

Local Orders Policy

for the

Keeping of Domestic Animals

Section 159 of the Local Government Act 1993



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1.0 INTRODUCTION

This policy seeks to inform the Queanbeyan community of Council's regulatory powers concerning the keeping of animals in the Queanbeyan City Council area.

The Orders Policy aims to:

- (a) Minimise the incidence of nuisance being caused to persons;
- (b) Protect the welfare and habitat of wildlife; and
- (c) Safeguard the environment.

It is well documented that the keeping of companion animals and/or pet animals is usually most beneficial to the well-being of people. Nevertheless, on occasions, complaints are made to Council where animals of an inappropriate kind or number are being kept or where the animals and their accommodation are not being looked after properly.

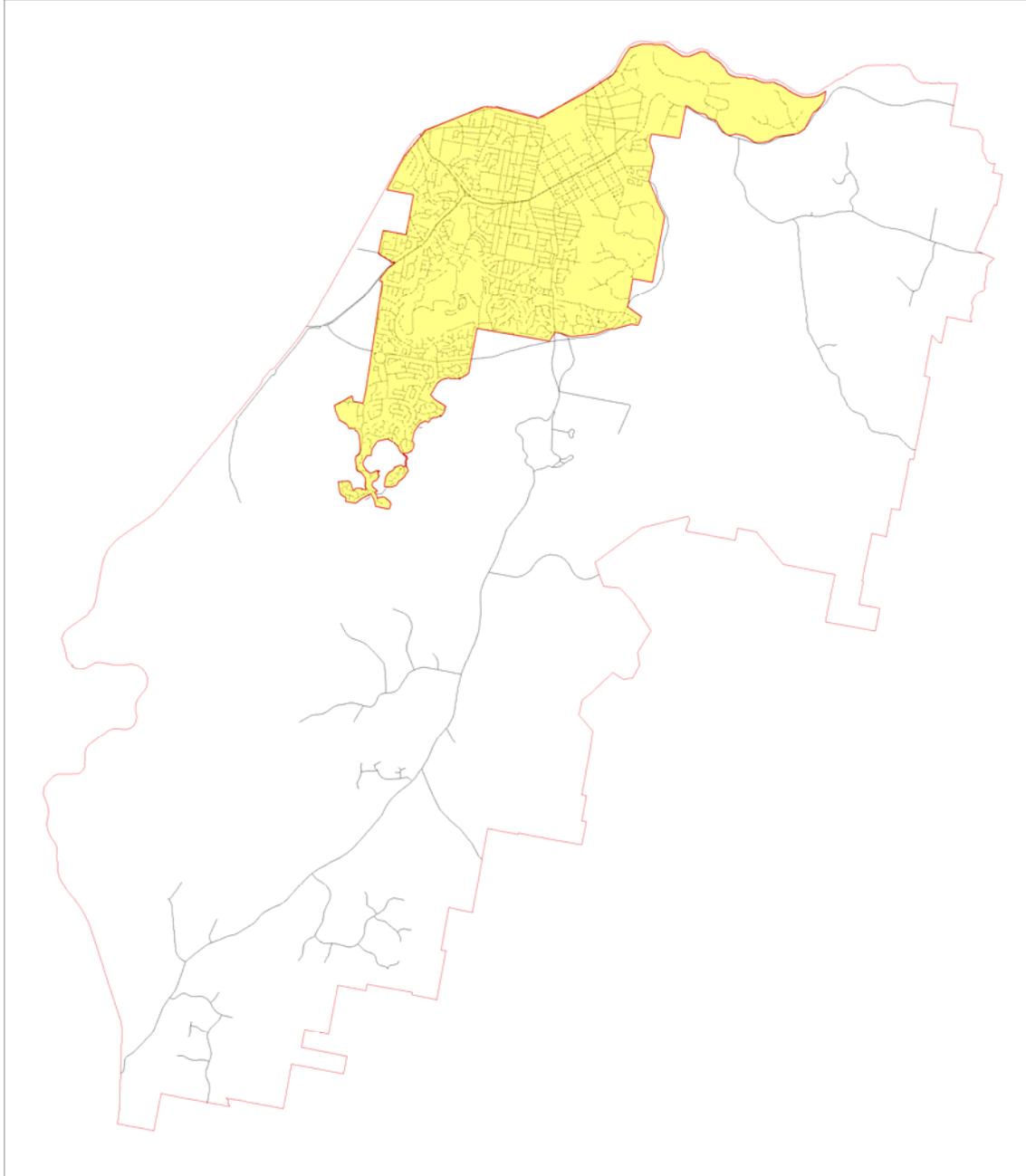
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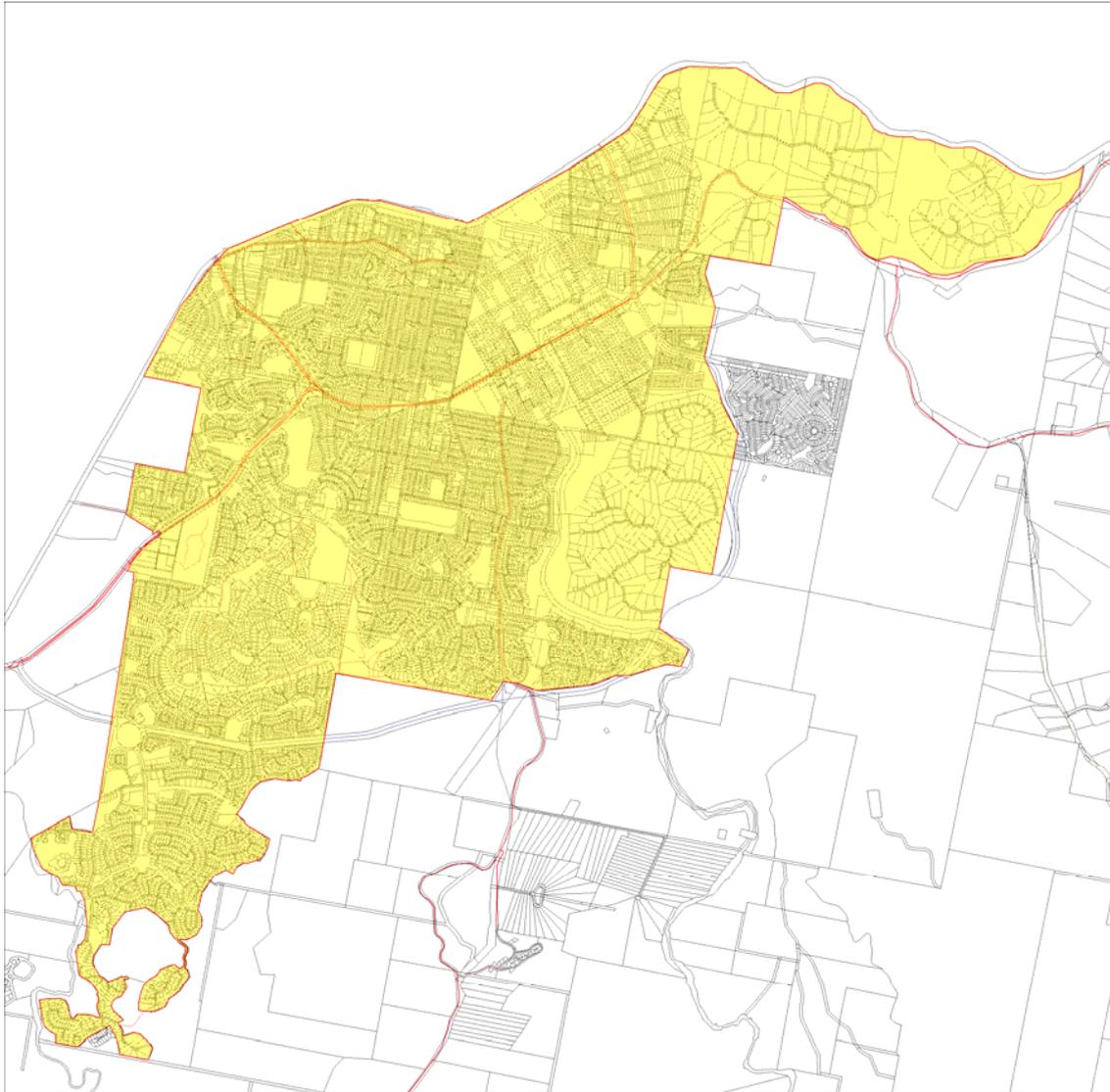
It is not intended within this policy to regulate the manner in which animals should be kept. It is, however, necessary that this policy should provide guidance about the criteria Council will use when determining whether to issue an order when it becomes aware that animals are causing some form of undesirable impact on the community. It makes it clear that the intention of this Policy is that Council officers act only on complaint.

