relate to land that Council has to incorporate into the Plans to permit Council to administer leases and licences in accordance with the Community Lease Policy; to amend the descriptions for the Local Approvals Policy, Public Art Policy and Community Lease Policy in the Generic Plans of Management; to change the land classification for Pole Depot from operational land to community land; and to change the address for Pole Depot 27 Joffre Street to 25 St Georges Road, Penshurst to reflect the correct street address.






RISK IMPLICATIONS

25. Strategic Risk/s (Strategic Risk 8 – Statutory and Regulatory requirement / Ineffective governance) identified. The amendment is in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Land Management Act 2016*. The amendment also will allow Council to administer leases and licences for Riverwood Park and Rasdall Park.

FILE REFERENCE

D24/277919

ATTACHMENTS

- Attachment 1  25 Joffre Street South Hurstville Proposed Categorisation Public Hearing and Submissions Report Final 23 September 2024 - *published in separate document*
- Attachment 2  Generic PoM - Sportsgrounds October24 - *published in separate document*
- Attachment 3  Generic PoM - Parks October24 - *published in separate document*
- Attachment 4  Generic PoM - Natural Areas October24 - *published in separate document*
- Attachment 5  Generic PoM - General Community Use October24 - *published in separate document*

Item: ENV043-24 Fines Amendment (Parking Fines) Bill 2024
Author: Manager Environment Health & Regulatory Services
Directorate: Environment and Planning
Matter Type: Committee Reports

RECOMMENDATION:

That Council make a submission to the Minister for Finance the Honourable Courtney Houssos detailing the primary concerns regarding the *Fines Amendment (Parking Fines) Bill 2024*.

EXECUTIVE SUMMARY

1. The purpose of this report is to brief Council on the Fines Amendment (Parking Fines) Bill 2024 (the Bill) and the implications for Council in meeting its obligations for staff safety and the expectations of the community in relation to parking enforcement.
2. The Fines Amendment (Parking Fines) Bill 2024 (the Bill) was introduced to NSW State Parliament on 26 September 2024 by the Honourable Courtney Houssos, Minister for Finance, to amend the Fines Act 1996 (the Act).
3. The Bill introduces a new division into the Act which has implications for Council in relation to:
 - i. Safety of Council staff,
 - ii. Reduced investigative efficiency,
 - iii. Reduced ability to meet community expectations,
 - iv. Additional and unnecessary reporting requirements,
 - v. Impact on Council's long term financial plans.
4. The Bill mirrors a number of current practices that have been standard for Council's Parking Team since the inception of Georges River Council in 2016, including:
 - i. Leaving a physical fine on an offending vehicle where possible
 - ii. Issuing a fine within seven days of an offence being observed
 - iii. Taking images to support the issuing of a fine (evidence that also supports the customer when they challenge a fine)
 - iv. Avoiding issuing duplicated fines over consecutive days where the initial fine was not placed on the vehicle. (We also have technology that provides an alert and a robust review processes to address this).
5. Fines act as a deterrent for offences including speeding, using a mobile phone while in control of a vehicle or double parking in a school zone, with associated penalties for those offences. For a deterrent to be effective there must be a perceived likelihood of being caught, this Bill serves to dilute councils' ability to provide that deterrent and tacitly encourages illegal parking behaviour in the community without consequence.
6. This will have an impact on Council's long term financial plans and broader community services due to the imposition of the unforeseen cost of employing additional staff just to meet the current service levels, otherwise forecast service level expectations would need to be revised down.

