

# Policy

## Keeping animals

Responsible Manager (Title)	Manager Environment & Regulatory Services		
Adopted by Council	Date: 24/10/2023	Minute Number: 07.23.196	
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Document(s) this policy Supersedes	V1.0 19/05/2015 / 13.061/15		
Community Plan Linkage	Leadership: We will have a strong, accountable, and representative government		

### 1 Purpose/policy objectives

To give guidance and advice to persons regarding the minimum standards for the keeping of certain animals for domestic purposes.

To reduce the incidents of nuisance to others caused by domestic animals.

To publicly notify the matters that the Council will consider in determining whether or not to commence compliance action to require things to be done regarding keeping animals for domestic purposes.

To assist in reducing the impact of domestic animals on native fauna and their habitat.

### 2 Definitions

The definition of terms used in this policy shall be read in conjunction with the following:

*Biodiversity Conservation Act 2016*

*Companion Animals Act 1998*

*Environmental Planning & Assessment Act 1979*

*Local Government Act 1993*

*Clarence Valley Local Environmental Plan 2011*

For the purpose of this policy, **nuisance** is defined as causing harm or offence, either to people in a public place or an individual person at their place of residence or in a public place. The nuisance in relation to animals includes the following:

- Those not under the effective control of a person over 18 years of age and/or can roam free onto land not owned or managed by the animal owner.
- That causes unreasonable noise.

- That are not contained at night.
- That are not microchipped and registered (cats and/or dogs).
- That are predacious on native fauna (cats and/or dogs).

### 3 Background

It is well documented that keeping companion animals and/or pet animals can benefit the psychological well-being of people. People also benefit from the keeping of animals for the provision of food. Nevertheless, regular complaints are made to Council regarding animals of an inappropriate species, animals being accommodated inappropriately, or where animals are not being cared for properly, resulting in circumstances that cause nuisance to neighbours and or threaten the sustainability of native fauna. The majority of the community expects to be able to live and move around free from uncontrolled, dangerous, noisy animals that can threaten people's health, amenity and safety.

Clarence Valley Council seeks to encourage the responsible keeping of animals in domestic situations by ensuring animals are kept in appropriate and healthy conditions, thereby avoiding cruelty to those animals and nuisance to others.

Council receives and investigates approximately 1,550 complaints annually concerning keeping animals. The majority of these complaints relate to stray, roaming, attacking or barking dogs. A significant number also relate to the number of animals on a single property and/or their impact on the environment and the amenity of the immediate neighbourhood due to any one or more contributing factors. These include excessive and objectionable noise, odour, unsightliness, unhygienic conditions, inadequate distances from habitable rooms in nearby properties or lack of containment.

#### 3.1 Managing barking dogs without Council involvement

Noise from barking dogs is the most common complaint received by Council. If you are annoyed by noise from a neighbour's barking dog(s), you are advised to talk to your neighbour. If the barking persists, you should contact a community justice centre who can initiate mediation. If mediation fails, you may contact Council, and a Council ranger will investigate and decide the most appropriate action.

Any citizen may initiate action independently of council by seeking a noise abatement order from the local court. To apply for a noise abatement order, contact your local court. Your local court can tell you what information the court needs for them to consider issuing an order. Contact details for your local court can be found at [www.localcourt.nsw.gov.au](http://www.localcourt.nsw.gov.au).

#### 3.2 Managing complaints when Council involvement is required

When investigating a complaint regarding the keeping of an animal(s), Council will consider the recommendations and guidance notes provided in Table 1 and the following criteria to determine whether or not to give an order or initiate other preventative actions against animal owners.

##### 3.2.1 Animal wellbeing

There is evidence that the animal/s are not actively managed or cared for, such as:

- Water for animal use has been allowed to stagnate, and / or food is rancid.
- There is poor or inappropriate accommodation for the animal/s.
- There is insufficient room for the animal/s to move freely around, stretch fully and rest within the boundaries of the property and/or enclosure.
- The animal/s displays a lack of training, anxiety or boredom.
- Owners have neglected to provide daily care.

### **3.2.2 Environmental conditions**

There is evidence of impact on the natural environment, such as:

- Detrimental effects on protected and / or environmentally sensitive areas.
- Soil erosion and /or land degradation that interferes with an eco-system.
- Run-off associated with natural water flow from animal enclosures and/or cleaning of these areas discharging into neighbouring properties or waterways.
- Predation on local fauna.

