



Keeping of Domestic Animals Policy

**Section 159 of the Local Government
Act 1993**

Adopted by Council 9 November 2022
(Resolution No 2022/250)

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1.0 INTRODUCTION

This policy seeks to inform the Narromine Shire community of Council's regulatory powers concerning the keeping of animals in the Narromine Shire Council area and the process which Council uses to determine when to enforce the controls within the policy.

The Orders Policy aims to:

- (a) Minimise the incidence of nuisance being caused to persons;
- (b) Protect the welfare and habitat of wildlife; and
- (c) Safeguard the environment.

It is well documented that the keeping of companion animals and/or pet animals is usually most beneficial to the well-being of people.

As such, it is not the intent of Council nor the policy to enforce the controls within this policy in the first instance but to work with the owner/s of the domestic animal/s to ensure that the keeping of domestic animal/s does not have an adverse impact on the adjoining premises.

Nevertheless, on occasions, complaints are made to Council where animals of an inappropriate kind or number are being kept or where the animals and their accommodation are not being looked after properly.

Implementation of Policy

It is not the intent of Council nor the policy to enforce the controls within this policy in the first instance but to work with the owner/s of the domestic animal/s to ensure that the keeping of domestic animal/s does not have an adverse impact on the adjoining premises.

This policy provides guidance about the criteria Narromine Shire Council will use when determining whether to issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.

It makes it clear that the intention of this Policy is that Council officers will act only on complaint.

Section 7.0 provides guidance on the steps that Narromine Shire Council will follow in an attempt to resolve these undesirable impacts.

2.0 AREA TO WHICH THIS POLICY APPLIES

This Policy applies to the urban areas of Narromine, Trangie and Tomingley in the Narromine Shire Local Government Area. The urban areas are identified on the maps in Appendix 5.

3.0 SCOPE

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests. This Policy is not intended to replace or supersede the requirements of the Companion Animals Act 1998 or the Prevention of Cruelty to Animals Act 1979.

More stringent conditions will be applied to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading or selling.

Where it is intended to keep animals for any commercial purposes, it is necessary that a development application be submitted to Narromine Shire Council and planning consent obtained. Consent to the operation of Commercial Animal Establishments may not be allowed where Council considers that the proposal would be harmful to the amenity of the locality.

4.0 AIMS AND OBJECTIVES

- (a) To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
- (b) To give guidance and advice to persons as to the keeping of animals for domestic purposes.
- (c) To minimise local nuisance and maximise residential amenity, and to ensure that the keeping of animals does not compromise minimum standards of public health, safety and convenience.
- (d) To establish local standards, acceptable to the Community, for the keeping of animals.
- (e) To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under section 124 of the *Local Government Act 1993* to prohibit, restrict or some other way, require things to be done regarding the keeping of animals.

5.0 GUIDELINES FOR THE NUMBER OF ANIMALS TO BE KEPT ON PREMISES

Narromine Shire Council regularly receives complaints about nuisance caused by keeping animals on premises. Table 8.0 below provides guidance about the number of animals which Council reasonably believes can be kept at a premise without causing a significant nuisance providing the conditions specified in the table are adhered to.

The kind of animal that is suitable to be kept at any premises will be determined having regard to the size of the available yard area and the distance to the nearest dwelling or other prescribed building. Certain statutory requirements also apply as noted in the Table of Requirements.

It should not be assumed that animals of all kinds may be kept on premises which are part of a multiple dwelling allotment. Where a dwelling is owned within a Strata Plan, it will be necessary for the rules of the Body Corporate to be examined for requirements relevant to the keeping of animals.

Animals should be kept in a manner which does not:

- (a) Create unclean or unhealthy conditions for people or for the animals;
- (b) Attract or provide a harbourage for vermin;
- (c) Create offensive noise or odours;
- (d) Cause drainage nuisance or dust nuisance;
- (e) Create waste disposal problems or pollution problems;
- (f) Create an unreasonable annoyance to neighbouring residents;
- (g) Cause nuisance due to proliferation of flies, lice, fleas or other pests and parasites; and
- (h) Cause neighbouring residents to fear for safety.

