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Yarra City Council

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**Re: Draft local law – restrictions on bird numbers**

1. Animal Care Australia (ACA) notes that correspondence was provided to Yarra City Council on 13 April 2025 including the following:  
*“There are hundreds of avian species routinely kept in Victoria and every species has its own specialised management, husbandry, enclosure size and welfare requirements. Placing a limit of just fifteen domestic birds is simply ill-founded. Finches are far smaller and much quieter than pigeons, as an example. Therefore, we recommend the removal of the restriction of fifteen and insert: To be kept as appropriate to species, size of cage/aviary or bird room’ into the Table.*  
*The bird numbers within this entire Part shows a clear lack of knowledge regarding bird keeping and its enormous breadth and management techniques.*  
*It should be noted that the keepers of some poultry may be members of Agricultural Societies, and the keepers of avian birds could be members of Avicultural Societies. Council could include “Members of avicultural clubs, are exempt from the above limits provided their birds are kept such that they do not unreasonably affect the amenity of neighbours.”*  
*(ACA to Yarra City Council, 13 April 2025)*
2. No response or justification addressing the above correspondence has been received. The absence of a response together with the table within draft local law “5.2 Keeping of animals” suggests the issues raised have not been adequately considered in the development of the draft local law.
3. The current “[Application to Keep More Than Two Animals](#)” form on Yarra City Council’s website already lists the proposed limit of five birds for houses rather than the existing limit of fifteen birds. This suggests that administrative documents have been updated to reflect the draft proposal prior to the adoption of the new local law. Council documentation provided to residents should reflect the current law until any amendment is formally adopted.
4. Although not made clear, ACA presumes the “...More Than Two Animals” requiring a permit is derived from [Planning Scheme Provision 32.08](#) where the table of uses references “Domestic Animal Husbandry (other than Domestic animal boarding)” as a use, with a Permit not required condition that there “Must be no more than 2 animals.”
5. The term “Domestic Animal” is not defined in the Planning Scheme, rather it is reasonable to imply the meaning from the [Domestic Animals Act 1994](#). The [Domestic Animals Act 1994](#) also does not specifically define the term “Domestic Animal” however the Purpose of the Domestic Animals Act 1994 is focused entirely on Dogs and Cats. As a result, references to “domestic animals” within planning provisions are also generally understood to relate primarily to dogs and cats.
6. Given points 3, 4 and 5 above, it is clear the Planning Scheme references to “Domestic Animal Husbandry (other than Domestic animal boarding)” are most logically interpreted as referring to dogs and cats exclusively.

