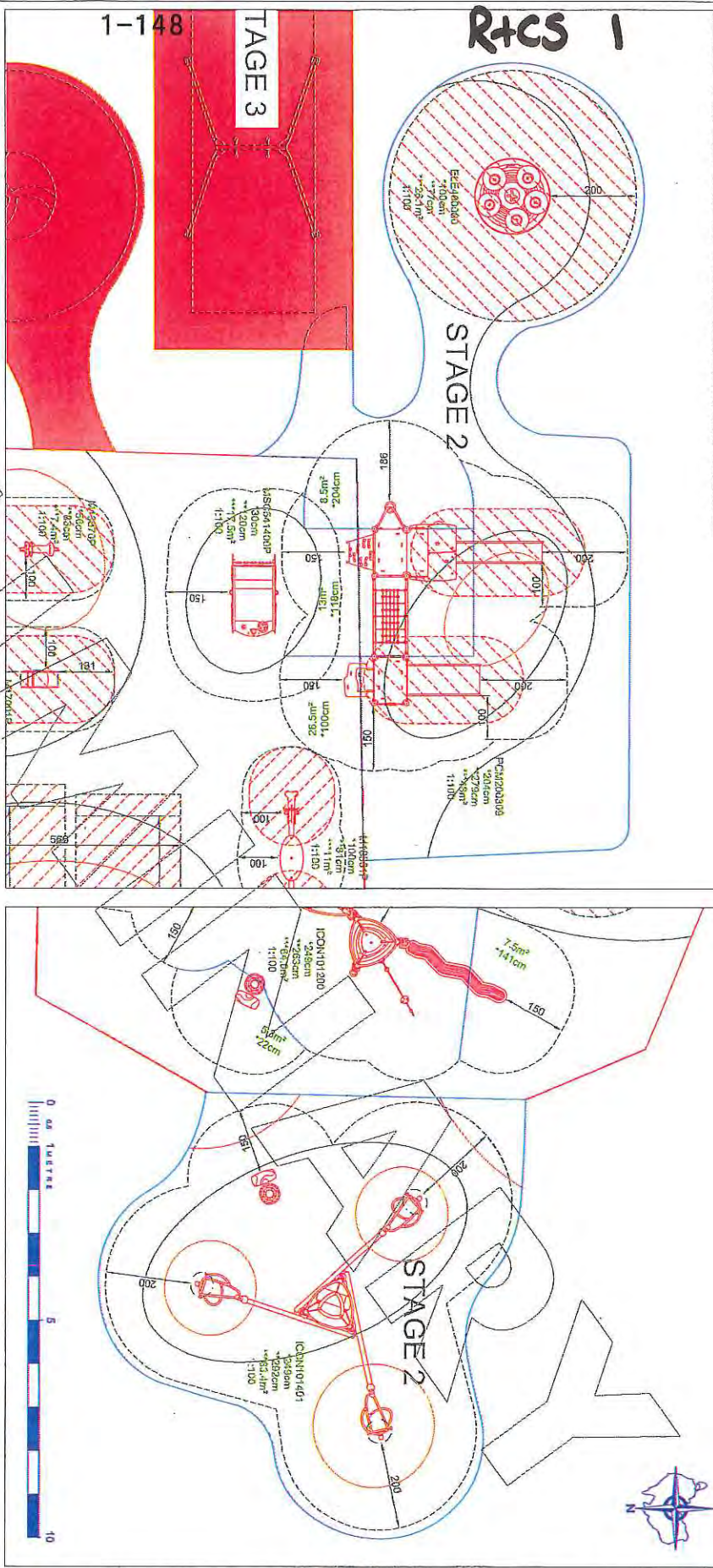


NOT TO BE USED FOR CONSTRUCTION

R+CS 1



1-148

STAGE 3

STAGE 2

STAGE 2

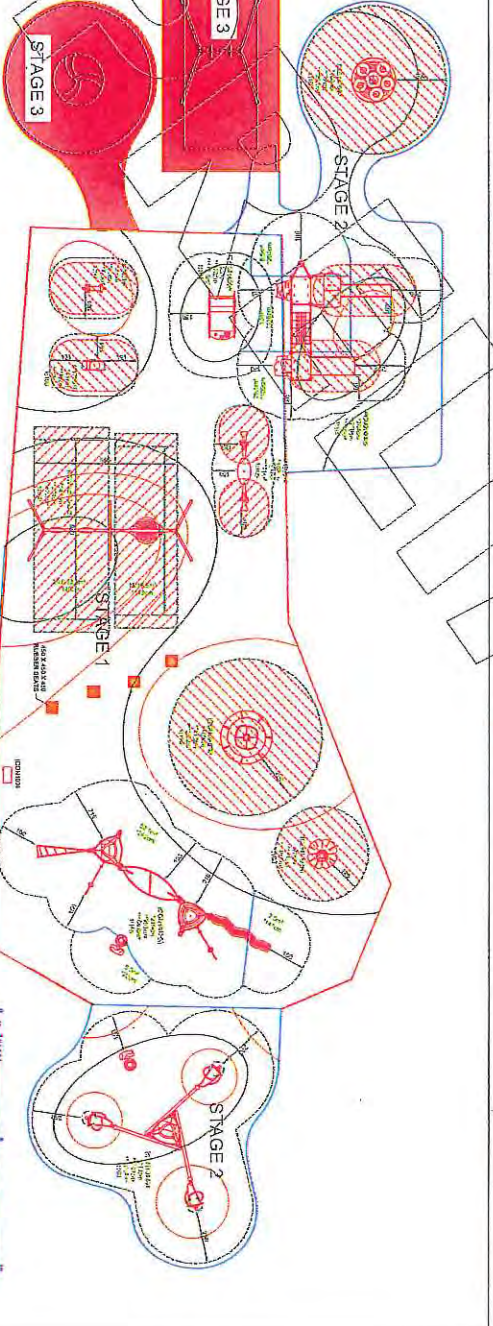


PLEASE NOTE:

- KOMPAN'S COMPLIANCE RESPONSIBILITIES EXTEND ONLY TO THE SUPPLY OF EQUIPMENT AND DO NOT COVER LANDSCAPING, OR EQUIPMENT PROVIDED BY OTHERS (IF PRESENT). ANY THIRD PARTY EQUIPMENT SHOWN IS BASED ON INFORMATION SUPPLIED TO KOMPAN BY OTHERS, AND MAY NOT BE CORRECT. OVERALL COMPLIANCE WITH REGULATIONS, STANDARDS, SERVICES ETC. IS THE RESPONSIBILITY OF THE CLIENT.
- ALL SYSTEMS WITH PLATFORMS AT A HEIGHT OF 1200mm FROM GROUND LEVEL, MUST BE INSTALLED AT A MAXIMUM HEIGHT OF 2300mm.
- ALL SYSTEMS WITH PLATFORMS AT A HEIGHT OF 1200mm FROM GROUND LEVEL, MUST BE INSTALLED AT A MAXIMUM HEIGHT OF 2300mm.
- SAFETY ZONES MUST HAVE SURFACING TO AUSTRALIAN STANDARDS AND MUST BE CLEAR OF ANY OBSTRUCTIONS.
- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS AND REGULATIONS.
- EQUIPMENT MUST BE COVERED WITH A SUITABLE SHAD STRUCTURE.

KEY PLAN

SCALE 1:2000



KOMPAN
KOMPAN Playscape Pty Ltd
www.kompan.com.au

CLIENT: NORTHERN
MIDLANDS COUNCIL

SITE: VICTORIA SQUARE
LONGFORD
STAGE 2

SCALE: 1:100@A3

DRAWING NO. PREMB111

ORDER NO. EB

DRAWN BY: C.M.

