

29<sup>th</sup> January 2025  
Uralla Shire Council  
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**(Draft) Keeping of Animals and Birds (Urban Areas) Local Policy 2024**

Animal Care Australia (ACA) is a national incorporated association established to lobby for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

Animal Care Australia is currently recognised by the NSW Department of Primary Industries and the NSW Office of Local Government as a key stakeholder in the review of the NSW Prevention Of Cruelty To Animals Act and the review of the Companion Animals Pet Registry. Animal Care Australia is directly consulting and advising during these reviews, including the future revision of Regulations and Codes of Practice for the keeping of all pets.

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 is engaged with state governments to develop more appropriate model Local Laws and model Subordinate Local Laws governing the keeping of animals in each state. Nationally, Animal Care Australia is finding Local Councils placing restrictions and permit requirements on their residents which do nothing to improve animal welfare and tend to lead to greater non-compliance.

To this end, Animal Care Australia would like to recommend that the following statement be included in the objective of your Policy:

**“ Uralla Shire Council acknowledges the importance animals play in the wellbeing of our residents. Council’s default position is to encourage and promote the keeping of animals within the Local Government Area.”**

In reviewing the proposed Policy Animal Care Australia would like to raise the following points of concern:

- The numbers proposed for some species are contradictory to the animal welfare needs of the species and will therefore lead to animal welfare issues which leads us to believe they have simply been ‘made up’ – likely based on personal bias rather than facts.
- Animal Care Australia notes an absence of a grandfathering clause. Animal Care Australia strongly recommends Council invest in and implement extensive education of its residents prior to permitting its enforcement/compliance officers to commence regulating.

This should include extensive communication and consultation with residents and other stakeholders in order to ensure support and ongoing compliance.

- The numbers proposed for dogs and cats contradicts those permitted by State laws which allow up to 20 fertile female dogs on a property. Just because other local government areas have these restrictions is not a justified reason for this Council to follow.
- The policy introduction states: “a) *The inclusion of a Sub-paragraph 2.2 (d) namely “be mindful of the cumulative effect of multiple large animals, which individually are permitted, may create an unreasonable annoyance to neighbours; and.”* Animal Care Australia questions the need for this when there are already suitable provisions for Council to deal with nuisance complaints.

Why not? What are the requirements for variation to the restricted numbers? Are breeders registered with a breeding or keeping association provided with any exemptions, as this is not included in the Regulation and Information column of Table 1?

- There is considerable concern with the following statement: “**Minimum distance between dwelling and enclosure**”

Animal Care Australia notes the recognised definition of a dwelling in NSW<sup>1</sup> is:

*“Council Planning Schemes define a dwelling as a building used as a self-contained residence which must include:*

- a) a kitchen sink.*
- b) food preparation facilities.*
- c) a bath or shower; and*
- d) a closet pan and wash basin.*

*The definition contains two limbs to be considered; firstly, the inclusion of all of the four types of facilities above; and secondly the ‘use of the building as a self-contained residence’*

Table 1 requires a minimum distance for enclosures and structures from a dwelling. With the above taken into consideration, this potentially means a child living in a block of units cannot have a bird cage or other pet enclosure in their bedroom against a bedroom wall as that wall may be shared with the dwelling next door. As written, the enclosure would likely need to be situated in the centre of the room in order to comply.

Equally requiring outdoor enclosures to be ‘set’ metres from the nearest dwelling will restrict enclosures on balconies, or in the small ‘verandah-sized’ yards of townhouses etc. A one-metre rule would likely correct most of these outdoors concerns, however, would still make keeping an enclosed pet in a bedroom technically impossible.

While we are sure this is not Council’s intent, legally this creates a concern especially when being utilised by an over-zealous neighbour OR Council Officer.

#### **Species Specific comments:**

Restrictions on the number of animals on a property is not supported by Animal Care Australia without full consideration of the animal welfare impacts on the individual species, particularly where key stakeholders have not been consulted – as apparent by the proposed restrictions in this Policy.

Animal Care Australia questions the validity of the proposed number restrictions and the method of ascertaining specific numbers for each species. There appears to be no logic to the methodology in this circumstance and this applies throughout a number of species.

