

16<sup>th</sup> October 2025

Hon Ron Hoenig MP  
Minister for Local Government  
Email: office@hoenig.minister.nsw.gov.au

Office of Local Government  
E: ca.review@olg.nsw.gov.au  
E: olg@olg.nsw.gov.au

### **Request for a review of Council powers in restricting keeping of pets**

Animal Care Australia is a national incorporated association established to consult with government in advocating 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 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.

Following the release of several Local Council animal keeping policies, Animal Care Australia is seeking a review of how Councils can introduce animal keeping restrictions.

Animal Care Australia acknowledges policies can be developed in accordance with Chapter 7, Part 3 of the Local Government Act 1993 and Clause 99 of the Local Government (General) Regulation 2021 by specifying Council's policy in regard to certain Orders under Section 124 of the Act.

In reviewing the issuing of orders under Section 124:

Orders requiring that premises be used or not used in specified ways, subsection 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’ and:*

*‘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*

*(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’*

Animal Care Australia does not believe the intent of this clause is to provide Councils with carte - blanche powers to invent their own number restrictions. It is our contention that the clauses are designed for the purpose of issuing an Order 18 on individuals on a case-by-case basis, based on animal welfare concerns, such as overcrowding. Council can exercise further controls over the keeping of animals such as noise and odour abatement under the following Acts:

- Protection of the Environment Operations Act 1997
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Furthermore, Councils have been attempting to introduce restrictions with such abandon that they are ignoring the animal welfare and socialisation requirements of the animals. Of particular concern are restrictions placed on pet small mammals: rabbits, mice, rats, guinea pigs and ferrets.

It is our contention that the numbers implemented are based on personal and species bias. This is strongly highlighted in the most recent proposal by Eurobodalla Council where they restricted the keeping of small mammals with nonsensical abandon.

**“a. The maximum number of rabbits shall be limited to one (1) per premise”**

This is in total contradiction to the animal welfare requirements of rabbits. Many people that keep rabbits in any 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 these restrictions is an extreme overreach of power and highlights how out of touch with animal keeping this draft policy is. Rabbits are social animals, as acknowledged by the RSPCA<sup>1</sup>. Rabbits are also more commonly kept indoors so there is little risk or opportunity of multiple rabbits creating noise or other concerns for neighbours.

Eurobodalla Council placed ‘distance’ from other premises restrictions on ferrets – thinking ferrets are kept outdoors – which in most circumstances is not the case – and forgetting a pet ferret kept in a townhouse or unit is literally the width of the separating wall away from the neighbours, making it technically impossible for any pet ferret to be kept. Shellharbour Council placed an even tighter distance restriction on the keeping of birds, rabbits, ferrets, pet rats, mice and guinea pigs.

If, as claimed by Councils prompted by media or public outcry, that animal abuse is the primary concern – this is actually a matter for the authorised officers under the Prevention Of Cruelty To Animals Act – and NOT Council. In fact – both the RSPCA and Animal Welfare League have continually stated ‘animal welfare is NOT about numbers’. These statements have been provided within their submissions and testimony during NSW Parliamentary Inquiries into ‘Puppy Farms’ and the proposed ‘NSW Animal Welfare Act’.

If general animal welfare & safety is of concern then the proposed numbers are NOT appropriate when considering the animal welfare needs of the animals.

This claim can also be debunked when reviewing the Uralla Shire Council Plan that stated:

**“The keeping of ferrets is not permitted without written approval”**

This means ferrets cannot be kept unless Council has had to intervene to provide an Order 18? Doesn’t it? Or does it mean ferrets cannot be kept at all (even without the need to intervene in the keeping of an animal) without an owner needing to seek approval from Council?

Number restrictions on birds only state ‘birds’ and do not take into consideration the species of birds. Restricting a person to 10 White Cockatoos has vastly different outcomes than 10 Zebra Finches or Canary.

The above-mentioned Councils are simply those that have been caught out by public outcry this year. In 2023 Hilltops and Snowy Valleys Councils restrictions were so outrageous and commanded a huge media and public backlash they both withdrew their proposals and had to start again.

Eurobodalla Council Mayor has been quoted in multiple media articles stating the proposed policy was not new and has been around for more than 20 years. That is precisely the problem and not the

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<sup>1</sup> [RSPCA keeping rabbits information](#)

excuse. Animal keeping, in particular the development of knowledge about the animal welfare needs of our pets has changed over the last 5-10 years – massively outdating a 20-year-old policy.

