



Keeping of Birds and Animals Policy

Contents

1. Scope
 2. Purpose
 3. Related Legislation, Strategies, Plans or Policies
 4. Policy
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1. Scope

This Policy applies to all staff responsible for the investigation and enforcement of identified activities or failure to comply with terms or conditions of approvals, licences and orders.

This Policy covers the regulation of matters of public health, environmental nuisance and animal control, and is to be read in conjunction with Council's Regulatory Enforcement Policy.

2. Purpose

The purpose of the Keeping of Birds and Animals Policy is to supplement provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005 by specifying the criteria which Council must take into consideration in determining whether or not to give an Order under Sections 124 or 125 of the Local Government Act.

The aim of this Policy is to establish fair, impartial and equitable guidelines for the exercise of discretion that Council must use in dealing with activities regulated under the Local Government Act 1993, taking into account all relevant information including the available evidence, cost to the community, the circumstances of the individual case, public Policy and precedent considerations.

The Policy also provides information to the public about the Council's role and Policy on Local Government Act enforcement.

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|-----------------------------------|-----------------------------|-------------------------------|
| Owner Manager Regulatory Services | Area: Regulatory Services | POL No: 349 |
| Date of Commencement: July 2017 | Approval Authority: Council | Date Approved: 10 July 2017 |
| Amendment 1 | Date of Next Review: 2020 | Review Period : every 3 years |



3. Related Legislation, Strategies, Plans or Policies

The following Acts and Regulations are the guiding legislation for this Policy:

- Local Government Act 1993 & Regulations
- Environmental Planning & Assessment Act 1979 & Regulations
- Protection of the Environment Operation Act 1997 & Regulations

The following Council Strategies, Plans, Policies and Procedures are also relevant to this Policy:

- Staff Delegations - Determinations regarding enforcement action will be made in accordance with this Policy and relevant delegation criteria including all relevant acts and regulations as defined under delegation.
- Regulatory Services Enforcement Policy No 306
- Ranger and Parking Officer Standard Operating Procedures

4. Policy

4.1. The Orders Schedule related to this Policy is detailed in Section 124 of the Local Government Act 1993.

4.2. The following are the circumstances in which an order may be given and the criteria that must be considered, if any. In areas where it is considered that the circumstances for the particular order are self-explanatory or do not apply, no additional criteria are provided.

NOTE: The giving of an order is not mandatory and is at the discretion of the Council authorised investigating officer whether or not the circumstances meet the applicable criteria for that order. The criteria shall only apply to a person if Council serves an Order under Section 124 of the Local Government Act, to that effect on that person.

4.3. Order 18 criteria

Council has environmental health standards for the keeping of animals.

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
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CITY OF PARRAMATTA

The recommended number of animals to be kept on residential properties shall be in accordance with the following table.

NOTE:

Development subject to approval or exempt development criteria under the Environmental Planning and Assessment Act 1979 will not be subject to these requirements.

| TYPE OF ANIMALS | RECOMMENDED NUMBER (in residential areas) | RECOMMENDED MINIMUM DISTANCE from dwellings | APPLICABLE LEGISLATION, REGULATIONS AND OTHER ADVISORY INFORMATION |
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| Bees | 4 Hives (average urban block up to 1000m ²) (Development consent is required for keeping of 5 or more hives.) | 9 metres from any residential premises, school or child care centre. As appropriate to ensure flight paths are a minimum of 2m above neighbouring properties. | Each hive is required to be registered with the NSW Department of Primary Industries. To be kept in accordance with the NSW Department of Primary Industries "Code of Practice for Beekeeping NSW". |
| Birds including but not limited to canaries, budgerigars, quails, finches and parrots. Sulphur Crested Cockatoo and Long Billed | As appropriate to avoid nuisance to neighbouring properties. (2 in portable cages or 4 in an aviary) | As appropriate to ensure flight paths are a minimum of 2m above neighbouring properties. | Cages and aviaries must be of sufficient size and regularly cleaned. All birds to be kept in accordance with the NSW Animal Welfare Code of Practice No 4 - Keeping and Trading of Birds All enclosures are to be maintained free of rodents and other vermin. All feed is to be stored in vermin-proof containers. |

