



## COONAMBLE SHIRE COUNCIL

### DOMESTIC ANIMAL POLICY

**RESPONSIBLE DEPARTMENT:** General Manager's  
**RESPONSIBLE SECTION:** Planning & Development

#### **OBJECTIVE:**

*The Coonamble Shire – Domestic Animal Policy has been developed as a result of the impacts that domestic animals pose to community amenity, particularly in urban areas. The policy aims to minimise the impacts that domestic animals pose to community amenity, as well as to eradicate mistreatment of animals, with a particular focus on companion animals (dogs and cats).*

#### **POLICY:**

##### **1.0 INTRODUCTION**

###### **1.1 PURPOSE**

The Coonamble Shire – Domestic Animal Policy has been developed as a result of the impacts that domestic animals pose to community amenity, particularly in residential areas. The policy aims to minimise the impacts that domestic animals pose to community amenity, as well as to eradicate mistreatment of animals, with a particular focus on companion animals (dogs and cats).

###### **1.2 SCOPE**

The Coonamble Shire – Domestic Animal Policy places restrictions on the number of animals that may be kept on allotments within residential zonings throughout the Local Government Area (LGA). The policy contains a particular focus on managing domestic animals in residential areas where there is a heightened chance of community amenity being disrupted.

Domestic animals are only permitted on premises that are zoned for residential purposes where the keeping of animals is associated with a Council approved commercial business operation, or the premises is zoned for agricultural use.

The policy does not place any restrictions on animals kept on land zoned for agricultural purposes. However, owners are required to keep their animals in accordance with NSW legislation, including but not limited to, maintaining safe and healthy conditions, abating nuisance, and preventing cruelty to animals.

Provisions of this policy do not apply where animals were present at the premises prior to the adoption of this policy, unless the keeping of those animals is in breach of NSW legislation or RSPCA guidelines. Existing animals above the new number will be allowed to be kept for the term of their natural life unless causing a nuisance. Council may have to do an audit of animals within the three (3) towns so as to ascertain the numbers of animals in each residence.

**Residential zonings:            2(v) Village.**

### **1.3    LEGISLATION**

#### **1.3.1 Companion Animals Act 1998**

The Companion Animals Act 1998 applies specifically to companion animals (dogs and cats), and outlines registration requirements, as well as rights and responsibilities of animal owners and of Council. This includes the responsibility of animal owners to control their animals, as well as Council's ability to enforce control measures on animal owners and seize animals, to ensure public safety and protection from animal attack.

Council maintains the Companion Animal Register for Coonamble Shire, which records identification and registration details for dogs and cats. The register is state-wide and is maintained by councils across NSW.

Coonamble Shire Council local laws endeavour to restrict the wandering of dogs/animals within the residential areas of Coonamble, Gulargambone and Quambone - suitable yards and/or enclosures must be provided to ensure your dogs/animals cannot escape or wander from your yard. Simply tethering your dog/animal is not considered an acceptable means to prevent the animal from wandering.

All dogs and cats born after the 30<sup>th</sup> June 1999 **must be microchipped** prior to a change of ownership or before the animal is twelve (12) weeks old, whichever comes first. All dogs and cats must be registered by six (6) months of age.

Lifetime registration fees are prescribed by the *Companion Animals Regulation 1999*, and are also contained within the Coonamble Shire Council Management Plan.

### **1.3.2 Local Government Act 1993**

The Local Government Act 1993 allows Council to issue Orders on the owner or occupier of premises to not keep birds or animals on the premises, other than of such kinds, in such numbers or in such manner as specified in an Order. Such an Order may be issued in the case of any premises where birds or animals are kept in an inappropriate number, kind or in the case of premises in a catchment district, birds, pigs, or other animals suffering from a disease that is communicable to humans.

### **1.3.3 Non-Indigenous Animals Act 1987**

The Non-Indigenous Animals Act 1987 outlines licensing requirements for importing, keeping or transporting non-indigenous animals. Licences are required for the keeping of exotic animals under this Act.

### **1.3.4 Prevention of Cruelty to Animals Act 1979**

The Prevention of Cruelty to Animals Act 1979 outlines offences relating to the treatment of animals, as well as enforcement powers of Council. The Act also outlines the penalties for non-compliance with the requirements relating to the treatment of animals.

### **1.3.5 National Parks and Wildlife Act 1974**

Under the National Parks and Wildlife Act 1974 licences are required for the keeping of native animal species as pets. These include Bird, Bee, Reptile, Frog, and Mammal Keeper's Licences. There are heavy penalties for buying, selling, or possessing native fauna without the appropriate licence.

### **1.3.6 Protection of the Environment Operations Act 1997**

The Protection of the Environment Operations Act 1997 outlines pollution offences and penalties including noise and odour pollution, which may result from domestic animal keeping.

## **2.0 ANIMAL MANAGEMENT**

Domestic animal owners have a responsibility to manage their animals appropriately. If an animal becomes a nuisance, Council may Order the animal's owner(s) to abate that nuisance (A nuisance may include such things as noise, odours, physical entry, etc.). The abatement of the nuisance must be conducted in an appropriate fashion, and must comply with the *Prevention of Cruelty to Animals Act 1979*.

