



On Public Exhibition

Keeping of Animals in Residential Areas Policy

Exhibition period

From 19 December 2024 to 30 January 2025

How to make a Submission

Submissions must be received in writing and addressed to
The Chief Executive Officer, Dharawal Country,
Locked Bag 155 Shellharbour City Centre, 2529
or sent by email to council@shellharbour.nsw.gov.au

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

The personal information contained in your submissions is collected by Shellharbour City Council for the purpose of corresponding with you about your submission. If you make an anonymous submission, Council will be unable to contact you further.

The information is intended for use by Council to assist in its decision making processes. The content of your submission may be summarised and attached to a Council Report and displayed on Council's website, your personal information will not be included. The submission will be stored in Council's electronic records management system. You can apply to Council to access and correct your personal information. Please see Council's Privacy Management Plan available on Council's website or contact Council's Privacy Officer on 4221 6111 for more information.

10.6 Planning and Environment Directorate

10.6.1 Keeping of Animals in Residential Areas Policy

To the Chief Executive Officer

Directorate: Planning and Environment

Business Unit: Statutory Planning and Certification

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Manager: Jasmina Micevski, Executive Manager Statutory Planning and Certification

Approver: Michael Park, Executive Director Planning and Environment

Executive Summary

The purpose of this report is to present to Council the Draft Keeping of Animals in Residential Areas Policy.

The purpose of the Policy is to provide a balanced approach to managing domestic and companion animals living within the Shellharbour City Council local government area. The Policy will provide Council staff with a regulatory pathway to address complaints as well as providing animal owners with clear guidelines and expectations.

Recommendation

That:

- 1. Council endorse the Draft Keeping of Animals in Residential Areas Policy to be placed on public exhibition for a period of 42 days.**
- 2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the Draft Keeping of Animals in Residential Areas Policy, as attached to this report.**

This resolution is a policy position of Council.

Background

Pet and animal ownership across the Shellharbour local government area continues to grow, and so too does the Council's role as a regulator required to balance community expectations, animal standards, nuisance and maintaining public health, safety and amenity.

Available data from the Companion Animal Register shows over 11,000 cats and 38,000 dogs residing in the Shellharbour local government area, and over 50% of all complaints received by the regulation team are related to the broader keeping of other animals.

The draft Policy will provide a clear and consistent approach and aims to:

- Inform the community of the acceptable limits that apply to the keeping of certain animals for domestic purposes;
- Give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes;
- Minimise local nuisance and maximise residential amenity;
- Ensure the keeping of animals does not compromise minimum standards of public health, safety and convenience;
- Establish local standards, acceptable to the community, for the keeping of animals.

The policy includes a schedule of requirements for keeping animals in residential areas and provides a defined baseline around animal numbers that the Council may rely on when required to address any impact caused as a result of keeping of any animal species. In any instance, enforcement action can be undertaken by the Council regardless of the numbers, where council staff are able to establish the negative impacts upon surrounding areas and neighbours.

Council Implications

FINANCIAL / RESOURCES

The costs of implementing the draft Policy can be met within the current budget.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

Consistent requirements will be applied to Council residents, focusing on raising community awareness of responsible animal ownership.

If adopted, this will become a policy position of Council.

SOCIAL IMPACT

Council is committed to supporting a broad range of activities that enable social interaction and stimulate wellbeing where people and their animals can live in harmony.

Pet and animal ownership in the community significantly benefits the community's well-being. The policy is a guideline and allows for variations in the schedule and number of pets to be kept on a residential property on a case-by-case basis.

Any such situation will be considered, and as a minimum, the following will be considered:

- The size of the property
- A site plan showing the location where the animals will be kept and the distance from any structures on site or on adjoining properties
- The type of animals to be kept
- The number of animals to be kept
- Owner's consent from the owner of the property
- The likely impact of the animals on the environment and the amenity of the area
- Written support from neighbouring properties will be beneficial in supporting the application for a variation

Further, the policy features a transitional phase which states that where the number of animals owned by a person exceeds the number prescribed in the Policy Schedule, no further or replacement animals should be acquired to no more than the maximum allowed at the time of the animals passing, given away or sold.

SUSTAINABILITY CONSIDERATIONS

Community education and increased awareness of responsible and appropriate animal ownership together with a compliance and enforcement will minimise environmental impacts that may be the result of a nuisance as well as protecting natural habitats and native fauna.

LEGAL CONSIDERATIONS

There are a number of corresponding regulatory frameworks for the management of animals which include:

- *Companion Animals Act 1998*
- *Local Government Act 1993*

The draft Keeping of Animals in Residential Areas Policy builds and better defines the requirements contained in the legislation. It also acts as a tool for the community and staff to be guided by how council may manage animal ownership in residential areas.

This Policy is able to be created pursuant to the provisions of a Local Orders Policy (LOP) prepared and adopted under the *Local Government Act 1993*.

Generally, Council's powers to control and regulate the keeping of animals emanates from Section 124 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. Under this legislation Council may in appropriate circumstances, issue an Order: -

- Prohibiting the keeping of various kinds of animals.
- Restricting the number of various kinds of animals to be kept at a premise.
- Requiring that animals be kept in a specific manner. Council may also issue Orders requiring:
- The demolition of animal shelters built without the prior approval of Council.
- The occupier to do, or refrain from doing, such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

RISK CONSIDERATIONS

Nil

Link to Community Strategic Plan

This report supports the following objectives, strategies and actions of the Community Strategic Plan:

4.2 We have strong leadership

4.2.1 Our Council is transparent and trusted to make decisions that reflect the values of the community collectively

4.2.1.03 Ensure compliance with Local Government legislation, Council policies, procedures, systems and frameworks

Previous Council Resolutions

Nil

Consultation

Internal

Nil

External

The draft policy will be placed on public exhibition for a minimum of 42 days.

Political Donations Disclosure

Nil

Options

Option 1:

That Council endorse the public exhibition of the Draft Keeping of Animals in Residential Areas Policy.

Option 2:

That Council endorse the public exhibition of the Draft Keeping of Animals in Residential Areas Policy, with any amendments considered appropriate.

Conclusion

Council has identified a need to develop a policy to balance community expectations and provide a regulatory framework to support customer enquiries and complaint investigations. The policy will provide a clear and consistent approach to inform the community of acceptable limits that apply to keeping certain animals for domestic purposes.

Should the Council endorse the public exhibition of the Draft Keeping of Animals in Residential Areas Policy, the community will benefit from an extended exhibition period and if suggestions are received that cannot be addressed by minor amendments, then Council will adopt the Policy. Importantly, if any unresolved or significant amendment is required as a request of community submissions, it will be returned to the Council for consideration.

Attachments

1. DRAFT Keeping of Animals in Residential Areas Policy