

10.5. DRAFT COMPANION AND NON-COMPANION ANIMAL POLICY - PUBLIC EXHIBITION - ATTACHMENTS

Attachment Titles:

1. Draft Companion and Non-Companion Animal Policy - SVC-ENV-PO-107-03

Attachment 1 - DRAFT Companion and Non-Companion Animal Policy - SVC-ENV-PO-107-03

Policy Title	Companion and Non-Companion Animals Policy
Policy Category	Public
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Policy Owner	Rangers
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Strategic Purpose

The objective of this policy is to encourage responsible management of pets for the benefit of the community through education and information, consistent with the Councils responsibilities under the *Companion Animals Act 1998*.

The objective of this Policy is also to control and regulate the number of non-companion animals kept on a premises and to maintain the health standards of the premises and preserve the amenity of the neighbourhood whilst recognising the rights of all property owners to enjoy the use of their premises provided that in doing so they do not conflict with the public interest.

Policy Statement

Council is responsible for administering the *Companion Animals Act 1998*, which contains Regulations relating to pet ownership. Council recognises pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets. This Policy provides a guide for council officers in exercising their authority to regulate pet ownership in the local government area.

Council regulates the number of animals kept on premises in accordance with the *Local Government Act 1993 'the Act'*. Schedule 2, Part 5 of the Local Government (General) Regulation 2021 '*the Regulation*' regulates the keeping of animals by specifying minimum standards.

The standards apply to a person only if the Council has served an order under section 124 of the Act to that effect on the person and Council has discretionary power to enforce the standards.

This Policy provides a guide for Council officers in exercising their delegated authority to regulate the keeping of animals in the Local Government Area.

Policy

Part 1: Companion Animals

This part applies to companion animals (Dogs and cats) as defined under the *Companion Animals Act 1998*.

This part applies to all land within the Snowy Valleys Council Local Government Area.

1. Cats

- 1.1 People that are requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council. Council will consider altering the above criteria on a case-by-case basis. Special consideration may be given upon application for more cats only in special circumstances where:
 - 1.1.1 Adequate facilities are available
 - 1.1.2 The keeping of extra cats can be justified and after taking any submission(s) of close neighbours into account, and
 - 1.1.3 Council is satisfied that no nuisance or public health hazard will be caused to the surrounding neighbourhood.
- 1.2 The provision of adequate holding facilities must be in place, especially for all non-de-sexed male cats.
- 1.3 Cats must not be permitted to create a nuisance in any form, including straying, interfering with the properties of other or otherwise.
- 1.4 Cats are not permitted to be outside of the residential house or its surrounds from 6pm to 6am 7 days per week. This provision is referred to as a cat curfew.
- 1.5 The applicant must have a demonstrated level of expertise in the management and caring for cats.
- 1.6 The applicant must have the ability to control all odours and waste to the satisfaction of Council.
- 1.7 The health of all cats is to be monitored and appropriate veterinary treatment obtained in the events of illness.
- 1.8 Wildlife must be protected where possible from cats.
- 1.9 All provisions of the *Companion Animals Act 1998* and the Companion Animals Regulation must be complied with, including:
 - 1.9.1 Registration requirements; and
 - 1.9.2 Micro – chipping requirements
- 1.10 Breeding of cats for sale/profit is considered to be an industry and as such requires Development Approval. Any person wishing to conduct a breeding activity for sale/profit should contact Council Customer Service Centre for details of requirements

and approval procedures. Recognised breeders must ensure that all the cats they sell are micro-chipped prior to sale. A recognised breeder as defined by the Office of Local Government, is a person who is a "breeder" member of the following organisations:

- 1.10.1 NSW Cat Fanciers Association
- 1.10.2 Waratah State Cat Alliance Inc or,
- 1.10.3 Any other body approved by the Director General for the purpose of this definition by an order published in the Gazette.

Note – Owners of cats are encouraged to de-sex their cats.