Suitable facilities and shelters should be provided for all animals. Certain kinds of animals are required to be kept in enclosed locations to prevent escape or attack by predators. Generally other animals are to be securely enclosed with adequate fencing to prevent escape.

Certain animal shelters should not be erected or located at premises without prior approval of Council. Please contact Narromine Shire Council's Regulatory Services for further details.

Design guidelines for the size, layout and construction of animal shelters are produced by the various animal welfare organisations and the Department of Agriculture & Water Resources. These may be adopted from time to time as supplements to this policy.

6.0 COUNCIL'S POWER TO CONTROL AND REGULATE THE KEEPING OF ANIMALS

Generally, Council's powers to control and regulate the keeping of animals are provided under section 124 of the Local Government Act 1993 and the Local Government (General) Regulation 2021. *This is not a new power and has been available to Council since 1993.*

This Policy is intended to be used by Council to provide guidance about the criteria Narromine Shire Council will use when determining whether to exercise its powers and issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.

It is not the intent of Council nor the policy to enforce the controls within this policy in the first instance but to work with the owner/s of the domestic animal/s to ensure that the keeping of domestic animal/s does not have an adverse impact on the adjoining premises.

Narromine Shire Council may, in the appropriate circumstances, issue an Order to:

- (a) Prohibit the keeping of various kinds of animals;
- (b) Restrict the number of various kinds of animals to be kept at a premise; and
- (c) Require that animals be kept in a specific manner.

Narromine Shire Council may also issue Orders requiring:

- (a) The demolition of animal shelters built without the prior approval of Council; and
- (b) 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.

It is advised that Narromine Shire Council can exercise further controls over animals under the following Acts:

- (a) Companion Animal Act 1998;
- (b) Protection of the Environmental Operations Act 1997;
- (c) Environmental Planning and Assessment Act 1979;
- (d) The Public Spaces (Unattended Property) Act 2021; and
- (e) Food Act 2003 (prohibits animals to be kept where food is handled for sale).

7.0 GIVING ORDERS BY COUNCIL

Upon complaint, Narromine Shire Council will undertake the following to determine if it is necessary for Council to enforce the restrictions identified in Table 8 and Table 8a.

- Undertake an inspection of the premises;
- Identify any areas of concern eg: odour, noise, proximity to dwelling and the like;
- Discuss any concerns with the owner/tenant of the premises and/or domestic animal/s;
- Give verbal directions in the first instance to assist the owner of the animal/s to ensure that the keeping of their domestic animal does not have an adverse impact on the amenity of the adjoining premises;
- Undertake follow-up inspections to ensure verbal directions have been implemented
- Monitor the premises to ensure the keeping of their domestic animal does not have an adverse impact on the amenity of the adjoining premises;
- Liaise with community representatives with regard to solving the problem, if needed;
- Inform the complainant of outcome of the investigation.

Where a problem/s is identified with the keeping of animals and it can not be resolved by consultation, Council will proceed to issue a notice of its intention to serve an Order and/or enforcement of the restrictions within the policy.

In situations where urgency is required, an emergency Order may be issued without prior notice.

8.0 TABLE OF REQUIREMENTS

The following table indicates the requirements and relevant considerations regarding the keeping of animals and the restrictions in place taking into consideration clause 7.0 of this policy:

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Dogs	Narromine, Trangie & Tomingley	2 large breed 3 small breed	Not applicable	Where complaints are received the criteria in Appendix 1 will be used.
Cats	Narromine, Trangie & Tomingley	2	Not applicable	Where complaints are received the criteria in Appendix 2 will be used
Chickens (excluding roosters)	Narromine, Trangie & Tomingley	No maximum numbers	7.5 metres However, Council require, on the keeping of domestic poultry or fowl, a distance greater than 9 metres in some cases.	<p>The numbers must be appropriate to provide poultry products, including eggs, for domestic consumption of the family living at the premises, e.g. For a family of four it may be acceptable to allow eight chickens which would ideally provide eight eggs per day (two eggs per person).</p> <p>The keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours.</p> <p>Poultry yards must be enclosed to prevent escape of poultry. Hard paving should be provided under roosts in poultry houses to ensure effective cleaning.</p>

