



Bayside Council

Serving Our Community

Keeping of Animals Policy

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Keeping of Animals Policy

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Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

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Introduction

1.1 Background

Dogs, cats and other animals are kept by residents of the Bayside area usually without difficulty. The keeping of animals can be very rewarding for both animals and humans.

Occasionally a nuisance arises caused by the keeping of animals which results in complaints being lodged with Council.

To assist residents, Council has developed this Policy for the keeping of animals for domestic purposes under Section 159 of the Local Government Act, 1993. It is not intended to completely regulate the manner in which animals are kept, but rather to provide residents with some reasonable limits on maximum number and circumstances under which certain animals may be kept in the interests of amenity and public health.

1.2 Aims

To establish a Policy for the keeping of animals for domestic purposes, in particular:

- a To minimise local nuisance and maximise residential amenity.
- b To ensure that the keeping of animals does not compromise minimum standards of public health.
- c To provide information about relevant Regulations and Regulatory bodies.
- d To communicate Council's requirements and recommendations about the keeping of animals.

1.3 Definitions

Premises: includes buildings, parts of buildings, land whether built upon or not, sheds or other structures, tents, swimming pools, vessels and boats, and vehicles within premises.

Council: - Bayside Council

The Act: - Local Government Act 1993.

LGA: - Local Government Area.

1.4 Policy Statement

Bayside Council is committed to providing a framework that supports the safe keeping of animals for residents on residential property for the enjoyment of their owners and appropriate amenity of neighbours.

1.5 Scope of Policy

This policy applies to all residential owners of animals within the Bayside Local Government Area in relation to the premises upon which animals are kept for domestic reasons, including for pets, and other similar interests.

This policy does not apply to the keeping of animals for business or commercial purposes where the prior Development Consent is required.

Responsibilities of the Animal Owner

- a Do not keep an inappropriate number of animals or birds in relation to the size and nature of the premises.
- b Only keep a kind of animal that is suitable for your premises. Extra care is needed in selecting an animal for a home unit and high rise dwellings - check with the owner or Secretary of the Body Corporate.
- c To keep animals under conditions that do not:
 - Create unsanitary or unhealthy conditions
 - Attract vermin
 - Create offensive noise or odours
 - Cause a drainage nuisance
 - Create an unreasonable annoyance to neighbouring residents.
- d To apply for Council approval to erect an animal shelter unless an exempt or complying development. .

Criteria

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

- Where the numbers and of animals being kept is not in compliance with this policy.
- Where the type of breed of the animal/s kept are not in compliance with the policy.
- Where any animals being kept are in a location that is considered to be a nuisance or health hazard.
- Where any 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.

Penalty

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

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

Council's powers and responsibilities

Council's responsibility is to ensure the maintenance of a reasonable level of residential amenity and public health.

If necessary, Council can issue an 'Order' under the *Local Government Act 1993* on the person occupying premises to comply with this Policy, or, with additional requirements depending on the circumstances.

An Order may:

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

If a premises 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 is not permitted within LGA.

Council also has other powers that relate to the control of animals under:

- Companion Animals Act, 1998
- Protection of the Environment Operations Act, 1997
- Food Act, 2003 (animals not to be kept where food is handled for sale)
- Impounding Act, 1993.

How does Council give orders?

When a complaint is received, a Council Officer would normally contact the person(s) keeping animals and make an inspection as per the Council's Enforcement Policy. If the complaint is justified, the Officer would seek the co-operation of the person keeping the animal(s) to resolve any problem.

If a problem cannot be resolved by consultation, Council may decide to issue a 'Notice of Intention to Give an 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** the Order is issued. In urgent situations, an Emergency Order may be issued without prior notice.

Policy Implementation

1.6 Policy Responsibilities

The General Manager has overall responsibility for the policy

The Manager Compliance is the responsible officer. The functions the Manager Compliance 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.