2 Dogs

- 2.1 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 instrumentality.
- 2.2 A maximum of three (3) dogs per household shall be allowed. Council will consider altering the above criteria on a case-by-case basis. Consideration may be given upon application for more dogs only in a special circumstance where:
 - 2.2.1 Adequate facilities are available
 - 2.2.2 The keeping of extra dogs can be justified and after taking submissions of close neighbours into account and
 - 2.2.3 Council is satisfied that no nuisance or health hazard will be caused to the surrounding neighbourhood.
- 2.3 Waste material, including litter and bedding, must be disposed of in an approved manner.
- 2.4 All noise, including barking, must be controlled and in a manner which is recognised as humane.
- 2.5 All odours must be controlled.
- 2.6 The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of an illness
- 2.7 Wildlife must be protected where possible from dogs.
- 2.8 All provisions of the *Companion Animals Act 1998* and the Companion Animals Regulation must be complied with, including:
 - 2.8.1 Registration requirements; and
 - 2.8.2 Micro-chipping requirements
- 2.9 Dog breeding, training and/or boarding kennels are subject to Council approval and compliance with the Department of Primary Industries Guidelines (refer www.dpi.nsw.gov.au).
- 2.10 All provisions of the Companion Animals Act 1998 and the Companion Animals Regulation must be complied with, including:
 - 2.10.1 Registration requirements; and
 - 2.10.2 Micro-chipping requirements

Note – Owners of dogs are encouraged to de-sex their dogs..

- 2.11 Council has adopted off leash areas throughout the local government area. Please refer to Council's website at www.svc.nsw.gov.au for more information and locations.

3 Dogs declared dangerous (including dangerous, menacing or restricted breed).
(Refer to definitions within the Companion Animals Act 1998).

- 3.1 Nothing in this section limits the criteria for dogs under clause 2 of this policy.
- 3.2 It is an offence to sell, advertise the sale of or give away a known restricted, dangerous or menacing dog or proposed dangerous or restricted dog. It is also an offence to purchase or receive a menacing dog, proposed dangerous or restricted dog.
- 3.3 A menacing dog must have an enclosure that is sufficient to restrain a child from accessing the dog and it must be muzzled and under the effective control by means of adequate chain, cord or leash when it is outside of its property.
- 3.4 A declared dangerous or restricted dog must be kept in a specially constructed enclosure that meets all the requirements of the Companion Animals regulation Part 24. The enclosure must display an official dangerous dog warning sign. Whenever the dog is outside of this enclosure, declared dogs must be muzzled and leashed at all times and must be under the effective control of a competent person.
- 3.5 One or more signs must be displayed on the property showing the words "Warning Dangerous Dog" in letter clearly visible from the boundaries of the property on which the dog is kept at.
- 3.6 Declared dogs must at all times wear a collar of the kind prescribed by the regulations.
- 3.7 Declared dogs must be de-sexed within 28 days of the declaration.
- 3.8 Council must be informed within 24 hours, by owners of declared dogs, of details including change of address or other information regarding the dog.
- 3.9 Owners of declared dogs must inform Council within 24 hours if the dog becomes lost or attacks a person or other animal.
- 3.10 All provisions of the *Companion Animals Act 1998* and regulations must be followed in respect to any dog kept within the Snowy Valleys Council Area.

4 Restricted Dogs

(Refer to the definition within the Companion Animals Act 1998)

- 4.1 Nothing in this section limits the criteria of dogs in clause 2 of this policy.
- 4.2 Restricted breeds including the; American pit bull terrier, Pit bull terrier, Japanese tosa, Argentinean fighting dogs, Brazilian fighting dogs; must comply with the requirements of the *Companion Animals Act 1998*.
- 4.3 If an authorised officer of a Council is of the opinion that a dog:
- 4.3.1 Is of a breed or kind of dog referred to above or,
- 4.3.2 Is a cross breed of any such breed or kind of dog.

4.4 The authorised officer may give notice to the owner of the dog of the officer's intention to declare the dog to be a restricted dog.

4.5 Declared dogs may be seized where conditions of a notice are not complied with.

5. Static Guard Dogs

5.1 Nothing in this section limits the criteria of dogs in clause 2 of this policy.

5.2 Owners and persons in charge of on-site guard dogs are required to undertake the following control requirements:

5.2.1 To provide and erect appropriate signage that is prominently displayed upon the perimeter fences to those premises being guarded, which reads "Warning – Guard Dog on Premises".

5.2.2 Such signs must be of a standard to alert any reasonable person of the potential consequences of entry.

5.2.3 Such Signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and

5.2.4 Such signs must include an emergency contact phone number to be used in emergency situations.

5.2.5 Compliance with the Department of Primary Industries Guidelines (refer www.dpi.nsw.gov.au).

5.2.6 Owners and lessees of guard dogs must ensure that such dogs are securely contained upon the premises being guarded.

5.3 No attack trained dog may be held within the Snowy Valleys Council Local Government Area (police dogs and other Government Agencies excepted).