All persons and animals are entitled to a safe living environment. By providing an adequate enclosure you will ensure that your dog/animal remains on your premises and does not cause any potential threats or risk to the community.

You must provide an escape-proof enclosure constructed of strong and firm materials and designed so as to reasonably prevent the dog/animal from escaping over, through or under the barrier.

If you live in the residential area the height of the enclosure must be:

- 1 metre for a small dog; or
- 1.8 metres for a medium or large dog.

**Proper enclosure** is an area of land on which the dog/animal is kept, appropriately sized so as to effectively and comfortably house the animal. The area must also be appropriate to the breed of the dog/animal to effectively enclose the dog/animal on the property.

Council enforces enclosure height requirements and may impose greater height criteria if a dog/animal has proven to be able to escape the enclosure.

If you require more information about animal enclosure fences, please contact Council on 0268271900. An inspection will be carried out of the premises so as to see what type of fence would be required.

Animal owners must comply with the *Prevention of Cruelty to Animals Act 1979*, and RSPCA requirements at all times, and all animals are to be housed and fed on private land.

The following information outlines the species of animals and numbers that may be kept on properties of varying sizes. If a resident wishes to keep a greater number of animals than outlined in this document, consent must be obtained from Council.

The keeping of animal species not mentioned in this policy will be managed according to statutory requirements and on a merit basis.

## **2.1 DOGS**

- A maximum of two (2) dogs may be kept, regardless of the allotment size.
- All dogs must be registered according to the Companion Animals Act 1998.
- Council may Order an owner of a nuisance dog to abate the nuisance. This may include the use of an anti-barking collar or approved device. Any measures taken must comply with the *Prevention of Cruelty to Animals Act 1979*.

### **2.1.1 Public Places**

Dogs must be on a leash in all public places unless there are signs indicating otherwise. A person in control of a companion animal that is in a public place are required to remove excrement from the animal and dispose of it appropriately. Penalties exist for any person

that does not dispose of their animal's excrement appropriately.

## **2.1.2 Prohibited Areas**

Excerpt from: COMPANION ANIMALS ACT 1998 - SECT 14

### ***Dogs prohibited in some public places***

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- (1) *Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):*
- (a) *Children's play areas (meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).*
  - (b) *Food preparation/consumption areas (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans).*
  - (c) *Recreation areas where dogs are prohibited (meaning any public place, or part of a public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part).*
  - (d) *Public bathing areas where dogs are prohibited (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).*
  - (e) *School grounds (meaning any property occupied or used for a purpose connected with the conduct of a government school or non-government school under the Education Act 1990, other than any property used for a residence or the curtilage of a residence).*
  - (f) *Child care centres (meaning any property occupied or used for a purpose connected with the conduct of a child care service as defined in the Children (Care and Protection) Act 1987, other than any property used for a residence or the curtilage of a residence).*
  - (g) *Shopping areas where dogs are prohibited (meaning a shopping arcade or shopping complex, including any part of it that is used by the public for parking or access to shops, in which or part of which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited there). This paragraph does not apply to any shop or part of a shop.*

(h) *Wildlife protection areas (meaning any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority has ordered that dogs are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).*

- (2) *If a dog is in a place in which dogs are prohibited under this section:*
- (a) *the owner of the dog, or*
  - (b) *if the owner is not present at the time of the offence and another person who is of or above the age of 16 years is in charge of the dog at that time-that other person, is guilty of an offence.*

**Maximum penalty:**

- (a) *10 penalty units except in the case of a dangerous or restricted dog, or*
  - (b) *100 penalty units in the case of a dangerous or restricted dog.*
- (3) *Any person (including an authorised officer) can seize a dog that is in a place in which dogs are prohibited under this section. If the owner of the dog is present, the dog cannot be seized except by an authorised officer and only then if the owner fails to remove the dog from the place when the officer directs the owner to do so. A reference in this subsection to the owner of the dog includes a reference to the person who is for the time being in charge of the dog.*

**Note:** *Removing the dog prevents the dog being impounded but it does not excuse the contravention and does not stop action being taken for the contravention.*

- (4) *A dog is not prohibited under this section in a place that is a food preparation/consumption area if the place is a public thoroughfare (such as a road, footpath or pathway).*
- (5) *A dog is not prohibited under this section in a school ground or child care centre if it is there with the permission of the person controlling the school ground or child care centre.*
- (6) *A dog is not prohibited under this section in a place within a shopping area if it is there:*
- (a) *in a vehicle that is secured in such a way as to prevent the dog from escaping from it, or*
  - (b) *with the permission of the person controlling the place, or*
  - (c) *for the purpose of being taken to or from a pet shop, the premises of a veterinary practitioner or a similar*

*establishment.*

- (7) *A local authority is authorised to make the orders contemplated by this section.*
- (8) *This section does not apply to the following dogs:*
  - (a) *a police dog,*
  - (b) *a dog that is an assistance animal being used bona fide by a person with a disability to assist the person.*

## **2.2 CATS**

- A maximum of two (2) cats may be kept, regardless of the allotment size.
- All cats must be registered according to the Companion Animals Act 1998, and be well treated.