#### **Birds – Aviary, and others**

For birds other than poultry, the numbers proposed are **NOT SUPPORTED.**

Animal Care Australia seriously questions the logic used to stipulate the distance between a dwelling and enclosure being different according to the numbers of birds kept ie: 30 birds = 3m away versus more than 309 birds being 10m away.

There are hundreds of avian species routinely kept in NSW and every species has its own specialised management, husbandry, enclosure size and welfare requirements. Placing a limit of 30 avian 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 30 and insert: To be kept *as appropriate to species, size of cage/aviary or bird room*’ into the ‘Additional information’ column of the Table.

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, such as the Armidale and District Bird club Inc., are exempt from the above limits provided their birds are kept such that they do not unreasonably affect the amenity of neighbours.*"

#### **Cats:**

Restrictions to just 4 cats is **not supported** by Animal Care Australia. Unlike some other States/territories, there is no current legislation restricting the number of cats permitted without Council approval.

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<sup>1</sup> Dwelling definition in NSW – [Reference 1](#) and [Reference 2](#)

### **Dogs:**

Restrictions of up to 4 dogs for urban areas is **not supported** by Animal Care Australia. Unlike some other States/territories, current legislation restricting the number of dogs permitted is set at 20 fertile females in NSW.

Furthermore, dogs should be kept in numbers and breeds appropriate to the size of the property without set number restrictions. 4 Great Danes versus 4 Chihuahua certainly requires different circumstances and each species and owner should be assessed individually where/when an issue arises.

As highlighted in the Policy document, noise and odour concerns are to be dealt with under POEO Act and also the CA Acts. So why the need for limiting numbers?

For both **cats and dogs** can Council provide any evidence to justify how you came to these numbers? "Other Councils are doing it" is not a justifiable reason.

There is also no reference to an exemption for members of breeding associations or for them to apply for greater numbers than those tabled.

### **Small Mammals:**

Rabbits, ferrets, guinea pigs, rats and mice are considered as house pets and have been for some time now.

Now that housing cost forces people into smaller unit dwellings, indoor pets such as rabbits, ferrets, rats, mice and guinea pigs are becoming the norm.

We repeat, this is where the three-metre minimum distance will not work for anyone with these pets. Units are separated by a mere wall. In many new housing estates being developed even houses are barely separated by a couple of metres. This is an unrealistic expectation.

Owners of these smaller pet's work to improve the quality of the animal in health and temperament and animal related clubs and societies have policies for registered breeders who are bound by their published Code Of Ethics and Code Of Practice along with provisions provided with the current Prevention of Cruelty to Animals Act.

There are many Societies for rabbits, guinea pigs, rats and mice.

### **Ferrets**

*"The keeping of ferrets is not permitted without written approval"*

Is **totally opposed** by Animal Care Australia.

It is legal to keep ferrets in NSW and there are no supported reasons from Council as to why Council does not recommend their keeping. This appears to be based on bias or an uneducated opinion.

These animals are now predominantly kept indoors as this is much better for their welfare.

**The above statements MUST BE removed from your Policy.**

Ferrets have become much loved companion pets and while they do require some care, maintenance and ensuring that they are kept very entertained and occupied when awake, they in fact do not require a lot of space which makes them perfect as 'indoor' pets.

Ferrets are far more secure indoors and escapes into the environment are far less likely to occur with an indoor kept pet than an animal out in a cage.

Ferrets are also social animals and should be kept at a minimum as pairs or in groups, therefore Council's restriction of only 2 ferrets is impractical, uneducated and therefore ill-advised.

### **Rats, Mice and Guinea Pigs**

The limit of just 12 animals is **not supported** by Animal Care Australia.

These animals are colony animals, and it is important for their health and well-being to be kept in larger numbers than what Council's policy imposes. As companion animals allowing more appropriate colony sizes poses no threat to community, health, or animal welfare.<sup>2</sup>

Rats, mice, and guinea pigs are primarily indoor pets and invariably kept in small enclosures. These animals do not exhibit extreme noise, are not intrusive and are free of the diseases and pathogens that often plague their wild counterparts. In fact, they pose no health problem for their owners and are renowned for keeping themselves well groomed.

For the Club registered breeding community, the proposed limitations are also unrealistic, especially given the average litter size for some of these species is larger than the proposed limit suggesting that these proposals have not considered the biology and needs of these species. Additionally, due to their short lifespans it is vital that several adult pairs be kept at any given time to ensure that the quality of the gene pool is maintained – without allowing owners to keep 'breeders' the health of the species will invariably suffer.

