



Policy/Code Title:	Policy – Local Order Policy No. 18 - The Keeping of Birds and Animals
Policy/Code Number:	P004.004
Directorate:	Planning and Environmental Services
Department:	Environmental Health and Regulatory Services
Strategic Direction:	4. A Vibrant, Safe and Inclusive City
Strategic Goal/s:	4.3.1 Ensure Kogarah’s distinctiveness, diversity and sense of identity is valued, promoted and celebrated.
Responsible Officer:	Manager Environmental Health and Regulatory Services
Relevant Legislation:	Local Government Act 1993 Local Government (General) Regulation 2005 Environmental Planning & Assessment Act 1979 Companions Animal Act 1998
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Policy Statement

1. Introduction / Background

This Policy provides guidelines for issuing Order No. 18 under section 124 of the *Local Government Act 1993*, relating to the keeping of animals and birds within a residential premises. This Policy details information on maximum numbers, acceptable structures and circumstances under which certain animals and birds may be kept in the interest of neighbourhood amenity and public health.

This policy does not apply to the keeping of birds or animals for business or commercial purposes. Prior Development Consent of Council is required under the *Environmental Planning and Assessment Act*, for these purposes.

2. Definitions of Terms

Council	-	Kogarah City Council
The Act	-	The Local Government Act 1993.
LGA	-	Local Government Area.

3. Purpose

The purpose of this policy is to provide a framework for the safe keeping of birds and animals on residential property within the Kogarah Local Government Area (LGA).

4. Objective/s

The objectives of this policy are:

1. To ensure that the keeping of birds and animals does not adversely impact the surrounding community or the environment.
2. To ensure that all bird and animal owners comply with all relevant government legislation and regulations.
3. To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly.

5. Application / Scope

This policy applies to all residential owners of birds or animals within the Kogarah LGA.

6. Principles / Body

6.1 Circumstance

An Order may be issued when it is considered that birds or animals are being kept inappropriately or that they are of an inappropriate kind or number.

6.2 Criteria

An Order may be served on the occupier of a premise if any of the following occurs:-

- Where the numbers and of animals and birds being kept is not in compliance with this policy.
- Where the type of breed of the birds or animal/s kept are not in compliance with the policy.
- Where any birds or animals being kept are in a location that is considered to be a nuisance or health hazard.
- Where any birds or animals being kept are in such a state that is considered to be a nuisance or health hazard or are kept in such numbers that constitutes a health hazard as determined by an appropriate officer.
- Non-compliance with Section 91 and 92 Part 3 of the Local Government (General) Regulation 2005.

6.3 Penalty

Any person not complying with an Order may be liable to a maximum penalty of \$2,200.00 this is in accordance with the *Local Government Act, 1993*.

A Penalty Infringement Notice of \$220.00 may also be issued by Council upon the owner or occupier of the premises for failure to comply with an Order.

6.4 Council's Powers and Responsibilities

Council has a responsibility to ensure the community is provided with a reasonable level of residential amenity and public health.

If necessary, Council may issue an "Order" under the *Local Government Act 1993* on the person owning or occupying a premise to comply with this Policy, or with additional requirements depending on the circumstances.

An Order may:-

- Prohibit the keeping of birds and animals.
- Restrict the number of birds and animals being kept.
- Specify the manner in which birds and animals must be kept.
- Require maintenance to a structure used to house birds or animals.

If a premise is vacant an Order may be served on the owner of the property.

Any person not complying with an Order may be liable to a penalty in accordance with the Local Government Act, 1993.

A Penalty Infringement Notice may be issued for failure to comply with an Order.

The slaughtering of animals and birds is not permitted within Kogarah LGA.

6.5 How Council Gives Orders

When a complaint is received, a Council Officer would normally contact the person(s) keeping the birds or animals and conduct an inspection. If the complaint is justified, the Officer would seek the co-operation of the person keeping the birds or animals to resolve any problems.