REPORT

7. The Fines Amendment (Parking Fines) Bill 2024 (the Bill) was introduced to NSW State Parliament on 26 September 2024 by the Honourable Courtney Houssos, Minister for Finance, to amend the Fines Act 1996 (the Act).
8. The Bill introduces a new division to the Act that has implications for Council in relation to:
 - i. Safety of Council staff,
 - ii. Efficient regulatory processes,
 - iii. Meeting community expectations for illegal parking,
 - iv. Additional administrative and reporting requirements,
 - v. Council's long term financial plans.
9. Whilst many councils that adopted the 'Ticketless' fines scheme abandoned the ability to issue on-the-spot fines entirely, however, GRC has maintained the ability for fines to be left on vehicles whilst also using 'Ticketless' fines.
10. Council's enforcement team have utilised many practices, since the inception of Georges River Council in 2016, that are mirrored by a number of the proposed sections of this Bill, including:
 - i. Leaving a physical fine on an offending vehicle where possible
 - ii. Issuing a fine within seven days of an offence being observed
 - iii. Taking images to support the issuing of a fine (our evidence also supports the customer when they challenge a fine)
 - iv. Avoiding issuing duplicated fines over consecutive days where the initial fine was not placed on the vehicle. (We also have technology that provides an alert and a robust review processes to address this).
11. In addition to the adopted practices for the issuing of fines, Council has continued an initiative developed by the regulatory team in the former Kogarah City Council, to assist people who have elected to have their matter heard in court. A letter is sent to the person outlining the court process, providing Council's evidence and requesting any evidence that the driver may have that may support a review of the matter prior to the matter being heard. The opportunity is also afforded to them to discuss the matter with a senior member of the Parking Team.
12. This practice, based on procedural transparency and Revenue NSW 'Internal Review Guidelines under the Fines Act 1996', has permitted fine recipients to submit evidence of extenuating circumstances to Council to permit a review. As a result, many court cases have been withdrawn which has resulted in reduced time and stress impact on the individual and the negative impacts of having Council staff sitting in court unnecessarily for extended periods.
13. In April 2024, a resolution was passed by Council in relation to adopting processes to assist drivers who have received a fine for parking illegally. Subsequently the following actions have been undertaken:
 - i. Council's parking team have adopted into their procedure the need to prioritise the provisions of on-the-spot fines to illegally parked vehicles, where it is safe and legal to do so.
 - ii. Approval has been given by Revenue NSW to amend the approved fine template to incorporate a reason for why a fine was not placed on a vehicle. Council is working with its provider to implement this request and Revenue NSW to ensure it meets their template requirements.

- iii. Council's website has been updated to include information on how to view evidence, including any footage, relating to a person's fine.
 - v. Approval has been given by Revenue NSW to amend the approved fine template to include how to obtain further evidence relating to an offence. Council is working with its provider to implement this request and Revenue NSW to ensure it meets their template requirements.
 - vi. Council has written to Revenue NSW regarding adopting a Push Notification via the Services NSW application. Revenue NSW acknowledged that this was already being investigated.
14. The following discusses concerns raised by staff in regard to various aspects of the Bill.

Impacts upon Work Health and Safety

15. Council is obliged under the Work Health and Safety Act 2011 to 'ensure, so far is reasonably practicable, the health and safety of workers', however this Bill erodes adopted measures to minimise exposure to staff of physical or psychological harm.
16. Council utilises vehicle mounted digital camera technology to responsibly support staff safety which virtually eliminates exposure to physical or verbal assault and obtain supporting evidence of an observed parking offence.
17. Personal Protective Equipment or Staff Safety Training play a part in supporting staff safety, however, are considered low level safety controls as they do not provide protection from physical or verbal assault that current risk elimination or substitution strategies provide.
18. Current safety and efficiency initiatives have permitted Council to meet the expectations of the community in relation to illegally parked vehicles, particularly where the risk to the safety of Council staff was present, including:
 - During the 2019-20 bushfires where outside work was heavily restricted due to severe air pollution,
 - Throughout the Covid-19 lockdown periods,
 - Where adverse weather conditions are present,
 - After-hours patrols,
 - In locations where legal parking for the Parking Officer, within a reasonable distance from an offending vehicle is unavailable,
 - In locations where the risk of physical or verbal abuse is high
 - Reduced staffing levels during periods of leave.
19. Video footage captured by Council officers provides the necessary evidence to support the issuing of a fine. As video footage provides more information than is generally available through a still image, it has provided support for a person's claims when seeking a review of their matter resulting in some fines being withdrawn.
20. The requirement to attach fines to offending vehicles, except in limited circumstances, will impact on Council's ability to investigate and take regulatory action for illegal parked vehicles.
21. While Police are exempt from parking rules, which allows them to park in locations that would be illegal for any other road user to issue parking fines, the same exemptions are not available to council enforcement officers who are expected to enforce the same legislation.