### **Rabbits**

The restriction to just 1 animal **is abhorrent and totally opposed**. Animal Care Australia seriously questions the basis of any animal welfare concern behind such a restriction?

Many people that keep rabbits in any residential situation keep them as pets and the majority of pet rabbits are kept as indoor pets for their health and safety. Vaccines do not provide protection against all of the government released rabbit haemorrhagic viruses that are designed to eradicate feral rabbits.

Responsible pet owners will have their rabbits desexed should THEY NOT wish to breed. Council imposing restrictions is an extreme overreach of power and highlights how out of touch with animal keeping this draft policy is.

### **Bees**

Animal Care Australia questions the restriction to 3 (three) production hives & 2 (two) nuc hives per 1500m2. Animal Care Australia notes the Table requires the hives to be registered with the Department of Primary Industries AND the monitoring of those is carried out that department. While the department has recommendations on numbers for residential areas, it does not have restrictions. Therefore, under what justification is Council restricting bee keeping?

### **In closing:**

**Failure to Address Actual Issues:** The policy does little to improve animal welfare, to prevent aggressive dog attacks, or to protect wildlife habitats. Instead, it impose blanket restrictions that do not address specific problems.

Animal Care Australia strongly encourages all councils to promote and encourage the keeping of animals as pets as they provide extraordinary mental health benefits for all of us. All restrictions only serve as a detriment to pets and those wishing to keep them.

Animal Care Australia does not agree with imposing blanket limits on numbers of animals that can be kept especially when based solely on ideological theories as these theories are animal rights based. Animal restrictions for many species such as those within your Policy, will create animal welfare concerns.

Animal welfare is NOT about numbers – it is about the conditions, behavior, cleanliness, housing, and husbandry that each animal is kept under by the owners – your residents.

Policies that restrict the keeping of animals based on preventing noise, odour or other issues for neighbours are strongly discouraged. Restrictions including permit requirements inflict an unnecessary compliance burden on residents and staff which only discourages animal keeping needlessly. Laws are already in place to deal with neighbourhood nuisance issues including matters due to poor animal practices. Council should seek consultation with real animal experts to provide a policy that not only works for the council and its community but also ensures good welfare outcomes for the animals.

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<sup>2</sup> [Short Communication: Rats Demand for Group Size - Journal of Applied Animal Welfare Science 7 \(4\) 267-272 – 2004](#)

Animal Care Australia's primary objective is 'education over regulation' and always commend Councils wherever they seek to further the education of their residents.

Animal Care Australia has references to support our submission and will be happy to supply them on request. We recommend viewing our online document: [Council Animal Management Plans](#)

Animal Care Australia would like to request a meeting to discuss further collaboration to ensure a policy that aligns with the needs of your pet keeping residents.

Please do not hesitate to contact if we can assist further.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a large, looping 'M' and a long, sweeping underline.

Michael Donnelly  
President  
0400 323 843

## **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, animals used for educational or entertainment purposes or kept for conservation, and in particular native birds, reptiles, and mammals.

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



## Keeping of Animals and Birds (Urban Areas)

### Local Policy 2024

#### INFORMATION ABOUT THIS DOCUMENT

<b>Date Adopted by Council</b>		<b>Resolution No.</b>	
<b>Document Owner</b>	Manager Development and Planning		
<b>Document Development Officer</b>	Ranger and Manager Development and Planning		
<b>Review Timeframe</b>	Four (4) Years		
<b>Last Review Date:</b>		<b>Next Scheduled Review Date</b>	

#### Document History

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details/Comments eg Resolution No.</b>
<b>Rev 1</b>	19 March 2024	Prepared for Ordinary Meeting 26 March 2024
<b>Rev 2</b>	26 April 2024	Amendments as per Resolution 08.04/24 Item 14.2
<b>Rev 3</b>	15 November 2024	Prepared for Ordinary Meeting 17 December 2024, following public exhibition

