

# COMPANION AND NON-COMPANION ANIMALS POLICY

**Responsible Department:** Planning and Sustainability  
**Responsible Section:** Regulatory Compliance  
**Responsible Officer:** Manager Regulatory Compliance

## Objective

The objective of this policy is to encourage and reinforce the responsible management of pets for the benefit of the community through education and information, consistent with the Council's responsibilities under the *Companion Animals Act 1998* (NSW).

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 right of all property owners to enjoy the use of their premises provided that in so doing they do not conflict with the public interest.

## Introduction

Council is responsible for administering the *Companion Animals Act 1998* (NSW), which contains *Regulation* relating to pet ownership. Council values 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 delegated 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* (NSW) (the Act). Schedule 2 Part 5 of the *Local Government (General) Regulation 2021* (NSW) (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 it is open to Council not 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

### 1. Definitions

Term	Meaning
<b>Companion animal</b>	a dog, a cat, or any other animal that is prescribed by the <i>Companion Animals Act 1998</i> (NSW) as a companion animal.
<b>Dangerous dog</b>	A dog which meets the definition of a Dangerous Dog set out in the <i>Companion Animals Act 1998</i> (NSW)
<b>Dog attack</b>	when a dog "rushes at, attacks, bites, harasses or chases any person or animal (not vermin), whether or not any injury is caused to the person or animal".
<b>Menacing dog</b>	A dog which meets the definition of a Menacing Dog set out in the <i>Companion Animals Act 1998</i> (NSW)

Term	Meaning
<b>Non-Companion Animal</b>	All animals not designated as companion animals under the <i>Companion Animals Act 1998</i> (NSW)
<b>Nuisance cat</b>	A cat which a) makes persistent noise that unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or b) repeatedly damages anything outside the property on which it is ordinarily kept.
<b>Nuisance dog</b>	A dog which meets the definition of a Nuisance Dog set out in the <i>Companion Animals Act 1998</i> (NSW)
<b>Restricted breeds</b>	Some dogs are considered to be restricted breeds. These currently include - a) Pit Bull Terriers; b) American Pit Bull Terriers; c) Japanese Tosas; d) Dogo Argentinos (Argentinean Fighting Dog); and e) Fila Brasileiro (Brazilian fighting dog).

## Part 1: Companion Animals

### 2. Dogs and Cats

#### Control

- 2.1. Dogs must always be under the effective control of their owners, including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control of a person if that person has more than four (4) dogs under their control.

#### Off Leash Areas

- 2.2. Designated off-leash areas are provided within Narrabri Shire Local Government Area. The location of off-leash areas is available on Councils website.
- 2.3. Dogs must be on a leash unless the signs permit otherwise.

#### Prohibited Areas

- 2.4. Dogs are prohibited from certain places at all times. These places include:
- (a) Children's playgrounds;
  - (b) Recreation areas, such as sport fields, ovals, pitches, and courts (unless otherwise indicated);
  - (c) School grounds;
  - (d) Childcare centres;
  - (e) Shopping areas (unless otherwise indicated);
  - (f) Wildlife protection areas (unless otherwise indicated);
  - (g) Food preparation and consumption areas, such as public BBQ facilities, subject to the following exceptions:
    - (i) If in an on-leash area, a dog under effective control of a person, restrained, and kept on the ground;
    - (ii) If in an off-leash area, a dog that is restrained as above or on the ground or on a person's lap.

## **Waste**

2.5. Owners must pick up any waste left by their dog and dispose of it accordingly.

## **Barking/Noise**

- 2.6. Persistent dog noise can be a nuisance for the neighbourhood and cause harm to neighbourhood amenity.
- 2.7. Council will pursue proactive and positive approaches to dog noise by:
- (a) Providing off-leash areas for dogs to socialise;
  - (b) Providing community education;
  - (c) Investigating reports of persistently noisy dogs and taking appropriate action under the law to address any nuisance caused by the noise.

## **3. Assistance Animals**

3.1. A person with a disability or any other person with an assistance animal is permitted to be accompanied by an assistance animal into or onto any building, or public place, including public transport.

## **4. Nuisance Animals**

4.1. Council will investigate and deal with any nuisance animals in accordance with the provisions of the *Companion Animals Act 1998* (NSW).

## **5. Dog Attacks**

- 5.1. Dog attacks should be reported to Council and the Police as soon as practicable so that they can be investigated.
- 5.2. When dog attacks occur outside business hours, they should be reported to the Police in the first instance, due to Council's capability and resource constraints.
- 5.3. Where Council becomes aware of a dog attack, whether it occurs during business hours or outside business hours, Council will investigate that attack to consider whether a relevant order under the *Local Government Act 1993* (NSW) or *Companion Animals Act 1998* (NSW) ought to be considered and made.

## **6. Menacing or dangerous dogs**

6.1. Council will investigate and deal with any menacing or dangerous dogs in accordance with the provisions of the *Companion Animals Act 1998* (NSW).

## **7. Restricted Dogs**

7.1. Owners of restricted dogs under the provisions of the *Companion Animals Act 1998* (NSW) must comply with the requirements of that Act.

## **Part 2: Non-Companion Animals on Residential Premises**

### **8. Application of Part**

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

## 9. Swine

- 9.1. Swine must not be kept on premises within the R1 General Residential and RU5 Village zones under the Narrabri Local Environmental Plan 2012 (LEP).
- 9.2. Swine kept on premises outside these zones must not be kept (and swine dung must not be deposited) within sixty metres of:
  - (a) A dwelling;
  - (b) A shop;
  - (c) An office;
  - (d) A factory;
  - (e) A church;
  - (f) A workshop;
  - (g) A school;
  - (h) A public place; or
  - (i) An urban part of the area

## 10. Poultry- Non-Commercial

- 10.1. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- 10.2. Poultry yards must at all times be kept clean and free from offensive odours.
- 10.3. Poultry must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- 10.4. The floors of poultry houses must be paved with concrete or mineral asphalt or clean sand.
- 10.5. Poultry yards must be so enclosed as to prevent the escape of poultry.