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see note A)	ADVISORY NOTES
Roosters	Narromine, Trangie & Tomingley	Prohibited in urban areas	Not applicable	The keeping of roosters is not considered appropriate in urban areas due to noise.
Other poultry including ducks, geese, turkeys, peafowl, guinea fowl and pheasants	Narromine, Trangie & Tomingley	One per person with a maximum of five in total.	7.5 metres	Same as for chickens.
Pigeons	Narromine, Trangie & Tomingley	100 racing birds or 40 stock birds for registered active members of Pigeon Fanciers or Racing Clubs. Non-members of Pigeon Fanciers Clubs or Racing Associations will be permitted to keep up to 20 birds.	15 metres	Nuisance due to noise and also free flight of pigeons is to be minimised. Flying times should be restricted to either 2 hours after sunrise or 2 hours before sunset. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 800 mm above the ground. Racing pigeon lofts should have adequate visible landing platforms. On no account should birds be allowed to roost on neighbouring buildings. "Open" lofts are not permitted. Free lofting is not permissible. Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet in rain or during cleaning.

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
All birds except where otherwise specified	Narromine, Trangie & Tomingley	<p>As appropriate to species, size of cage/aviary or bird room.</p> <p>Keepers of more than 50 birds should be members of official Aviculture societies.</p>	6 metres	<p>Cages and aviaries must be of appropriate size and regularly cleaned.</p> <p>For budgerigars, generally allow a maximum of 30 birds per cubic metre of aviary.</p> <p>All birds should be kept in accordance with the NSW Animal Welfare Code of Practice No 4 - Keeping and Trading of Birds.</p> <p>A National Parks and Wildlife permit is required to keep more than 19 protected birds, or if you wish to sell a protected bird.</p> <p>Registered bird breeders may keep more breeding/show birds but are subject to the requirements of the POEO Act 1997.</p> <p>Noisy birds should be restricted in number and are subject to the requirements of the POEO Act 1997.</p>

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Sulphur crested cockatoo and long billed corella	Narromine, Trangie & Tomingley	2 if kept in portable cages 4 if kept in an aviary	3 metres or within dwelling 6 metres	Sulphur crested cockatoo and long billed corellas are likely to be noisy if kept as single caged birds. Registered bird breeders may keep more breeding/show birds but are subject to the requirements of the POEO Act 1997. Noisy birds should be restricted in number and are subject to the requirements of the POEO Act 1997.
Sheep and Goats	Narromine, Trangie	Prohibited in urban areas. Refer to Table 8(a)	Not applicable.	The keeping of goats is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2021 apply.
Pigs	Narromine, Trangie	Prohibited in urban areas Refer to Table 8(a)	Not applicable	The keeping of pigs is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2021 apply.

ANIMALS	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Other large domestic animals - except horses e.g. llamas/alpacas	Narromine, Trangie	Prohibited in urban areas.	Not applicable	<p>The keeping of large domestic animals is not considered appropriate in urban areas due to odours and noise.</p> <p>The provisions of the Local Government (General) Regulation 2021 apply.</p>
Horses	Narromine, Trangie	1 -3 depending upon size of allotment Refer clause 9.0 h) Refer to Table 8(a) for Tomingley	9 meters	<p>Horse yards shall not be constructed nearer than two (2) metres from present adjoining boundaries or alternatively, horses must be prevented from reaching into adjoining property by the erection of a two-metre-high fence of suitable design.</p> <p>Stables, shelters and yards shall be properly constructed of suitable materials to the satisfaction of Council. Gates shall be fitted with an approved method of locking.</p> <p>No unsightly development shall be permitted.</p> <p>Ringlock or barbed wire fencing is not permitted.</p> <p>The floors of a stable of loose boxes shall be properly graded and drained.</p>

