

Keeping of Animals Policy

POLICY ADMINISTRATION

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| Dates | Policy approved 20/04/2020 This policy is effective upon its approval. Policy is due for review April 2023 |
| Approved by | Council Meeting 20/04/2020 Council Resolution ENV006-20 |
| Exhibition Period | 28 June 2019 until 2 August 2019 |
| Policy Owner | Manager Environment, Health and Regulatory Services |
| Related Documents | Georges River Council - Enforcement Policy, 2017 |
| Appendices | Appendix A – List of web links to applicable reference documents (other than Legislation or Council documents) |
| References and Legislation | <ul style="list-style-type: none"> • Prevention of Cruelty to Animals Act 1979 (POCTA) • Companion Animals Act 1998 (NSW) • Local Government Act 1993 (NSW) • Local Government (General) Regulation 2005 (NSW) • Protection of the Environment Operations Act 1997(NSW) • Environmental Planning and Assessment Act 1979; (NSW) • Impounding Act 1993(NSW) • Food Act 2003 (NSW) • Biodiversity Conservation Act 2016 (NSW) • Biosecurity Act 2015 (NSW) • NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 • Animal Welfare Code of Practice – Breeding dogs and cats Department Primary Industries(DPI) • Beekeeping Code of Practice (DPI) • Bee Biosecurity Code of Practice (DPI) • NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading birds (DPI) • Code of Practice for the Private Keeping of Reptiles, Office Environment & Heritage (OEH) • Hygiene Protocol for the Control of Disease in Captive Snakes (OEH) • Model Code of Practice: Domestic poultry Commonwealth Scientific and Industrial Research Organisation (CSIRO) |

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| | <ul style="list-style-type: none"> • Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits (Australian Agricultural Council) • NSW Pest fish list (DPI) |
| Document Identifier | Policy #: Pol-071.01 Doc Number: D20/117168 |
| Breaches of Policy | Breaches of any policy will be dealt with and responded to in accordance with Council's Enforcement Policy. |
| Record Keeping | All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures. |

PURPOSE

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

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

SCOPE

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

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

DEFINITION OF TERMS

| Term | Meaning |
|---------------------|--|
| Amenity Impact | Includes disturbance from the keeping of animals due to noise, odour, dust, vermin, effluent or the unsightliness of structures used to house animals |
| Animal | 'Animal' includes a mammal, bird, reptile, amphibian or fish. 'Animal' does not include a human being (as defined by the Prevention of Cruelty to Animals Act 1979, NSW). |
| Authorised Officer | An employee of Georges River Council provided with delegated authority to act under the Local Government Act 1993 |
| Council | Georges River Council |
| DPI | NSW Department of Primary Industries |
| Livestock | Includes cattle, horses, donkeys, mules asses, camels, sheep, goats and deer; including any that are a 'mini' breed |
| Prescribed premises | An adjoining dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food |

POLICY STATEMENT

1. Policy objectives

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

2. Application

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

3. Principles

3.1. Keeping of Animals generally

- 3.1.1. Animals are usually kept by residents without difficulty or nuisance. However, on occasion a nuisance may arrive that has an adverse impact on the surrounding amenity, resulting in the lodgement of a complaint. When a complaint is verified by Council, the Authorised Officer will apply the criteria outlined in section 4 in order to resolve the complaint (i.e. to mitigate any nuisance or improve the amenity of neighbours).
- 3.1.2. Generally, the number and kind of animal that is suitable to be kept on any premises will be determined having regard to the size of the available yard (free land mass area) and the distance to the nearest dwelling or other prescribed premises, and the likely impact upon the amenity of any neighbouring premises.
- 3.1.3. Where the number of animals kept on any premises before the commencement of this Policy exceeds that shown for each animal, there is no immediate requirement to reduce animal numbers to comply with this Policy. Should a nuisance be caused as a result of the additional animals, then this exemption does not prevent Council from issuing an order to comply with this Policy.
- 3.1.4. Council will consider on its merits any request to vary the numerical standards contained within this Policy for the keeping of animals on a

premises subject to the Policy on the submission of substantive supporting evidence.

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

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

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

3.3. Breaches and Sanctions

- 3.3.1. Any regulatory action relating to the enforcement of this policy will be in accordance with Council's Enforcement Policy. Council staff will consider the impact of any Policy non-compliance on community amenity before deciding to take regulatory action. A breach of the

numerical standards contained within this Policy alone will not necessarily result in regulatory action being taken by Council.