Section 7.0 provides guidance on the steps that Council will follow in an attempt to resolve these undesirable impacts.

2.0 AREA TO WHICH THIS POLICY APPLIES

This Policy applies to all urban areas in the Queanbeyan Local Government Area, with the exception of the agricultural plots at Karabar High School and Queanbeyan High School. The urban areas are identified on the maps below:





3.0 SCOPE

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests. This Policy is not intended to replace or supersede the requirements of the Companion Animals Act 1998 or the Prevention of Cruelty to Animals Act 1979.

More stringent conditions will be applied to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading or selling.

Where it is intended to keep animals for any commercial purposes, it is necessary that a development application be submitted to Council and planning consent obtained. Consent to the operation of Commercial Animal Establishments may not be allowed where the Council considers that the proposal would be harmful to the amenity of the locality.

4.0 AIMS AND OBJECTIVES

- (a) To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
- (b) To give guidance and advice to persons as to the keeping of animals for domestic purposes.
- (c) To minimise local nuisance and maximise residential amenity, and to ensure that the keeping of animals does not compromise minimum standards of public health, safety and convenience.
- (d) To establish local standards, acceptable to the Community, for the keeping of animals.
- (e) To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under section 124 of the *Local Government Act 1993* to prohibit, restrict or some other way, require things to be done regarding the keeping of animals.

5.0 GUIDELINES FOR THE NUMBER OF ANIMALS TO BE KEPT ON PREMISES

Council regularly receives complaints about nuisance caused by keeping animals on premises. Table 8.0 below provides guidance about the number of animals which Council reasonably believes can be kept at a premises without causing a significant nuisance providing the conditions specified in the table are adhered to.

The kind of animal that is suitable to be kept at any premises will be determined having regard to the size of the available yard area and the distance to the nearest dwelling or other prescribed building. Certain statutory requirements also apply as noted in the Table of Requirements.

It should not be assumed that animals of all kinds may be kept on premises which are part of a multiple dwelling allotment. Where a dwelling is owned within a Strata Plan, it will be necessary for the rules of the Body Corporate to be examined for requirements relevant to the keeping of animals.

Animals should be kept in a manner which does not:

- (a) Create unclean or unhealthy conditions for people or for the animals;
- (b) Attract or provide a harbourage for vermin;
- (c) Create offensive noise or odours;
- (d) Cause drainage nuisance or dust nuisance;
- (e) Create waste disposal problems or pollution problems;
- (f) Create an unreasonable annoyance to neighbouring residents;
- (g) Cause nuisance due to proliferation of flies, lice, fleas or other pests and parasites; and
- (h) Cause neighbouring residents to fear for safety.

Suitable facilities and shelters should be provided for all animals. Certain kinds of animals are required to be kept in enclosed locations to prevent escape or attack by predators. Generally other animals are to be securely enclosed with adequate fencing to prevent escape.

Certain animal shelters should not be erected or located at premises without prior approval of Council. Please contact Council's Environmental Services for further details.

Design guidelines for the size, layout and construction of animal shelters are produced by the various animal welfare organisations and the Department of Agriculture. These may be adopted from time to time as supplements to this policy.

6.0 COUNCIL'S POWER TO CONTROL AND REGULATE THE KEEPING OF ANIMALS

Generally, Council's powers to control and regulate the keeping of animals are provided under section 124 of the Local Government Act 1993 and the Local Government (General) Regulation 2005. *This is not a new power and has been available to Council since 1993.*

This Policy intended to be used by Council to provide guidance about the criteria Council will use when determining whether to exercise its powers and issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.

The Council may, in the appropriate circumstances, issue an Order to:

- (a) Prohibit the keeping of various kinds of animals;
- (b) Restrict the number of various kinds of animals to be kept at a premises; and
- (c) Require that animals be kept in a specific manner.

The Council may also issue Orders requiring:

- (a) The demolition of animal shelters built without the prior approval of Council; and
- (b) The occupier to do or 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.

