

HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995

TOWN OF MOSMAN PARK

HEALTH AMENDMENT LOCAL LAW 2012

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Mosman Park resolved on the *18 December 2012* to make the following local law.

1. Citation

This local law may be cited as the *Town of Mosman Park Health Amendment Local Law 2012*.

2. Commencement

This local law comes into operation on the date of its publication in the *Government Gazette*.

3. Application

This local law applies throughout the district.

4. Principal local law

In this local law the *Town of Mosman Park Health Local Laws 1995* as published in the *Government Gazette* on 9 September 1996, is referred to as the principal local law. The principal local law is amended.

5. Table of Contents amended

The Table of Contents is amended as follows—

- (a) the heading *Division 4—Keeping of Poultry and Pigeons* in PART 5—NUISANCES AND GENERAL is amended by deleting all of the words after the word “*Poultry*” and inserting “; *Pigeons and Parrots*”;
- (b) after Clause 70 insert new headings as follows—
 - (i) “70A Parrots”; and
 - (ii) “70B Nuisance caused by birds”.

6. Heading amended

The heading immediately before clause 67 is amended by deleting all of the words after the word “*Poultry*” and inserting “; *Pigeons and Parrots*”;

7. Clause 67 amended

- (a) Delete all the words in the interpretation “Affiliated Person” and insert the words “means a person who is a member of a properly constituted poultry and pigeon club.”
- (b) In alphabetical order of the terms being interpreted insert the following interpretations—

“**nuisance**” means—

 - (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
 - (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
 - (c) interference which causes material damage to land or other property on the land affected by the interference.”;

“**parrots**” includes parrots, cockatoos, galahs, corellas and the like.”; and

“**unreasonable noise**” has the meaning given to it by the *Environmental Protection Act 1986*.”.

8. Clause 69 amended

- (a) The heading is amended by adding after the word “Poultry” the words “and Pigeons”;
- (b) In subclause 1(a) delete the figure “15” and insert “6”;
- (c) Delete subclause 1(c);
- (d) Amend subclauses “1(d)” and “1(e)” to read “1(c)” and “1(d)” respectively; and
- (e) In new subclause 1(c) delete the figure “15” and insert “6”.

9. New clauses inserted

The principal local law is amended by inserting after Clause 70 the following—

“Parrots

70A A person who keeps, or permits to be kept parrots shall ensure that—

- (a) Parrots are not permitted to approach within 6 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) Subject to subclause (c), cages are to be located at least 6 metres from any dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold and 1.2 metres from the boundary of adjoining properties;
- (c) The approval of the Principal Environmental Health Officer is to be obtained before a cage is kept closer than 6 metres. Such approval will be granted subject to conditions specific to the property in which the parrots are located and surrounding properties;
- (d) All cages shall be kept in a clean condition to the satisfaction of the Principal Environmental Health Officer.

Nuisance caused by birds

70B (1) An owner or occupier of land shall not keep any bird or birds which—

- (a) are or create a nuisance; or
 - (b) emit an unreasonable noise.
- (2) The Principal Environmental Health Officer may direct the owner or occupier to remove any bird or birds that are or create a nuisance and/or emits an unreasonable noise.”

Dated 20 December 2012,

The Common Seal of the Town of Mosman Park was affixed by authority of a resolution of the Council in the presence of—

RONALD A. NORRIS, Mayor.
KEVIN F. POYNTON, Chief Executive Officer.

Consented to—

Dr TARUM WEERAMANTHRI, Executive Director Public Health.

Dated this 9th day of January 2012.