The Manager Compliance is responsible for the implementation, application and review of the policy across the organisation.

1.7 Procedures

Procedures that support this policy, may be approved by the General Manager from time to time.

1.8 Breaches

Council refuses to grant approval, or may cancel approval already issued, if:

- The requirements of the relevant clauses in the Acts, Regulations and Policy are not adhered to.
- Any person not complying with an Order may be liable to a maximum penalty in accordance with the *Local Government Act, 1993*.
- A Penalty Infringement Notice may also be issued by Council upon the owner or occupier of the premises for failure to comply with an Order.

Document control

1.9 Review

This policy is scheduled to be reviewed every four (4) years. However, it may be reviewed prior to this date if required.

The Manager Governance & Risk may approve non-significant and/or minor editorial amendments that do not change the policy substance.

1.10 Related Documents

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

1.11 Version history

Two policies were originally adopted separately. Keeping of Animals; Keeping of Horses. For administrative convenience, these have been merged into this one document.

This document is based on a former Rockdale City Council last approved on 11 September 1996.

Version	Release Date	Author	Reason for Change
1.0	10/01/2020	Coordinator Health & Environmental Compliance	New harmonised document, reviewed & updated

TYPE OF ANIMAL	MAXIMUM NUMBER (Excludes offspring to 3 months of age)	MINIMUM DISTANCE (From certain buildings*)	REGULATIONS AND REQUIREMENTS	ADVICE AND RECOMMENDATIONS
Sulphur crested cockatoo, little and long billed corella	2 – portable cage	3 metres		
	4 - aviary	10 metres		
RABBIT	1	3 metres	<ul style="list-style-type: none"> Some species of rabbit are controlled by the NSW Department of Primary Industries under Biosecurity Act 2015, Game and Feral Animal Control Act 2002, Local Land Services Act 2013 Must be kept in a rabbit-proof enclosure. 	<ul style="list-style-type: none"> Do not release rabbits into the environment. Discuss Immunisation with your Vet.
BEES	As appropriate in the circumstances	As appropriate in the circumstances	<ul style="list-style-type: none"> Controlled principally by NSW Department of Primary Industries under the Biosecurity Act, 2015. Complaints regarding bees are referred to the NSW Department of Primary Industries for investigation. 	<ul style="list-style-type: none"> Contact NSW Department of Primary Industries
HORSES AND CATTLE	1	9 metres (greater where directed by Council)	<p>Local Government Act Regulations apply including:-</p> <ul style="list-style-type: none"> 9 m separation from dwellings and certain separation may be required where necessary. Stable floors must be impervious and drained. (Prior approval for erection of a stable may be required – refer Local approvals Policy No 1 or contact Council's Customer Service Centre) 	<ul style="list-style-type: none"> Most properties within this Council area are not suitable for the keeping of these animals.
SHEEP & GOATS	1	9 metres	<ul style="list-style-type: none"> Not to create a nuisance. Not to be slaughtered. 	<ul style="list-style-type: none"> Most premises within this Council area are not suitable for the keeping of these animals.
PIGS	1	60 metres	<p>Local Government Act Regulations apply including:-</p> <ul style="list-style-type: none"> 60 m separation from dwellings and certain other buildings. 	
AQUARIUM AND POND FISH	As appropriate in the circumstances	As appropriate in the circumstances	<ul style="list-style-type: none"> Not to create a nuisance. Fish ponds 300 mm or more in depth are subject to pool safety requirements. 	
REPTILES AND AMPHIBIANS	As appropriate in the circumstances	As appropriate in the circumstances	<ul style="list-style-type: none"> Must be adequately contained to prevent escape from the premises. 	<ul style="list-style-type: none"> The keeping of snakes is likely to cause concern to neighbours. Various snakes are protected (refer native animals) and/or venomous (refer venomous animals).
OTHER ANIMALS NOT SPECIFIED	As appropriate in the circumstances	As appropriate in the circumstances	<ul style="list-style-type: none"> Must be appropriate in the circumstances and contact should be made 	-

TYPE OF ANIMAL	MAXIMUM NUMBER (Excludes offspring to 3 months of age)	MINIMUM DISTANCE (From certain buildings*)	REGULATIONS AND REQUIREMENTS	ADVICE AND RECOMMENDATIONS
			with Council in the first instance.	
Certain Buildings*= a dwelling, shop, office, factory, school, premises used for the manufacture, preparation, sale or storage of food, church or public hall, unless otherwise regulated by State Law.				