CHECKED: C.M.

DATE: 8.02.17

KOMPAN AGENT: ULTIMATE PLAY

FILL AREA: m²

FILL PERIMETER: Ln

PRODUCT CODE: * MAX FREE HT. OF FALL ASIDES SAFETY ZONE ** FALL ZONE AREA

PRELIMINARY DWG FROM FINAL DRAWINGS

THIS DRAWING IS THE PROPERTY OF KOMPAN AND IS NOT TO BE REPRODUCED OR DISTRIBUTED WITHOUT PERMISSION. PERMISSION IS PROHIBITED TO NOT EXCEED THE SCOPE OF THIS DRAWING UNLESS OTHERWISE INDICATED.

TOLERANCES: ALL DIMENSIONS ARE ±10MM UNLESS OTHERWISE SPECIFIED.

COMPLAN EQUIPMENTS ARE MEASURED IN DIMENSIONS AS SHOWN ON CAD BLOCKS.

KOMPAN RECOMMENDS A 300MM CLEARANCE BETWEEN FALL ZONES AND ENJOING TO ALLOW FOR BEING POSITIONED. ALL SIZES TO FACE UNLESS OTHERWISE INDICATED.

THIS DRAWING IS TO ILLUSTRATE KOMPAN EQUIPMENT AND IS NOT TO BE USED FOR FINAL LANDSCAPE LAYOUTS.

| NAME | CODE |
|-----------------|----------------|
| 1 SWIRL STAGE2 | ICN01014 |
| 2 MULTI SPINNER | ELK00056 |
| 3 DOUBLE TOWER | PCN200038-0038 |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
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| 11 | |
| 12 | |
| 13 | |
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| 17 | |
| 18 | |
| 19 | |

This design incorporates different activities to engage & excite kids.