Animal Care Australia is calling on the government, the Minister and the department to also review how the policies drafted by Council:

- can be drafted
- must be consulted
- must be approved and be reviewed by both the Office of Local Government AND the Animal Welfare Team within the Department of Primary Industries before being implemented into the local community

Clearer structure around when and how an Order 18 can then be issued is also necessary, in order to ensure the local officer is not implementing their personal biases upon the animal owner and that there is substantial reason for any restrictions on numbers.

For a greater understanding of the frustration and the ridiculous restrictions proposed (and implemented) please see Appendix 1 where Animal Care Australia's submissions to each of the Councils are linked.

Should you require further details please do not hesitate to reach out as we would be happy to meet with you and further discuss this matter.

Kind regards,



Michael Donnelly  
President  
0400 323 843  
president@animalcareaustralia.org.au

## **Annexure 1: Links to submissions by Animal Care Australia to NSW Local Council animal restrictions policies:**

September 23, 2025:

### **NSW\_Eurobodalla Council Animal Policy\_response**

 [NSW\\_Eurobodalla-Council\\_Draft-Local-Orders-Policy.pdf](#)

February 1, 2025

### **NSW\_Uralla Council – Keeping of Animals and Birds Local Policy 2024**

 [NSW\\_Uralla-Council.pdf](#)

January 26, 2025

### **NSW\_Shellharbour Council\_Keeping Animals Policy**

 [NSW\\_Shellharbour-Council.pdf](#)

June 21, 2023

### **NSW\_Hilltops Council – Draft Domestic Animal Management Policy**

 [NSW\\_Hilltop-Council---Draft-Domestic-Animal-Management-Policy\\_merged.pdf](#)

June 2, 2023

### **NSW\_Snowy Valleys Council Animal Management Policy**

 [NSW\\_Snowy-Valleys-Council.pdf](#)

## **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

Doc No.	Date Amended	Details/Comments eg Resolution No.
Rev 1	19 March 2024	Prepared for Ordinary Meeting 26 March 2024
Rev 2	26 April 2024	Amendments as per Resolution 08.04/24 Item 14.2
Rev 3	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
			<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>		

## **10.5. DRAFT COMPANION AND NON-COMPANION ANIMAL POLICY - PUBLIC EXHIBITION - ATTACHMENTS**

Attachment Titles:

1. Draft Companion and Non-Companion Animal Policy - SVC-ENV-PO-107-03

**Attachment 1 - DRAFT Companion and Non-Companion Animal Policy - SVC-ENV-PO-107-03**

<b>Policy Title</b>	Companion and Non-Companion Animals Policy
<b>Policy Category</b>	Public
<b>Number &amp; Version</b>	SVC-ENV-PO-107-03
<b>Policy Owner</b>	Rangers
<b>Approval by</b>	Council
<b>Effective date</b>	
<b>Date for review</b>	

**Strategic Purpose**

The objective of this policy is to encourage responsible management of pets for the benefit of the community through education and information, consistent with the Council's responsibilities under the *Companion Animals Act 1998*.

The objective of this Policy is also to control and regulate the number of non-companion animals kept on a premises and to maintain the health standards of the premises and preserve the amenity of the neighbourhood whilst recognising the rights of all property owners to enjoy the use of their premises provided that in doing so they do not conflict with the public interest.

**Policy Statement**

Council is responsible for administering the *Companion Animals Act 1998*, which contains Regulations relating to pet ownership. Council recognises pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets. This Policy provides a guide for council officers in exercising their authority to regulate pet ownership in the local government area.

Council regulates the number of animals kept on premises in accordance with the *Local Government Act 1993 'the Act'*, Schedule 2, Part 5 of the Local Government (General) Regulation 2021 '*the Regulation*' regulates the keeping of animals by specifying minimum standards.

The standards apply to a person only if the Council has served an order under section 124 of the Act to that effect on the person and Council has discretionary power to enforce the standards.

This Policy provides a guide for Council officers in exercising their delegated authority to regulate the keeping of animals in the Local Government Area.

## Policy

### Part 1: Companion Animals

This part applies to companion animals (Dogs and cats) as defined under the *Companion Animals Act 1998*.

This part applies to all land within the Snowy Valleys Council Local Government Area.