22. On 1 December 2014 the ability for council employees to become special constables under the Police (Special Provision) Act 1901 was repealed, and the associated penalties for stalking, harassing or intimidating, no longer applied and no additional protections have since been adopted.
23. The contents of the Second Reading of the Bill indicated no intent to introduce any new legislative safety protections for council enforcement officers. The United Services Union (USU) have encouraged the NSW Government to consider introducing safety measures including:
 - i. The ability to utilise body worn cameras while in the execution of their duties, under the Surveillance Devices Act 2007, replicating the provisions available to the NSW Police, and
 - ii. Amending the Crimes Act 1900 to adopt a definition for council enforcement officers to provide penalties for anyone who assaults, harasses, or intimidates them.
24. Currently there are greater penalties that can be applied to anyone who assaults, harasses, or intimidates a Retail Worker than there are for anyone who perpetrates the same offences against a council enforcement officer.

Concerns over Multiple Fines

25. Negating the issue of multiple fines to an offender is covered under section 24AG of the Bill. It indicates that if an initial fine was not placed on a vehicle, and a subsequent fine is issued by council within one week of the same offence in the same location, all subsequent fines issued to that vehicle if found committing the same offence in the same location within that week are invalid.
26. A driver could commit the same parking offence on a length of road for the six days after the initial offence and Council fines issued during that period would be invalid. This is problematic as NSW Police are exempt from these amendments and could issue a 'Ticketless' fine without Council enforcement officers' knowledge rendering any subsequent Council issued fines during that remaining period, invalid.

Meeting Community Expectations

27. Responding to, and investigating requests from the community, is a core requirement of Council. Council's Parking Enforcement Team consists of 10 operational staff (not the 15 which has recently been incorrectly reported in the media), who despite efficient processes and technology, are still challenged in investigating the current number of requests from the community that, notably include Ministerial requests and Councillor requests made of behalf of the GRC community.
28. Since 2021 to 28 October 2024, there have been 11,886 online parking requests lodged with Council with many reporting multiple ongoing breaches. This number will only rise as the pressure on available parking increases as Council strives to meet the NSW Government's housing targets.
29. The following table outlines the number of illegal parking service requests lodged with Council since 2021:

Calendar Year	Total Parking Requests
2021	2,254
2022	2,632
2023	3,374

2024 (to 28 October 2024) *	3,626
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Additional Administration Requirements

- 30. Section 24AC of the Bill proposes that fines must be attached to an offender’s vehicle and Section 24AD provides exemptions from this requirement if –
 - i. it is not safe to attach the notification, or
 - ii. the vehicle is in a prescribed parking zone, or
 - iii. the vehicle is not stationary, or
 - iv. the regulations provide that it is not necessary to attach the notification.
- 31. This section also requires the head of the issuing agency to publish a report on the reasons fines have been issued in accordance with these grounds.
- 32. One of these grounds ‘it is not safe to attach a notification’. This is a subjective term that is not defined in the Bill, and due to the imposition of the reporting requirements under sections 24AD (3), (4) and (5), will add an unnecessary administrative burden on councils and impact on their ability to operate efficiently.
- 33. The term prescribed parking zone is defined as a signposted area where fines do not need to be placed on a vehicle. The creation of prescribed parking zones could be of assistance to Council in addressing WHS issues in high-risk areas such as school zones and CBD areas if such areas were included as prescribed parking zones, however it is unclear if this will be permitted.
- 34. Further, Section 24AD fails to account for other genuine grounds for posting a fine including where a driver returns and drives off before the fine can be attached to the vehicle or where a person has been verbally told they will receive a fine.

SUMMARY

- 35. The possible safety, efficiency and long-term financial plan implications for Council by the introduction of this Bill into state parliament cannot be underestimated. These concerns will be raised with the NSW State Government with the belief that fair and reasonable amendments are adopted to address these concerns.

FINANCIAL IMPLICATIONS

- 36. The estimated net budgeted fines result for 2024/2025 is \$4.2m.
- 37. Council will need to review enforcement operations under this proposed Bill with any considerations significantly reducing current service levels, therefore reducing the number of infringements issued. This will have an impact on Council’s long term financial plans and broader community services due to the imposition of the unforeseen cost of employing additional staff just to meet the current service levels otherwise forecast service level expectations would need to be revised down.
- 38. An accurate estimate of the financial impact arising from the Bill is difficult to ascertain at this point in time, however, the impact will be significant and presents a foreseeable financial risk to Council and the community.

