

POLICY NAME

Keeping of Animals Local Orders Policy

POLICY NUMBER

EH 005

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15 February 2016

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7124313

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Council

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February 2020

RESPONSIBLE DEPARTMENT

Environmental Health and Compliance

RELATED DOCUMENTS

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Purpose

This Local Orders Policy has been prepared in accordance with the Act to achieve the following objectives:

1. To provide guidelines for local residents on what is usually considered an appropriate number and kind of animals which may be kept; and
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others, and
3. To outline criteria Council will take into consideration when determining whether or not to issue an Order in relation to the keeping of animals.

Policy Statement

This policy applies to the keeping of most common animals in residential areas of the City, and more generally the keeping of these animals as domestic pets in all areas of the City. The policy does not apply to the keeping of animals for commercial or agricultural purposes.

This policy does not introduce any new restrictions or approval requirements on the number of animals that can be kept in the City. When investigating animal complaints Council officers will consider the guidelines in this policy before determining an appropriate response. This includes whether the number of animals kept at a property contributes to any impacts on residential amenity in terms of noise, odour, property damage, health and safety.

Scope

This policy applies to all staff, councillors, contractors and residents.

POLICY:

The policy commences on the next page.

KEEPING OF ANIMALS LOCAL ORDERS POLICY

JANUARY 2016

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INTRODUCTION

Animals are an important part of the community providing benefits such as companionship and social wellbeing. Although in some circumstances poor management and inappropriate care of animals can impact on residential amenity in terms of noise, odour, property damage, health and safety.

The Local Government Act 1993 (the Act) permits local councils to prepare a Local Orders Policy, that if adopted, specifies criteria Council must take into consideration in determining whether or not to issue an Order under section 124 of the Act.

The main Orders used under the Act in relation to the keeping of animals include:

- Order 18 - 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
- Order 21 - To do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition

This Local Orders Policy has been prepared in accordance with the Act to achieve the following objectives:

1. To provide guidelines for local residents on what is usually considered an appropriate number and kind of animals which may be kept; and
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others, and
3. To outline criteria Council will take into consideration when determining whether or not to issue an Order in relation to the keeping of animals.

This policy applies to the keeping of most common animals in residential areas of the City, and more generally the keeping of these animals as domestic pets in all areas of the City. The policy does not apply to the keeping of animals for commercial or agricultural purposes.

This policy does not introduce any new restrictions or approval requirements on the number of animals that can be kept in the City. When investigating animal complaints Council officers will consider the guidelines in this policy before determining an appropriate response. This includes whether the number of animals kept at a property contributes to any impacts on residential amenity in terms of noise, odour, property damage, health and safety.

APPROVAL CONSIDERATIONS

If a person intends to operate a commercial animal boarding or training establishment they will need to consider other planning controls including whether development approval is needed.

Under Penrith Local Environmental Plan 2010 'animal boarding or training establishment' means *a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.*

Some structures may also require separate development approval for the keeping of animals.

Owners or occupiers of a strata title dwelling should also become familiar with the rules (By-laws) relating to keeping a pet in a strata scheme. Depending on the By-laws, the owner may also 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. Non-compliance is managed by the Consumer, Trader and Tenancy Tribunal (Free Call 1300 135 399).

OTHER CONSIDERATIONS

THE COMPANION ANIMALS ACT

The Companion Animals Act 1998 and Companion Animals Regulation 2008 provide the legislative framework for effective and responsible care and management of companion animals, maintained through co-operation, self-regulation and compliance.

Council's Companion Animal Management Plan details an ongoing commitment towards companion animal management within the City. It also addresses measures to protect public health and safety, public amenity and community harmony.

Some rescue agencies that re-home animals may have approval under the Companion Animals Act to operate from a residential premises. The number of animals managed by these agencies may vary from the numbers recommended by this Policy, although the standards for keeping animals is still expected to be high to ensure there are no unreasonable impacts on residential amenity.

MICRO-CHIPPING

Please ensure address details for micro-chipped and registered cats and dogs are kept current. The NSW Companion Animals Register 'Change of address notice' can be found at this website - www.dlg.nsw.gov.au

BEES

The NSW Department of Primary Industries (DPI) is the regulatory authority under the Apiaries Act 1985 (NSW). See the Appendix for further details.