5.4 All provisions of the *Companion Animals Act 1998* must be followed in respect to any dog kept in the Snowy Valleys Council Local Government Area.

5.5 Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the *Companion Animals Act 1998* are not permitted to be utilised as static guard dogs upon any land within the Snowy Valleys Council Local Government Area, on a commercial or private basis.

6. Greyhounds

6.1 Greyhounds registered with the Greyhound Racing control Board are required to be micro-chipped. NSW trainers are required to notify their local council when they transfer former racing greyhound to a new owner.

6.2 When a greyhound ceases to be a registered racing greyhound, for example after being re-homed through an adoption program, it automatically loses its exemption from the lifetime registration requirements of the Act.

6.3 All other greyhounds must be microchipped and registered.

6.4 Greyhounds must be muzzled and be leashed at all times in public places unless:

- 6.4.1 An exemption has been granted under an approved greyhound re-training program and
- 6.4.2 The greyhound wears an approved collar when it is in a public place.
- 6.5 Greyhounds must be kept in a secure, fenced property to prevent escape.
- 6.6 The number of greyhounds permitted to be kept on land applicable to this policy is three (3)
- 6.7 Greyhounds must be provided with:
 - 6.7.1 Sufficient food, water and clothing.
 - 6.7.2 Sufficient exercise
 - 6.7.3 Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
 - 6.7.4 Veterinary attention when necessary.
- 6.8 Greyhound trainers must be registered with Greyhound Racing (GRNSW) as per the Greyhound Racing Act 2017.
- 6.9 Dog breeding, training and/or boarding kennels are subject to Council approval and compliance with the Department of Primary Industries Guidelines (refer www.dpi.nsw.gov.au).

Part 2: Non-Companion Animals on Residential Premises

This part applies when making a determination to issue an order 18 under s124 of the *Local Government Act 1993*.

This part applies to land within the prescribed zones of R2, R3, R5, RU4, RU5, B1, B2, and B4 zones under the Tumut Local Environmental Plan 2012 or the R3, R5, RU4, RU5, and B2 zones under Tumbarumba Local Environment Plan 2010 (LEP).

7. Swine

- 7.1 Swine must not be kept on premises within the prescribed zones as outlined within Part 2 of this policy.
- 7.2 Swine kept on premises outside these zones must not be kept (and swine dung must not be deposited) within sixty metres of a:
 - 7.2.1 Dwelling
 - 7.2.2 Shop
 - 7.2.3 Office
 - 7.2.4 Factory
 - 7.2.5 Church
 - 7.2.6 Workshop;
 - 7.2.7 School;
 - 7.2.8 Public place; or
 - 7.2.9 An urban part of the area

8. Horses and Cattle

- 8.1 Horses and cattle must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of a:
 - 8.1.1 Dwelling
 - 8.1.2 School
 - 8.1.3 Shop
 - 8.1.4 Office
 - 8.1.5 Factory
 - 8.1.6 Workshop
 - 8.1.7 Church or other place of public worship;
 - 8.1.8 Public Hall
 - 8.1.9 Premises used for the manufacture, preparation or storage of food.
- 8.2 The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material and must be properly graded to drain.
- 8.3 Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.

9. Rabbits

- 9.1 The keeping of rabbits is subject to all requirements of department of Primary Industries which may include gaining a licence for the keeping of rabbits.

- 9.2 Rabbits being kept in residential areas must not be kept closer than nine (9) metres to a dwelling or place that prepares, stores or handles food for sale.
- 9.3 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
- 9.4 Hutches and cages must be always kept clean.
- 9.5 All odours must be controlled
- 9.6 Rabbits must not be bred for greyhound training.
- 9.7 Rabbits must be protected from all predators.
- 9.8 Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof cage/hutch suitable for the breed.

10. Birds

- 10.1 All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council.
- 10.2 The material must be of new or good second-hand quality and be designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
- 10.3 All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.
- 10.4 Careful regard must be given to the requirements of neighbours, especially the avoidance of excessive noise and odour.
- 10.5 The NSW Animal Welfare Code of Practice prepared by the Associated Bird keepers of Australia (ABA) must be complied with at all times
- 10.6 Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the *Environmental Planning and Assessment Act 1979* may apply.
- 10.7 Extensive aviculture activities are required to submit aviary plans for development approval by Council.
- 10.8 Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.
- 10.9 All aviaries and other built facilities for the keeping of caged birds require Council consent, except where aviaries do not exceed the following dimensions:
- 10.10 Five (5) Square metres surface area, a maximum height of 2.1 metres and with a set back from any boundary, fence or wall of one (1) metres; and
- 10.11 Multiple permissible aviaries may not cover an area greater than 20 square metres without prior Council approval.
- 10.12 Enclosed buildings for the primary purpose of holding caged birds require Council consent.