If a problem cannot be resolved by consultation, Council may decide to issue a "Notice of Proposed Order". This is a legal notice issued under the provisions of the *Local Government Act, 1993*. In a majority of circumstances a person will be given the opportunity to comment before an Order is issued to them. In urgent situations, an Emergency Order may be issued without prior notice.

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6.6.1 The Keeping of Birds – Order 18(1)

Objectives:

- To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly;
- To ensure that the keeping of birds does not effect the amenity of the surrounding environment; and
- To ensure that the welfare of birds is maintained.

Criteria:

1. All aviaries, cages and other types of holding enclosures must be constructed of appropriate materials and of a quality of construction that is not likely to cause injury to birds. The material must be of new or good second hand quality and be designed to be vermin proof, well ventilated and have an impervious floor surface.
2. All aviaries, cages and enclosures must be well maintained so as to avoid escape and/or injury to birds.
3. Careful regard must be given to the amenity of neighbours, especially the avoidance of excessive noise and odour.
4. The Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia, must be complied with at all times.
5. Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, all relevant provisions of the *Environmental Planning and Assessment Act 1979* apply.
6. All aviaries, cages or enclosures that exceed exempt compliant regulation must be submitted to Council for development consent.
7. Flooring must be constructed of an impervious material to prevent the entry of vermin.

8. All aviaries, cages or enclosures must be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners.
9. All aviaries and other built facilities for the keeping of caged birds require prior Council consent, except where aviaries do not exceed the following dimensions:
 - (a) 10 square metres floor area, a maximum height of 2.4 metres above ground level (existing), and a minimum of 5 metres from any **neighbouring** dwelling;
 - (b) There must not be more than 2 developments per lot.
10. All bird feed must be stored in vermin proof food storage facilities.
11. An adequate rodent and pest control program must be in place.
12. Excessive noise must be controlled by the use of sound proofing materials, distance and choice of bird species. If complaints are received regularly the owner may be required to address this issue.
13. All aviaries, cages and enclosures must be kept in a clean condition. Aviaries, cages and enclosures must be cleaned **regularly** or whenever there is a build up of faeces, food waste or other waste materials.
14. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.2 The Keeping of Dogs – Order 18(2)

Objectives:

- To encourage the satisfactory care and management of dogs in the Kogarah LGA;
- To ensure that the keeping of dogs does not affect the amenity of the surrounding environment; and
- To ensure that all dog owners comply with all relevant government legislation and regulations.

Criteria:

Note – This section does NOT limit section 18(3) The Keeping of Declared Dogs (Dangerous and Restricted Dogs) or section 18(4) The Keeping of Greyhounds Criteria.

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

Residential Areas

- (a) Single dwelling house allotment

Maximum 2 dogs

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

- (b) Units and Townhouses Allotments

Council recommends a maximum of 1 dog per unit/villa/ townhouse unless it can be demonstrated that the keeping of additional dogs does not adversely impact upon the neighbouring community or the environment.

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

3. All provisions of the *Companion Animals Act 1998* and the Regulation must be complied with, including:
 - (a) Registration requirements; and
 - (b) Micro-chipping requirements.
4. All noise, including barking, must be kept to a minimum so as not to impact upon the amenity of surrounding residents.
5. All odours must be controlled. Care must be taken to ensure all yards and kennel areas are kept clean and free from offensive odours.
6. Dog breeding and/or boarding kennels require prior Council consent.
7. The keeping of dogs must not affect the native fauna of the area.
8. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises

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

6.6.3 The Keeping of Declared Dogs (Dangerous and Restricted Dogs) – Order 18(3)

Objectives:

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

Criteria:

Note – This section does NOT limit section 18(2) The Keeping of Dogs Criteria.

1. A declared dog must be kept in an enclosure that complies with the requirements prescribed by the regulations.
2. One or more signs must be displayed on the property showing the words "**Warning Dangerous Dog**" in letters clearly visible from the boundaries of the property on which the dog is kept.
3. The dog must at all times wear a distinctive collar as required by the regulations.
4. Whenever outside the enclosure, a declared dog must be muzzled, leashed and under the effective control of a competent person at all times.
5. Declared dogs must be de-sexed within 28 days after it has been declared a dangerous dog.
6. Declared dogs must not be sold or given away.
7. Council must be advised as soon as practicable if a declared dog dies, change of address or other information regarding the dog.
8. A declared dog must not be kept under the control of any person under the age of 18 years.
9. Owners of declared dogs must inform council within 24 hours if the dog becomes lost, attacks or injures a person or other animal.