It is advised that Council can exercise further controls over animals under the following Acts:

- (a) Companion Animal Act 1998;
- (b) Protection of the Environmental Operations Act 1997;
- (c) Environmental Planning and Assessment Act 1979;
- (d) Impounding Act 1993; and
- (e) Food Act 2003 (prohibits animals to be kept where food is handled for sale).

7.0 GIVING ORDERS BY COUNCIL

Upon complaint, Council will inspect the premises and discuss any concerns with the owner/tenant of the premises in question. In addition, Council may liaise with community representatives with regard to solving the problem.

Where a problem is identified with the keeping of animals and it can not be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order.

Normally a person will be given opportunity to make representations to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.



8.0 TABLE OF REQUIREMENTS

The following table indicates the essential requirements and relevant considerations regarding the keeping of animals:

ANIMAL	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Dogs	No maximum numbers.	Not applicable.	Where complaints are received the criteria in Appendix 1 will be used.
Cats	No maximum numbers.	Not applicable.	Where complaints are received the criteria in Appendix 2 will be used.
Chickens (excluding roosters)	No maximum numbers.	4.5 metres. However, Council require on the keeping of domestic poultry, or fowl at a greater distance than 6 metres in particular cases.	<p>The numbers must be appropriate to provide poultry products, including eggs, for domestic consumption of the family living at the premises, eg. for a family of four it may be acceptable to allow eight chickens which would ideally provide eight eggs per day (two eggs per person).</p> <p>The keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours at all times.</p> <p>Poultry yards must be enclosed to prevent escape of poultry. Hard paving should be provided under roosts in poultry houses to ensure effective cleaning.</p>
Roosters	Prohibited in urban areas.	Not applicable.	The keeping of roosters is not considered appropriate in urban areas due to noise.



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ANIMAL	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Other poultry including ducks, geese, turkeys, peafowl and other pheasants	One per person with a maximum of five in total.	30 metres.	Same as poultry, domestic and guinea fowl.
Pigeons	100 racing birds or 40 stock birds for registered active members of Pigeon Fancier or Racing Clubs. Non members of Pigeon Fanciers Clubs or Racing Associations will be permitted to keep up to 20 birds.	15 metres.	Nuisance due to noise and also free flight of pigeons is to be minimised. Flying times should be restricted to either 2 hours after sunrise or 2 hours before sunset. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 800 mm above the ground. Racing pigeon lofts should have adequate visible landing platforms. On no account should birds be allowed to roost on neighbouring buildings. “Open” lofts are not permitted. Free lofting is not permissible. Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet in rain or during cleaning.



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ANIMAL	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
All birds except where otherwise specified	As appropriate to species, size of cage/aviary or bird room. Keepers of more than 50 birds should be members of official Aviculture societies.	6 metres.	Cages and aviaries must be of appropriate size and regularly cleaned. For budgerigars, generally allow a maximum of 30 birds per cubic metre of aviary. All birds should be kept in accordance with the Code of Ethics produced by the NSW Associated Birdkeepers and Traders Inc. A National Parks and Wildlife permit is required to keep more than 19 protected birds or if you wish to sell a protected bird. Registered bird breeders may keep more breeding/show birds but are subject to the requirements of the POEO Act 1997. Noisy birds should be restricted in number and are subject to the requirements of the POEO Act 1997.
Sulphur crested cockatoo and long billed corella	2 if kept in portable cages 4 if kept in an aviary	3 metres or within dwelling. 6 metres.	Sulphur crested cockatoo and long billed corellas are likely to be noisy if kept as single caged birds. Registered bird breeders may keep more breeding/show birds but are subject to the requirements of the POEO Act 1997. Noisy birds should be restricted in number and are subject to the requirements of the POEO Act 1997.



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ANIMAL	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Sheep and Goats	Prohibited in urban areas.	Not applicable.	The keeping of goats is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2005 apply.
Pigs	Prohibited in urban areas.	Not applicable.	The keeping of pigs is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2005 apply.
All hooved animals	Prohibited in urban areas.	Not applicable.	The keeping of hooved animals is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2005 apply.
Bees	Prohibited in urban areas.	Not applicable.	Not applicable.