RISK IMPLICATIONS

- 39. Financial and Work Health and Safety risks may result should the provisions of this Bill pass NSW Parliament.

COMMUNITY ENGAGEMENT

- 40. Nil.

ENV043-24

FILE REFERENCE

D24/302926

ATTACHMENTS

Nil

ENV043-24

Item: ENV044-24 Council Related Development Applications Policy

Author: Manager Development and Building

Directorate: Environment and Planning

Matter Type: Committee Reports

ENV044-24

RECOMMENDATION:

- (a) That the Environment and Planning Committee endorse the draft Council Related Development Application Policy to be placed on public exhibition for a period of not less than 42 days to allow the community to comment on the draft Policy.
- (b) That a further report be presented to Council after the community consultation period has concluded advising Council of the outcome of the comments received before seeking Council to adopt the draft Policy.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek the endorsement of the Environment and Planning Committee of Council for the draft *Council Related Development Applications Policy* (the Policy) which is required under Clause 66A of the *Environmental Planning and Assessment Regulation 2021* (the Regulation) but not yet in place.
2. Recent changes to the Regulation require all NSW councils to prepare and adopt a policy that outlines how potential conflicts of interest will be managed for council-related development proposals. Clause 66A of the Regulation specifically states that '*a council related development application must not be determined by the consent authority unless the council has adopted a conflict of interest policy and the council considers the policy in determining the application.*'
3. The Department of Planning and Environment (DPE) published Guidelines to assist councils in meeting these legal requirements by providing a sample policy and management strategy statement that can be used as a template. The draft Policy for Georges River Council has been prepared in accordance with those guidelines.
4. The Policy provides a framework which is prepared in accordance with the requirements under the Regulation and aims to manage potential conflicts of interest and increase openness and transparency at all stages of the development process for Council related development by Georges River Council (the Council).
5. The Policy requires endorsement by Council as it seeks variation to the model code, specifically in relation to not requiring General Manager involvement in minor, Council related Development Applications.
6. If endorsed, the Policy will be placed on public exhibition prior to a further report advising of the outcome of this process being reported back to Council in 2025 seeking adoption of the Policy.

BACKGROUND

7. Under amendments to the Environmental Planning and Assessment Regulation 2021, Clause 66A requires that a Council-related development application must not be determined by the consent authority unless:
 - (a) *the Council has adopted a Conflict of Interest Policy, and*

(b) *the Council considers the Policy in determining the application.*

8. The Conflict-of-Interest Policy under Clause 66A is required to:

- (a) Specify how a Council will manage conflicts of interest that may arise in connection with Council-related development applications because the Council is the consent authority, and
- (b) Comply with the *Council-related Development Application Conflict of Interest Guidelines* published by the Department and available on the NSW planning portal, as in force from time to time.

9. To ensure that Council-related Development Applications can be determined in the Georges River Local Government Area in accordance with the regulations, the draft Council Related Development Application Policy has been prepared in accordance with (a) and (b) above.

EFFECT OF POLICY

- 10. The Policy, if adopted by Council, will meet Councils obligations under the Regulations and provide clarity on how Council related development applications will be managed when submitted to Council. Without this Policy, some development applications are unable to be considered and therefore unable to be determined.
- 11. The Policy details different management strategies for different kinds of applications which can be found under Part 2.2.1.5 of the policy. The management strategies are broken up into 3 categories being low risk, medium risk and high risk.
- 12. The policy also provides guidance on matters subject of Land and Environment Court proceedings, certification applications and enforcement and compliance action on those applications which meet the definition of 'Council related Development Applications'.
- 13. The Policy will not apply to matters not determined prior to April 2023 as prior to this date the policy was not a legal requirement.
- 14. In addition to the above, where a Council related Development Application is submitted, Section 30B of the Regulation requires that such an application '*must be accompanied by a statement specifying how the local council will manage conflicts of interest that may arise in connection with the application because the Council is the consent authority (a management strategy), or a statement that the council has no management strategy for the application*'.

FINANCIAL IMPLICATIONS

- 15. No budget impact for this report.