Restricted Dogs

10. Restricted breeds include: American pit bull terrier, Pitbull terrier, Japanese Tosas, Argentinean Fighting Dogs, Brazilian Fighting Dogs, Perro de Presa Canario/Preso Canario and any Crossbreed of a Restricted Breed that has been declared a Restricted Breed by Council; must comply with the requirements of the *Companion Animals Act 1998*.

6.6.4 The Keeping of Greyhounds – Order 18(4)

Objectives:

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

Criteria:

Note – This section does NOT limit section 18(2) The Keeping of Dogs Criteria.

1. All requirements of the *Companion Animals Act 1998* must be complied with
2. Greyhounds registered with the Greyhound Racing Control Board are not required to be micro-chipped. All other greyhounds must be micro-chipped.
3. Greyhounds must be muzzled and be leashed at all times in public places.
4. Greyhounds must be kept in a secure, fenced property to prevent escape.
5. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises
6. The number of greyhounds permitted to be kept on any property in the Kogarah City Local Government Area are as follows:

Residential Areas

- (a) Single dwelling house allotment

Maximum 2 dogs unless demonstrated to Council

Note – This section does not include townhouses, units or those properties with a land area of less than 400 square metres, see 5

7. The keeping of greyhounds in townhouse and unit developments and properties less than 400 square metres is not permitted.
8. Greyhounds must be provided with:
 - (a) Sufficient food drink and clothing;
 - (b) Sufficient exercise;
 - (c) Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
 - (d) Veterinary attention when necessary.

6.6.5 The Keeping of Cats – Order 18(5)

Objectives:

- To encourage the satisfactory care and management of cats in the Kogarah Local Government Area;
- To ensure that the keeping of cats does not affect the amenity of the surrounding environment; and
- To ensure that all provisions of relevant legislation are complied with.

Criteria:

1. Those persons requiring to breed or hold on their property, more than two (2) cats over the age of six months, must be authorised by Council to do so. The keeping of any more than 2 cats must be done in a manner not to affect the surrounding environment.
2. It is a requirement of the *Companion Animals Act 1998* that all cats be registered before 6 months of age and micro-chipped from the time the cat is 12 weeks old. Failure to comply with these requirements renders the owner liable to Council.
3. Cats must not be permitted to create a nuisance in any form, including nuisance roaming into the properties of others.
4. The keeping of cats must be done in such a manner to minimise all odours, waste, noise nuisance and roaming.
5. Wildlife must be protected where possible from cats.
6. All cats are to be kept in at night
7. All provisions of the *Companion Animals Act 1998* and Regulation must be complied with, relating to the keeping and care of cats and infant cats (kittens).
8. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises

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

6.6.6 The Keeping of Rabbits – Order 18(6)

Objectives:

- To encourage the appropriate care and management of rabbits within the Kogarah City Local Government Area;
- To ensure that rabbit owners comply with all relevant legislation pertaining to the keeping of rabbits.
- To ensure that the keeping of rabbits does not affect the amenity of the surrounding environment.

Criteria:

1. Rabbits kept within the Kogarah LGA must be of a recognised domestic breed and be kept in accordance with all requirements of NSW Agriculture. It is illegal to keep wild rabbits in captivity without the approval of the Rural Lands Protection Board.
2. No more than 2 rabbits may be maintained at any one time, unless written approval has been received from the Minister of Agriculture and Council.
3. Rabbits being kept in residential areas must not be kept closer than 3 metres to a dwelling or place that prepares stores or handles food for sale.
4. Hutches and cages must be kept clean at all times and free from offensive odours.
5. The keeping of rabbits must not give rise to an offensive odour.
6. Rabbits must not be bred for greyhound training under any circumstances.
7. Rabbits must be protected from all predators under all circumstances.
8. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises

6.6.7 The Keeping of Ferrets – Order 18(7)

Objectives:

- To encourage the correct care and management of ferrets in the Kogarah LGA;
- To ensure that ferret owners comply with all relevant government legislation; and
- To ensure that the keeping of ferrets does not adversely affect the amenity of the surrounding environment.