## **2.3 POULTRY**

- Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- Poultry yards must at all times be kept clean and free from offensive odours.
- Roosters, ducks, geese, peacocks, and pheasants are only permitted on allotments in excess of one (1) hectare due to potential noise and odour issues. No more than five (5) of any of the above mentioned poultry may be kept at any one given time on an allotment greater than one (1) hectare.

Other than those birds mentioned above:

- A maximum of six (6) birds may be kept on an allotment less than 2000sq m.
- A maximum of twelve (12) birds may be kept on an allotment from 2000 sq m, but less than 5000 sq m (0.5hectares).
- A maximum of twenty four (24) birds may be kept on an allotment from 0.5 hectares, but less than 1 hectare.
- A maximum of twenty four (24) birds may be kept on a block greater than 1 hectare.
- Poultry must not be kept within ten (10) metres of a dwelling including any neighbouring dwelling.
- Poultry must be confined to the poultry yard or enclosure.
- Poultry numbers may vary if application is made to Council and proven that there is not a Health issue with the extra numbers. Also that they do not impact on the Amenity of the surrounding neighbourhood.
- Council reserves the right to reassess or revoke the numbers if a

problem arises.

## **2.4 AVIARIES (excluding poultry)**

- Council consent is required for aviaries with a floor area in excess of 6 square metres or has a height in excess of 2.1 metres.
- Aviaries must be constructed at least 10 metres from a dwelling including any neighbouring dwelling and must not be within 2 metre of the property boundary.
- Council consent is required for the keeping of pigeons.

Owners and keepers of birds, including poultry, have a number of responsibilities, including:

- preventing waste waters and run-off from enclosures becoming a nuisance or health risk;
- regularly collecting and disposing bird excreta, offensive material and food wastes;
- supplying adequate shelter, water and food for the birds;
- containing the birds in an enclosed cage or aviary;
- sitting the cage or aviary at least two metres from property boundaries; and
- bird food must be kept in a suitable enclosed container.

## **2.5 HORSES**

- Horses must not be kept within 9 metres (or such greater distance as Council may determine in a particular case) of a dwelling including any neighbouring 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.
- The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
- Horse yards must be enclosed so as to prevent the escape of horses.
- Stallions are to be kept in a yard within a yard so as to prevent the escape of the stallion.
- Horses are not permitted on allotments less than 1000 square metres.
- One (1) horse may be kept on an allotment from 1000 square metres less than 1 hectare.

- Four (4) horses may be kept on an allotment greater than 1 hectare.
- Tethering of horse is not permitted within the residential areas of the shire.
- Horses are not to be kept in the front yard of a dwelling.
- Council consent is required for the establishment of stables.

## **2.6 SHEEP and GOATS**

- Sheep/goats must not be kept within 9 metres (or such greater distance as Council may determine in a particular case) of a dwelling including any neighbouring 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.
- Sheep/goats yards must be enclosed so as to prevent the escape of sheep.
- Sheep/goats yards must at all times be kept clean and free from offensive odours.
- Sheep/goats are to have a lock up yard so as to prevent dog attack.
- Sheep/goats are not to be kept in the front yard of any dwelling.

## **2.7 HARD HOOFED AND OTHER DOMESTIC ANIMALS**

Cattle and pigs/swine are not permitted on residential premises.

Animals that are not mentioned in this document will be managed according to statutory requirements. Where issues arise, decisions will be merit based. There may also be licensing requirements from other government authorities that animal owners must comply with. Keeping of animals must comply with the relevant Federal and State legislation as well as the RSPCA guidelines, as may be applicable.

### 3.0 APPENDIX

#### 3.1 SUMMARY TABLE

NUMBER OF ANIMALS PERMITTED FOR KEEPING ON THE BLOCK					
BLOCK SIZE	0-<1000 SQM	1000-<2000 SQM	2000-<5000 SQM	0.5HA-<1HA	1HA & >
ANIMAL SPECIES					
DOGS	2	2	2	2	2
CATS	2	2	2	2	2
POULTRY*	6	12	12	24	24
HORSES	0	1	1	2	4
HARD HOOFED ANIMALS	0	0	0	0	0
SHEEP	1	2	4	4	4
GOATS	1	2	4	4	4

\*Excludes roosters, ducks, geese, peacocks, and pheasants, which are not permitted on allotments less than one (1) hectare. Of these only five (5) of any of the above mentioned poultry may be kept at any one given time on an allotment greater than one (1) hectare.

#### 3.2 DEFINITION

**Dwelling** means a building or part of a building used as a place of dwelling (living in).

*Draft Policy to Council: 08 June 2011*  
*On Public Exhibition: 28 days from 09 June 2011*  
*Formally Adopted by Council: 10 August 2011 (Min No.9332)*