Two tower w/ U-net

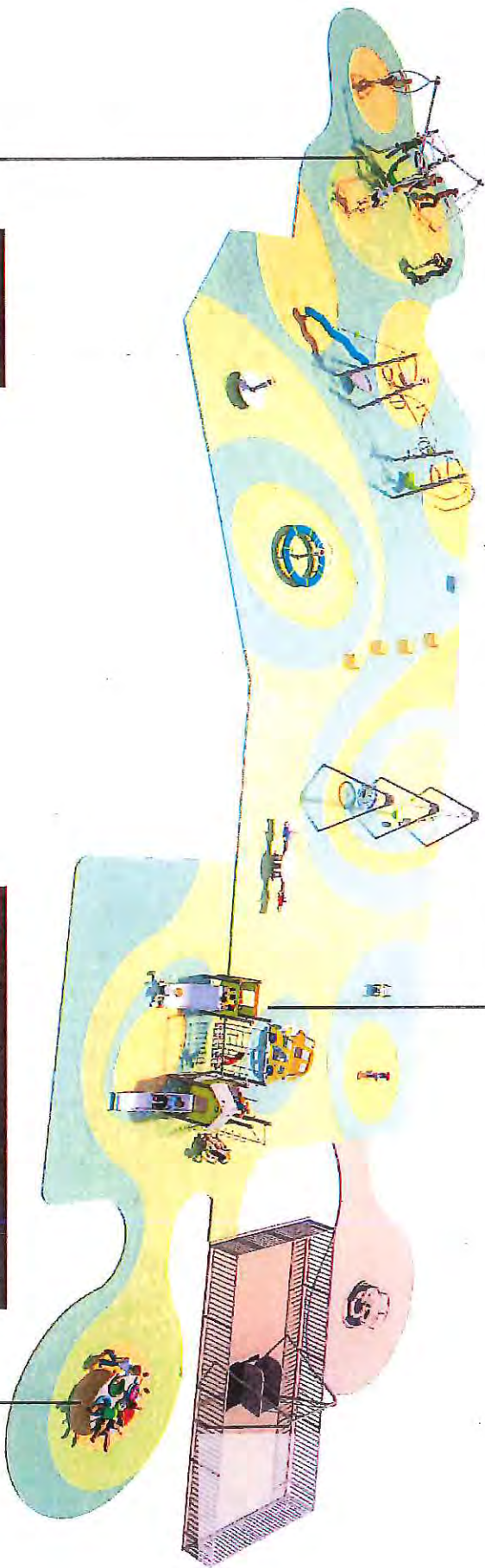
This play combination offers versatile play on elevated and ground level. A nice, inclined platform stair takes the child securely onto the tower platform from which the child can play with the Count&Calculate panel while waiting for a friend and go down the double slide with. Alternatively, the child can go on a climb into the great U-net, a huge net hammock supporting climbing and swaying in numerous ways.

Swirl

Take control and perform the fastest spins. Playing is performing. Swirl is about rotation, climbing and gaming for kids at all levels and abilities. Rotation and climbing are key elements of Swirl's different games. The trick is to control the spinner and not be controlled by it. This calls for speed, acrobatics and athletics. The Nodes are activated by turning around quickly on the spinners.

Multi-spinner carousel

The KOMPAN Multispinner carousel is a thoroughly tested piece of fun social play and balance training, unique in function: the five seats are comfortable to get in and out. Here children lie, sit and the older and more agile children stand as the carousel spins. Younger children invent simple games according to which colour seat you get. Children can work the carousel up to a quite speedy spin - thrilling and fun.



Longford Village Green Icon Play Units Usage Data

Kompan collects comprehensive data on the usage of the three electronic play items including the number of games played, the number of players, usage by day of the week, usage by time of day and estimates of calories burned by users of the items. A summary of the data collected for January and February 2017 follows:

| DATA ITEM | 1 – 31 JANUARY 2017 | 1-28 FEBRUARY 2017 |
|-------------------------------------|--|--|
| No. of games played | 9,691 | 4,591 |
| No. of game players | 11,712 | 5,383 |
| Total est. calories burned | 49,833 | 23,162 |
| Games played in order of popularity | Nova ping pong Nova direction changer Nova speed chaser Space colour catch Space pump it (NB Rocky was out of order for a no. of days in January) | Nova ping pong Nova direction changer Nova speed chaser Space capture Space colour catch |
| Usage by day of the week (%) | | |
| Monday | 15.8 | 11.8 |
| Tuesday | 19.7 | 17.5 |
| Wednesday | 16.4 | 10.2 |
| Thursday | 1.3 | 9 |
| Friday | 11.1 | 9.2 |
| Saturday | 17.1 | 18.5 |
| Sunday | 18.6 | 23.8 |
| Usage by time of day (%) | | |
| 7-9am | 3.8 | 4.3 |
| 9-11am | 17 | 17.4 |
| 11-1pm | 19.5 | 27 |
| 1-3pm | 17 | 22 |
| 3-5pm | 14.4 | 12.6 |
| 5-7pm | 18.4 | 12.7 |
| 7-9pm | 9.9 | 4 |

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NORTHERN MIDLANDS COUNCIL

NORTHERN MIDLANDS COUNCIL ANIMAL MANAGEMENT BY-LAW BY-LAW NO 1 OF 2016

A by-law of Northern Midlands Council made under Section 145 of the *Local Government Act 1993* (Tas) for the purpose of managing animals within the municipality of Northern Midlands

PART I - PRELIMINARY

1 Short Title

This by-law may be cited as the Animal Management By-law.