### **3.2.3 Neighbourly living**

There are impacts on the amenity, health and or safety of the local neighbourhood, such as:

- The animal/s are habitually at large.
- The animal/s have attacked/chased a person or animal or displayed unreasonable aggression.
- The attraction and / or presence of fleas, ticks, vermin, etc.
- Whether unsanitary or unhealthy conditions have been created, such as the accumulation of faeces, stale food, old bones, etc.
- Foul odour, dust or drainage nuisances.
- Persistent animal noise that continues to such a degree or extent that it unreasonably interferes with any person's peace, comfort or convenience at a place.
- The animal is located too close to a habitable building.
- Water has been allowed to stagnate, and mosquitos are breeding.
- The mix and number of animals within a property is inappropriate for the location.

## 4 Policy statement

This Policy applies to all land within the Clarence Valley Local Government Area. It applies to animals kept for domestic purposes, as companion animals, as pets or for hobby interests. It does not apply to animals kept for commercial agricultural purposes.

Commercial and not-for-profit enterprises involving animal care, breeding and/or trade may require Development Approval under the *Environmental Planning & Assessment Act 1979*. Structures may require approval, including fences used to accommodate and/or enclose any animal or bird. Refer to the *State and Environmental Planning Policy (Exempt and Complying Development Codes) 2008* at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) to determine whether development consent or a complying development certificate is required. Structures and containment areas must not be located in on-site effluent management and/or disposal areas.

### Note

Owners or occupiers of a strata title should become familiar with the rules (By-laws) that relate to keeping a pet in a strata scheme. Depending on the By-laws, the owner may need the consent of the Owners Corporation. Tenants should also seek landlord consent prior to signing any lease.

Any owner or occupier within a strata title scheme can apply for an order to remove a pet on the grounds that it is causing a nuisance. This action is NOT managed by the Council. The NSW Civil and Administrative Tribunal manages non-compliance with Strata By-laws.

Table 1 provides additional criteria for the benefit of all stakeholders, including Council, pet owner/s, immediate neighbours and the broader community. It provides guidance on the way certain animals should be kept on premises within our local government area.

It should NOT be interpreted that keeping animals in excess of the numbers or not in accordance with the manner specified in the table amounts to a prohibited land use. Rather, the table and the criteria in the preamble provide an indication of what will be considered by Council to determine whether a nuisance is being caused and whether enforcement action should be initiated.

Although distances of animal enclosures, etc., from buildings, are referred to, greater distances may be required in some cases.

## 5 Implementation

Table 1 Recommendations and advice for specific animals	
Alpacas / Llamas	
Recommended number	<ul style="list-style-type: none"> <li>A stocking rate should be calculated in accordance with Meat &amp; Livestock Australia guidelines.</li> </ul>
Recommended requirements	<ul style="list-style-type: none"> <li>Keep animals a minimum of 9 metres from any dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for manufacturing, preparing or storing food.</li> </ul>

**Table 1 Recommendations and advice for specific animals**

- Locate enclosures at least 20 metres from any dwelling or place where food is kept, processed or stored, or 6 metres from any roadway or 1 metre from any adjoining property boundary.
- Enclose yard areas to prevent escape.
- Keep feed that is packaged or otherwise requires storage in a manner that prevents access by vermin.

- Advice**
- Alpacas have specific fencing requirements to prevent escape. Development consent may be required for enclosures/fences.
  - Not permitted within R1, R2 and R3 zones.

**Bees (European)**

The NSW Department of Primary Industries is the regulatory authority under the (NSW) *Apiaries Act 1985*. For further information on the keeping of bees and/or to report nuisance bees, refer to [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au). Competition by feral honey bee *Apis mellifera*, is listed as a key threatening process under Schedule 4 of the *Biodiversity Conservation Act 2016*.

**BIRDS**

There are a variety of definitions for ‘birds’. This is especially so for fowls and poultry. To aid interpretation, birds have been separated into groups that are listed alphabetically in this table. These groups include caged birds, fowls, peafowls, pigeons, and poultry. Examples of birds within each group are shown in brackets in the heading.

**Note:**

Provisions exist under the *Local Government Act 1993* to restrict bird numbers where Council is of the opinion that they are not being kept in an appropriate number, manner or kind. Persons interested in keeping birds are advised to consult with relevant bird clubs for advice on suitable species and accommodation requirements.

**Caged birds (includes lorikeets, cockatoos, corellas and the like)**

- Recommended number**
- Appropriate numbers for the size of the cage and type of birds

- Recommended requirements**
- Locate the aviary within the rear yard area of the premise, at least 4.5 metres from neighbouring dwelling(s), public hall, school or premises used for the manufacture, preparation, sale or storage of food and at least 1 metre from any adjoining property boundary.
  - Place barriers around cages to prevent the entry of predators, vermin and other pests.
  - On suspended cages, include trays for the collection of bird waste.
  - Control lice and pests, including wild rodents.
  - Clean aviaries regularly.
  - Store feed in secure containers to prevent access by vermin.