				<p>Manure shall be raked up daily and placed in suitable, fly proof containers, or other suitable means, approved by Council until removed from the site. All manure containers shall be cleaned and disinfected at least once every seven (7) days.</p> <p>Fouled bedding shall be removed from the stable or yard at least once every seven (7) days.</p> <p>Stables and yards shall be kept clean and tidy to the satisfaction of Council at all times, so as not to be the cause of a nuisance.</p> <p>Horses may be kept on vacant allotments in the built-up areas in accordance with this policy.</p> <p>Stallions are not permitted</p> <p>Refer to Clause 9(h)</p> <p>The provisions of the Local Government (General) Regulation 2021 apply.</p>
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9.0 TABLE 8.0(a) INFORMATION FOR TOMINGLEY AND OTHER SPECIFIED AREAS

The following table indicates the requirements and relevant considerations regarding the keeping of animals and the restrictions in place taking into consideration clause 7.0 of this policy:

ANIMAL	MAXIMUM NUMBER (excluding offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Sheep and Goats	No more than 2 female goats upon any one allotment	15 metres	No person shall keep sheep or goats upon any premises under such conditions as to create a nuisance or to be injurious to health.
Pigs	No more than 2 pigs upon any one allotment	15 metres	No person shall keep pigs upon any premises under such conditions as to create a nuisance or to be injurious to health. The yards are to be kept clean and free from offensive odours.
Other large domestic animals except horses e.g. llamas/alpacas	No more than 2 large domestic animals upon any one allotment	15 metres	No person shall keep large domestic animals upon any such premises under such conditions as to create nuisance or to be injurious to health.
Horses	No more than 3	9 metres	Horse yards shall not be constructed nearer than two (2) metres from present adjoining boundaries or alternatively, horses must be prevented from reaching into adjoining property by the erection of a two-metre-high fence of suitable design. Stables, shelters and yards shall be properly constructed of suitable materials to the satisfaction of Council.

ANIMAL	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings - see Note A)	ADVISORY NOTES
			<p>Gates shall be fitted with an approved method of locking.</p> <p>No unsightly development shall be permitted.</p> <p>Ringlock or barbed wire fencing is not permitted.</p> <p>The floors of a stable of loose boxes shall be properly graded and drained.</p> <p>Manure shall be raked up daily and placed in suitable, fly proof containers, or other suitable means, approved by Council until removed from the site. All manure containers shall be cleaned and disinfected at least once every seven (7) days.</p> <p>Fouled bedding shall be removed from the stable or yard at least once every seven (7) days.</p> <p>Stables and yards shall be kept clean and tidy to the satisfaction of Council at all times, so as not to be the cause of a nuisance.</p> <p>Stallions are not permitted</p> <p>Refer to Clause 9(h)</p> <p>Horses may be kept on vacant allotments in the built-up areas in accordance with this policy.</p>

10.0 NOTES

- (a) The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to the nearest dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (b) Animal includes a mammal, bird, reptile, amphibian or fish. It does not include a human being (as defined in *Prevention of Cruelty to Animals Act 1979*).
- (c) Schedule 2 of the Local Government (General) Regulation 2021 specifies minimum standards for the keeping of animals. The distances specified (except in the case of pigs) may be varied at a meeting of the Council and notified in writing to the applicant in each particular case.
- (d) Schedule 2 Part 5 of the Local Government (General) Regulation 2021 allows for a variation of requirements of the keeping of poultry and Division 3 allows for variation to the requirements for the keeping of horses and cattle.
- (e) All cages, kennel enclosures, aviaries and or any structure for the keeping of animals over 10m² of floor area and a height of 2.4 metres are subject to the approval of a development application.
- (f) It is a requirement that a combination of no more than 2 types of animals be kept at the maximum number on any one property.
- (g) Refer to Narromine Shire Council's Local Environmental Plan and Development Control Plans for other restrictions that may apply to the keeping of animals in certain areas.
- (h) **Horses**

Commercial type stables and yards may be developed in certain areas within the boundary, with Council approval, but cannot be developed within the residential or business areas.

Persons wishing to carry out such developments should contact Council regarding suitable land for this purpose.