4. Criteria to be applied when amenity impacts are verified

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

4.2. The Keeping of Bees

Criteria to be applied to verified complaints:

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

Residential Areas:

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

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

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

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

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

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

Wild Hives

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

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

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

Criteria to be applied to verified complaints:

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

4.3.2. Aviaries and cages must be:

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

4.3.3. Vermin proof food storage facilities must be provided.

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

4.4. The Keeping of Cats

Criteria to be applied to verified complaints:

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

4.4.2. Where Council receives verified complaints regarding a roaming cat, the cat is to be prevented from leaving from the property at which it is ordinarily kept by being kept indoors (house, enclosure, shed or garage).

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

Note: Owners of cats are encouraged to de-sex their cats to prevent unwanted litters and keep them contained to minimise the impact on native wildlife or nuisance to neighbouring residents.

4.5. The Keeping of Dogs

Criteria to be applied to verified complaints:

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

Note: Owners of dogs are encouraged to de-sex their animals to prevent unwanted litters.

4.6. The Keeping of Fish

Criteria to be applied to verified complaints:

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

- 4.6.2. Species listed in Schedule 2 of the [Biosecurity Act 2015](#) and DPI Pest Fish list, are classed as prohibited matter and must not be kept.

- 4.6.3. Ponds are to comply with the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 requirements.

- 4.6.4. Pond water is to be maintained to prevent the harbouring of mosquito larvae.

- 4.6.5. Pond water filtration pumps must not be used in a manner that creates a noise nuisance to adjoining properties.

- 4.6.6. Ponds must be provided with shade which includes aquatic plants.

- 4.6.7. Food must be provided that suits the species of aquatic organism(s) being kept.

- 4.6.8. Ponds must be provided with fencing or a cover to protect fish from predation.

- 4.6.9. All deceased or unwanted fish and aquatic plants must be disposed of via an approved waste disposal system. Fish and aquatic plants must not be disposed of into any type of waterway, pond or dam.

4.7. The Keeping of Ferrets and Guinea Pigs

Criteria to be applied to verified complaints:

- 4.7.1. No more than four adult animals may be kept at any one premises.

- 4.7.2. Hutches and cages must be:

- a) kept clean at all times; and
- b) of a construction standard that will prevent escape.

- 4.7.3. Ferrets and Guinea Pigs must be caged and/or secured at all times from escape and are not permitted to free range.
- 4.7.4. It is recommended that ferrets are de-sexed from four to six months of age.
- 4.7.5. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.

4.8. The Keeping of Livestock

Criteria to be applied to verified complaints:

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

4.9. The Keeping of Pigeons

Criteria to be applied to verified complaints:

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

Standard Requirements:

- 4.9.2. A maximum 20 pigeons except as permitted for Racing Pigeons (see below) may be kept.
- 4.9.3. Pigeons must be housed in purpose built facilities at least 15m from prescribed premises.
- 4.9.4. Aviaries (Lofts) must be constructed on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground. Lofts must be enclosed to prevented food or waste becoming wet.
- 4.9.5. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from the loft or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
- 4.9.6. Keeping of pigeons is only permissible on residential properties that have single dwelling or dual occupancy development.
- 4.9.7. Pigeons must be fed within the aviaries/lofts.
- 4.9.8. Free lofting of pigeons (that is allowing pigeons to freely roam outside of their Aviary (loft) in a residential area is not permitted at any time, except as permitted for Racing Pigeons (see below)
- 4.9.9. Pigeons are not allowed to roost on neighbouring buildings. Aviary (Loft) doors and traps must be locked at all times except as permitted for Racing Pigeons (see below).
- 4.9.10. Food must be stored in sealed vermin proof containers and must not be left uncovered.
- 4.9.11. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.9.12. Council is to be notified of the keeping of pigeons, construction of the loft of less than 10 sqm, and any activity not considered a hobby.