- Advice**
- Check with NSW National Parks & Wildlife Service for licence requirements on keeping of native birds.
  - Refer to the *Biosecurity Act 2015* for licence requirements on keeping non-indigenous species.
  - Noise made by some bird species should be considered when making selections for the aviary. The combination of species may also impact on noise (Lorikeets, Cockatoos and Corellas have been

**Table 1 Recommendations and advice for specific animals**

the subject of noise complaints). Advice from birdkeeper associations can assist you in the selection of species appropriate to the locality.

- Subdivision 21 of *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* applies to the construction of enclosures etc.

## Cats

### Recommended number

- No more than 3 adult cats per property.

### Recommended requirements

- Provide litter trays with a sufficient depth of suitable litter material, such as commercial cat litter, shavings or shredded paper. (Note: sawdust is not recommended as it can irritate eyes). Clean and disinfect litter trays regularly. Remove faeces daily, and change/replenish litter as required. Do not recycle litter.
- Cats should be kept indoors, particularly at night, with access to outdoor cat enclosures/runs and shelter.
- Keep cat enclosures/runs and shelters within the rear yard area of the premise.
- Pet foods should not be left outside. They can be a source of nourishment for foxes and other animals.
- Store feed in secure containers to prevent access by vermin.
- Control pests, including fleas, ticks, flies, lice and wild rodents.

### Advice

- Microchipping and registration is a two-part process. Requirements for cat owners are:
  1. Microchip animals by 12 weeks of age, at point of sale or change of ownership (whichever occurs first).
  2. Register animals with the Council by 6 months of age.
- Cats settled with owners up to 1st July 1999 are exempt from lifetime registration. However, they must be identified by either a microchip or a collar with a tag showing the cat's name and owner's address or phone number.
- Under the *Companion Animals Act 1998*, Council does not have regulatory powers to restrict roaming cats except in prohibited places such as food preparation/consumption areas and designated wildlife protection areas, unless clear evidence is available that shows the cat is causing a nuisance to neighbours and wildlife.
- Predation by cats *Felis catus* is listed as a key threatening process under the *Biodiversity Conservation Act 2016*; owners must make every effort to prevent their cat/s from straying.
- Cats can be trained to live indoors refer to the [www.rspcansw.org.au](http://www.rspcansw.org.au) for advice.

### Note:

It is the pet owner's responsibility to ensure that address details for microchipped and registered cats are kept current. Refer to the NSW Companion Animals Register "Change of Address Notice" on [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

<b>Table 1 Recommendations and advice for specific animals</b>	
<b>Cattle(also includes ox and buffalo)</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>A stocking rate should be calculated in accordance with Meat &amp; Livestock Australia guidelines.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Keep animals a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for manufacturing, preparing or storing food.</li> <li>Locate enclosures at least 20 metres from a dwelling or place where food is kept, processed or stored, or 6 metres from any roadway or 1 metre from any adjoining property boundary.</li> <li>Enclose cattle yards to prevent escape.</li> <li>Keep feed that is packaged or otherwise requires storage in a manner that prevents access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Not permitted in R1, R2 and R3 zones. Commercial agriculture is not permitted in all Residential Zones.</li> <li>Refer to the provisions in the <i>Local Government (General) Regulation 2005</i>, Schedule 2, Part 5 - Standards for Keeping Birds or Animals.</li> <li>Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a></li> <li>Cattle must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.</li> </ul>
<b>Deer</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>A stocking rate should be calculated in accordance with Meat &amp; Livestock Australia guidelines.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Keep animals a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for manufacturing, preparing or storing food.</li> <li>Locate enclosures at least 20 metres from a dwelling or place where food is kept, processed or stored, or 6 metres from any roadway or 1 metre from any adjoining property boundary.</li> <li>Enclose yard areas to prevent escape.</li> <li>Keep feed that is packaged or otherwise requires storage in a manner that prevents access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Not permitted in R1, R2 and R3 zones. Commercial agriculture is not permitted in all Residential Zones.</li> <li>Refer to the requirements of the <i>Biosecurity Act 2015</i>.</li> <li>Deer have specific fencing requirements to prevent escape. Development consent may be required for these enclosures/fences.</li> </ul>

**Table 1 Recommendations and advice for specific animals**

- Deer must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.
- Environmental degradation caused by feral deer is listed as a key threatening process under Schedule 4 of the *Biodiversity Conservation Act 2016*; owners must contain animals on site.

## Dogs

### Recommended number

- No more than 3 adult dogs per property. Recommended number does not apply to working dogs on rural properties.

