

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	27/01/2009	0026	27/01/2009
2	11/05/2010	0142	11/05/2010
3	28/07/2020	20/237	28/07/2020

2 Policy Objective

1. To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
2. To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
3. To minimise the local nuisance and maximise residential amenity.
4. To ensure that the keeping of animals does not compromise minimum standards of public health, safety and convenience.
5. To establish local standards, acceptable to the community, for the keeping of animals.

3 Policy Statement

This policy applies to animals kept for domestic reasons and includes companion animals, pets or those animals kept for hobby interests.

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

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

Where it can be demonstrated that domestic animals (being kept for non-commercial purposes) can be appropriately cared for on allotments or locations outside the guidelines of this policy (without causing nuisance to adjoining development) then Council may consider this to be 'exempt development'.

4 Prescriptive Requirements

The number of animals that may be kept at a premises should not exceed the number shown as appropriate kind of animal listed in Table 1 of this Policy.

The kind of animal that is suitable to be kept at any premises will be determined with regards to the size of available yard area and the distance to the nearest dwelling or other prescribed building. Certain statutory and advisory requirements also apply as noted in Table 1 of this Policy.

It is not to 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 unsanitary or unhealthy conditions;
- (b) attract or provide harbourage for vermin;
- (c) create offensive noise or odours;
- (d) cause a drainage or dust nuisance;
- (e) create a waste disposal problem;
- (f) create an unreasonable annoyance to neighbouring residents or fear for safety;
- (g) cause nuisance due to proliferation of flies, lice, fleas or other insects; and
- (h) cause any ill health or distress to the animals.

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 a premises without the prior approval of Council. Application for approval to erect animal shelters should be made to Council (Reference: State Environmental Planning Policy (Exempt and Complying Development) Subdivision 3A Animal Shelters).

Design guidelines for the size, layout and construction of animal shelters are produced by the various welfare organisations and the Department of Primary Industries (Agriculture). These may be adopted from time to time as supplements to this Policy.

5 Council's Powers to Control and Regulate the Keeping of Animals

Council's power to control and regulate the keeping of animals is provided under Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005 applies.

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 premises; and

- (c) require that animals be kept in a specific manner.

Council may also issue Orders requiring:

- (a) demolition of animal shelters built without the prior approval of the Council; and
- (b) the occupier to do or to 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.

Council can exercise further controls over the keeping of animals under the following Acts:

- (a) Protection of the Environment Operations Act, 1997;
- (b) Environmental Planning and Assessment Act, 1979;
- (c) Impounding Act, 1993;
- (d) Food Act, 2003 (prohibits animals to be kept where food is handled for sale).
- (e) Rural Lands Production Act, 1998
- (f) National Parks and Wildlife Act, 1974

6 Giving Orders by Council

Where a problem is identified with the keeping of animals for non-commercial purposes and it cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order. Usually a person will be given an opportunity to make representations to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

7 Definitions

None

8 Exceptions

None

9 Legislation

Environmental Planning & Assessment Act, 1979
Local Government Act, 1993
Local Government (General) Regulation, 2005
Protection of the Environment Operations Act, 1997
Impounding Act, 1993
Food Act, 2003 (prohibits animals to be kept where food is handled for sale)
Rural Lands Production Act, 1998
National Parks & Wildlife Act, 1974

10 Related Documents

None



11 Directorate

Sustainable Development



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Related Documents:

Table 1 – Essential Requirements and Relevant Considerations

Kind of Animal	Max. Number (excluding offspring to 3 months of age)	Minimum Area & Zone	Minimum Distance (from certain buildings)	Applicable Regulations & Other Advisory Matters
Dogs				As per Companion Animals Act 1998
Cats				As per Companion Animals Act 1998
Poultry & domestic guinea fowl.	10	-	4.5m – poultry & guinea fowl	<ul style="list-style-type: none"> ▪ The Local Government (General) Regulation 2005 applies. ▪ Council may, by resolution, insist on greater distances than specified in particular cases. ▪ Hard paving must be provided under roosts in poultry houses within 15.2m of a dwelling, public hall or school. ▪ Poultry yards must be enclosed to prevent escape of poultry and be kept free of rats & mice. ▪ Roosters should not be kept where crowing will cause offensive noise.
Ducks, geese, turkeys, peafowl & other pheasants	5		30m – all others	



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<p>Pigeons</p>	<p><10</p>	<p>-</p>	<p>12m</p>	<ul style="list-style-type: none"> ▪ The use must not be for commercial purposes. Residents are permitted to keep racing pigeons however must submit a development application (DA) for approval prior to any birds being kept. ▪ Nuisance due to noise & also free flight of pigeons is to be minimised. ▪ Lofts must be constructed to Council approval on hard paving of a smooth surface. ▪ Lofts must be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours must design and manage lofts to prevent manure becoming wet in rain or during cleaning. ▪ Pigeons must be fed within lofts. All feed must be kept in vermin proof containers. ▪ The lofts & birds must be kept free of lice at all times. ▪ For more than 10 pigeons a development application must be submitted, accompanied by a Statement of Environment Effects (see Council for further information).
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				<ul style="list-style-type: none"> ▪ Racing pigeon's lofts should have adequate visible landing platforms. ▪ Exercising of birds should not occur between 8.00am and 4.00pm and should be on a planned basis, not exceeding 90 minutes. All neighbours should be consulted regarding the exercise schedules. ▪ Owners must ensure that pigeons do not make an objectionable amount of noise at unreasonable times, or cause a nuisance by emission of sounds/odour. ▪ On no account should birds be allowed to roost on neighbouring buildings. Open lofts are not permitted.
<p>All birds except for pigeons, sulphur crested cockatoo, galahs, long billed Corella, poultry, domestic guinea fowl, ducks, geese, turkeys, peafowl & other pheasants</p>	<p>As appropriate to species, size of cage/aviary or bird room.</p> <p>30 budgerigars per cubic metre of aviary.</p> <p>30+</p>	<p style="text-align: center;">-</p>	<p style="text-align: center;">3m</p>	<ul style="list-style-type: none"> ▪ Cages & aviaries must be of appropriate size and regularly appropriate size and regularly cleaned. ▪ All birds should be kept in accordance with the Code of Ethics produced by the Associated Bird keepers and Traders Inc.