CAGED BIRDS

GUIDELINES

- 1) Birds must not be permitted to create a nuisance. Careful regard must be given to the requirements of neighbours to control and prevent offensive noise and odours.
- 2) Birds should be housed in predator proof enclosures.
- 3) Trays should be included in hanging cages for the collection of bird waste.
- 4) Enclosures should be cleaned regularly to prevent the accumulation of waste.
- 5) Control lice and pests including wild rodents.
- 6) Store feed in secure containers to prevent access by vermin and locate away from food preparation areas.

See further guidelines for Aviaries, Pigeons, Fowl and Poultry in sections below.

AVIARIES

- 1) Bird numbers should be appropriate for the size of the enclosure and the species of birds being kept.
- 2) Enclosures should be suited to the needs of the bird species being kept.
- 3) Enclosures should not be overcrowded so that noise, waste and odour can be easily managed.
- 4) An aviary should be located in the rear yard and at least 900mm from any property boundary.
- 5) The height of an aviary should not be more than 2.4m² above the existing ground level.
- 6) An aviary should have an impervious floor.

Please Note:

- *Aviculture societies and clubs are the recommended source for specialist advice. Council encourages bird keepers to contact an Aviculture club relevant to their species of interest. See the Relevant Contacts section on page 15 for contact details.*
- *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 the subject of noise complaints). Advice from aviculture societies and clubs can assist in the selection of species appropriate to the locality.*
- *Clause 2.8 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides development standards for aviaries. Some aviaries require development approval. Please check first with Council.*
- *Check with NSW National Parks & Wildlife Service for licence requirements on keeping of native birds.*
- *Refer to the Non-Indigenous Animals Act 1987 for licence requirements on the keeping of non-indigenous species.*

FOWL AND POULTRY

- 1) Where there is sufficient area in a rear yard of a residential premises the number of fowl and poultry should be limited to:
 - a. no more than 5 small fowl or poultry (where adults are less than 2kg e.g. chickens, pheasants, quail, call ducks and mallard ducks) and
 - b. no more than 2 large fowl or poultry (where adults are more than 2kg e.g. large ducks and geese).

Up to 10 fowl or poultry would be suitable on large lot residential properties (e.g. lots 4000m² or above)
- 2) Roosters should not to be kept in residential areas due to their noise. Other noisy fowl and poultry such as Peacocks, Guinea Fowls and Turkeys are also considered unsuitable to be kept in residential areas.
- 3) Fowl and poultry should be housed in the rear yard at least 3 metres from any property boundary.
- 4) Fowl and poultry should not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- 5) Fowl and poultry should be housed in predator proof enclosures.
- 6) Fowl and poultry yards should be enclosed to prevent their escape.
- 7) Fowl and poultry yards and houses should be cleaned regularly to prevent the accumulation of waste and minimise odour.
- 8) Waste material, including manure, litter and bedding should be disposed of in a responsible manner.
- 9) Outside runs should be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.
- 10) All food should be stored in sealed vermin proof containers and not left uncovered.
- 11) Fowl and poultry should not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

Please Note:

Clause 2.42 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides development standards for fowl and poultry houses. Some houses may require development approval. Please check first with Council.

PIGEONS

- 1) As a general guide up to 20 adult pigeons can be kept at a residential premises.
- 2) Coops and roosts must be located in the rear yard of a premises at least 10 metres from any dwelling on an adjoining property and 900mm from any property boundary.
- 3) Pigeons must not be permitted to create a nuisance. Careful regard must be given to the requirements of neighbours to control and prevent offensive noise and odours.
- 4) Coops are to be enclosed and constructed in a manner that will exclude predators.
- 5) Roosts and coops are to be kept clean at all times. Manure is to be regularly removed and disposed of responsibly.
- 6) Feed must be stored securely in containers to prevent access by vermin and located away from food preparation areas.
- 7) Flying times are restricted to between 2 hours after sunrise and 2 hours before sunset.

Please Note:

Pigeon structures may require development approval. Please check first with Council.