2 Commencement and Application

The provisions of this by-law commence on the day of publication in the Tasmanian Government Gazette. This by-Law applies to the Municipality of Northern Midlands

PART 2 - INTERPRETATION AND DEFINITIONS

3 What The Words In This By-law Mean

"Act" means the *Local Government Act 1993* (Tas);

"animal" means any live vertebrate animal other than a human being;

"animal house" includes a kennel, cattery, pen, poultry house, aviary, hive, building or structure used for the keeping of any animal, but does not include a stable for the keeping of horses or stock;

"attack" includes bite, menace, harass, chase or threaten;

"authorised officer" means the General Manager or a person appointed as an authorised officer by the General Manager for the purposes of this by-law;

"cat" means an animal of the species *Felis catus* or a hybrid of that species;

"cattle" means a bull, cow, ox, steer, heifer, or calf;

"chicken" means an animal of the species *Gallus gallus*;

"rooster" means a male domestic fowl;

"**child**" means a person under the age of 10 years;

"**Code of Practice**" means any relevant and applicable code of practice for the purpose of animal husbandry and welfare;

"**companion animal**" means an animal kept as a companion pet;

"**Council**" means Northern Midlands Council;

"**dog**" means an animal of the species *Canis familiaris*;

"**domestic animal**" includes an animal which is

- (a) kept by an owner or some other person who has charge of the animal; and
- (b) reliant upon human contact to satisfy its welfare requirements;

"**effective control**" means

- (a) confined by a cage or enclosure, or fence and closed gates; or
- (b) on a leash; or
- (c) under the direct supervision of a competent person; or
- (d) confined by such other appropriate method as prevents uncontrolled animal activity;

"**farm animal**" **animal being farmed;**

"**fouling**" means depositing manure;

"aviary bird" means all birds that are not game birds or chickens and are general kept in an aviary or bird cage.

"**General Manager**" means the General Manager of Council appointed pursuant to section 61 of the Act;

"**horse**" includes a stallion, mare, gelding, pony, filly, colt, foal, ass, donkey, mule or any other animal used for burden, draught or for carrying people;

"**licence**" means a written authority from Council issued to a person for the purpose of this by-law;

"**native animal**" means any animal native to Australia;

"**nuisance**" means circumstances relating to an animal that are offensive including anything that

- (a) causes, or is likely to cause danger or injury to the health, safety or welfare of any person; or
- (b) causes, or is likely to cause, a risk to public health; or
- (c) creates a noise or odour that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place;

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"obstruction" of an authorised officer includes to resist, hinder, delay or impede;

"occupier" means a person who is in possession or occupation of any premises;

"offensive" means

- (a) injurious to any person's real or personal property; or
- (b) noxious;

"owner" includes

- (a) the person who ordinarily keeps and is responsible for the welfare of any animal but does not mean an employee who keeps an animal on behalf of his or her employer; or
- (b) in the case of a child's or youth's pet, that child's or youth's parent or guardian;

"permit" means a written authority from Council issued to a person, pursuant to this by-law for the keeping of

- (a) horses, farm animals or stock; or
- (b) bees;

"person" means an individual, corporation, business or any other legal entity;

"Planning Scheme" means the Northern Midlands Planning Scheme in effect at the time.

"Urban Growth Boundary" means all land contained within the urban growth boundaries shown in the Northern Midlands Planning Scheme;

"poultry" means chickens, domestic ducks **and includes pheasant, peacock, guinea fowl, geese and turkey;**

"premises" means any land, body of water or building;

"prepared food" includes

- (a) a product manufactured altered or modified for the purpose of animal consumption; or
- (b) commercial products or household scraps used for the purpose of animal consumption

but does not include hay or straw of any type;

"property" has the same meaning as premises;

"public land" means land owned, vested in or managed by Council or any Government department, agency or instrumentality;

"public space" means any place to which, at the relevant time, the public have access, whether on payment of money for admission or otherwise;

"road" means a public street as defined in the *Traffic Act 1925* (Tas);

"specified offence" means an offence against the clause specified in Column 1 of Schedule 2;

"stable" means a building or structure used for the keeping of horses or stock;

"registered racing stable" means stables used to house horses used for racing;

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"**stock**" includes cattle, goats, deer, sheep, pigs, llamas, alpacas or a combination of two or more of them;

"**stray animal**" includes any animal not in the current care and control of its owner, or some other person having responsibility for the animal, but excludes a feral animal;

"**vermin**" means rats, mice, flies, fleas, lice, or any other animal or insect pest;

"**welfare**" means the basic health, protection, care and comfort of any animal;

"**youth**" means a person who is 10 or more years old but less than 18 years old and who is wholly or partly reliant on a parent or guardian to maintain his or her existence.