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
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CITY OF PARRAMATTA

| | | | |
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| Corella | | | <p>Development consent is required for an aviary that is not exempt development under the provision of State Environment Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>A NSW National Parks and Wildlife licence is required to keep many native birds. See the NSW Birdkeepers' Licence Species List.</p> <p>Noisy birds should be restricted in number or removed from the property. Sulphur Crested Cockatoo and Long Billed Corella are likely to be noisy if kept as single caged birds.</p> <p>Keepers of more than 50 birds should be members of an Avicultural Society.</p> |
| Cats | <p>2</p> <p>(Additional animals may be approved subject to Council approval based on individual merits.)</p> | | <p>Companion Animal Act 1998 Companion Animal Regulations 2008 Prevention of Cruelty to Animals Act 1979.</p> <p>The Companion Animal Act 1998 requires cats to be lifetime registered.</p> <p>De-sexing will be encouraged. Also the use of identity collars. Cats are allowed to roam but access to outdoors at night should</p> |

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
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CITY OF PARRAMATTA

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|-------------------------|--|---|--|
| | | | <p>be restricted.</p> <p>All premises must be kept clean and healthy.</p> <p>Units and townhouses. Cats can only be kept with approval of the body corporate</p> |
| Dogs | <p>2</p> <p>(Additional animals may be approved subject to Council approval based on individual merits.)</p> | | <p>Companion Animal Act 1998 Companion Animal Regulations 2008 Prevention of Cruelty to Animals Act 1979.</p> <p>The Companion Animal Act 1998 requires dogs to be lifetime registered and under effective control at all times.</p> <p>De-sexing will be encouraged along with responsible care.</p> <p>All premises must be kept clean and healthy.</p> <p>All noise including barking must be controlled.</p> <p>Units and townhouses. Dogs can only be kept with approval of the body corporate.</p> |
| Horses and Cattle (cow) | <p>1</p> <p>(The keeping of horses and cattle</p> | <p>9 metres from any residential premises, school or child care centre.</p> | <p>Local Government (General) Regulation 2005 - Schedule 2 Part 5 applies.</p> <p>A greater separation distance may be required</p> |

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
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CITY OF PARRAMATTA

| | | | |
|---------|---|---|--|
| | <p>(cow) on properties of less than 1000m² is not recommended).</p> <p>(Keeping of horses as part of a profession may be carried out with Council Consent and compliance with the relevant planning legislation)</p> | <p>(In accordance with Local Government (General) Regulation 2005, Schedule 2 Part 5).</p> | <p>by resolution of Council in particular cases.</p> <p>Fencing must be strong and durable to prevent escape. Stables and sheds must be hard paved and graded to drain.</p> <p>Any structure must have Development Consent. A shelter 12 m² in size for each horse and 9 m² for each pony.</p> |
| Pigeons | <p>As appropriate in the circumstance.</p> <ul style="list-style-type: none"> (For registered active members of the Pigeon Fanciers Association or Racing Association up to 150 birds. For non-members up to 50 birds.) | <p>5 metres from any residential premises, school, child care centre or boundary.</p> | <p>Nuisance due to noise and free flight of pigeons is to be minimised.</p> <p>Lofts must be constructed on hard paving of a smooth surface, graded to drain.</p> <p>Lofts are to be kept clean at all times. Waste is to be cleaned up daily and disposed of appropriately</p> <p>Open lofts are not permitted.</p> |
| Poultry | <p>10 for <i>Gallus Gallus</i> or Guinea Fowls</p> <p>10 for other poultry</p> | <p>4.5 metres from any residential premises, school, child care centre or boundary</p> <p>30m from a dwelling</p> | <p>Local Government (General) Regulation 2005, Schedule 2 Part 5 applies. Council may, by resolution, insist on greater distances than specified in particular cases.</p> |

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
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CITY OF PARRAMATTA

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|---------|---|--|---|
| | | <p>and a minimum of five metres from any boundary</p> <p>In accordance with Local Government (General) Regulation 2005, Schedule 2 Part 5.</p> | <p>Hard paving with concrete or mineral asphalt must be provided under roosts in poultry houses. This does not apply to poultry houses located greater than 15.2 metres from buildings, or where the floor of the poultry house is constructed of clean sand or other suitable material.</p> <p>Poultry yards must be enclosed to prevent escape of poultry.</p> <p>Yards must be kept free of rats and mice.</p> <p>Roosters are not to be kept on residential premises (as crowing may cause offensive noise).</p> <p>Commercial premises must have the relevant development consent.</p> |
| Rabbits | 2 | 3 metres from any residential premises, school, child care centre or boundary | <p>Must be a recognized domestic breed and kept in a rabbit-proof enclosure.</p> <p>The rabbits must not be vaccinated with the fibroma vaccine.</p> <p>Subject to compliance with the NSW Agriculture requirements.</p> <p>Do not release into the</p> |