RISK IMPLICATIONS

- 16. Failure to adopt a Council Related Development Applications Policy will result in Council being unable to determine Council Related Development Applications in accordance with the Environmental Planning and Assessment Regulation 2021.

COMMUNITY ENGAGEMENT

- 17. If endorsed by the Council, community consultation will be undertaken in accordance with Council's Community Engagement Strategy.

FILE REFERENCE

D24/198143

ATTACHMENTS

Attachment [↓](#)1 Draft Council Related Development Application Policy - 1 November 2024





Council Related Development Application Policy

November 2024

Policy administration

Dates	Policy approved <i>xx/xx/xxxx</i> (date to be added by Policy Specialist) This policy is effective upon its approval. Policy is due for review <i>xx/xxxx</i> (If a particular review date is required, please specify, otherwise the Senior Policy Specialist will set a review date at 3 years from the date the policy is approved which is the maximum review period)
Approved by	Executive on <i>xx/xx/xxxx</i> (Delete below if Council approval is not required) Council Meeting <i>xx/xx/xxxx</i> Council Resolution <i>xxx</i>
Policy Type	Council Policy
Exhibition Period	<i>Include date of exhibition to the public or consultative committee, if relevant</i>
Policy Owner	Manager Development and Building Environment and Planning Directorate
Related Documents	<ul style="list-style-type: none"> • Council's Code of Conduct • Council Related Development Application Conflict of Interest Guidelines' published by the NSW Government • Council's Delegation Register • Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents • Public Interests Disclosure Policy
References & Legislation	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 (NSW) • Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 (NSW) • Environmental Planning and Assessment Regulation 2021 (NSW) • Local Government Act 1993 (NSW)
Document Identifier	Policy #: <i>Allocated by Senior Policy Specialist once policy is approved (includes the version number)</i> Doc #: <i>Please enter CM9/Document identification number</i>
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation (such as Council's code of conduct and the NSW Local Government Award).

Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.
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Part 1 Preliminary

1.1 Purpose

The Council Related Development Application Policy (Policy) provides a framework which is prepared in accordance with the requirements of Clause 66A of the Environmental Planning and Assessment Regulations 2021. The policy aims to manage potential conflicts of interest and increase openness and transparency at all stages of the development process for Council related development by Georges River Council (Council).

1.2 Scope

This Policy applies to all Council related development as defined by the Environmental Planning and Assessment Act 1979.

1.3 Definition of Terms

1) In this policy:

Term	Meaning
Application	An application for consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.
Council	Georges River Council
Council related development application	A development application for which the Council is the consent authority (whether lodged by or on behalf of Council) or the landowner, lessee, licensee, or has a commercial interest in the land that is the subject of the application.
Development process	Application, assessment, determination, and enforcement.
The Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)

2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

3) Notes included in this policy do not form part of the policy.

Part 2 Process for identifying and managing potential conflict of interest

2.1 Policy Criteria

The following criteria capture Council's approach to the management of potential conflicts of interest specific to Council related development applications only under the Environmental Planning and Assessment Act 1979 (NSW):

- 1) Where a prelodgement meeting is held prior to the lodging of an application which is identified to be council-related development, the matter should be referred to the Manager Development and Building and the issue of appropriate management controls should be an agenda item for discussion at the meeting, with the proposed approach recorded as part of the minutes of the meeting.

NOTE: Prelodgement meetings held prior to the lodgement of a development application are a standard service provided by the Council and any comments provided at such meetings are advisory only and do not bind the consent authority in its assessment or determination of a future application.

- 2) Development applications that are for council-related development are to be referred to the Manager Development and Building for an initial conflict-of-interest risk assessment and preparation of a management statement in accordance with the requirements of the Regulation.
- 3) At the preliminary stage, the information required for consideration by the Manager Development and Building is:
 - a. whether the application is one in which a potential conflict of interest exists,
 - b. identification of the phase(s) of the development process at which the identified conflict of interest arises,
 - c. assessment of the level of risk involved at each phase of the development process, determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 6 of the policy,
- 4) Once the management statement is endorsed it is published on the NSW Planning Portal.
- 5) The management strategy in relation to the assessment and determination of applications for council related development is to be in accordance with the level of risk identified in this policy.