Horse yards and shelters at the rear of dwellings may be used for the keeping of horses subject to Council's approval and conditions thereof.

Each application for the keeping of horses shall be treated on its merits and approval to keep horses may not be granted in every case. Applications are to be submitted by the owner of the land.

Persons keeping horses within the defined area, without Council approval, prior to the appointed day are required to apply for approval in accordance with this policy.

Applications for the keeping of horses and the construction of yards and shelters after the appointed day shall be treated as building applications.

Owner	Director Governance		
Date of Adoption/ Amendment	Revision Number	Minute Number	Review Date
27/1/2016		2015/347	
8/3/2017	2	2017/59	
09/08/2017	3	2017/204	08/08/2021
9/11/2022	4	2022/250	8/11/2026

APPENDIX 1 –PROVISIONS FOR KEEPING DOGS

Introduction

This Appendix identifies criteria and provides clear guidelines to assist persons in keeping dogs, so as to ensure that the activity does not have any detrimental impact on the health and amenity of the surrounding area or to the environment.

Objective

To maintain the amenity of residents and surrounds by ensuring no interference is caused through the emission of unreasonable noise, smell or otherwise as a result of keeping dogs.

Provisions for meeting the objective

- (a) All kennel enclosures or other structures for the keeping of dogs over 10m² of floor area and a maximum height of 2.4 metres are subject to the approval of a development application.
- (b) The floors of kennel enclosures must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to drain in order to facilitate easy cleaning and prevent the build-up of faeces.
- (c) Kennel and dog enclosures are to be kept clean and free of offensive odours at all times. Solid waste is to be regularly collected, 'bagged' and disposed of to garbage.
- (d) Waste water associated with the cleaning of any kennel or dog enclosure should be disposed of to Council's sewer in accordance with the Local Government Act 1993 and regulations.
- (e) No interference with the amenity of the area by reason of the emission of unreasonable noise, smell or otherwise is to be the result of the keeping of dogs.
- (f) Dog yards must be so enclosed as to prevent the escape of dogs.
- (g) The *Companion Animals Act 1998* requires permanent identification and life-time registration and effective control of dogs at all times.
- (h) Where the above provisions cannot be met, the owner of the dogs must demonstrate methods for achieving the objective. Each method will be assessed individually.

Implications

Where complaints are received about odour, noise or other issues relating to the keeping of dogs, Council will conduct an inspection of the property. It is the responsibility of the owner to demonstrate that adequate yard size relative to the size and number of dogs, proper care and desexing has been provided and control has been maintained.

Council has powers under the Section 124 of the Local Government Act to impose restrictions on the numbers and manner in which dogs are kept on a particular property.

APPENDIX 2 –PROVISIONS FOR KEEPING CATS

Introduction

This Appendix identifies criteria and provides clear guidelines to assist persons in keeping cats, so as to ensure that the activity does not have any detrimental impact on the health and amenity of the surrounding area or to the environment.

Objective

To maintain the amenity of residents and surrounding environment by ensuring no interference is caused through the emission of unreasonable noise, smell or otherwise as a result of keeping cats.

Provisions for meeting the objective

- (a) All structures for the keeping of cats over 10m² of floor area and a maximum height of 2.4 metres are subject to the approval of a development application. Such structures are subject to the same conditions as imposed on dog enclosures.
- (b) No interference with the amenity of the area by reason of the emission of unreasonable noise, smell or otherwise is to be the result of the keeping of cats.
- (c) The *Companion Animals Act 1998* requires permanent identification and life-time registration.
- (d) Cats must not repeatedly damage anything outside the property on which it is ordinarily kept.
- (e) Cats must be locked indoors or in a suitable enclosure *between sunset and sunrise* to prevent attacks on wildlife.
- (f) The use of identity collars with multiple bells is encouraged to protect wildlife.
- (g) Where the above provisions cannot be met, the owner of the cats must demonstrate methods for achieving the objective. Each method will be assessed individually.