PART 3 – APPLICATION OF BY-LAW

4 Planning Scheme

- (1) The Planning Scheme prevails over the provisions of this by-law to the extent of any duplication or inconsistency.
- (2) This by-law applies to all land contained within the urban growth boundaries shown in the Planning Scheme. Land outside of the urban growth boundary is exempt from the provisions of this by-law.

Registered racing stables are exempt from this by-law

PART 4 - LICENCES AND PERMITS

5 Licence and Permit Requirements and Procedures

- (1) A person seeking to do anything for which a licence or permit is required under this by-law is to apply to Council for the licence or permit (as the case may be) on the form approved by Council.
- (2) An application for a licence or permit is to
 - (a) specify the **premises** at which the animal, the subject of the application, is to be kept; and
 - (b) if required by Council or an authorised officer, be accompanied by a site plan of the property (including measurements showing the portion of the property in which it is intended to keep the animal); and
 - (c) if required by Council or an authorised officer specify the manner, including any enclosure, in which the animal is to be kept; and
 - (d) contain such other information as Council reasonably requires; and
 - (e) be accompanied by the fee (if any) required by Council
- (3) Council or an authorised officer may request further information from an applicant including the written consent of the property owner should the premises subject to the licence or permit application be tenanted.
- (4) If further information requested by Council is not provided within fourteen (14) days of a request under subclause 3 Council may reject the application or consider it on the basis of the information that has been provided.

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- (5) A licence or permit expires on 30th June following the date of its issue unless previously cancelled under clause 6.
- (6) Prior to the expiration of a licence or permit, the holder may renew it by applying to Council in the approved form and accompanied by the fee (if any) required by Council.
- (7) An application for renewal of a licence or permit made prior to its expiry has the effect of extending the licence or permit until the time that the renewal is determined by Council under clause 6.
- (8) Council is to keep a register of all licences and permits issued and is to note any amendments, corrections or cancellations in the register.
- (9) A person holding a licence or permit must comply with all of its specified conditions.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (10) Any person seeking to obtain a licence or permit, or variation of a licence or permit under this by-law must not willfully make or cause to be made a false representation or declaration.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

6 Council May Approve, Refuse, Amend or Cancel a Licence or Permit

- (1) After considering an application under clause 5, Council may
 - (a) grant a licence or permit; or
 - (b) in the case of an existing licence or permit, renew **or amend it**; or
 - (c) refuse the application; or
 - (d) in the case of an existing licence or permit, cancel it subject to clause 7.
- (2) In considering whether to exercise a power under subclause 1, Council is to take into account
 - (a) whether the premises in respect of which the licence or permit is sought are fit for the purpose;
 - (b) the requirements of the Act and any laws relating to public health and environmental protection in respect of the premises;
 - (c) the situation and condition of the premises and whether they are likely to create a nuisance;
 - (d) the requirements of this by-law; and
 - (e) whether there has been a concealment of facts.

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- (3) A licence or permit may be granted or renewed subject to conditions determined by Council.
- (4) Council may
 - (a) amend or vary the terms or conditions of a licence or permit upon one (1) month's notification to the person to whom a licence or permit has been issued; or
 - (b) correct an error in the licence or permit at any time upon written notification to the person to whom the licence or permit is currently issued, either on the application of the licence or permit holder, or of its own motion.
- (5) Council may transfer a licence or permit on the application of a person who owns or occupies land in relation to which there is a licence or permit in force.
- (6) An application under subclause 5 is to be in the form approved by Council and accompanied by the fee (if any) required by Council.

7 Cancellation of a Licence or Permit

Before cancelling a licence or permit Council is to:

- a. give one (1) month's written notice to the licence or permit holder to show cause on or before a day specified in the notice why the licence or permit should not be cancelled; and
- b. give consideration to any representation made by the licence or permit holder in respect of the notice given under subclause (a).

PART 5 - STABLES

8 Stable Licence Required

- (1) Subject to subclause 2, a person must not
 - (a) have;
 - (b) use; or
 - (c) permit to be used

a stable on any land situated in a residential zone of the Planning Scheme, in which a horse, stock or **farm animal** is kept.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