<b>Related Legislation*</b>	<ul style="list-style-type: none"><li>• <i>Local Government Act 1993 (NSW)</i></li><li>• <i>Local Government (General) Regulation 2021</i></li><li>• <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></li><li>• <i>Uralla Local Environmental Plan 2012</i></li><li>• <i>Uralla Development Control Plan 2012</i></li><li>• <i>Protection of the Environment Operations Act 1997 (NSW)</i></li><li>• <i>Public Spaces (Unattended Property) Act 2021 (NSW)</i></li><li>• <i>Companion Animals Act 1998 (NSW)</i></li><li>• <i>Biosecurity Act 2015 (NSW)</i></li><li>• <i>Biosecurity (National Livestock Identification System) Regulation 2017</i></li></ul>
<b>Related Policies</b>	Nil
<b>Related Procedures/ Protocols, Statements, documents</b>	Nil

*Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.*

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## **1. INTRODUCTION**

### **1.1 BACKGROUND**

Dogs, cats and other animals and birds are usually kept by residents of Uralla Shire without difficulty. The keeping of animals can be very rewarding for both animals and humans. Occasionally, the keeping of animals causes a nuisance to other residents, which results in complaints being lodged with Uralla Shire Council ('Council').

To assist residents, Council has developed this Policy for the keeping of animals and birds for domestic purposes in urban areas under section 159 of the *Local Government Act 1993* ('the Act'). It is not intended to completely regulate the manner in which animals and birds are kept, but rather to specify the criteria that Council must consider in determining whether or not to give an Order No. 18 regarding the number or manner of keeping animals and birds, under section 124 of the Act.

This Policy provides residents with appropriate limits on the number of, and circumstances under which, certain animals and birds may be kept in the interests of amenity and public health.

### **1.2 POLICY OBJECTIVES**

The objects of this Policy are to:

- (a) inform the occupier of premises where animals or birds are kept as to the criteria that Council considers to be:
  - i. of an inappropriate kind;
  - ii. of an inappropriate number; or
  - iii. kept inappropriately.
- (b) Regulate the keeping of animals and birds:
  - i. to protect the community against risk of injury and damage; and
  - ii. to ensure that animals do not create a nuisance, or a hazard to health or safety; and
  - iii. to prevent pollution and other environmental damage resulting from the keeping of animals and to protect the amenity of the local environment, adjoining and nearby property; and
  - iv. to ensure that animals are kept and used in a way that is consistent with the rights and expectations of the local community.
- (c) inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.

### **1.3 SCOPE**

This Policy applies to the occupier of premises where animals and birds are kept within Urban areas of the Uralla Shire Local Government Area. In particular, in relation to premises on which animals and birds are kept for domestic reasons, including for pets, and other similar interests. This Policy applies to land in the following zones under the *Uralla Local Environmental Plan 2012*:

- R1 General Residential
- R2 Low Density Residential

- RU5 Village
- E1 Local Centre
- E3 Productivity Support
- E4 General Industrial
- MU1 Mixed Use

This Policy does not apply to the keeping of animals for business or commercial purposes where Development Consent is required. The Policy applies to keeping of animals for hobby or companion purposes. Keeping of animals and birds for commercial breeding or racing purposes is beyond the scope of this Policy.

This Policy relates to Order Numbers 18 in the Table to section 124 of the Act.

#### **1.4 RELATIONSHIP WITH OTHER LAWS AND APPLICATION**

The following NSW Legislation provides Council with additional/alternative powers that relate to the control of animals:

- (a) *Companion Animals Act 1998*
- (b) *Protection of the Environment Operations Act 1997*
- (c) *Food Act 2003* (animals not to be kept where food is handled for sale)
- (d) *Public Spaces (Unattended Property) Act 2021*.

The *Companion Animals Act 1998* is an Act for the identification, registration and management of cats and dogs. It does not limit the other functions that may be conferred or imposed on Council by or under any other legislation. The requirements of this Policy are in addition to, and do not derogate from-

- (a) laws regulating the use or development of land; and
- (b) other laws about the keeping, control or welfare of animals, or animals of a particular species.