### Recommended requirements

- Contain dogs within the rear yard area of the premise.
- Change bedding frequently, kept clean, dry and free of parasites.
- The size of the kennel should be based on the body size/bedding requirements of the dog and be accessible for easy cleaning.
- Keep housing and exercise areas clean with the regular removal and proper disposal of animal faeces.
- Pet foods should not be left outside. They can be a source of nourishment for foxes and other animals.
- Store food in secure containers to prevent access by vermin.
- Control pests, including fleas, ticks, flies, lice and wild rodents.

### Advice

- Microchipping and registration is a two-part process. Requirements for dog owners are:
  1. Microchip animals by 12 weeks of age, at point of sale or change of ownership (whichever occurs first).
  2. Register animals with Council by 6 months of age.
- When in public, dogs must be on a leash, under the effective control of a person over the age of 18 if the dog is a menacing or dangerous dog, or a person under the age of 16 for all other dogs, wear a collar with a tag attached showing the dog's name and owner's address or phone number.
- Dogs are not permitted to roam or cause nuisance to neighbours.
- The *Companion Animals Act 1998* requires the owner or person in charge of a dog that defecates in a public place must immediately remove the faeces and properly dispose of it. This means bagging it up and putting it in a waste bin.
- Enclosures for Dangerous Dogs and Restricted Breeds must comply with the *Companion Animals Act 1998* & Regulations.
- The Council has a number of dog off-leash exercise areas across the Clarence Valley. Refer to [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au) for full details on locations and times of use.

**Note:** The *Companion Animals Act 1998* provides for the seizure of a dog in certain circumstances. In these situations, the dog is impounded for the statutory period, i.e. microchipped animals are held for a minimum of 14 days and unidentified animals for 7 days. In accordance with the legislation, every effort is made to notify the owner of the dog's seizure or impounding. It is, however, the owner's responsibility to ensure that address



**Table 1 Recommendations and advice for specific animals**

details are kept current. Refer to the NSW Companion Animals Register 'Change of address notice' on [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

**Ferrets**

<b>Recommended number</b>	<ul style="list-style-type: none"> <li>No more than 2 adult ferrets per property.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Locate the hutch in the rear yard, at least 9 metres from any dwelling and 1 metre from any adjoining property boundary.</li> <li>Ferrets should be contained within the rear yard area of the premise.</li> <li>Feed must be stored in secure containers to prevent access by vermin and/or escape by captive ferret/s.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Female ferrets (Jills) should be desexed before reaching sexual maturity (approximately 6 months of age), or they may die if not mated.</li> </ul>

**Fowls (birds of the species Gallus Gallus, e.g. domestic chickens, guinea fowls and red jungle fowl)**

<b>Recommended number</b>	<ul style="list-style-type: none"> <li>No more than 12 adult birds per property in residential areas.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Locate roosts and fowl enclosures within the rear yard area of the premise, at least 4.5 metres from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food and at least 1 metre from any adjoining property boundary.</li> <li>Place barriers around cages to prevent the entry of predators, vermin and other pests.</li> <li>Keep fowls in the rear yard of the property.</li> <li>Enclose yard areas in a manner that will exclude predators.</li> <li>Keep roosts and fowl houses in a clean state so as not to attract vermin.</li> <li>Store feed in secure containers to prevent access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Subdivision 21 of <i>State Environmental Planning Policy (Exempt &amp; Complying Development Codes) 2008</i> applies to the construction of enclosures etc.</li> <li>Refer to the <i>Local Government (General) Regulation 2005</i>, Schedule 2, Part 5 - Standards for Keeping Birds or Animals.</li> <li>Roosters are not desirable in residential areas as they often cause noise nuisance to neighbours. Where kept, roosters are best managed by covering enclosures at night with covers remaining until morning. Roosters that continue to interfere with the amenity of the neighbourhood may need to be removed from the property.</li> <li>Fowls can attract foxes, stray dogs and domestic and/or feral cats.</li> <li>Inadequate fencing and management can impact on the diversity of wildlife species in the National Park area.</li> </ul>

**Goats**

Table 1 Recommendations and advice for specific animals	
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<b>Recommended number</b>	<ul style="list-style-type: none"> <li>A stocking rate should be calculated in accordance with Meat &amp; Livestock Australia guidelines.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Keep animals a minimum of 9 metres from any dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for manufacturing, preparing or storing food.</li> <li>Locate enclosures at least 20 metres from any dwelling or place where food is kept, processed or stored, or 6 metres from any roadway or 1 metre from any adjoining property boundary.</li> <li>Enclose yard areas to prevent escape.</li> <li>Keep feed that is packaged or otherwise requires storage in a manner that prevents access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Not permitted in R1, R2 and R3 zones. Commercial agriculture is not permitted in all Residential Zones.</li> <li>Goats must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.</li> <li>Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a></li> <li>Competition and habitat degradation by Feral Goats, <i>Capra hircus</i> is listed as a key threatening process under Schedule 4 of the <i>Biodiversity Conservation Act 2016</i>; owners must ensure goats are contained on the site.</li> </ul>