## 11. Horses and Cattle

- 11.1. 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) a dwelling;
  - (b) a school;
  - (c) a shop;
  - (d) an office;
  - (e) a factory;
  - (f) a workshop;
  - (g) a church or other place of public worship;
  - (h) a public hall; or
  - (i) premises used for the manufacture, preparation or storage of food.
- 11.2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material and must be properly graded to drain.
- 11.3. Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.

## Part 3: Investigation and Orders

### 12. Conduct of Investigations

- 12.1. Investigations under this Policy or the *Companion Animals Act 1998* (NSW) will be conducted in a fair, objective, and impartial manner.
- 12.2. Unless otherwise required by law, the presumption of innocence will be applied.
- 12.3. Council will afford all parties to an investigation with natural justice and procedural fairness.
- 12.4. Council will not make adverse findings unless satisfied as to the facts necessary to make such a finding pursuant to the relevant legislation.
- 12.5. Council will keep affected persons advised of the progress of investigations under this policy.
- 12.6. Council will provide reasons for any decision under this policy to the affected persons.

### 13. Confidentiality of complainants

- 13.1. Council will endeavour to maintain the confidentiality of complainants where reasonably practicable or required by law.
- 13.2. Notwithstanding the above, Council will disclose information that identifies complainants in the following circumstances:
  - (a) The disclosure is necessary to effectively investigate the matter;
  - (b) Their identity has already been disclosed by a person external to Council or is public knowledge;
  - (c) The complainant consents in writing to disclosure;
  - (d) The disclosure is required to comply with the principles of natural justice;
  - (e) The matter proceeds to court;
  - (f) To Council’s legal advisors; or
  - (g) Where disclosure is otherwise required by law;

### 14. Orders under s124 of the *Local Government Act 1993* (NSW)

- 14.1. The General Manager, or their delegate, may restrict the number of animals permitted to be kept on a residential property in accordance with this policy and s124 of the *Local Government Act 1993* (NSW).
- 14.2. The General Manager, or their delegate, may also make orders as to minimum standards for keeping of animals under this policy and legislation.
- 14.3. The General Manager must ensure that all requirements for an order under s124 are met when making such an order.
- 14.4. While each case will turn on its circumstances, Council will use the following as a guide when making an order under s124 relating to companion animals:

Animal	Maximum number per 1000m <sup>2</sup>
Dogs	2
Cats	2

14.5. While each case will turn on its circumstances, Council will use the following as a guide when making an order under s124 relating to non-companion animals:

<b>Animal</b>	<b>Recommended minimum distance from buildings</b>	<b>Recommended number in residential areas</b>	<b>Applicable <i>Regulation</i> and other advisory matters</b>
<b>Birds</b>	4m	20	<ul style="list-style-type: none"> <li>• Cages and aviaries must be of sufficient size and regularly cleaned.</li> <li>• All birds to be kept in accordance with the “Code of Ethics” produced by the Associated Bird keepers of Australia and printed by NSW Government.</li> <li>• All enclosures are to be maintained free of rodents and other vermin.</li> <li>• All feed is to be stored in vermin-proof containers.</li> <li>• A National Parks and Wildlife permit is required to keep many native birds. Exemptions include budgerigars, zebra finch, galah and sulphur crested cockatoo.</li> </ul>
<b>Pigeons</b>	5m	20	<ul style="list-style-type: none"> <li>• Nuisance due to noise and also free flight of pigeons is to be minimised.</li> <li>• Lofts must be constructed on hard paving of a smooth surface, graded to drain.</li> <li>• Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly.</li> <li>• Open lofts are not permitted.</li> </ul>
<b>Poultry</b>	9m	2	<ul style="list-style-type: none"> <li>• <i>Local Government (General) Regulation 2021 (NSW)</i>, Schedule 2 applies.</li> <li>• Council may, by resolution, insist on greater distances than specified in particular cases.</li> <li>• Roosters are not to be kept on residential premises (as crowing may cause offensive noise).</li> </ul>
<b>Horses and cattle</b>	9m	1 horse per 4000m <sup>2</sup> 0 other cattle	<ul style="list-style-type: none"> <li>• <i>Local Government (General) Regulation 2021 (NSW)</i>, Schedule 2 applies.</li> <li>• Council may, by resolution, insist on greater distances than specified in particular cases.</li> </ul>

Animal	Recommended minimum distance from buildings	Recommended number in residential areas	Applicable <i>Regulation</i> and other advisory matters
Rabbits	3m	2	<ul style="list-style-type: none"> <li>• Permit may be required from NSW Agriculture.</li> <li>• Must be a recognised domestic breed and kept in a rabbit-proof enclosure.</li> <li>• Do not release rabbits into the environment.</li> <li>• Restriction on the keeping of rabbits may be imposed by the NSW Department of Primary Industries under the <i>Rural Lands Protection Act 1989</i> (NSW).</li> </ul>

## 15. Review

15.1. This policy will be reviewed within 12 months of an Ordinary Council Election or other such time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW)
- *Companion Animals Act 1998* (NSW)
- *Rural Lands Protection Act 1989* (NSW)

## History

Minute Number	Date	Description of Change
222/2017	24 October 2017	Adopted
336/2022	October 18, 2022	Adopted