#### Related Laws:

- Schedule 2 of the *Local Government (General) Regulation 2021* (Part 5) includes standards for the keeping of specific birds or animals including poultry, swine, horses and cattle. These provisions must be read in connection with this Policy.
- The housing of animals is subject to the considerations of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Where a structure is not deemed within exempt limitations, a Development Application may be required. Council will exercise its discretion and consider the circumstances of individual proposals, and will normally consult with neighbours as provided for in Council's Community Participation Plan. Any animal housing structures shall be structurally adequate and comply with the Building Code of Australia if required.
- The keeping of native animals such as Kangaroos and Wallabies is regulated under Commonwealth and State legislation such as the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.
- The keeping of non-native animals is regulated by the *Biosecurity Act 2015 (NSW)* and related Regulation, and is not subject to any direct Council controls. However, if justified complaints are

received, Council may take the matter up with the relevant authority (currently the NSW Department of Primary Industries).

- The welfare of animals is also subject to the provisions of the *Prevention of Cruelty to Animals Act 1979 (NSW)* and NSW Government published Welfare Codes.
- Responsible ownership requires compliance with the *NSW Biosecurity Act 2015* and *Biosecurity (National Livestock Identification System) Regulation 2017*. This includes the requirement for a Property Identification Code ('PIC') for the location of the following animals:
  - (a) identifiable stock,
  - (b) camelids, deer or equines,
  - (c) small poultry (being chickens, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants or partridges),
  - (d) large poultry (being emus or ostriches).

**Identifiable stock** means cattle, pigs, goats and sheep and includes a carcass of any such animal.

In addition, identifiable stock are required to have approved National Livestock Identification System ('NLIS') identifiers. When these animals are moved between properties they should be transferred on the NLIS database and accompanied by a travel document (via a National Vendor Declaration or a Travelling Stock Statement).

A PIC may be obtained by the owner or occupier of urban land.

## **2. KEEPING OF ANIMALS AND BIRDS**

### **2.1 RESPONSIBILITIES OF COUNCIL**

It is Council's responsibility to ensure the maintenance of a reasonable level of residential amenity and public health, by using Council's legislative powers to control and regulate the keeping of animals and birds.

To achieve this, Council will do the following:

- (a) respond to and investigate complaints made by members of the public;
- (b) carry out inspections, investigations and collect appropriate evidence of alleged breaches
- (c) educate residents and affected parties of the requirements and limitations prescribed by this Policy;
- (d) promote responsible pet ownership, educating the community about animal welfare, and fostering partnerships with local animal welfare organisations to provide appropriate support and services; and
- (e) undertake regular review of this policy and associated protocols to ensure effective and modern regulation and compliance activities.

### **2.2 RESPONSIBILITIES OF THE ANIMAL/BIRD OWNER**

It is the responsibility of an animal or bird owner to:

- (a) select an animal that is suitable for the size and nature of the premises at which it is kept. Extra care is needed in selecting an animal or bird where more than one dwelling is located on a lot;

- (b) keep the animal/bird in a way that does not create unreasonable annoyance to neighbours. Ongoing and substantial interference with the enjoyment or use of property could amount to a legal nuisance;
- (c) comply with the animal-specific requirements outlined in Table 1 below.

**TABLE 1: ANIMAL AND BIRD-SPECIFIC REQUIREMENTS**

Kind of Animal	Maximum number per premises (excluding offspring to 3 months of age)	Minimum distance between dwelling and enclosure (metres)**	Additional requirements
Dogs	Up to 600m <sup>2</sup> : 2 dogs Up to 850m <sup>2</sup> : 3 Dogs 1000m <sup>2</sup> and above: 4 Dogs	N/A	<ul style="list-style-type: none"> <li>• Comply with requirements of the <i>Companion Animals Act 1998</i> including registration and control of dogs.</li> <li>• Ensure fencing is adequate. In addition, attack-trained dogs shall be held in an urban area only where appropriate fencing is provided to prevent escape.</li> <li>• Prevent persistent, excessive or offensive noise.</li> <li>• The area in which the dogs are housed is to be maintained in a hygienic condition to:               <ul style="list-style-type: none"> <li>a) Limit the spread of disease; and</li> <li>b) Minimise offensive odour.</li> </ul> </li> </ul>
Attack-trained (hunting) Dogs	1000m <sup>2</sup> and above: 2 Dogs	N/A	
Cats	4	N/A	<ul style="list-style-type: none"> <li>• Comply with requirements of <i>Companion Animals Act 1998</i> including registration and control of cats.</li> <li>• Prevent persistent, excessive noise.</li> <li>• Owners are encouraged to contain their cats during the hours of darkness to prevent attacks on native fauna.</li> </ul>
Fowls (domestic or guinea fowl)	20	4.5m	<ul style="list-style-type: none"> <li>• Prevent escape of poultry (a poultry yard is recommended).</li> <li>• Keep poultry yards clean, free of rats and mice, and free from offensive odours.</li> <li>• Prevent persistent, excessive noise.</li> <li>• *Roosters are prohibited unless housed in a soundproof enclosure or with similar noise control method, to the satisfaction of Council.</li> </ul>
Poultry other than fowls, including ducks, geese, turkeys, peafowl and	10	30m	