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- (2) A person does not contravene subclause 1 provided that the premises where the stable is situated are greater than **1500** square metres and are licensed in accordance with clause 6, and that the stable complies with the following conditions:
- (a) the stable is not to be within
 - (i) twelve metres of a dwelling house, school room, hospital, child health centre, workroom or eating house; and
 - (ii) six metres of a street boundary or the boundary of any adjoining land in other occupation; and
 - (iii) fifteen metres of any milking shed or milk room of a dairy; and
 - (b) the stable must meet the following
 - (i) **all manure and stable waste produced on the premises is to be collected daily and be removed from stables (Bagged for selling or other means of removal);**
 - (ii) the stable is to be maintained in a clean condition and cleansed and disinfected when so requested by an authorised officer;
 - (iii) a stable, which was in use and licensed by Council prior to the commencement of this by-law, is not to be rebuilt or renovated in any structural manner without Council approval in writing; and
 - (iv) any new stable may need to comply with statutory requirements; including Planning, Building or Plumbing and have all relevant licences, or permits in place before use of the stable.
- (3) (a) **in addition to the requirements of clause 5(2), a person who applies for a licence is to advertise in Wednesdays Examiner Newspaper.**
- (b) the advertisement is to specify the name of the applicant, the location of the premises, the number and type of animals to be kept and is to be in a form approved by the General Manager.
- (4) An application for a licence will not be considered until twenty-eight (28) days after the date of publication of the advertisement referred to in clause 8(3).

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- (5) Council is to keep a register of persons and premises in respect of which stable licences are issued.
- (6) The register is to contain details of
 - (a) the location of the premises;
 - (b) the number and types of animals to be kept at the premises; and
 - (c) if there is a current licensee of the premises, the name of that person and the date of expiry of the licence.
- (7) If Council transfers a licence under clause 6(5), it is to amend the details in the register required to be kept under subclause 5.

9 **Objections to the Granting of a Stable Licence.**

- (1) An owner or occupier of any premises within 200 metres of the premises in respect of which a licence is sought may, within fourteen days (14) of the publication of the advertisement referred to in clause 8(3), lodge a written objection to the granting of a licence.
- (2) Any such objection under subclause 1 is to be addressed to the General Manager and specify the reasons for the objection.

PART 6 - RESTRICTIONS ON KEEPING CERTAIN TYPES OF ANIMALS.

10 **Restrictions on Keeping Stock, Farm Animals or Horses.**

- (1) Subject to subclause 2, subclause 3 a person must not keep stock, farm animals or horses on any premises unless
 - (a) the premises have a lot size of 1500 square metres or greater; and
 - (b) the person has applied on the approved form to Council within the previous twelve months (12) for a permit under clause 5; and
 - (c) the permit under clause 5 has been granted under clause 6; and
 - (d) the portion of the land to which the stock animal has access is effectively fenced so that the animal cannot approach within
 - (i) twelve metres of any dwelling house, school room, hospital, child health centre, work room or eating house; and
 - (ii) two metres of a street boundary, or any adjoining property; and
 - (iii) fifteen metres of any milking shed or milk room of a dairy, other than a milking shed or milk room used for the milking of that animal; and

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- (e) boundary fencing suitable for the containment of the number and type of animals involved is provided and maintained in good condition; and
- (f) **Stallions – double fencing is required around the perimeter of the area where the Stallion is to be kept.**

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (2) The requirements of subclauses 1O(1)(a), 1O(1)(b), 1O(1)(c) and 1O(1)(d) do not apply in respect of keeping poultry if
 - (a) the allotment size is less than 1000 square metres and the number of poultry proposed to be kept does not exceed six; or
 - (b) the allotment size is between 1001 and 1500 square metres and the number of poultry proposed to be kept does not exceed 12, and
 - (c) no roosters are to be kept; and
 - (d) Council is satisfied that such an exemption will not create or contribute to a nuisance.
- (3) The requirements of subclause 10(1) (d)(ii) may be waived by Council if
 - (a) each adjoining property owner lodges a declaration with Council indicating consent that additional fencing requirements are not necessary; and
 - (b) Council is satisfied that an exemption from these requirements will not create a nuisance.

PART 7 - BEES

11 Beekeeping

- (1) **A person must not keep more than two bee hives on any property situated within a residential zone of the Planning Scheme.**

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (2) A person who keeps bees must comply with the Code of Practice for Urban Beekeeping.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

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(3) A person must not keep bees within **15 metres** of

- (a) a street or road; or
- (b) any other building in the occupation of any other person

other than in accordance with the terms of a permit issued by Council.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

(4) A person must not keep bees within **3 metres** of an adjoining boundary.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

PART 8- AVIARY BIRDS

12. Keeping of aviary birds

(1) A person must not keep;

- (a) more than 20 budgerigar, canary, cockatiel or other bird of similar size on an allotment size of less than 1000 square metres; or
- (b) 2 cockatoos, galah or other bird of similar size on an allotment size of less than 1000 square metres; or
- (c) 20 Pidgeon on an allotment size off less than 1000 square meters.

Penalty: On summary conviction fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

(2). A person must not keep aviary birds within 10 metres of any other building in the occupation of any other person.

Penalty: On summary conviction a fine not exceeding 10 Penalty units and with the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

3. A person must not keep aviary birds within 1.5 metres of an adjoining boundary.

Penalty: On summary conviction a fine not exceeding 10 penalty units and with the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

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PART 9- CONTROL OF ANIMALS

13 Proper Location of Animals

- (1) The owner or person in charge of an animal must ensure that it does not.
 - (a) enter or remain on any property, without the consent of the owner or occupier of the property.