Implications

Where complaints are received about odour, noise or other issues relating to the keeping of cats, Council will conduct an inspection of the property. It is the responsibility of the owner to demonstrate that proper care and desexing has been provided and control of the animal maintained.

Council has powers under the Section 124 of the Local Government Act to impose restrictions on the numbers and manner in which cats are kept on a particular property.

APPENDIX 3 – BARKING DOGS

Barking is one of the ways dogs communicate. It can signify anything from playfulness to danger. However, dogs sometimes bark for other reasons when, for example, they are:

- chained to a fixed point without enough room to move or kept in a space which is too small
- provoked, deliberately or unintentionally, by people or roaming dogs
- under-exercised or not exercised at all
- lacking training
- lonely
- sick
- hungry, thirsty, on the wrong diet or generally neglected.

These causes of barking shouldn't be part of a dog's life. As well as indicating a possibly distressed animal, chronic excessive barking can be a nuisance to people living nearby.

This information is intended to make life better for dog owners, their neighbours and, of course, for dogs themselves.

Caring for Dogs

- Compassion and common sense can eliminate many of the problems, which lead to excessive barking. The following suggestions may help dog owners solve any problems they may be having.
- Provide enough space for your dog to move freely within your enclosed backyard. A dog shouldn't be left on a fixed chain for long periods as this contributes to savagery and often increases nuisance from barking or odour problems. If your dog has to be chained, it should be on a running chain.
- Give your dog a place of its own. This can be a ventilated and waterproof kennel or an indoor area. A dog kept in an enclosed area at night will not usually bark and annoy neighbours.
- Exercise your dog regularly and adequately for its breed and size. Remember that when you exercise your dog in a public place it should be kept on a leash.
- Your dog will accept kind but firm discipline. Take it to a good obedience school when the pet is young and you will enjoy the benefits.
- Give your dog a balanced and varied diet. Main meals should consist of processed meat and dried dog foods. Feeding times should be regular and a supply of fresh water should be available at all times. The evening meal of meat should be given between 6pm and 9pm.
- Dogs suffer from a range of common ailments like fleas, worms, distemper, cuts and bruises. Daily examination, regular baths and veterinary attention when necessary will help to ensure that your dog doesn't suffer from health problems. When boarding dogs, provide one run per animal and partition each run so that direct line of sight is eliminated. This will prevent competition between animals.
- In all these areas your dog will respond to good care.

Curing the Barking Habit

If you feel that your dog is well cared for, but continues to bark excessively, there are a number of things you can try:

- Remove direct line of sight between the dog and children or animals which may provoke barking.
- Take the dog to a recognised animal trainer for specialist training to discourage bad habits.
- Provide noise insulation for the kennel.
- There are various aids that help prevent barking (e.g. 'citronella' collars are effective and endorsed by the RSPCA). Ask your vet or local council about these.