Kind of Animal	Maximum number per premises (excluding offspring to 3 months of age)	Minimum distance between dwelling and enclosure (metres)**	Additional requirements
other pheasants  Roosters  Other uncastrated male species and peacocks	Nil (0) in urban areas*  As appropriate in the circumstances	N/A  As appropriate in the circumstances	<ul style="list-style-type: none"> <li>Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC.</li> </ul> <p><i>Note: Schedule 2 of the Local Government (General) Regulation 2005 includes standards for the keeping of poultry. These provisions must be read in connection with this Policy.</i></p>
Pigeons	20	12m	<ul style="list-style-type: none"> <li>Do not use open lofts.</li> <li>Keep lofts/cages clean, and free of rats and mice.</li> <li>Lofts shall be erected away from fences and buildings, to facilitate cleaning.</li> <li>Keep pigeons free of lice.</li> <li>Clean up and correctly dispose of manure daily.</li> <li>Ensure pigeons allowed to fly free do not repeatedly cause damage to, or interfere with the enjoyment of, other property or premises.</li> <li>Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC.</li> </ul>
Birds other than sulphur crested cockatoo and long-billed corella (e.g. canary, finch, budgerigar, quail, parrots & the like)	30  30+	3m  10m	<ul style="list-style-type: none"> <li>Use cages and aviaries of appropriate size.</li> <li>Keep cages and aviaries clean, and free of rats and mice.</li> <li>Prevent persistent, excessive noise.</li> <li>Hold National Parks and Wildlife permit (if required).</li> </ul>

Kind of Animal	Maximum number per premises (excluding offspring to 3 months of age)	Minimum distance between dwelling and enclosure (metres)**	Additional requirements
Sulphur crested cockatoo and long billed corella	2 if housed in portable cages 4 if housed in aviary	3m 10m	<ul style="list-style-type: none"> <li>Use cages and aviaries of appropriate size.</li> <li>Keep cages and aviaries clean, and free of rats and mice.</li> <li>Prevent persistent, excessive noise.</li> <li>Hold National Parks and Wildlife permit (if required).</li> </ul>
Rabbits	1	3m	<ul style="list-style-type: none"> <li>Use rabbit-proof enclosure</li> <li>Keep domestic breeds only</li> <li>Do not release into the environment</li> </ul>
Ferrets	Nil (0) in urban areas*	3m	*Not permitted, except with the prior written approval of Council.
Pet rats, mice and guinea pigs	12	3m	<ul style="list-style-type: none"> <li>Keep in appropriate cages</li> <li>Do not release into the environment</li> </ul>
Sheep and goats etc (including deer and camelids)  Uncastrated male species	1 (one) animal per 750m <sup>2</sup> of land  Nil (0) in urban areas*	6m  N/A	<ul style="list-style-type: none"> <li>Do not slaughter at premises where animals are kept</li> <li>Ensure fencing is adequate.</li> <li>Prevent persistent, excessive noise.</li> <li>Neighbouring trees/shrubs are protected.</li> <li>*The keeping of uncastrated male species (e.g. Rams, Bucks and or Billy Goats) is not permitted, except with the prior written approval of Council.</li> <li>Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC.</li> </ul>
Pigs	1 (one) animal per 2000m <sup>2</sup> of land	60m	<ul style="list-style-type: none"> <li>Do not keep in a place/manner that may pollute water likely to be used</li> </ul>