Guinea Pigs	
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<b>Recommended number</b>	<ul style="list-style-type: none"> <li>Adult stocking rate of 1 per 0.5 square metre of hutch.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>The hutch must be located at the rear of the property, at least 4.5 metres from any dwelling and 1 metre from any adjoining property boundary.</li> <li>Guinea pigs must be contained within the rear yard area of the premise.</li> <li>Hutches must be kept in a clean state so as not to attract vermin and constructed in a manner that will exclude predators.</li> <li>Feed must be stored in secure containers to prevent access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>It is recommended that males be separated from each other to prevent animals fighting and creating a noise nuisance.</li> <li>Guinea pigs breed from 3 months of age.</li> </ul>

Horses (also includes mule, donkey and ass)	
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<b>Recommended number</b>	<ul style="list-style-type: none"> <li>A stocking rate should be calculated in accordance with Meat &amp; Livestock Australia guidelines</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Keep animals a minimum of 9 metres from any dwelling, school, shop, office, factory, workshop, church or other place of public worship,</li> </ul>

**Table 1 Recommendations and advice for specific animals**

	<p>public hall or premises used for manufacturing, preparing or storing food.</p> <ul style="list-style-type: none"> <li>• Locate enclosures at least 20 metres from any dwelling or place where food is kept, processed or stored, or 6 metres from any roadway or 1 metre from any adjoining property boundary.</li> <li>• Enclose horse yards to prevent escape.</li> <li>• Keep feed that is packaged or otherwise requires storage in a manner that prevents access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>• Refer to Part O of the Development in Residential Zones DCP for Controls for horse stables in North Grafton.</li> <li>• Refer to the keeping of horses and cattle provisions in the <i>Local Government (General) Regulation 2005</i>, Schedule 2, Part 5 - Standards for Keeping Birds or Animals. The Schedule also outlines standards for stable floors.</li> <li>• Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a></li> </ul>
<b>Peafowls (peacocks, peahens)</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>• A stocking rate of approximately 70m<sup>2</sup> per bird.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>• Locate roosts and enclosures in the rear yard area of the premise, at least 9 metres from any dwelling on an adjoining property and 1 metre from any adjoining property boundary</li> <li>• Enclose coops and construct in a manner that will exclude predators.</li> <li>• Keep peafowls within the yard area of the premise.</li> <li>• Keep enclosures and coops clean at all times. Regularly remove and appropriately dispose of manure.</li> <li>• Store feed in secure containers to prevent access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>• Peafowls are not desirable in residential areas as they often cause noise nuisance to neighbours. They can also cause damage to premises (such as broken roof tiles, etc).</li> <li>• Development Approval may be required for the construction of shelters, etc. (refer to <i>State Environmental Planning Policy (Exempt &amp; Complying Development Codes) 2008</i>).</li> </ul>
<b>Pigeons (pigeons, doves)</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>• Maximum of 60 breeding pairs of pigeons in residential areas.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>• Locate coops and roosts in the rear yard area of the premise, at least 9 metres from any dwelling on an adjoining property and 1 metre from any adjoining property boundary.</li> <li>• Enclose coops and construct in a manner that will exclude predators.</li> <li>• Keep roosts and coops clean at all times. Regularly remove and appropriately dispose of manure.</li> <li>• Store feed in secure containers to prevent access by vermin.</li> </ul>

Table 1 Recommendations and advice for specific animals	
	<ul style="list-style-type: none"> <li>Restrict flight times to 2 hours after sunrise and 2 hours before sunset. Allow exercise flights of no more than 1 hour.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Free lofting of pigeons is not permitted.</li> <li>Pigeons can negatively impact on both the environment and indigenous birds. Food sources and roosting opportunities must not be made available to wild pigeons.</li> <li>Wild pigeon numbers can be managed by discouraging uncontrolled feeding and bird-proofing known roost sites.</li> <li>Development Approval may be required for the construction of lofts, etc. (refer to <i>State Environmental Planning Policy (Exempt &amp; Complying Development Codes) 2008</i>).</li> </ul>
Pigs/swine	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>A stocking rate should be calculated in accordance with Meat &amp; Livestock Australia guidelines.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Swine must not be kept in such a place or manner as to pollute any waterway or water supplied for use (or used, or likely to be used) by a person for drinking or domestic purposes or in a dairy.</li> <li>Swine's dung must not be deposited in such a place or manner as to pollute any water supplied for use (or used, or likely to be used) by a person for drinking or domestic purposes or in a dairy.</li> <li>Swine must not be kept (and swine's dung must not be deposited) within 60 metres of 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.</li> <li>Yards must be so enclosed as to prevent the escape of animals.</li> <li>Feed that is packaged or otherwise requires storage should be kept in a manner that prevents access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Not permitted in Residential Zones.</li> <li>Refer to the requirements on the keeping of swine in the <i>Local Government (General) Regulation 2005</i>, Schedule 2, Part 5 - Standards for Keeping Birds or Animals.</li> <li>Pigs/swine must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.</li> <li>Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a></li> <li>Predation, habitat degradation, competition and disease transmission by Feral Pigs <i>Sus scrofa</i> is listed as a key threatening process under Schedule 4 of the <i>Biodiversity Conservation Act 2016</i>.</li> </ul>
Poultry (duck, geese, turkey, swan, quail, and pheasant)	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>No more than 12 adult birds per property in residential areas.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Locate poultry houses in the rear yard area of the premise, at least 30 metres from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.</li> </ul>