Penalty: On summary conviction a fine not exceeding 10 penalty units.
- (2) Subject to subclause 3, the owner or person in charge of a farm animal must ensure that the farm animal is confined to
 - (a) the owner's property; or
 - (b) a property on which the owner or occupier has consented that the farm animal may be kept.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (3) Subclause 2 does not apply when the farm animal is on a road and is under the effective control of the owner or another competent person.
- (4) Any animal found straying or at large on any highway or on any land under the control of Council shall be dealt with in accordance with Part 12, Division 5 of the *Local Government Act 1993* (Tas).

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PART 10 - ANIMAL HOUSING

14 Animal Housing Conditions

- (1) A person must maintain an animal house in a clean and sanitary condition at all times, so as not to
- (a) cause a nuisance to any person or property; or
 - (b) adversely affect the welfare of any animal within it.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (2) A person must not discharge any polluted drainage from any animal house
- (a) beyond the boundaries of any premises from which it emanates; or
 - (b) into any water course or drain
- other than in accordance with a permit issued by Council.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (3) A person who owns or occupies a premises on which an animal or animal house is situated must ensure that it meets the requirements of any relevant Code of Practice.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (4) A person in charge of a companion animal or domestic animal must ensure the provision of adequate shelter which affords protection for the animal from adverse weather conditions.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (5) The General Manager, if satisfied that a nuisance under clause 16 of this by-law has been, or is being caused, due to the location of an animal house, may serve a notice under clause 18 of this by-law instructing the relocation of the animal house to a more suitable site.

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PART 11 - ANIMAL NUISANCE

15 Animal Nuisance

- (1) The owner or person in charge of an animal must ensure it does not foul another person's property without that other person's consent.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

- (2) The owner or person in charge of an animal that fouls any public land or road must immediately clean up and dispose of the deposit in a lawful manner.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

- (3) The owner or person in charge of an animal must ensure it does not attack any person, or any other animal.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

- (4) An owner or occupier of premises must ensure that a nuisance is not created by an animal on those premises, or by the manner in which it is kept.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (5) The General Manager, if satisfied that a nuisance is caused, or contributed to, by the number or type of animals kept on any premises, may serve a notice under clause 18 of this by-law, instructing the reduction in specified animal numbers and/or type of animals being kept.

- (6) The owner or occupier of premises must ensure that the carcass of any animal on those premises is suitably disposed of within a reasonable time after which the carcass has been discovered.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (7) For subclause 16(6) suitable disposal means

- (a) disposal at an authorised local government waste management site; or
- (b) subject to any other relevant legislation complete cremation of the entire carcass; or
- (c) burial of the entire carcass in accordance with the following conditions
 - (i) the top of the carcass must not be within 600mm of the surface of the ground; and
 - (ii) the carcass must be covered with lime to a depth no less than 50mm; and
 - (iii) burial must not be within 100 metres of any watercourse or building, or subject to any overflow from any watercourse; and

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- (iv) the grave must be protected from scavenging animals.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

PART 12 - BY-LAW COMPLIANCE

16 Costs

In addition to any penalty imposed for a breach of this by-law, an expense incurred by Council in consequence of that contravention is recoverable by Council as a debt payable by the person failing to comply with or contravening this by-law.

17 Notices

- (1) An authorised officer who is reasonably satisfied that a nuisance is being created in contravention of this by-law may
- (a) serve a notice on a person who owns or has charge of an animal, or is contributing to the nuisance, or allowing it to occur; and
 - (b) proceed under clause 23.
- (2) A notice under subclause (1)(a) may
- (a) require the person named in it to abate the nuisance within seven (7) days of service of the notice, or such other time period specified in the notice, and to ensure that the nuisance does not recur; and
 - (b) specify any reasonable means by which the nuisance is to be abated.
- (3) A person served with, or specified in, a notice under subclause (1)(a) must comply with the notice.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (4) A person served with, or specified in, a notice under subclause (1)(a) may appeal to the Magistrates Court (Administrative Appeals Division) within fourteen (14) days after service of the notice.

PART 13 - MISCELLANEOUS**18 Entering private premises**

- (1) An authorised officer who has reason to believe that the owner or person in charge of an animal has committed an offence under this by-law may enter and remain in or on private premises other than a dwelling at any reasonable time to determine
 - (a) the number of animals on those premises; and
 - (b) whether or not any animal on those premises is authorised under a permit, licence or any other authority; and
 - (c) any relevant matter relating to any permit, licence or authority, or any application for a permit, licence or authority.
- (2) An authorised officer may require the occupier of premises to produce for inspection by the authorised officer on those premises
 - (a) all animals of which the occupier is the owner; and
 - (b) any other animal kept or being held or retained on the premises; and
 - (c) evidence of authorisation to keep, hold or retain those animals on the premises.