Kind of Animal	Maximum number per premises (excluding offspring to 3 months of age)	Minimum distance between dwelling and enclosure (metres)**	Additional requirements
			<p>by a person for drinking/domestic purposes or in a dairy.</p> <ul style="list-style-type: none"> <li>Do not deposit dung in a place/manner that may pollute water likely to be used by a person for drinking/domestic purposes.</li> <li>Do not slaughter at premises where animals are kept.</li> <li>Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC.</li> </ul> <p><i>Note: Schedule 2 of the Local Government (General) Regulation 2021 includes standards for the keeping of pigs/swine. These provisions must be read in connection with this Policy.</i></p>
<p>Horses and Cattle</p> <p>Uncastrated male species (e.g. bull or stallion)</p>	<p>1 (one) animal per 1000m<sup>2</sup></p> <p>Nil (0) in urban areas</p>	<p>9m</p> <p>N/A</p>	<ul style="list-style-type: none"> <li>Ensure fencing is adequate.</li> <li>Do not slaughter at premises where animals are kept.</li> <li>Neighbouring trees/shrubs are to be protected.</li> <li>The area must be kept free of offensive odour/fly and rodents.</li> <li>Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC.</li> </ul> <p><i>Note: Schedule 2 of the Local Government (General) Regulation 2021 includes standards for the keeping of horses and cattle. These provisions must be read in connection with this Policy.</i></p>
<p>Reptiles</p>	<p>As appropriate in the circumstances</p>	<p>As appropriate in the circumstances</p>	<ul style="list-style-type: none"> <li>Hold biodiversity conservation licence granted under the <i>Biodiversity Conservation Act 2016 (NSW)</i>.</li> </ul>

Kind of Animal	Maximum number per premises (excluding offspring to 3 months of age)	Minimum distance between dwelling and enclosure (metres)**	Additional requirements
			<ul style="list-style-type: none"> <li>• Keep in escape-proof enclosure.</li> <li>• Comply with care standards set out in Code of Practice for the Private Keeping of Reptiles, issued by NSW Government.</li> </ul>
<b>Fish, aquarium and pond</b>	As appropriate in the circumstances	As appropriate in the circumstances	<ul style="list-style-type: none"> <li>• Keep water clean and maintain at sufficient levels.</li> <li>• Fence ponds if more than 300 mm deep.</li> <li>• Ensure ponds do not provide a breeding ground for mosquitoes and other insects.</li> </ul>
<b>Bees</b>	3 (three) production hives & 2 (two) nuc hives per 1500m2 lot or as appropriate in the circumstances*	As appropriate in the circumstances	<ul style="list-style-type: none"> <li>• Beehives must be registered with the NSW Department of Primary Industries.</li> <li>• For keepers of European honey bees (<i>Apis mellifera</i>), be registered with NSW Government and comply with the Australian Honey Bee Industry Biosecurity Code of Practice.</li> <li>• Registration details must be prominently displayed on hive ware.</li> <li>• Must not cause a nuisance or safety hazard to neighbouring premises.</li> <li>• Strongly recommend that hobbyists engage with local beekeepers club/ association to learn disease management and husbandry.</li> <li>• *The keeping of bees on a lot less than 1500m2 is prohibited, except with the prior written approval of Council.</li> </ul>

\*\* The distances indicated in this column 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.

### 2.3 REQUEST FOR ADDITIONAL ANIMALS/BIRDS

An animal/bird owner may request Council to permit the keeping of additional animals/birds beyond the maximum number prescribed in Table 1 of this Policy.



A request for additional animals/birds under this policy must be in the prescribed form and accompanied by written evidence. Requests will not be approved unless Council is reasonably satisfied that:

- I. the applicant is compliant with all relevant requirements outlined in Part 2.2 of this policy and has promptly addressed/resolved any previous instances of non-compliance with Part 2.2;
- II. the applicant has co-operated with Council to promptly address/resolve any complaints received by Council with respect to the keeping of animals/birds;
- III. the applicant has suitable experience/qualifications to support the keeping of additional animals/birds;
- IV. any necessary development consent(s) for structures relevant to the keeping of the animal(s)/bird(s) have been obtained;
- V. If the applicant is not the owner of the premises on which the animal/bird is to be kept - the applicant has the owner’s permission to keep the animal/bird on the premises;
- VI. Where the animal/bird is to be kept on multi-residential premises and the keeper of the animal/birds is entitled to make use of an area used in common with others (a common area) for the purpose of keeping the animal/bird – written permission of the person or body which manages or controls the common area to use the common area for the purpose of keeping the animals/birds has been granted;
- VII. for requests relating to dogs - dogs are desexed, microchipped and registered or recognised breeder documentation is provided;
- VIII. for request relating to cats - cats are desexed, microchipped and registered, cats wear identity collars with multiple bells, cats’ night-time access to outdoors is restricted or recognised breeder documentation is provided;
- IX. for requests relating to pigeons - keepers of more than (50) birds are members of official or registered avicultural societies.