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	Keepers of more than 50 birds should be members of official Agricultural Societies.		6m	<ul style="list-style-type: none"> ▪ A Department of Environment & Conservation (National Parks & Wildlife) permit is required to keep many native birds. Exemptions include, budgerigar, zebra finch, Galah & sulphur crested cockatoo. ▪ A Department of Primary Industries (Agriculture) is required for some exotic bird species. ▪ Noisy birds should be restricted in number.
Sulphur Crested Cockatoo, Galah, Long Billed Corella	2 (portable cages) 4 (aviary)	-	3m 6m	<ul style="list-style-type: none"> ▪ Likely to be noisy if kept as single cage birds.
Rabbits	2 2-100 Permit required from DPI >100 permit & fee payable to DPI	-	3m 6m	<ul style="list-style-type: none"> ▪ Must be domestic breed & kept in a suitable rabbit proof enclosure. ▪ Must not be released into the environment. ▪ The <i>Biosecurity Act 2015 and Biosecurity Regulations 2017</i> prohibit the use of the fibroma (myxomatosis) vaccine in rabbits. ▪ Restriction of number is imposed by the Department of Primary Industries



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				(Agriculture) under the <i>Biosecurity Act 2015</i> and <i>Biosecurity Regulations 2017</i> .
Ferrets Undesexed hobs (males)	4		- 6m	<ul style="list-style-type: none"> ▪ Compliance with de-sexing, proper care, and provision of secure enclosures of adequate size will be relevant factors in assessing requests to keep more than 4 ferrets. ▪ If ferrets are exercised outdoors adequate fencing to prevent escape is essential. ▪ Un-desexed hobs should be caged outdoors during the months of October-February when females are on heat.
Pet rats, mice and guinea pigs	12 in any combination	-	3m	<ul style="list-style-type: none"> ▪ Must be kept in appropriate cages and not released into the environment. Should be kept outside of dwelling.
Sheep & goats	1	every 1500m ² RI General Residential, R5 Large Lot Residential and RU5 Village	6m	<ul style="list-style-type: none"> ▪ Billy goats should not ordinarily be kept on residential premises. ▪ The welfare of the animals will be subject to the provisions of the <i>Prevention of Cruelty to Animals Act 1979</i> and the Department of Primary Industries (DPIs) Welfare Codes.



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				<ul style="list-style-type: none"> ▪ If the number to be kept exceeds this level a development application is to be submitted to Council for development consent. ▪ No restrictions apply to RU1 Primary Production and RU4 Primary Production Small Lots more than 1 Ha
Pigs	1	2 hectares (rural land only)	60m	<ul style="list-style-type: none"> ▪ Development consent is required for developments involving the keeping of more than 20 breeding sows or 200 pigs (under State Environmental Planning Policy 30 – Intensive Agriculture). ▪ Note: An EIS is required where proposed in environmentally sensitive areas or where more than 200 sows/2,000 pigs are proposed. ▪ The keeping of pigs is not appropriate on residential properties.
Bees	12 hives	3,000m ² R5 Large Lot Residential	As appropriate to ensure flight paths are a minimum of 2m above neighbouring properties	<ul style="list-style-type: none"> ▪ Bee hives are most appropriately located within rural residential or rural areas. ▪ Each hive is required to be registered with the Department of Primary Industries (Agriculture).



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				<ul style="list-style-type: none"> ▪ Bee hives must be located as far as practicable from doors or windows of dwellings, paths or outdoor resting areas. ▪ Bee flight paths to & from hive should be kept distant from outdoor areas frequently used by humans. ▪ Screens may be necessary to raise flight paths. An ample supply of water near to hive is required in summer months. ▪ Hives should be constructed & kept in accordance with the Code of Practice for Beekeeping in NSW (see DPI or www.agric.nsw.gov.au). ▪ There is no limit on number of bee hives situated on land >3,000m².
Horses & cattle	1	3,000m ² R5 Large Lot Residential	9m	<ul style="list-style-type: none"> ▪ The keeping of horses and cattle on residential properties is not considered appropriate. ▪ Local Government (General) Regulation 2005 applies.



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Reptiles	As appropriate in the circumstances	-	As appropriate in the circumstances	<ul style="list-style-type: none"> ▪ Advice on the keeping of reptiles should be sought from the Department of Environment & Conservation (National Parks & Wildlife) in all cases. ▪ National Parks & Wildlife Act, 1974 applies. ▪ All species must be adequately housed to prevent escape.
Fish, aquarium & pond	As appropriate in the circumstances	-	As appropriate in the circumstances	<ul style="list-style-type: none"> ▪ Water is to be maintained at a clean & sufficient level. ▪ Ponds are to be made child-safe if more than 300, in depth by appropriate fencing. Must comply with AS 1926.

NOTE:

- The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosed to the nearest dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- Animal includes a mammal, bird, reptile, amphibian or fish.
- The Local Government (General) Regulation 2005 specifies minimum standards for 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 occupier of premises in a particular case.



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- The above table is a guide only and where it can be demonstrated that domestic animals (being kept for non-commercial purposes) can be appropriately cared for on allotments or locations outside the above guidelines (without causing nuisance to adjoining development), then Council may consider a development application is not necessary.