19 Entering Land

- (1) An authorised officer who has reason to believe that the owner or person in charge of an animal has committed an offence under this by-law may
 - (a) enter on to land owned or occupied by that owner or person, but not any dwelling on that land, subject to subclause 3; and
 - (b) search for, seize and impound any animal on that land.
- (2) Any animal seized under subclause 1 shall be dealt with in accordance with the relevant provisions for impounding animals under Part 12, Division 5 of the *Local Government Act 1993* (Tas).
- (3) An authorised officer may apply to a magistrate or a justice for a warrant to enter any dwelling on that land to enforce any provision of this by-law.

20 Name and place of abode

- (1) An authorised officer may require a person to give his or her name, address and date of birth if the authorised officer reasonably believes the person is committing, has committed, attempted to commit or is likely to commit an offence against this by-law.
- (2) A person must not
 - (a) fail or refuse to give his or her name, address or date of birth; or
 - (b) give a false name, address or date of birth.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

21 Obstruction of an authorised officer

A person must not obstruct, assault, threaten, harass or intimidate an authorised officer in performing any function or exercising any power under this by-law.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

22 Infringement notices

- (1) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 2 is the penalty payable under the infringement notice for that offence.
- (2) An authorised officer may
 - (a) issue an infringement notice to a person whom the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (3) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice
- (4) all monies payable to Council in respect of an infringement notice are a debt due to Council and recoverable at law.

Schedule 2 - INFRINGEMENT NOTICE OFFENCES

| Column 1 | Column 2 | Column 3 |
|----------|--|----------------------------|
| CLAUSE | GENERAL DESCRIPTION OF OFFENCE | PENALTY (Penalty Units) |
| 5(9) | Fail to comply with conditions of a licence or permit | 2 |
| 5(10) | Make false representation on licence or permit application | 2 |
| 8(1) | Have an unlicensed stable on land | 2 |
| 10(1) | Keep a farm animal on land without a permit | 2 |
| 11(1) | Keep more beehives on land than permitted | 2 |
| 11(2) | Fail to comply with the Code of Practice for beekeeping | 2 |
| 11(3) | Keep bees within 25 metres of a street or occupied building | 2 |
| 11(4) | Keep bees within 4 metres of adjoining boundary | 2 |
| 12(1) | Keeping more aviary birds than allowed | 2 |
| 12(2) | Keeping Aviary birds within 10 metres of an occupied building | 2 |
| 12(3) | Keeping Aviary birds within 1.5 metres of an adjoining boundary | 2 |
| 13(1) | Allow an animal to enter property or public land | 2 |
| 13(2) | Fail to confine farm animal | 2 |
| 14(1) | Fail to maintain animal house in clean and sanitary condition | 2 |
| 14(2) | Discharge pollution from animal house other than specified in a permit | 2 |
| 14(3) | Fail to keep animal house according to a Code of Practice | 2 |
| 14(4) | Fail to provide adequate shelter | 2 |
| 15(1) | Animal fouling another person's property | 2 |
| 15(2) | Fail to clean up animal deposit from public land or road | 2 |
| 15(3) | Animal attacking person or animal | 2 |
| 15(4) | Nuisance created by an animal on premises where it is kept | 2 |
| 15(6) | Fail to dispose of carcass within reasonable time | 2 |
| 15(7) | Fail to suitably dispose of a animal carcass | 2 |
| 17(3) | Fail to comply with conditions of a Notice | 2 |
| 20(2)(a) | Fail to provide name, address or date of birth | 2 |
| 20(2)(b) | Give false name, address or date of birth | 2 |
| 21 | Obstruct an authorised officer | 4 |

1-168
DRAFT

Certified that the provisions of the by- Law are in accordance with the Law by

Legal Practitioner

Dated this day of at

Certified that the by-law is made in accordance with the *Local Government Act 1993* (Tas) by

General Manger

Dated this day of at

The Common Seal of the Northern Midlands Council was hereunto affixed in the presence of:

Mayor

General Manager

Dated this day at

KEY STAKEHOLDERS COMMENTS

Listed below are comments made by Key Stakeholders

- Keeping of birds – to be added to the by-law
- Animals depositing dung on the roads (Roads and Jetties act 1935)
- Pigs – 25 Metres from nearest residence or no pig sties at all
- Nurturing lambs- this should be allowed
- Bee Hives – allow 2 hives not 1 – bee keeping best practice to prevent swarming
- How is the by-law to be Policed and cost?
- By-law is viewed as a sledgehammer approach
- Licences should not have to be renewed annually and should be at a higher cost
- Definition of a Rooster- between chick and adult
- Northern Midlands Municipality is a farming Community and all towns should be exempt except Perth and Longford
- Registered racing stables should be exempt as the area near the racecourse was set aside for stables.
- Keeping of Stallions and fencing
-

Noted was the majority of the Stakeholders thought the by-law to be heavy handed and too restricting.