Racing Pigeon Requirements:

4.9.13. In addition to the above controls the following requirements apply specifically to the keeping of Racing Pigeons:

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

4.10. The Keeping of Pigs (Swine)

Criteria to be applied to verified complaints:

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

4.11. The Keeping of Poultry

Criteria to be applied to verified complaints:

- 4.11.1. Poultry must be kept in accordance with the [Local Government \(General\) Regulation 2005](#), Part 5, Schedule 2 – Division 2, clauses 19 and 20.
- 4.11.2. Poultry must be housed in purpose built facilities.
- 4.11.3. Food must be stored in sealed vermin proof containers and must not be left uncovered.
- 4.11.4. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.11.5. Outside runs must be free draining, not discharge onto neighbouring properties and not be allowed to become muddy.
- 4.11.6. The total numbers of poultry (excluding pigeons and other birds) kept on premises must not exceed the maximum amount specified below.

| Type | Maximum Numbers |
|-------------|------------------------|
| Peacocks | Nil |
| Roosters | Nil |
| Ducks | 2 |

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|---|-------------------|
| Geese | Nil |
| Swans | Nil |
| Turkeys | Nil |
| Fowls (female chickens) | 5 |
| Pheasants | 5 |
| Quails | 5 |
| Pea Fowls | 2 |
| Total Combined Number per property | 10 maximum |

4.11.7. The slaughtering of poultry is not permitted.

4.12. The Keeping of Rabbits

Criteria to be applied to verified complaints:

- 4.12.1. No more than two adult domestic rabbits may be kept on premises.
- 4.12.2. Rabbits being kept in residential areas must not be kept closer than 9 metres to a prescribed premises.
- 4.12.3. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.12.4. Rabbits must be of a recognised domestic breed and be kept in a rabbit proof enclosure.
- 4.12.5. Rabbits are to be kept in accordance with the Model Code of Practice for the Welfare of Animals – Intensive Husbandry of Rabbits.
- 4.12.6. Rabbits should be de-sexed to prevent unwanted litters.

4.13. The Keeping of Reptiles

Criteria to be applied to verified complaints:

- 4.13.1. There is no maximum number of reptiles permitted however numbers kept may be required to be reduced to mitigate any nuisance or improve the amenity of neighbours.
- 4.13.2. Reptiles may only be kept if in accordance with the Code of Practice for the private Keeping of Reptiles and Hygiene Protocol for the Control of Disease in Captive Snakes, this includes obtaining a licence to keep reptiles.

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

4.14. The Keeping of Rodents

Criteria to be applied to verified complaints:

- 4.14.1. No more than 4 adult rats or 10 adult mice are permitted on a premises.
- 4.14.2. Only domesticated breeds of rats and mice are permitted to be kept.
- 4.14.3. Cages must be of a construction standard that will prevent escape.

- 4.14.4. Rodents must be caged and/or secured at all times from escape and are not permitted to free range.
- 4.14.5. Waste material, including litter and bedding, must be disposed of via an approved waste disposal service or composted.
- 4.14.6. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.

5. General Notes

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

RESPONSIBILITIES

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

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| | <ul style="list-style-type: none"> • Councillors are prohibited from involvement in the day to day operation and management decisions around enforcement and prosecution. • Councillors can assist individuals who raise concerns with them by satisfying themselves that the Council's policies are being carried out correctly. |
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VERSION CONTROL AND CHANGE HISTORY

| Version | Amendment Details | Policy Owner | Period Active |
|---------|--|---|-------------------------|
| KCC | Kogarah City Council – Local Orders Policy No. 18 – The keeping of Birds and Animals | Kogarah Governance | 14/12/2015 – 20/04/2020 |
| HCC | Hurstville City Council – Local Orders Policy – Keeping of Animals. | Hurstville Governance | 01/07/2015 – 20/04/2020 |
| 1.0 | Complete new Georges River Council Keeping of Animals Policy | Manager Environment, Health and Regulatory Services | 20/04/2020 - ongoing |

APPENDIX A – ADDITIONAL WEB BASED RESOURCES AND INFORMATION

https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf

https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/270679/Beekeeping-Code-of-Practice-for-NSW.pdf

<http://beeaware.org.au/wp-content/uploads/2017/09/Australian-Honey-Bee-Industry-Biosecurity-Code-of-Practice.pdf>

<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-birds/aw-code-4>

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Licences-and-permits/keeping-private-reptiles-code-of-practice.pdf>

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Licences-and-permits/captive-snakes-hygiene-protocol-disease-control.pdf>

<http://www.publish.csiro.au/ebook/download/pdf/3451>

<http://www.publish.csiro.au/ebook/download/pdf/369>

<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/awfact16>

<https://www.dpi.nsw.gov.au/fishing/pests-diseases/freshwater-pests/ornamental-fish>