If Council approves a request for additional animals/birds, the approval may be granted subject to reasonable conditions.

### 3.0 ENFORCEMENT

#### 3.1 ORDERS

Under section 124 of the act, Council may give orders requiring premises to be used or not used in specified ways, and orders requiring the preservation of healthy conditions. Council will usually give prior notice that an order may be issued, although in urgent situations, an Emergency Order may be issued without prior notice. Order numbers 18 in the table to section 124 are set out below:

Order	To do what?	In what circumstances?	To whom?
18	Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order. An Order may: (a) Prohibit the keeping of animals (b) Restrict the number of animals being kept (c) Specify the manner in which animals must be kept	Birds or animals kept on premises are— (a) in the case of any premises (whether or not in a catchment district)—of an inappropriate kind or number or are kept inappropriately, or	Occupier of premises

	(d) Require maintenance to a structure used to house animals	(b) in the case of premises in a catchment district—birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs	
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Section 91 of the *Local Government Act (General) Regulation 2021* provides that without limiting Order No. 18, failure to comply with relevant standards or requirements set or made by or under the Act (this Policy) constitutes a circumstance that are taken to be included as circumstances in which Order No 18 may be made.

Section 92 of the *Local Government Act (General) Regulation 2021* provides that for the purposes of Order No 18, the standards for the keeping of birds or animals set out in Part 5 of Schedule 2 of that regulation are also included as circumstances in which Order No 18 may be made.

### 3.2 MANDATORY CRITERIA

When considering whether to issue an Order, Council will take the following criteria into consideration:

Circumstances	Decision-making criteria
Whether birds or animals are of an inappropriate kind	<ul style="list-style-type: none"> <li>• prohibitions in Table 1 of Part 2.2 of this Policy</li> <li>OR</li> <li>• relevant characteristics of the animal and suitability to premises (including size of the yard and proximity to neighbouring premises)</li> </ul>
Whether birds or animals are of an inappropriate number	<ul style="list-style-type: none"> <li>• maximum number per premises specified in Table 1 of Part 2.2 of this Policy</li> <li>• outcome of any request for approval to keep additional animals or birds, including compliance with any conditions of an approval</li> </ul>
Whether birds or animals are kept inappropriately	<ul style="list-style-type: none"> <li>• evidence that the keeping of animals or birds is creating:               <ul style="list-style-type: none"> <li>- adverse odour, noise, run-off or dust impacts,</li> <li>- damage to property, or</li> <li>- material interference with use or enjoyment of property.</li> </ul> </li> <li>• evidence that keeping of animals or birds is:               <ul style="list-style-type: none"> <li>- attracting or providing a harbourage for vermin,</li> <li>- creating a proliferation of flies, lice, fleas or other insects,</li> <li>- creating unsanitary conditions, or</li> <li>- causing fears for safety.</li> </ul> </li> </ul>

### 3.3 PENALTY

Any person not complying with an Order may be liable to a penalty in accordance with the Act. A Penalty Infringement Notice may be issued for failure to comply with an Order, or Council may pursue enforcement proceedings.

**4.0. REVIEW**

This Policy will be reviewed every four years from the date of each adoption of the Policy, or more frequently as required.

**5.0. REPORTING**

There is no reporting directly linked to this Policy.

**6.0 RESPONSIBLE OFFICER**

Manager Development & Planning

**7.0 ROLES AND RESPONSIBILITIES**

Council’s Ranger and Manager Development & Planning are responsible for the implementation of this Policy.

<b>APPROVAL AND REVIEW</b>		
<b>Responsible Business Unit</b>	Development and Planning	
<b>Responsible Officer</b>	Manager Development and Planning	
<b>Date/s adopted</b>	<i>Council Executive</i> [updated by policy owner]	<i>Council</i> [DD Mmmm YYYY]
<b>Date/s of previous adoptions</b>	Version I: Revised March 2010 – supersedes adopted version from September 2000	
<b>Date of next review</b>		
<b>CRM Reference</b>		