7. The current wording of draft local law “5.2 Keeping of animals” is ambiguous and is further confounded by the “[Application to Keep More Than Two Animals](#)” referenced in point 3. It is unclear whether the intention is that the maximum number of birds is five on “Land Other Than Flat or Unit” without a permit, or whether five represents the absolute maximum even with a permit. We recommend removing this ambiguity.
8. For the purposes of this submission, we will presume the intention is on “Land Other Than Flat or Unit” up to five birds does not require a permit with a permit required to exceed five birds.
9. Domestic aviaries are a normal ancillary structure associated with residential use and generally do not require a permit within the Victorian planning scheme framework. [Planning Scheme Provision 62.02-2](#) recognises buildings and works associated with ordinary domestic services to a dwelling, and backyard bird cages (aviaries) fall within the category of structures commonly accepted as part of normal residential use.
10. The purpose of an aviary is to house multiple birds in a space that allows flight, movement and natural behaviour. An aviary is designed for groups of birds and the construction of such a structure reasonably assumes that groups of birds will be kept.
11. Many commonly kept birds such as finches, canaries, budgerigars and cockatiels are naturally social species that live in flocks in the wild. Animal welfare outcomes are improved when these birds are kept in compatible groups rather than in isolation, allowing them to display normal social behaviour.
12. Bird species commonly kept in aviaries vary enormously in size and behaviour. A small finch may weigh around 15–20 grams while a cockatoo may weigh over 800 grams. A fixed numerical limit that treats all birds the same ignores these biological differences and is therefore not an appropriate way to regulate bird keeping.
13. Even modest backyard aviaries can comfortably and humanely accommodate far more than five birds while maintaining appropriate standards of space, hygiene and management. A limit of five birds does not reflect the normal capacity of typical residential aviaries.
14. Small aviary birds such as finches, canaries and budgerigars produce minimal noise and very limited environmental impacts compared with many other household activities. Even larger parrots when properly housed and managed rarely create measurable amenity impacts for neighbouring properties.
15. A significant part of the study of aviculture is breeding birds. Successfully breeding a species of bird is a good indicator that welfare is of a high standard. Most of the commonly kept species produce a number of clutches per year which will temporarily increase the number of birds while they mature to an age where they can be moved.
16. Keeping birds (and pets generally) is known to contribute positively to the quality of life of residents. Aviculture is a quiet and rewarding activity that promotes relaxation, routine and engagement with nature. For many residents it is a lifelong passion and, particularly for older residents, the care of their birds provides purpose and a routine that supports wellbeing while creating minimal impact on neighbouring properties.
17. Existing nuisance and environmental health provisions already allow councils to respond where animals are kept in a manner that causes noise, sanitation or amenity problems. These mechanisms address genuine impacts without imposing arbitrary limits on responsible animal keepers.
18. The current excess animal permit involves a non-refundable application fee of \$68 and a further one-off permit fee of \$65.52 if approved. While this cost is not excessive in isolation, it represents an unnecessary regulatory burden where no genuine amenity or welfare risk exists.
19. Experience in other municipalities shows that such permit systems frequently expand over time to include higher fees or annual renewals in order to recover administrative costs. In the case of

aviary birds, the cost of administering permits is likely to exceed the revenue generated, meaning the system creates ongoing administrative work for council without delivering any measurable benefit to animal welfare or neighbourhood amenity.

20. Responsible backyard aviculture has been practiced in Australia for generations and contributes positively to animal welfare, education and community engagement with birds. Properly designed aviaries allow birds to exercise, fly and interact socially, which is widely recognised as beneficial for welfare.
21. Bird welfare depends primarily on aviary size, design and husbandry standards, not the number of birds.
22. Any regulatory approach should focus on preventing genuine nuisance or welfare concerns rather than imposing an arbitrary numerical limit that does not reflect normal avicultural practice. ACA does not support the existing limit of 15 birds and therefore strongly opposes the proposal to reduce the number further to just 5.

In summary, aviaries are normal residential structures designed to house groups of birds. A blanket limit of five birds is arbitrary, does not reflect accepted avicultural practice, and fails to consider species size, enclosure space or animal welfare. Regulation should focus on genuine nuisance or welfare concerns rather than imposing arbitrary limits that are unrelated to protecting residential amenity.

Animal Care Australia requests that the matters raised be formally considered and that council advise how these issues have been addressed in the development of the final local law.

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## **About Animal Care Australia**

As a nationally recognised animal welfare organisation, Animal Care Australia encourages continued development of animal welfare standards and Codes of Practice for animal husbandry, breeding, training, sale, and sporting exhibitions for a wide range of animal species, including pets, companion animals, animals used for educational or entertainment purposes or kept for conservation.

Animal Care Australia was founded in early 2018 to establish an organisation run solely by volunteers to lobby for real animal welfare. With extreme animal rights and animal liberationist ideologies influencing government legislation, regulation, and policy at our expense and to the detriment of our animals and pets, it has become necessary to provide government with a balancing voice.

By uniting the broad spectrum of animal groups, collectively we offer an experienced, sensible approach to animal welfare.

By educating our members and the public about the importance of treating animals with kindness and respect for their needs and promoting the humane treatment of animals to improve animal welfare outcomes, Animal Care Australia is in the unique position of lobbying and advocating for all animals within our care.

Animal Care Australia provides priority to the following:

- advocating for stronger welfare outcomes
- advocating to increase education of the public in animal welfare and best care techniques
- educate the public on handling their animals with kindness & respect and the importance of their needs
- educate the public in the differences between animal welfare and animal rights