CATS

GUIDELINES

- 1) As a general guide up to 4 cats can be kept at a residential premises.
- 2) Adequate holding facilities must be in place, especially for all non de-sexed male cats.
- 3) Cats should be kept indoors at night.
- 4) Cats must not be permitted to create a nuisance. Careful regard must be given to the requirements of neighbours to control and prevent offensive noise, odours or damage to the properties of others.
- 5) Waste matter including litter and bedding must be disposed of in a responsible manner. Litter trays should be cleaned and disinfected regularly with faeces removed daily. Litter needs to be changed and replaced as required.
- 6) Feed must be stored securely in containers to prevent access by vermin. Pet food should not be left outside.
- 7) All pests including fleas, ticks, flies, lice and wild rodents must be controlled.
- 8) Where possible wildlife should be protected from cats.
- 9) All provisions of the *Companion Animals Act 1998* and the Companion Animals Regulation 2008 must be complied with, including registration and micro-chipping requirements.

Please Note:

- *Owners of cats are encouraged to de-sex their cat; registration fees are cheaper for de-sexed animals.*
- *Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping cats.*

DOGS

GUIDELINES

- 1) The number of dogs suitable to be kept at a residential premises will depend on the breed, the availability of appropriate living and exercise areas and the management practices of dog owners.
- 2) Dogs must not be permitted to create a nuisance. Careful regard must be given to the requirements of neighbours to control and prevent offensive noise, odours or damage to the properties of others.
- 3) Housing, bedding and exercise areas must be kept clean and faeces must be regularly removed and disposed of responsibly.
- 4) Barking must be controlled to minimise noise.
- 5) All odours must be controlled.
- 6) Feed must be stored securely in containers to prevent access by vermin. Pet food should not be left outside.
- 7) All pests including fleas, ticks, flies, lice and wild rodents must be controlled.
- 8) Where possible wildlife should be protected from dogs.
- 9) All provisions of the *Companion Animals Act 1998* and the Companion Animals Regulation 2008 must be complied with, including micro-chipping and registration requirements.

Please Note:

- *Dog societies and clubs are the recommended source for specialist advice. Council encourages dog owners to contact a local club relevant to their dog breed. See the Relevant Contacts section on page 15 for contact details.*
- *Dog owners are encouraged to review the practices of organisations like Dogs NSW who promote responsible pet ownership, have developed an industry code of ethics and guidelines for the care and management of keeping and breeding dogs.*
- *Some dog kennel structures may require development approval. Please check first with Council.*
- *Declared dangerous or restricted dog enclosures require development approval.*
- *Commercial dog breeding and/or boarding kennels are subject to Council approval.*
- *Owners of dogs are encouraged to de-sex their dog. Registration fees are cheaper for de-sexed animals.*
- *Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping dogs.*

LIVESTOCK

GUIDELINES

The following livestock species are considered unsuitable to be kept in residential areas of the City due to their size and specialised husbandry requirements:

- Alpacas and Llamas
- Camels
- Cattle
- Donkeys
- Goats
- Horses and Ponies
- Pigs and Swine
- Sheep

RABBITS AND GUINEA PIGS (CAVIES)

GUIDELINES

- 1) As a general guide 1 adult rabbit or guinea pig per 0.5 square metre of enclosure can be kept at a residential premises.
- 2) Rabbits and guinea pigs are to be housed in predator proof enclosures.
- 3) Enclosures must be located in the rear yard, at least 4.5 metres from any dwelling and 900mm from any property boundary.
- 4) Enclosures must be kept in a clean state so as not to attract vermin or other pests.
- 5) All odours must be controlled.
- 6) Feed must be stored in secure containers to prevent access by vermin.
- 7) It is recommended that male guinea pigs be separated from each other to prevent animals fighting and creating a noise nuisance.