Table 1 Recommendations and advice for specific animals	
	<ul style="list-style-type: none"> <li>• Construct enclosures in a manner that will prevent escape and exclude predators.</li> <li>• Keep poultry in the rear yard of the property.</li> <li>• Keep roosts and poultry houses in a clean state so as not to attract vermin.</li> <li>• Store feed in secure containers to prevent access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>• Refer to the keeping of poultry provisions in the <i>Local Government (General) Regulation 2005</i>, Schedule 2, Part 5 - Standards for Keeping Birds or Animals. The Schedule also outlines standards for the paving of floors in poultry houses.</li> <li>• Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a></li> <li>• Poultry can attract foxes, stray dogs and domestic and/or feral cats. Inadequate fencing and management can impact on the diversity of wildlife species in the National Park area.</li> <li>• Development approval may be required for the construction of poultry houses, etc. (refer to <i>State Environmental Planning Policy (Exempt &amp; Complying Development Codes) 2008</i>).</li> </ul>
<b>Rabbits</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>• Adult stocking rate of 1 per 0.5 square metre of hutch.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>• The hutch must be located in the rear yard, at least 4.5 metres from any dwelling and 1 metre from any adjoining property boundary.</li> <li>• Hutches must be kept in a clean state so as not to attract vermin and constructed so as to prevent the entry of predators.</li> <li>• Must be a recognised domestic breed.</li> <li>• Rabbits must be contained within the rear yard area of the premise.</li> <li>• Feed must be stored in secure containers to prevent access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>• Rabbits should be desexed before 5 months of age.</li> <li>• Do not release rabbits into the environment.</li> <li>• Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a>.</li> <li>• Competition and grazing by the Feral European Rabbit <i>Oryctolagus cuniculus</i> is listed as a key threatening process under Schedule 4 of the <i>Biosecurity Conservation Act 2016</i>.</li> </ul>
<b>Reptiles</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>• Maximum number as appropriate in the circumstances.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>• Must be adequately housed to prevent escape.</li> </ul>

<b>Table 1 Recommendations and advice for specific animals</b>	
<b>Advice</b>	<ul style="list-style-type: none"> <li>All lizards, snakes and turtles require a licence from NSW National Parks &amp; Wildlife.</li> <li>Refer to the <i>Biosecurity Act 2015</i> for licence requirements on keeping of non-indigenous species.</li> </ul>
<b>Rodents</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>Adult stocking rate of 2 per 0.5 square metre of cage.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>External cages must be located at least 4.5 metres from any dwelling on an adjoining property and 1 metre from any adjoining property boundary.</li> <li>Cages must be kept in a clean state.</li> <li>Feed must be stored in secure containers to prevent access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Do not release rodents into the environment.</li> </ul>
<b>Sheep</b>	
<b>Recommended number</b>	<ul style="list-style-type: none"> <li>A stocking rate should be calculated in accordance with Meat &amp; Livestock Australia guidelines.</li> </ul>
<b>Recommended requirements</b>	<ul style="list-style-type: none"> <li>Keep sheep a minimum of 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for manufacturing, preparing or storing food.</li> <li>Enclosures should not be located within 20 metres of a dwelling or place where food is kept, processed or stored, or within 6 metres of any roadway or within 1 metre of any adjoining property boundary.</li> <li>Yards must be so enclosed as to prevent the escape of animals.</li> <li>Feed that is packaged or otherwise requires storage should be kept in a manner that prevents access by vermin.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Refer to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a></li> <li>Not permitted in R1, R2 and R3 zones. Commercial agriculture is not permitted in Residential Zones.</li> <li>Sheep must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.</li> </ul>

## **6 Related legislation & Council's power to control and regulate the keeping of animals**

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation, 2005*. Section 159 of the LGA provides the ability for a council to prepare a draft Local Orders Policy setting out the criteria council must take into consideration in determining whether or not to issue an order under section 124 of the Act.