Criteria:

1. Hutches and cages must be kept clean at all times and free from offensive odours. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.
2. Protection for ferrets from extreme weather conditions must be provided.
3. Hutch or cage construction must be of a standard that is vermin proof and will prohibit escape.
4. Ferrets are not to be fed live food under any circumstances.
5. Sufficient food and drink must be provided at all times.
6. Ferrets must be caged and/or secured at all times and are not permitted to roam freely.
7. Waste material, including litter, faeces food waste and bedding, must be disposed of in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.8 The Keeping of Guinea Pigs – Order 18(8)

Objectives:

- To encourage the appropriate care and management of guinea pigs within the Kogarah LGA; and
- To ensure that the keeping of guinea pigs does not affect the amenity of the surrounding environment.

Criteria:

1. Hutches and cages must be kept clean at all times and free from offensive odours.
2. Protection for guinea pigs from extreme weather conditions must be provided.
3. Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
4. Sufficient food and drink must be provided at all times.
5. Waste material, including litter, faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.9 The Keeping of Rodents – Order 18(9)

Objectives:

- To encourage the satisfactory care and management of companion rodents, rats and mice within the Kogarah LGA; and
- To ensure the keeping of rodents, rats and mice does not affect the amenity of the surrounding environment.

Criteria:

1. The keeping of these animals is permitted as pet companion animals only. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.
2. No wild rodents are to be kept under any circumstances. Only domesticated breeds of rats and mice are permitted to be kept.
3. Rodents, rats and mice must be confined within rodent proof cages or enclosures.
4. Rodents, rats and mice must be protected from the predation of cats and dogs.
5. Any excess rodents must be disposed of in an appropriate and humane manner.
6. Odours must be controlled at all times.
7. Waste material, including litter, faeces food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.10 The Keeping of Horses and Other Livestock Not Covered in this Policy – Order 18(10)

Objectives:

- To ensure the satisfactory care and management of horses in the Kogarah LGA;
- To ensure that the keeping of horses does not affect the amenity of the surrounding environment; and
- To ensure that horse owners comply with relevant government legislation.

Criteria:

1. Horses must not be kept within 9 metres of an adjoining property, boundary or a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.

2. The floors of stables must be paved with concrete mineral asphalt or other equally impervious material, and must be properly graded to an approved drain.
3. Horse yards must be so enclosed as to prevent the escape of horses.
4. Yarded horses must be provided with a loosebox or similar shelter.
5. The provision of protection from sun, rain, wind and extremes of temperature should be provided. The facilities must be of such a standard of construction and state of repair that prevents escape or injury to the horse. Yards and other holding facilities must be of post and rail or similar construction.
6. External and internal walls of stables are to be of brick or masonry construction of an approved design, and:
 - (a) Have a minimum floor area of 12 square metres for every horse, and 9 square metres for every pony;
 - (b) Have doors with a minimum height of 1.3 metres. The doors must open outward; and
 - (c) Provide ventilation of such a standard that prevents dampness, avoids excessive odours and prevents draughts.
7. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
8. All fences must be of such construction and standard of maintenance that will reasonably ensure that the horse cannot escape and/or be injured.
9. No horse may be taken onto a public reserve, unless permission to do so has been obtained from Council.
10. The keeping of horses or donkeys in townhouse or unit developments is prohibited.
11. No horse may be kept on a public place or vacant allotment within the Kogarah LGA.
12. Cleansing and Waste Requirements
 - (a) No impervious surfaces used by horses shall drain into any stormwater drainage system or waterway. All liquid waste shall be disposed of in a manner approved by Sydney Water.
 - (b) Cleaning of all areas must be completed daily.
 - (c) Provision of waste bin for solid matter and manure, such a waste bin must be cleaned out at least weekly. Council will allow certain forms of composting of stable waste on a case-by-case basis.

13. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.11 The Keeping of Cattle – Order 18(11)

Objectives:

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

Criteria:

1. Cattle must not be within 9 metres (or such a greater distance as the council may determine in a particular case) of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
3. Cattle yards must be enclosed as to prevent the escape of cattle.
4. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
5. All fences must be constructed and up to a standard of maintenance so that the cattle cannot escape or be injured.
6. No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.
7. No cattle may be kept in a residential area with a free land mass area less than 1500 square metres.
8. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.12 The Keeping of Poultry – Order 18(12)

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Kogarah LGA;

- To ensure that the keeping of poultry does not adversely affect the amenity of the surrounding environment; and
- To ensure that poultry owners comply with relevant government legislation.

Criteria:

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

Poultry not to be a nuisance or health risk

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

Poultry not to be kept near certain premises

- (c) Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must not be kept within 4.5 metres (or such greater distance as the council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
 - (d) Poultry (other than fowls referred to in subclause C.) must not be kept within 30 metres of any building referred to in subclause C.
 - (e) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:
 - (i) That are not within 15.2 metres of an adjoining property boundary, dwelling, public hall or school; or
 - (ii) That are situated on clean sand.
 - (f) Poultry yards must be so enclosed as to prevent the escape of poultry.
2. Vermin and other pests must be controlled.
 3. All offensive noise must be controlled.
 4. All poultry must be housed in purpose built facilities. Council approval is required for all structures.
 5. The slaughtering of poultry is not permitted.
 6. Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.
 7. The keeping of roosters is not permitted within the Kogarah LGA.

8. The total numbers of poultry (excluding pigeons, see 18(13)) kept on premises must not exceed the maximum of 15. This may include a combination of fowl, pheasants, quails and pea fowls. Other types of poultry will need written consent from Council.
9. The keeping of poultry in townhouse or unit developments is prohibited.
10. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.13 The Keeping of Pigeons – Order 18(13)

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Kogarah City Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the amenity of the surrounding environment.

Criteria:

1. All pigeons must be housed in purpose built facilities. Council consent is required for the construction of the loft.
2. Enclosed housing must use deep litter or other appropriate substrate.
3. Any pigeon loft/structure shall be set back a minimum one (1) metre from the owner's subject premises/dwelling.
4. Any pigeon loft/structure shall be setback a minimum 900mm from the rear and side boundaries.
5. All pigeon loft/structure and other built facilities for the keeping of caged birds require prior Council consent, except where aviaries do not exceed the following dimensions:
 - (a) 10 square metres floor area, a maximum height of 2.4 metres above ground level (existing), and a minimum of 5 metres from any neighbouring dwelling;
 - (b) There must not be more than 2 developments per lot.
6. Rodents and other vermin must be vigorously controlled.
7. All offensive odours must be controlled.
8. All food must be stored in sealed vermin proof containers and must not be left uncovered.

9. Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
10. Adequate protection from predators must be provided.
11. Positioning of pigeon lofts must be in such a way that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds.
12. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks
13. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.
14. The slaughtering of pigeons in residential areas is prohibited.
15. The keeping of domestic pigeons by hobbyists and racing enthusiasts in the Kogarah Local Government Area shall be permitted with the following control conditions applying:

Residential Areas

- (a) A non-member of a pigeon racing club may house a maximum number of 80 pigeons.
- (b) Pigeons kept in the groups consisting of homing, show and fancy classes must not exceed 80 birds.
- (c) Persons wishing to keep more than 80 pigeons require specific council approval to do so. In this case avicultural conditions apply.
- (d) Development consent is required for any activity not considered to be a hobby.
- (e) The keeping of pigeons within unit or townhouse developments is not permitted.

Racing Pigeons

- (f) A member of a pigeon racing club may house a maximum of 120 pigeons without approval from Council, and maximum number of 150 pigeons with Council approval.