- 10.13 An animal trade must not be conducted without prior consent.
- 10.14 Vermin proof food storage facilities must be provided.
- 10.15 An adequate rodent and pest control program must be in place.
- 10.16 Excessive noise and odour must be controlled by the use of sound proofing materials distance and choice of bird species.

11 Ferrets

- 11.1 Hutches and cages must be clean at all times.
- 11.2 Odours must be controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by people.
- 11.3 Protection of ferrets from extreme weather conditions must be provided.
- 11.4 Hutch or cage construction must be of a standard that will prevent escape.
- 11.5 Ferrets are not to be fed live food.
- 11.6 Sufficient food and drink must be always provided.
- 11.7 Ferrets must be caged and/or always secured and not permitted to free range.
- 11.8 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

12 Goats

- 12.1 No goat may be kept on premises with a free land mass area less than 0.4 hectares.
- 12.2 Not more than three (3) goats are permitted to be kept per household.
- 12.3 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.
- 12.4 Goats are only permitted to be kept on land where suitable grazing exists.
- 12.5 No goat may be kept on a public place, including footpath areas and unfenced vacant allotments within the Snowy Valleys Council Local Government Area.

13 Guinea Pigs

- 13.1 Hutches and cages must be kept clean at all times
- 13.2 Protection from the natural elements must be provided (particularly extreme hot weather).
- 13.3 Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
- 13.4 Sufficient food and water must be always provided.
- 13.5 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

- 13.6 Distance of two (2) meters from any boundary of the adjoining premises. Ringlock or barbed wire fencing is not permitted.

14 Pigeons

- 14.1 The maximum number of pigeons to be kept on land applicable to this policy shall be:
- 14.1.1 Members of a 'Pigeon Fanciers' Association, or non-members willing to comply with any suggestions or directions from the association – 200 birds (regardless of type);
 - 14.1.2 Persons not being members of a 'Pigeon Fanciers' Association, and not willing to be bound by their recommendations – 20 Birds.
- 14.2 Exercising of birds is to be on a planned basis and should not exceed 90 minutes. Exercise should not occur more than twice a day. All neighbours should be made aware of exercise schedules.
- 14.3 Lofts are to be kept clean at all times. Manure is to be cleaned daily and disposed of correctly. To minimise odours, owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning.
- 14.4 Pigeons must be fed within lofts after exercise. All feed must be kept in vermin proof containers.
- 14.5 Birds should not be allowed to roost on neighbouring buildings. "Free" or "Open" lofts are not to be permitted.
- 14.6 Residents are permitted to keep racing pigeons however must submit a development application for approval of the activity prior to any birds being kept.
- 14.7 Owners must ensure that pigeons do not make an objectionable amount of noise at unreasonable times or cause a nuisance by emission of sounds/odour.
- 14.8 All new lofts shall, from the date of the adoption of this policy, be constructed off ground with a minimum height from the ground floor level of 40cm to allow for free-flowing air under floor. Floors can consist of any of the following:
- 14.1.3 A trafficable mesh grating, which allows droppings to pass through for collection from below floor level. Trafficable timber floor with suitable moisture absorption qualities, which allows for scrape cleaning (e.g., hardboard or plywood)
 - 14.1.4 Concrete slab floor.
- 14.9 A pigeon loft shall be erected a minimum of 10 metres from any neighbouring dwelling, public hall, school or other premises.
- 14.10 All roof and concentrated surface water are to be collected and disposed of to Council's satisfaction.
- 14.11 The pigeon loft and associated areas are to be kept clean and free of offensive odours at all times and action taken to minimise the emission of dust from the loft area. Manure is to be cleaned up daily and disposed of correctly. Minimum general cleaning of the loft is to be undertaken once per week.