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
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CITY OF PARRAMATTA

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| | | | environment. |
| Reptiles | As appropriate in the circumstances | As appropriate in the circumstances | <p>NSW National Parks and Wildlife Act 1974 and Fauna Protection regulations place a general prohibition on the keeping of reptiles.</p> <p>You need a licence from the NSW NPWS to keep reptiles.</p> <p>All species must be adequately housed to prevent escape.</p> <p>Breeding of rats or mice for feeding is not permitted.</p> |
| Sheep and Goats | <p>1</p> <p>(Not permitted in Units or Townhouses)</p> | 6 metres from any residential premises, school, child care centre or boundary | <p>The keeping of goats and sheep on residential land is not recommended.</p> <p>Animals are not to be slaughtered at residential premises.</p> |
| Swine (pig) | <p>One pig per 2 hectares of land (must be zoned rural)</p> <p>(Development Consent required (under SEPP 30) for development involving the keeping of more than 20 breeding sows or 200 pigs.)</p> <p>(N.B. An Environmental</p> | <p>60 metres from any residential premises, school, child care centre and 10 metres from any boundary.</p> <p>(in accordance with Local Government (General) Regulation 2005, Schedule 2 Part 5)</p> | <p>Prior to a piggery being established, it is necessary to obtain Development Consent from Council for the use of the land as a pig farm.</p> <p>Minimum land area 2 hectares.</p> <p>Local Government (General) Regulation 2005 - Schedule 2 Part 5 applies.</p> <p>The keeping of pigs is not recommended on residential properties.</p> |

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
| Owner Manager Regulatory Services | Area: Regulatory Services | POL No: 349 |
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|--|---|--|--|
| | <p>Impact Statement required where proposed in environmentally sensitive areas or where more than 200 sows/2000 pigs are proposed.)</p> <p>(Toy / miniature / Tea cup pigs 1 per residential property).</p> | | <p>Toy- miniature pigs shall be considered on a merit based assessment</p> |
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4.4 Administration

4.4.1 Development Consent must be obtained for any commercial activity where animals are to be kept.

4.4.2 Council may order an individual to reduce the number of animals being kept on a property if complaints from neighbours' are justified. Consideration will be given to containment, noise control and hygiene.

a) Containment

The property must have fencing and/or enclosures to keep the animal inside the property at all times.

b) Noise Control

Animals must not make offensive noise. The Protection of the Environment Operations Act 1997 defines the meaning of 'offensive noise'.

c) Hygiene

Good animal hygiene is important to minimise potential impact on neighbours. Poor hygiene can harm the health and wellbeing of people and animals living near your home.

Consideration must be given to avoid at all times:

| | | |
|-----------------------------------|-----------------------------|-------------------------------|
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- i. The accumulation and inadequate disposal of animal waste
- ii. The accumulation of stale or rotten food and bones
- iii. The attraction of rodents and flies
- iv. Offensive odours
- v. Poor drainage in the animal's enclosure
- vi. Infestation of fleas and ticks or other parasites
- vii. The accumulations of hair, fur or skin

4.4.3 Complaints regarding the keeping of Birds and Animals

Council staff will first consult the people involved in the complaint using Council's complaints handling procedure with the aim of resolving the complaint.

If the problem cannot be resolved by consultation, then Council will proceed to issue a Notice of Proposal to serve an Order.

In most instances a person will be given an opportunity to make representations to Council before a formal Order is issued.

If a serious risk to health or safety exists, then an Emergency Order may be issued without prior notice.

4.4.4 Hearing of representations

In accordance with Section 135 of the Local Government Act, after hearing and considering any representations made concerning any proposed Order, an authorised Council Officer may determine:

- a) to give an Order in accordance with the proposed order; or
- b) to give an Order in accordance with modifications made to the proposed Order; or
- c) not to give an Order.

When considering representation in writing or verbally, the authorised officer is to take into consideration the wellbeing of the occupier/ or owner, when taking enforcement action relating to the keeping of animals.

A review of any representations demonstrates that Council has observed and considered procedural fairness.

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|-----------------------------------|-----------------------------|-------------------------------|
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5. History

Parramatta City Council Local Orders and Animal Policy – adopted 22/04/2013

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| REFERENCES | |
| POLICIES | |
| ATTACHMENTS | |

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|-----------------------------------|-----------------------------|-------------------------------|
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