

PART 5

ANIMALS AND BIRDS

43. Keeping of Animals Generally

- (1) The limitations and restrictions in this Part do not prohibit the keeping of any animals or birds regulated by the Planning Scheme.
- (2) An owner or occupier of any land must not, without a permit, in a Residential area keep or allow to be kept on land any more of each of the species or group, or type of animals than is stated in the following Table:

Animal / Bird	<499 s/mtrs	500 – 1,199 s/mtrs	1,200 - 2,499 s/mtrs	2,500 - 4,999 s/mtrs	>5,000 s/mtrs	>10,000 s/mtrs
Dogs ²	1	2	2	3	3	3
Cats ³	2	2	2	2	2	2
Horses, Donkeys or similar	0	0	0	1	2	3
Sheep, Goats, Llamas or similar	0	0	1	2	4	6
Pig	0	0	0	0	0	0
Rooster	0	0	0	0	0	0
Poultry/Fowl or similar	0	5	10	10	10	20
Cattle	0	0	0	0	0	1

- (3) If the Table referred to in subclause (2) specifies the number of nought (0) for any type of animal or bird on that size of allotment, the keeping of that type of animal or bird on that size of allotment is prohibited.
- (4) All animals kept on land in a Residential area must be owned by the owner or occupier of that property.

Penalty: Ten (10) Penalty Units

² For the purpose of calculating the maximum number of dogs and cats allowed to be kept on land, the progeny of any dog or cat lawfully kept on the land is not to be counted for 12 weeks after their birth.

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44. Responsible Breeding of Dogs and Cats

- (1) A person, other than the proprietor of a registered domestic animal business or a member of an Applicable Organisation under the *Domestic Animals Act 1994* with which a dog or cat is registered, must not sell or give away to any person any dog or cat that has not been de-sexed except where the dog or cat is 10 years of age or older.
- (2) Where a person sells or disposes of a dog or cat they are required, on the request of an Authorised Officer, to provide details of the new owner.
- (3) A person must de-sex a cat over the age of 3 months unless they have applied for a permit and the owner of the cat is a member of an Applicable Organisation, with which the cat is registered.

Penalty: Ten (10) Penalty Units

45. Keeping Animals

- (1) The owner or occupier of any land must ensure that any land used for keeping an animal:
 - (a) is maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other person;
 - (b) locates any structure used for housing so as not to cause any nuisance;
 - (c) is kept to the satisfaction of the Council or an Authorised Officer; and
 - (d) is adequately fenced and keep the fence maintained in a satisfactory condition, so that any animal or bird kept on the land cannot escape from the land.

Penalty: Ten (10) Penalty Units

- (2) The owner or occupier of any land on which an animal is kept must ensure that:
 - (a) the land surrounding the place where the animal is kept is free from rubbish or vegetation that could attract or harbour rats or vermin;
 - (b) all animal food for consumption is kept or stored in a vermin and fly proof receptacle; and
 - (c) all animal waste is removed so as not to be offensive or a nuisance to any other person.

Penalty: Ten (10) Penalty Units

46. Animal Excrement

- (1) A person in charge of an animal must not allow any part of the animal's excrement to remain on any road or Council land and must immediately collect and dispose of the excrement.

Penalty: Ten (10) Penalty Units

- (2) A person in charge of an animal on any road or Council land must carry sufficient litter devices to collect and dispose of animal excrement and must produce them on the request of an Authorised Officer.

Penalty: Ten (10) Penalty Units

47. Animal Noise

- (1) An owner or occupier of premises must take all steps necessary to prevent any noise caused by an animal being emitted from the premises so as to:
 - (a) be unreasonable; or
 - (b) be objectionable to, or adversely affecting the amenity of a person on other premises.

Penalty: Ten (10) Penalty Units

- (2) For the purposes of sub-clause (1) in assessing whether noise is unreasonable, objectionable or adversely affecting a person's amenity, regard must be had to:
 - (a) its volume, intensity and duration; and
 - (b) the time, place and other circumstances in which it is emitted.

48. Wasps and Bees

- (1) The owner or occupier of land must ensure that any English or European wasps nesting on the land are destroyed.
- (2) The owner or occupier of any land must ensure that any feral European honey beehive is destroyed or must ensure that any feral European honey bees that are swarming on the land and are considered by an Authorised Officer to be causing a nuisance to any person, are removed from the land.

Penalty: Twenty (20) Penalty Units