9.0 NOTES

- (a) The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to the nearest dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (b) Animal includes a mammal, bird, reptile, amphibian or fish. It does not include a human being (as defined in *Prevention of Cruelty to Animals Act 1979*).
- (c) Schedule 2 of the Local Government (General) Regulation 2005 specifies minimum standards for the keeping of animals. The distances specified (except in the case of pigs) may be varied at a meeting of the Council and notified in writing to the applicant in each particular case.
- (d) Schedule 2 Part 5 of the Local Government (General) Regulation 2005 allows for a variation of requirements of the keeping of poultry and Division 3(7) allows for variation to the requirements for the keeping of horses and cattle.
- (e) All cages, kennel enclosures, aviaries and or any structure for the keeping of animals over 10m² of floor area and a height of 2.4 metres are subject to the approval of a development application.
- (f) It is a requirement that a combination of no more than 2 types of animals be kept at the maximum number on any one property.
- (g) Refer to Council's Local Environmental Plan 1998 and Development Control Plans for other restrictions that may apply to the keeping of animals in certain areas.



APPENDIX 1 –PROVISIONS FOR KEEPING DOGS

Introduction

This Appendix identifies criteria and provides clear guidelines to assist persons in keeping dogs, so as to ensure that the activity does not have any detrimental impact on the health and amenity of the surrounding area or to the environment.

Objective

To maintain the amenity of residents and surrounds by ensuring no interference is caused through the emission of unreasonable noise, smell or otherwise as a result of keeping dogs.

Provisions for meeting the objective

- (a) All kennel enclosures or other structures for the keeping of dogs over 10m² of floor area and a maximum height of 2.4 metres are subject to the approval of a development application.
- (b) The floors of kennel enclosures must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to drain in order to facilitate easy cleaning and prevent the build-up of faeces.
- (c) Kennel and dog enclosures are to be kept clean and free of offensive odours at all times. Solid waste is to be regularly collected, ‘bagged’ and disposed of to garbage.
- (d) Waste water associated with the cleaning of any kennel or dog enclosure should be disposed of to Council’s sewer in accordance with the Local Government Act 1993 and regulations.
- (e) No interference with the amenity of the area by reason of the emission of unreasonable noise, smell or otherwise is to be the result of the keeping of dogs.
- (f) Dog yards must be so enclosed as to prevent the escape of dogs.
- (g) The *Companion Animals Act 1998* requires permanent identification and life-time registration and effective control of dogs at all times.
- (h) Where the above provisions cannot be met, the owner of the dogs must demonstrate methods for achieving the objective. Each method will be assessed individually.

Implications

Where complaints are received about odour, noise or other issues relating to the keeping of dogs, Council will conduct an inspection of the property. It is the responsibility of the owner to demonstrate that adequate yard size relative to the size



and number of dogs, proper care and desexing has been provided and control has been maintained.

Council has powers under the Section 124 of the Local Government Act to impose restrictions on the numbers and manner in which dogs are kept on a particular property.

APPENDIX 2 –PROVISIONS FOR KEEPING CATS

Introduction

This Appendix identifies criteria and provides clear guidelines to assist persons in keeping cats, so as to ensure that the activity does not have any detrimental impact on the health and amenity of the surrounding area or to the environment.

Objective

To maintain the amenity of residents and surrounding environment by ensuring no interference is caused through the emission of unreasonable noise, smell or otherwise as a result of keeping cats.

Provisions for meeting the objective

- (a) All structures for the keeping of cats over 10m² of floor area and a maximum height of 2.4 metres are subject to the approval of a development application. Such structures are subject to the same conditions as imposed on dog enclosures.
- (b) No interference with the amenity of the area by reason of the emission of unreasonable noise, smell or otherwise is to be the result of the keeping of cats.
- (c) The *Companion Animals Act 1998* requires permanent identification and life-time registration.
- (d) Cats must not repeatedly damage anything outside the property on which it is ordinarily kept.
- (e) Cats must be locked indoors or in a suitable enclosure *between sunset and sunrise* to prevent attacks on wildlife.
- (f) The use of identity collars with multiple bells is encouraged to protect wildlife.
- (g) Where the above provisions cannot be met, the owner of the cats must demonstrate methods for achieving the objective. Each method will be assessed individually.

Implications

Where complaints are received about odour, noise or other issues relating to the keeping of cats, Council will conduct an inspection of the property. It is the



responsibility of the owner to demonstrate that proper care and desexing has been provided and control of the animal maintained.

Council has powers under the Section 124 of the Local Government Act to impose restrictions on the numbers and manner in which cats are kept on a particular property.