Please Note:

- *Rabbits should be de-sexed before 5 months of age.*
- *Guinea pigs breed from 3 months of age.*
- *Do not release rabbits or guinea pigs into the environment.*
- *For further details on guinea pig care refer to the NSW Cavy Club website www.nswcavyclub.org/cavy-care*
- *Refer also to management practices for Agriculture - Livestock on the NSW Department of Primary Industries website www.dpi.nsw.gov.au*
- *Competition and grazing by the Feral European Rabbit *Oryctolagus cuniculus* is listed as a key threatening process under the Threatened Species Conservation Act 1995.*
- *The management of pest or feral rabbits is the responsibility of the NSW Department of Primary Industries – Agriculture.*

RODENTS (RATS AND MICE)

GUIDELINES

- 1) As a general guide up to 2 adult rats or mice per 0.5 square metre of cage can be kept at a residential premises.
- 2) External cages must be located at least 4.5 metres from any dwelling on an adjoining property and 900mm from any property boundary.
- 3) Cages must be kept in a clean state.
- 4) All odours must be controlled.
- 5) Feed must be stored in secure containers to prevent access by vermin.

Please Note:

- *Do not release rats or mice into the environment.*

FERRETS

GUIDELINES

- 1) As a general guide 1 adult ferret per 1 square metre of enclosure can be kept at a residential premises.
- 2) Ferrets must not be permitted to create a nuisance.
- 3) External cages must be located at least 4.5 meters from any dwelling on an adjoining property and 900mm from any property boundary.
- 4) Cages must be kept in a clean state so as not to attract vermin or other pests.
- 5) All odours must be controlled.
- 6) Waste matter including litter and bedding must be disposed of in a responsible manner. Litter trays should be cleaned regularly with faeces removed daily. Litter needs to be changed and replaced as required.
- 7) Feed must be stored in secure containers to prevent access by vermin.

Please note:

- *Owners of ferrets are encouraged to de-sex their ferret.*
- *Do not release ferrets into the environment.*

RELEVANT CONTACTS

Advice for people living in villas and townhouses:

Phone the Consumer, Trading and Tenancy Tribunal on 1300 135 339

Information regarding Bees:

Phone the Department of Primary Industries on 02 6741 8374

Report injured native animals:

Phone WIRES on 1300 094 737

Report injured non-native animals:

Phone RSPCA on 1300 278 358

Report animal cruelty and welfare matters:

Phone RSPCA on 1300 278 358 or the Animal Welfare League on 02 8777 3300

Report dog attacks and roaming animals:

Phone Penrith City Council on 4732 7777

Specialist advice regarding birds:

Hawkesbury Finch Club - Branch of the Finch Society of Australia Inc. (Sec: Ron James 0415 878 162 www.hawkesburyfinchclub.com)

Nepean District Caged Bird Club (Sec: Howard Sumner 0400 547 714 howchris@optusnet.com.au)

The Budgerigar Society of NSW - Penrith Valley Branch (Sec: Anna Shaw 0428 412 757 artbyanna@bigpond.com)

The Canary and Cage Bird Federation of Australia Inc. is able to recommend suitable clubs for other species (Sec: Ron Robertson 9452 2396 birdclubs@aapt.net.au)

Specialist advice regarding dogs:

Dogs New South Wales on 02 9834 3022 (www.dogsnewswales.org.au)

APPENDIX

KEEPING OF BEES

The NSW DPI backyard keeping fact sheet provides guidance to backyard beekeepers including:

- All beekeepers in NSW who own bee hives must be registered with NSW DPI. Failure to register may result in a fine.
- You should consult with your neighbours before keeping bees.
- A comfortable number of colonies in an average backyard is two or three hives.
- Locate the apiary in a neutral zone away from residences.
- Bees require a dry, sunny position, preferably with a north-east aspect. Windy locations are not suitable.
- Flight paths are important. It is necessary to place bees away from human traffic areas, footpaths, back doors, vegetable gardens and the like.
- It is important to arrange a water source in your own yard and keep it replenished.
- Temperament varies between strains of bees. It is important that queens which are quiet and easy to handle are selected for backyards.
- Swarming of bees is a natural occurrence. It is important to become familiar with the stimuli that promote swarming and take measures to reduce it.

For further information on the keeping of bees or to report nuisance bees please refer to www.dpi.nsw.gov.au.

Please Note:

*Competition by feral honey bee *Apis mellifera* is listed as a key threatening process under Schedule 3 of the Threatened Species Conservation Act 1995.*