Appendix 2 – Group 2 – Uncommon, Protected and Restricted Animals

TYPE OF ANIMAL	RELEVANT ADVICE
NATIVE ANIMALS	<ul style="list-style-type: none"> • Strictly protected and must not be kept unless in accordance with the National Parks and Wildlife Act, 1974. Some exceptions apply including the native budgerigar, zebra finch and sulphur crested cockatoo. • Enquiries should be directed to the National Parks and Wildlife Service.
PEST ANIMALS Rabbit Feral Pig Dingo (wild dog)	<ul style="list-style-type: none"> • Strictly controlled and must not be kept unless in accordance with Biosecurity Act 2015, Game and Feral Animal Control Act 2002, Local Land Services Act 2013 • Enquiries should be directed to the NSW Department of Primary Industries.
DANGEROUS AND VENOMOUS ANIMALS	<ul style="list-style-type: none"> • It is generally not appropriate to keep dangerous or venomous animals in the Bayside Council area.
EXOTIC ANIMALS	<ul style="list-style-type: none"> • May be subject of State or Federal Regulations including Quarantine Regulations.

Appendix 3 – Guidelines for Keeping of Horses

Development Consent

Horses may be agisted in some land zones, subject to Council granting Development Consent. Intending applicants should make enquiries with Customer Service Centre to determine whether Development Consent is required.

Land Use Intensity

The ratio of the number of horses in relation to the area of the portion of the land enclosed for the keeping of horses shall be not more than two horses per 1,000 square metres. However, in some instances where properties are in close proximity to residences and/or contain significant remnant vegetation, it may be appropriate to reduce this rate in specific instances. The keeping of horses is to be for the care and feeding of horses only. Any further activities such as dressage training and working of horses will not be permitted.

Location in Relation to Adjoining Properties

The Local Government (General) Regulation 2005 specifies standards which Council may, by prior notice, serve an Order on a person who occupies or is in charge of land where a horse or horses are kept. To meet Council's objectives to prevent nuisance, the following separation of horses from adjoining premises shall be maintained;

One horse kept on residential land shall not be kept within 9 metres 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. Council may require a greater distance where appropriate.

Prevention of Nuisance and Pollution

- * The keeping of horses shall not give rise to the creation of any nuisance
- * The yard shall be properly enclosed to prevent the escape of horses
- * Stables and yards shall be kept clean and the floor shall be impervious and properly graded to drain
- * Manure shall be collected at least daily. Manure not removed immediately shall be stored in adequate fly-proof bins that shall be emptied at least weekly
- * Fly control measures shall be implemented as necessary
- * Feed bins and water troughs shall be located as remotely as practicable from any occupied neighbouring premises
- * All practical measures shall be taken to prevent the emission of foul odours and dust from the property

Environmental Protection

- * Horses shall be separated by a minimum of three metres from creeks or natural waterways by means of an adequate fence, to prevent water pollution

- * All practical measures shall be taken to prevent manure or any other pollutant, from entering any stormwater drain or channel or any natural watercourse

Welfare of Horses

The NSW Department of Primary Industries provides standards and advice on its website at www.dpi.nsw.gov.au relating to the welfare of horses. Person associated with the care and holding of horses are advised to keep up their knowledge and information on the requirements by checking the website and in particular the Department's "Animal Welfare Code of Practice No. 3".