Liberation of Pigeons (General)

Note – This section relates to the practice commonly referred to as homing

- (g) The uncontrolled release of pigeons (free lofting) in a residential area is not permitted.

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

6.6.14 The Keeping of Sheep and Goats – Order 18(14)

Objectives:

- To ensure that sheep and goats are kept in a satisfactory manner in the Kogarah City Local Government Area;
- To ensure that the welfare of sheep and goats remains a priority;
- To ensure that the keeping of sheep and goats does not affect the amenity of the surrounding environment; and
- To ensure that the keeping of sheep and goats does not affect the amenity of the surrounding environment.

Criteria:

1. No sheep or goat may be kept in a residential area on premises with a free land mass area less than 1500 square metres.
2. Sheep or goats may not be kept within 9 metres of any premises or facility used for the commercial preparation or storage of food for human consumption.
3. Sheep and goats are only permitted to be kept on land where suitable grazing exists.
4. The keeping of sheep or goats in townhouse or unit developments is not permitted.
5. The slaughtering of sheep or goats is not permitted within the Kogarah LGA.
6. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

6.6.15 The Keeping of Bees –Order 18(15)

Objectives:

- To ensure the satisfactory care and management of domestic honey bees *Apis mellifera* in the Kogarah LGA;
- To ensure that the welfare of bees remains a priority; and
- To ensure that the keeping of bees does not adversely affect nearby residents or property.

Criteria:

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

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

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

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

4. Wild Hives

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

6.6.16 The Keeping of Pigs (Swine) - Order 18(16)

Objectives:

- To ensure the satisfactory standard of care for pigs (swine) in the Kogarah LGA;
- To ensure that the keeping of pigs (swine) does not adversely affect the amenity of the surrounding environment.
- To ensure that the keeping of pigs (swine) complies with the relevant government legislation pertaining to the keeping of pigs.

Criteria:

1. Swine must not be kept in such a place or manner as to pollute any water supplied for use (or used, or likely to be used).
 - (a) by a person for drinking or domestic purposes, or
 - (b) in a dairy.
2. Swine's dung must not be deposited in such a place or manner as to pollute any water referred to in subclause 1.
3. Without limiting clause 1, swine must not be kept (and pigs dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, 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.
4. No pigs may be kept in a residential area with a free land mass area less than 1500 square metres.
5. Keeping pigs within units or townhouse developments is prohibited. The slaughtering of pigs is not permitted within the Kogarah Local Government Area.
6. Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property.
7. Prior to the erection of any building or shed, a development application must be lodged to and approved by council.
8. The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.
9. The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.
10. Feeding troughs must be used and the troughs must be constructed of an impervious material.

11. All feed must be stored in vermin proof containers.
12. Noise must be controlled at all times.
13. All odours must be kept under control.
14. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

Note – Kogarah City Council considers the keeping of pigs, in any size or breed, within the Kogarah Local Government Area to be inappropriate, due to the level of offensive odours usually attributed to the keeping of these animals.

6.6.17 The Keeping of Fish, Aquariums and Ponds – Order 18(17)

Objectives:

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

Criteria:

1. Water is to be maintained at clean and sufficient levels.
2. All noise from filtration pumps must not be used in a manner that creates a nuisance.
3. Ponds must contain shade of some kind. This may include aquatic plants.
4. Food must be made available that suits the species of aquatic organism(s). This may include aquatic plants.
5. Fish must be protected from predation. This may be done with fencing or a cover of some kind.
6. All fish and aquatic plants must be disposed of in a council approved manner. Council does not approve the dumping of fish and aquatic plants into any type of waterway, or anywhere that leads to one.
7. Ponds are required to be made child proof, to prevent the potential of drowning. The fence must comply with Australian Standard 1926. Applies to ponds more than 300 millimetres in depth.

6.6.18 The Keeping of Reptiles – Order 18(18)

Objectives:

- To ensure satisfactory standards of care and management are met in regards to the keeping of all reptiles in the Kogarah LGA;
- To ensure that the keeping of reptiles does not adversely affect the amenity of the environment; and
- To ensure that all relevant government legislation pertaining to the keeping of reptiles is complied with.