- 14.12 Upon receipt of a complaint, submitted in writing and signed by the person making the complaint alleging:
- 14.12.01 That they are householders within the policy boundaries
 - 14.12.02 That they reside within hearing of the sound or cause of the complaint of the pigeons kept on any land within the policy boundaries.
 - 14.12.03 That the pigeons are the source of the noise/odour, which falls within one or more of the sub paragraphs above.
- 14.15 This matter will be referred to an authorised officer of Council for attention and investigation.
- 14.16 Where the complaint is proven:
- 14.16.01 If an owner or occupier of the premises where pigeons are kept are members of the 'Australian Pigeon Fanciers' Association or a recognised racing club, the association/club will be contacted and informed of the complaint.
 - 14.16.02 If the owner or occupier where pigeons are kept are not members of the 'Australian Pigeon Fancier' Association or a recognised racing club, these groups will be contacted to request their assistance or guidance to the individual concern.
 - 14.16.03 In the event that this policy proves to be ineffective in resolving the situation, Council reserves the right to take whatever action appropriate under the *Local Government Act 1993*. If deemed necessary, Council could include a total prohibition of the keeping of pigeons upon premises, where the complaint is found to be justified.
- 14.17 Where the complaint is unfounded, Council will take no further action on the matter in relation to the complaint.
- 14.18 Inspections should also occur in response to a complaint, which may be in respect of the premises where pigeons are kept.
- 14.19 All pigeon owners are encouraged to adhere to the Associated Bird keepers of Australia's Code of Ethics in relation to the keeping of their birds.
- 14.20 Please note that this law is retrospective, in respect to the maximum number of birds kept, with these conditions applying to all residents within the policy boundaries who currently keep pigeons.

15 Poultry

- 15.1 All poultry must be kept in accordance with the Local Government (General) Regulations as follows:
- 15.1.1 Poultry not to be a nuisance or health risk

- 15.1.2 Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- 15.1.3 Poultry yards must at all times be kept clean and free from offensive odours. Poultry is not to be kept near certain premises.
- 15.1.4 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 any dwelling or public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- 15.2 Poultry (other than fowls referred to in clause 15.1.4 must not be kept within 30 metres of any building on a property.
- 15.3 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:
- 15.3.1 That are not within 15.2 metres of an adjoining property boundary, dwelling, public hall or school or,
- 15.3.2 That are situated on clean sand.
- 15.4 Poultry yards must be enclosed as to prevent the escape of poultry.
- 15.5 All food must be stored in sealed vermin proof containers and must not be left uncovered.
- 15.6 Vermin and other pests must be controlled.
- 15.7 All offensive odours must be controlled.
- 15.8 All offensive noise must be controlled.
- 15.9 All poultry must be housed in purpose-built facilities. Council approval may be required for these structures.
- 15.10 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
- 15.11 Outside runs must not be free draining, not to be discharged to neighboring properties and not be allowed to become muddy.
- 15.12 The total numbers of poultry kept on premises must not exceed the maximum amount specified below:

Type	Maximum Numbers
Peafowl (Peacocks)	0
Peafowl (Peahen)	0

Type	Maximum Numbers
Roosters	0
Ducks	0
Geese	0
Swans	0
Turkeys	0
Fowls (Chickens)	20
Pheasants	10
Quails	20

- 15.13 Roosters may be permitted with Council consent during the breeding season only. Should such consent be granted roosters must be housed in a dark enclosed shed at night during that approved period.

RESPONSIBILITY

- All Council employees authorised and delegated to investigate allegations of unlawful activity are responsible for implementing this Policy.
- All notifications of alleged unlawful activity must be logged in Council's electronic customer action request system and directed to the responsible person for action, or, when the authorised officer is directly contacted, properly recorded in his/her evidence or contemporaneous notebook and all result actions/letters issued properly recorded in the Council document management system.

ASSOCIATED LEGISLATION AND OTHER LEGAL INSTRUMENTS

- NSW Ombudsman Enforcement Guidelines for Councils Office of Local Government Enforcement Guidelines (various)
- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979* and Regulation 2021
- *State Records Act 1998*

ASSOCIATED COUNCIL DOCUMENTS

- Council Code of Conduct - SVC-RP-STY-001
- Companion Animal Management Policy – SVC-ENV-PO-107
- Companion Animal Procedure – SVC-ENV-PR-064

- Food Inspection Management Plan Food Safety Procedures Council's EP&A Procedures

HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
	Superseded	Companion Animals Management Plan (Former Tumut Shire Council)	CorpPlan.06v1.1		
	Superseded	Enforcement Measures – Companion Animals (Former Tumut Shire Council)	Reg .15		
18/02/2021	Adopted by Council	Companion Animals Management Policy	SVC-ENV-PO-107-01	18/02/2021	M20/21
15/07/2021	Adopted by Council	Companion Animals Management Policy	SVC-ENV-PO-107-02	15/07/2021	M150/21