**Be a responsible pet owner
ensure your companion animal is microchipped, desexed and registered**

APPENDIX 4 – Nuisance Dogs

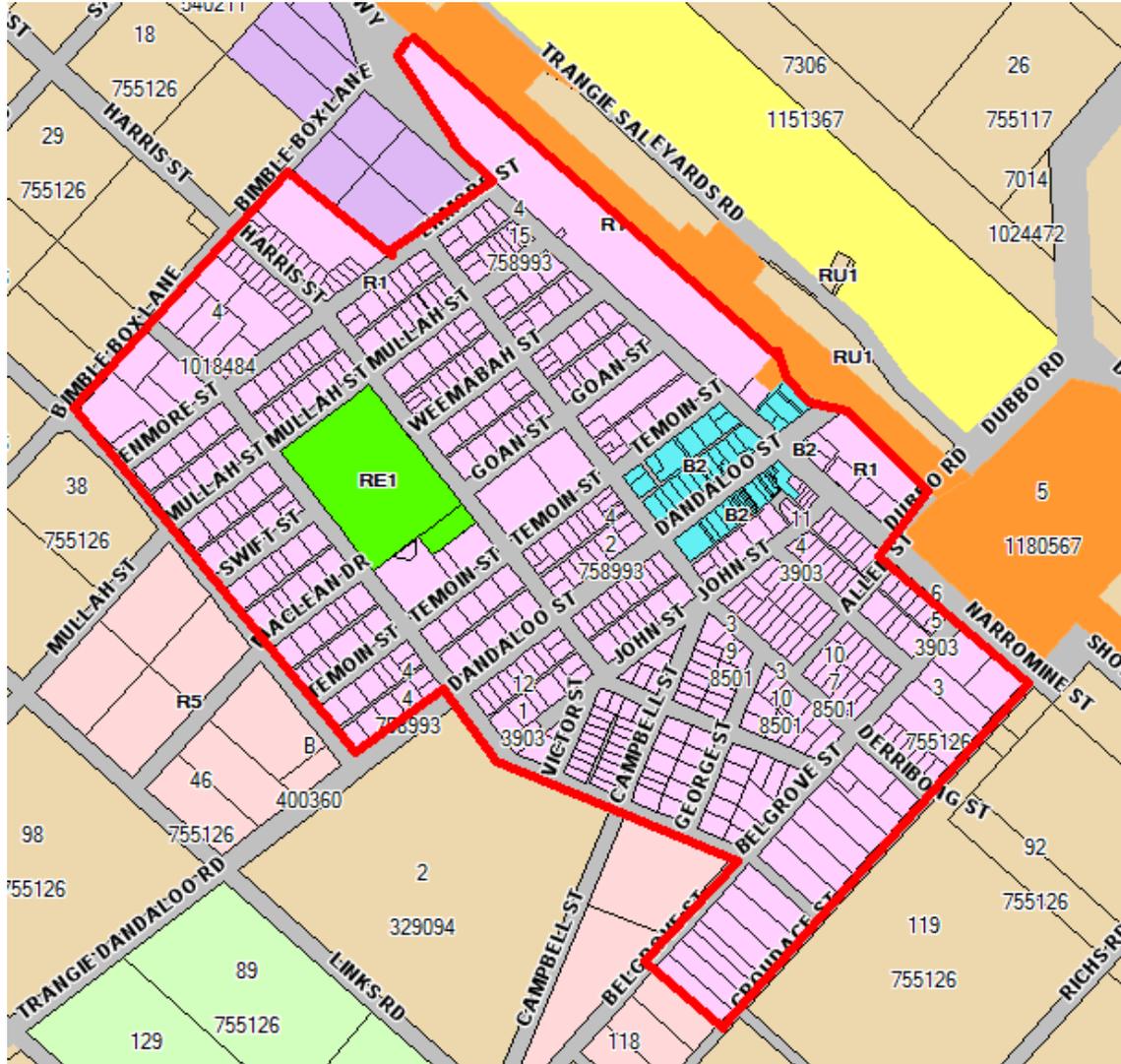
Section 32A Companion Animals Act 1998

Below is the legal definition of a nuisance dog as defined by the New South Wales Companion Animals Act 1998, and the actions Council may take in relation to nuisance barking roaming, aggression or destructive behaviour.

Section 21 Nuisance Dogs

- (1) For the purposes of this section, a dog is a nuisance if the dog:
 - (a) is habitually at large, or
 - (b) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
 - (c) repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
 - (d) repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
 - (e) endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or
 - (f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
- (2) If an authorised officer of a council is satisfied that a dog is a nuisance, the officer may, after complying with section 32B, issue an order in the approved form to the owner of the dog requiring the owner to prevent the behaviour that is alleged to constitute the nuisance.
- (3) The order must specify the behaviour of the dog that is required to be prevented. The order can specify more than one kind of behaviour.
- (4) An order remains in force for 6 months after it is issued.
- (5) The owner of a dog must comply with an order issued to the owner under this section and must continue to comply with it while it is in force. Maximum penalty: 8 penalty units for a first offence or 15 penalty units for a second or subsequent offence.
- (6) A council whose authorised officer issues an order under this section must notify the Director-General within 7 days after the order is issued.
- (7) An order under this section is final and is not subject to any appeal or review.

Trangie



Tomingley