Criteria:

1. Reptiles must be kept in accordance with all provisions of the *NSW Department of Climate Change “Code of Practice for private keeping of Reptiles.”*
2. If you wish to keep reptiles within the Kogarah City Local Government Area, you must get a licence from the National Parks and Wildlife Services. People who hold a licence can obtain reptiles from other people who legally hold them, but they are not allowed to be sold through pet shops and must not be taken from the wild.
3. Reptiles must be housed in all requirements that provide appropriate environmental conditions suited to the particular species.
4. Reptiles held by private keepers must be provided with temperature gradients, humidity levels and light cycles that are appropriate to the species and allow normal physiological functioning and behaviour.
5. When different species of reptiles are housed together, the keeper must ensure that they are compatible and that the respective needs of each species are met.
6. All reasonable steps must be taken to ensure that enclosures are escape proof.
7. Enclosures must be made safe for reptiles to live in by protecting them from hazards that may cut, trap, crush, burn, electrocute, drown or otherwise harm them.
8. Enclosures must be designed so that the keeper can safely work in them and access the reptiles.
9. Enclosures must be designed and/or positioned so as to protect the reptiles from wild animals, pests, domestic pests and people who don't have the keeper's permission to access them.
10. All offensive odours must be controlled.
11. All noise must be controlled.

12. The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.
13. Council strongly suggests that all reptile enthusiasts join a Reptile Keepers organisation.
14. Waste material, including faeces, food waste and bedding, must be stored in a vermin proof container prior to disposal. Waste materials must not be stored in such a manner or location that affects the amenity of neighbouring premises.

7. Community Consultation / Public Exhibition

That the draft policy be placed on public exhibition in accordance with Section 160 of the Local Government Act 1993.

8. Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2005
Environmental Planning and Assessment Act 1979
Companion Animals Act 1998

9. Related and Associated Council Policy and Procedures

Not applicable.

10. Responsible Officer / Policy Owner

Manager Environmental Health and Regulatory Services is the responsible officer. The functions the Manager Environmental Health and Regulatory Services will perform in relation to this policy are:

- Provide a point of contact about the meaning and application of the policy;
- Update the policy when necessary to ensure is current;
- Implement communications, education and monitoring strategies;
- Ensure policy is included on Council's policy register and record management system; and
- Investigate breaches and enforcing compliance.

11. Responsibilities

Manager Environmental Health and Regulatory Services is responsible for the implementation, application and review of the policy across the organisation.

12. Approval

The Executive Team has the authority to approve this policy. However, Council's practice is those policies that have a significant impact on the Community be adopted by Council.

This policy takes effect immediately upon approval by Council.

13. Monitoring

The Manager Environmental Health and Regulatory Services will monitor the application of this policy in accordance with Council's four year delivery plan, one year operational plan and any legislative changes which would necessitate changes.

14. Review Date

This policy is scheduled to be reviewed every three (3) years. The due date for review is December 2018.

However, this policy may be reviewed prior to this date if required.

15. Record Keeping, Confidentiality and Privacy

All documents created in relation to this policy will be kept in accordance with NSW State Records Act, Kogarah City Council's record management practice Corporate Records Policy and NSW State Records Act 1998.

Members of the public can access Council's documents in accordance with Government Information Public Access (GIPA) Act 2009 and Privacy and Personal Information Protection Act (PPIPA) 1998.

The Government Information (Public Access) Act became effective from 1 July 2010 it replaced previous legislation relating to access/rights to information i.e., Freedom of Information (FOI) Act 1989 and s12 of the Local Government Act 1993.

16. Breaches and Sanctions

Any person not complying with an Order may be liable to a maximum penalty of \$2,200.00 this is in accordance with the *Local Government Act, 1993*.

A Penalty Infringement Notice of \$220.00 may also be issued by Council upon the owner or occupier of the premises for failure to comply with an Order.