Enforcement action can be undertaken under the LGA or the *Companion Animals Act*. The latter focuses on the keeping of cats and dogs on residential premises.

Council can exercise further controls in relation to the keeping of animals under the following legislation:

- *Protection of the Environment Operations Act 1997*
- *Public Spaces (Unattended Property) Act 2021*
- *Companion Animals Act 1998*
- *Environmental Planning & Assessment Act 1979* (relating to structures erected without approval that are not exempt development).

Full provisions of these Acts and other NSW legislation can be found at [www.legislation.nsw.gov.au/browse/inforce](http://www.legislation.nsw.gov.au/browse/inforce)

The table in the Appendix provides a summary of relevant Orders, the circumstances under which an Order may be issued and to whom the Orders should be issued.

## 7 Enforcement processes

Council staff will generally provide education and advice as the first stage of enforcement procedures when practical. This practice is intended to achieve compliance and prevent nuisance or other undesirable effects or impacts on persons, property or the environment without continuing with more formal enforcement options as outlined below. Notwithstanding that, circumstances may warrant more direct enforcement action, including the issue of fines or other penalties as provided for under relevant legislation.

### 7.1 Orders issued under the *Local Government Act*

In regard to this policy, Council may issue an Order to:

- require animals to be kept in a manner consistent with this Policy;
- demolish any animal shelters that are not exempt development and have been built without the prior approval of Council;
- remove animals that are not being kept in accordance with this Policy;
- do or refrain from doing such things as are specified in an order so as to ensure that land or premises are placed or kept in a safe or healthy condition.

#### Note:

Council's regulatory powers do not extend to entering private property to seize an animal that may have been the subject of neglect or cruelty. In such cases, the RSPCA is the appropriate authority.

Enforcement action may involve the service of a written notice of intention to serve an order under section 124 of the *Local Government Act* (LGA), the purpose of which is to give the owner of the animal/s an opportunity to make a written submission as to why a formal order should not be served.

**The notice of intention generally gives owners 28 days to respond and/or take corrective action.**

If the matter is not resolved within this timeframe, an order is issued. Examples of the content of a proposed order may include the need for rectification work to be carried out or changes made in the way the animal/s are kept. The time frame given in the order will be appropriate to the type of works and take into account whether development consent is required.

**Orders usually have a minimum compliance period of 28 days. Emergency Orders can, however, be issued directly where Council can justify the issue is a matter of urgency.**

Orders can be modified or revoked. Modified Orders generally apply to a negotiated outcome where the time frame is extended, or representations are made to change the terms of the order. An order is revoked where the requirements outlined in the order have been met. Where non-compliance is detected, Council will give effect to the order by taking further action. Residents should also be aware that Council may issue an order requiring demolition works where a structure is dilapidated, structurally inadequate or constructed without approval where approval is required.

**Any order served by the Council may be appealed within 28 days to the Land and Environment Court.**

**Note:**

The control of animal noise can be enforced under the *Companion Animals Act 1998* (cats and dogs on private properties) or the *Protection of the Environment Operations Act 1997* (for breeders and for animals other than cats and dogs).

Animals can also be impounded under the *Public Spaces (Unattended Property) Act 2021*. Under this Act, animals can be held for a period of not less than 7 days; after this time, the animal may be sold or otherwise disposed of if not claimed.

## **7.2 Orders issued under the *Companion Animals Act***

The *Companion Animals Act 1998* refers to the keeping of cats and dogs on residential premises. Orders that Council may issue under the Companion Animals Act include - Nuisance Orders, Menacing or Dangerous Dog Orders, or Declaration of a dog as a Restricted Breed.

A **nuisance notice** will be served on the pet owner prior to the issue of a **nuisance order**. Matters that result in the issuing of a nuisance order are set out in the *Companion Animals Act 1998*. These include:

- A dog that is habitually at large, persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise; repeatedly defecates outside the property; repeatedly chases or runs at any person, animal (other than vermin) or vehicle; endangers the health of any person or animal (other than vermin) and/or repeatedly causes substantial damage to anything outside the property on which it is kept.
- A cat that persistently makes a noise or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise or where a cat repeatedly damages anything outside the property on which it is ordinarily kept. According to the provisions of this Local Orders Policy, damaging anything includes predation on native fauna.

The notice gives the owner 7 days in which to lodge a written submission as to why a nuisance order should not be issued. If a nuisance order is issued, it will remain in place for 6 months, and the owner is expected to undertake whatever action is necessary to change the behaviour of their companion animal.