SPECIAL NOTES

Keeping of Animals at Mount Campbell Estate

Taken from Community Management Statement for Mount Campbell Estate, dated 12 February 2002

A proprietor of a Lot may not:

- (a) Keep any hoofed animals on a Lot. Lot 18 is not bound by this restriction.
- (b) Keep any horses on a Lot. Lot 18 is not bound by this restriction.
- (c) Keep any cat, but may keep up to two dogs of a breed that is unlikely to molest sheep.
- (d) Use any Lot or Community Property for the purpose of commercial animal breeding, boarding or training establishments.

A proprietor of a Lot who keeps an animal on a Lot or brings an animal on any other part of the Community Parcel:

- (a) Must ensure that the animal is at all times kept under control and within the confines of the Lot unless accompanied by the proprietor when on any other part of the Community Parcel;
- (b) Must, when on any other part of the Community Parcel, keep the Animal tethered;
- (c) Is liable to any persons lawfully on the Community Parcel for any noise which is disturbing to an extent which is unreasonable and for damage to or any loss of property or injury to any person caused by the animal;
- (d) Is responsible for cleaning up after the animal has used any part of another Lot or any other part of the Community Parcel; and
- (e) Must accept that an unattended dog on any part of the Community Parcel is subject to impoundment or destruction if it may reasonably be regarded as a threat to sheep.

Note: Nothing in the Management Statement precludes any person from keeping a guide dog on any Lot.



Keeping of Animals at Little Burra Estate

Taken from Community Management Statement for Little Burra Estate

Lots Within Conservation Woodlands

- (a) No hooved animals may be kept (either on a permanent or temporary basis) on the part of the land identified as conservation woodland. If grazing is to occur on Lots 14, 15 or 17 the boundary of the conservation woodland is to be fenced to exclude stock. Stocking rates are not to exceed one horse or cow (or equivalent) per two hectares of grazing land or five sheep or goats (or equivalent) per two hectares of grazing land. Groundcover must fall below 70% coverage before stock are removed.
- (b) No cats may be kept (either on a permanent or temporary basis) on the land other than within the dwelling house or an appropriate purpose-built enclosure approved by Council.

Lots Not Within Conservation Woodlands

A Proprietor of a Lot may not:

- (a) Keep any cats on the Lot (either on a permanent or temporary basis) other than within the dwelling house or within an appropriate purpose-built enclosure approved by Council;
- (b) Keep more than three dogs on a Lot; or
- (c) Use any Lot or Community Property for the purpose of commercial dog or cat breeding, boarding or training establishment.

A Proprietor of a Lot who keeps an Animal on a Lot or brings an Animal on any other part of the Community Parcel:

- (a) Must ensure that the Animal is at all times kept under control and within the confines of the Lot unless accompanied by the Proprietor when on any other part of the Community Parcel;
- (b) Must, when on any other part of the Community Parcel, keep the Animal appropriately tethered and under control;
- (c) Must comply with any requirements of Council or any other authority with appropriate jurisdiction in regard to the number and or type of Animals that may be kept on the Lot;
- (d) Is liable to any persons lawfully on the Community Parcel for any noise which is disturbing to an extent which is unreasonable and for damage to or any loss of property or injury to any person caused by the Animal; or
- (e) Is responsible for cleaning up after the Animal has used any part of another Lot or any other part of the Community Parcel, other than where Animals are being agisted on the Community Property in accordance with an agreement with the Association.



Note: Nothing in the Management Statement precludes any person from keeping a guide dog on any Lot.

Keeping of Animals at Royalla Estate

Taken from 88b Instrument for Royalla Estate

No cats may be kept (either on a permanent or temporary basis) on the Lot other than within the dwelling house and an appropriate purpose built external enclosure approved by Queanbeyan City Council.

No dogs may be kept (either on a permanent or temporary basis) on the Lot other than within the Building Precinct.

Keeping of Animals at Golf Links Estate, Golden Gardens Development and Extension of Ellerton Business Park

Taken from DCP No 31 – Golf Links Estate and Golden Gardens Development and Extension of Ellerton Business Park

No animals such as sheep, goats, cows or horses shall be permitted upon any allotment.

Keeping of Animals at Greenleigh Estate

Taken from DCP No 12A – Greenleigh Estate

No piggeries, dog enclosures, animal boarding or breeding activities shall be allowed or permitted to be carried out in the subdivision.