

PART 6 ANIMAL CONTROL

79. INTRODUCTION

The aim of this Part is to regulate the keeping of Animals and to prohibit Owners of Animals from allowing those animals to be a nuisance.

80. ANIMAL LITTER

A Person who is in control of any Dog, Cat, Livestock or Animal in or on a Public Place must:

- a) have in his or her possession a bag or other receptacle for the purpose of removing from the Public Place excrement from that Dog, Cat, Livestock or Animal deposited in or on the Public Place; and
- b) not allow excrement of the Dog, Cat, Livestock or Animal to remain in or on the Public Place; and
- c) remove from the Public Place any excrement of the Dog, Cat, Livestock or Animal if directed to do so by an Authorised Officer.

Penalty: 4 Penalty Units

81. ANIMAL NUMBERS

The Owner or Occupier of a Property:

- a) equal to or less than 4,000 square metres in area must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, keep on that Property any Rooster or more than:
 - i) 20 Large Birds; and/or
 - ii) 20 Small Birds; and/or
 - iii) 12 Poultry; and/or
 - iv) 5 Rodents or Reptiles; and/or
 - v) 2 Dogs; and/or
 - vi) 2 Cats; or
- b) greater than 4,000 square metres but less than 20,000 square metres in area must not, except with a Permit nor otherwise than in accordance with the conditions of such Permit, keep on that Property more than:
 - i) 5 Dogs; and/or
 - ii) 5 Cats.

Penalty: 8 Penalty Units

82. ANIMALS IN A PUBLIC PLACE

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, keep any Livestock, Small Bird, Large Bird, Poultry, Rodent or Reptile or any other Animal in or on any Public Place or Council Land.

Penalty: 8 Penalty Units

83. ANIMAL KEEPING

1. The Owner or Occupier of a Property must not keep any Small Bird, Large Bird, Rodent or Reptile, Livestock, or any other Animal on that Property except in accordance with any relevant Code of Practice made under the:
 - a) *Prevention of Cruelty to Animals Act 1986*; or
 - b) *Domestic Animals Act 1994*.

Penalty: 10 Penalty Units

2. The Owner or Occupier of a Property on which any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal is kept must ensure that the Property is adequately secured to the satisfaction of Council to prevent such Livestock, Small Bird, Large Bird, Rodent or Reptile or other Animal from escaping from that Property.

Penalty: 8 Penalty Units

3. The Owner or Occupier of a Property must ensure that any structure on the Property used for housing any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal on the Property is:
 - a) designed and constructed in a manner approved by Council; and
 - b) not less than six (6) metres from the frontage of the Property; and
 - c) not less than two (2) metres from any boundary of the Property; and
 - d) not less than six (6) metres from any dwelling on adjoining Property; and
 - e) not less than three (3) metres from the nearest dwelling.

Penalty: 5 Penalty Units

4. Subclause [83.3.e](#)) does not apply to any Dog kennel, Cat enclosure, a hutch used to house Rodents or a bird aviary used to house Small Birds.
5. The Owner or Occupier of a Property must ensure that any structure on that Property used for housing any Livestock, Small Bird or Large Bird, Rodent or Reptile or any other Animal and the area within three (3) metres of such structure is maintained:
 - a) in a clean, inoffensive and sanitary condition; and
 - b) so it does not cause any nuisance; and
 - c) to the satisfaction of Council or an Authorised Officer.

Penalty: 5 Penalty Units

84. ANIMAL NUISANCE

1. The Owner or Occupier of a Property on which any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal is kept must not allow any noise or smell from any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal to emanate from the Property so as to interfere with the reasonable comfort or convenience of Persons who occupy any adjacent Property or other Property located within 100m of the Property of that Owner or Occupier.

Penalty: 8 Penalty Units

2. Nothing in subclause [84.1](#) applies in respect of any noise emanating from a Dog or Cat.

NOTE: Noise from dogs and cats is regulated by section 32 of the *Domestic Animals Act* 1994.

85. BEES AND WASPS

1. The Owner or Occupier of a Property who keeps or allows bees to be kept on that Property must do so in accordance with any relevant Code of Practice made under the *Prevention of Cruelty to Animals Act* 1986.

Penalty: 5 Penalty Units

2. The Owner or Occupier of a Property must, within a reasonable time of becoming aware of the existence of an unmanaged honeybee swarm on that Property, take reasonable steps to cause the removal of that swarm.

Penalty: 5 Penalty Units

3. The Owner or Occupier of a Property must not allow or suffer English wasps or European wasps to nest on the Property, and, upon becoming aware of the existence of a wasp nest on the Property, must within a reasonable time take reasonable steps to cause the nest to be destroyed.

Penalty: 8 Penalty Units

4. The Owner or Occupier of a Property must not allow or suffer any feral European honey bees on the Property to cause, or be likely to cause, a nuisance to any Person.

Penalty: 5 Penalty Units

5. For the purposes of subclause [85.4](#), circumstances in which feral European honey bees on the Property are causing, or likely to cause, a nuisance include when the feral European honey bees are:

- a) swarming; or
- b) likely to swarm.

6. If an Authorised Officer serves a notice to comply in relation to a contravention of subclause [85.3](#), the works required to ensure compliance may include the destruction of the English wasps or European wasps.

7. If an Authorised Officer serves a notice to comply in relation to a contravention of subclause [85.4](#), the works required to ensure compliance may include:

- a) removal from the Property of the feral European honey bees; or
- b) destruction of the feral European honey bees.

86. PERMITS

1. Without limiting Council's power under Part 8 of this Local Law, in determining whether to grant a Permit under this Part the matters to which Council may have regard include:
 - a) the dimensions of the Property in respect of which a Permit is sought; and
 - b) the amenity of the area in which the Property is located; and
 - c) whether the Property is properly and securely fenced on all boundaries; and

- d) whether any other necessary permits, approvals or consents have been obtained; and
 - e) whether the application complies with any policy adopted by Council.
2. Nothing in this Part requires a Person to obtain or comply with a Permit where a planning permit has been granted in respect of the specific use or activity otherwise regulated under this Part or where what would otherwise be prohibited by this Local Law is expressly allowed by another Legislative Enactment.