A **dangerous dog** or **menacing dog order** can be issued where a dog has, with or without provocation, attacked or repeatedly threatened to attack/chased a person or animal or has displayed unreasonable



aggression towards a person or animal or is a dog kept or used for the purposes of hunting. The owner has 7 days after the date the notice is given to object to the declaration; the notice will also include measures that will require immediate attention until a determination is made. Note: The Local Court may issue dangerous dog Orders/destruction Orders in some cases.

The *Companion Animals Act 1998* also lists various breeds of dogs that are declared restricted breeds. If a notice of intention to declare a dog as a proposed **restricted breed** is issued, the dog owner has 28 days to object, i.e. provide evidence that the dog is not a restricted breed. Should there be a dispute as to the specific breed of the dog, the Act provides for an independent breed and temperament assessment at the cost of the owner.

Proposed and declared dangerous or menacing dogs and restricted breeds have specific provisions that must be followed. These can include certification of enclosures, the desexing of the dog, prohibition from selling or changing ownership, etc. For further information on dangerous dogs and restricted breeds, refer to the *Companion Animals Act 1998*.

The **dangerous/menacing/ restricted dog order** usually remains with the dog for its lifetime, and the order is recorded on the State-wide Companion Animals Register. Under Section 39(1) the owner of a declared dog can apply to Council after 12 months to have that declaration revoked. Note: A certificate of compliance for the enclosure of dangerous dogs and restricted breeds is required.

## 8 Review

This Policy should be revised after adoption of the Council's Animal Control and Animal Shelter Strategy (to be prepared in the 23/24 financial year). The review will consider changes that are needed in order to be consistent with the recommendations of the Strategy.

## 9 Attachments

Nil.

See overleaf for the Appendix, which provides a summary of relevant Orders, the circumstances under which an Order may be issued and to whom the Orders should be issued.

Appendix: Table Summary of relevant Orders, the circumstances under which an Order may be issued and to whom the Orders should be issued.

Reference	To do what?	In what circumstances?	To whom?
<b>Companion Animals Act 1998</b>			
<b>Section 10b</b>	Where a companion animal that is required to be registered is not registered, notice is given to the owner of the animal, requiring the owner to register the animal within 28 days after the date the notice is given.		Owner of the dog or cat
<b>CATS</b>			
<b>Section 31 &amp; 31A</b>	<b>Nuisance order</b> - issued where a cat persistently makes a noise, or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise or where a cat repeatedly damages anything outside the property on which it is ordinarily kept.		Owner of the cat
<b>DOGS</b>			
<b>Section 18</b>	<b>Dog Secured or Seized.</b> An authorised officer, before leaving the property where a dog is secured or seized, and the property is believed to be occupied by the dog's owner, must provide notice as to the reasons why the dog has been secured or seized and the method by which the dog has been secured, or the place to which it has been taken, as the case may be.		Occupier of premises
<i>Note: Section 57 of this Act allows the seizure of an attacking and/or biting dog and where control requirements associated with restricted breeds are not complied with without notice.</i>			
<b>Section 21A (32A &amp; 32B)</b>	<b>Nuisance order</b> - issued where a dog is habitually at large, persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise; repeatedly defecates outside the property; repeatedly chases or runs at any person or vehicle; endangers the health of any person and/or repeatedly causes substantial damage to anything outside the property on which it is kept.		Owner of the dog
<b>Section 34</b>	<b>Declaration of a menacing or dangerous dog</b> - Council can declare a dog as menacing or dangerous where it displays unreasonable aggression or is a dog kept for hunting purposes. Owners may also voluntarily declare their pet as a menacing or dangerous dog.		Owner of the dog
<b>Section 58A</b>	<b>Declaration of a restricted breed of dog</b> - Council can declare a dog as restricted where it is of the opinion that a dog is of a breed or kind of dog referred to in section 55 (1) (a)–(d1), or is a cross-breed of any such breed or kind of dog. The owners will be required to obtain a breed or temperament assessment (as referred to in section 58C) in relation to the dog.		Owner of the dog

## Appendix: Table Summary of relevant Orders, the circumstances under which an order may be issued and to whom the Orders should be issued

Reference	To do what?	In what circumstances?	To whom?
<b>Local Government Act 1993</b>			
<b>Order 18 (Sec 124)</b>	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	Birds or animals kept on premises are: (a) in the case of any premises (whether or not in a catchment district) - of an inappropriate kind or number or are kept inappropriately, or (b) in the case of premises in a catchment district - birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs	Occupier of premises

NOTE: Section 18 of the *Public Spaces (Unattended Property) Act 2021* prescribes animals that are abandoned, unattended or trespassing may be impounded.