In general, the following management strategies are to be implemented:

Risk	Controls
<p>Low Risk</p>	<p>a. Any application which would have been determined by the Local Planning Panel but for the fact that the Local Planning Panel has delegated its functions as consent authority to Council staff including:</p> <ul style="list-style-type: none"> i. Applications where council is not the applicant and the use of council land is incidental or ancillary to the proposal; ii. Advertising signage on council properties; iii. Internal fit outs and minor changes to the building façade; iv. Internal alterations or additions to buildings that are not a heritage item; v. Council-related development in respect of which council may receive a small fee for the use of their land (such as outdoor dining); vi. Alterations and additions to minor structures in parks and other public spaces (such as shade structures in playgrounds); vii. Minor building structures projecting from a building façade over public land (such as business identification signage, awnings, verandas, bay windows, flagpoles, pipes and services); viii. Installation of solar panels; x. Small scale development with a development cost of no more than \$200,000. <p>b. Development, which is not excluded development as referred to below, but which does not meet the Medium Risk or High risk criteria set out in this Policy.</p>
<p>Medium Risk</p>	<p>a. Any council-related development for which the Georges River Local Planning Panel is the consent authority.</p> <p>b. Any council-related development in relation to which council has resolved to provide a grant.</p> <p>c. Changes of use which have the capacity to create more than minor impacts on amenity.</p>
<p>High Risk</p>	<p>a. Any application made by or on behalf of Council, or for the development substantially on land owned or leased by Council and for which the Sydney South Planning Panel is the consent authority.</p> <p>b. Any council-related development which is assessed as being high risk by the Director Environment and Planning or General Manager, due to the circumstances of the application (for example, where there is a significant public interest due to the nature of the proposed development).</p>

2.2 The management strategy

- 1) The strategy must be documented with the minimum information being:
 - Address and Project name (where applicable)
 - DA number and PAN
 - Potential conflict
 - Management strategy
 - Contact details in relation to the strategy.

2.3 Public consultation of Council related Development Applications

- 1) All council-related development applications will be publicly exhibited for a minimum of 28 days. The management strategy for the proposal will be publicly exhibited with the application and will remain publicly available on the NSW Planning Portal and council's website.

2.4 Determination of Council related Development Applications

- 1) The following management strategies are to be implemented:

Risk	Condition
Low Risk	Application assessed by council staff and determined under delegation.
Medium Risk	Application assessed by Council staff and referred to the Georges River Local Planning Panel for determination.
High Risk	Application assessed by external independent consultant planner and referred to the Sydney South Planning Panel for determination (or by the Local Planning Panel where appropriate).

2.5 Management of other Applications and Proceedings

1) Land & Environment Court proceedings

Where a council-related development becomes the subject of any proceeding before the Land and Environment Court, external legal representatives and consultants will be engaged to conduct the matter on behalf of Georges River Council.

2) Certification application

Council-related development (other than low risk) requiring certification, including the issue of construction certificates and occupation certificates, will be undertaken by a private certifier.

3) Enforcement and compliance action

Enforcement and compliance activities in relation to all council-related development will be undertaken as follows:

- Where a non-compliance is identified (for example, a breach of a development consent condition or failure to comply with the terms of a development control order), the matter will be escalated to the General Manager for review and consideration of appropriate action. This may include engaging external consultants to undertake investigations and/or peer review recommendations of council staff. Non-compliances will be recorded in Council's Request Management System until such time as the matter has been rectified.

• Where a matter is considered a significant breach of any law, the non-compliance will be referred by the General Manager to the compliance staff of the Department of Planning and Environment for advice and action as appropriate.

• Any legal proceedings in relation to enforcement and compliance matters for council related development will be conducted by external legal providers, who are to engage third party consultants to provide expert advice if required.

4) Responsibility of other Council staff

Directors are responsible for ensuring their Directorate adheres to the requirements of this Policy and providing guidance in respect of ensuring Council-related development applications are managed and determined in a transparent manner commensurate with the level of risk within their Directorate and the Organisation.

All council employees must adhere to the requirements of this policy and operate within its power.

Responsibilities

Position	Responsibility
Manager Development and Building	Review of Policy as required.

Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	New Georges River Council Risk Policy	Manager xxx	Xx/xx/xxxx