#### 1. Cats

- 1.1 People that are requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council. Council will consider altering the above criteria on a case-by-case basis. Special consideration may be given upon application for more cats only in special circumstances where:
  - 1.1.1 Adequate facilities are available
  - 1.1.2 The keeping of extra cats can be justified and after taking any submission(s) of close neighbours into account, and
  - 1.1.3 Council is satisfied that no nuisance or public health hazard will be caused to the surrounding neighbourhood.
- 1.2 The provision of adequate holding facilities must be in place, especially for all non-de-sexed male cats.
- 1.3 Cats must not be permitted to create a nuisance in any form, including straying, interfering with the properties of other or otherwise.
- 1.4 Cats are not permitted to be outside of the residential house or its surrounds from 6pm to 6am 7 days per week. This provision is referred to as a cat curfew.
- 1.5 The applicant must have a demonstrated level of expertise in the management and caring for cats.
- 1.6 The applicant must have the ability to control all odours and waste to the satisfaction of Council.
- 1.7 The health of all cats is to be monitored and appropriate veterinary treatment obtained in the events of illness.
- 1.8 Wildlife must be protected where possible from cats.
- 1.9 All provisions of the *Companion Animals Act 1998* and the Companion Animals Regulation must be complied with, including:
  - 1.9.1 Registration requirements; and
  - 1.9.2 Micro – chipping requirements
- 1.10 Breeding of cats for sale/profit is considered to be an industry and as such requires Development Approval. Any person wishing to conduct a breeding activity for sale/profit should contact Council Customer Service Centre for details of requirements

and approval procedures. Recognised breeders must ensure that all the cats they sell are micro-chipped prior to sale. A recognised breeder as defined by the Office of Local Government, is a person who is a “breeder” member of the following organisations:

- 1.10.1 NSW Cat Fanciers Association
- 1.10.2 Waratah State Cat Alliance Inc or,
- 1.10.3 Any other body approved by the Director General for the purpose of this definition by an order published in the Gazette.

**Note** – Owners of cats are encouraged to de-sex their cats.

## 2 Dogs

- 2.1 No attack trained dog shall be held in a residential area unless managed by a registered owner/ security company, Police service or other approved Government instrumentality.
- 2.2 A maximum of three (3) dogs per household shall be allowed. Council will consider altering the above criteria on a case-by-case basis. Consideration may be given upon application for more dogs only in a special circumstance where:
  - 2.2.1 Adequate facilities are available
  - 2.2.2 The keeping of extra dogs can be justified and after taking submissions of close neighbours into account and
  - 2.2.3 Council is satisfied that no nuisance or health hazard will be caused to the surrounding neighbourhood.
- 2.3 Waste material, including litter and bedding, must be disposed of in an approved manner.
- 2.4 All noise, including barking, must be controlled and in a manner which is recognised as humane.
- 2.5 All odours must be controlled.
- 2.6 The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of an illness
- 2.7 Wildlife must be protected where possible from dogs.
- 2.8 All provisions of the *Companion Animals Act 1998* and the Companion Animals Regulation must be complied with, including:
  - 2.8.1 Registration requirements; and
  - 2.8.2 Micro-chipping requirements
- 2.9 Dog breeding, training and/or boarding kennels are subject to Council approval and compliance with the Department of Primary Industries Guidelines ( refer [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)).
- 2.10 All provisions of the *Companion Animals Act 1998* and the Companion Animals Regulation must be complied with, including:
  - 2.10.1 Registration requirements; and
  - 2.10.2 Micro-chipping requirements

**Note** – Owners of dogs are encouraged to de-sex their dogs..

- 2.11 Council has adopted off leash areas throughout the local government area. Please refer to Council's website at [www.svc.nsw.gov.au](http://www.svc.nsw.gov.au) for more information and locations.

**3 Dogs declared dangerous (including dangerous, menacing or restricted breed).**  
(Refer to definitions within the Companion Animals Act 1998).

- 3.1 Nothing in this section limits the criteria for dogs under clause 2 of this policy.
- 3.2 It is an offence to sell, advertise the sale of or give away a known restricted, dangerous or menacing dog or proposed dangerous or restricted dog. It is also an offence to purchase or receive a menacing dog, proposed dangerous or restricted dog.
- 3.3 A menacing dog must have an enclosure that is sufficient to restrain a child from accessing the dog and it must be muzzled and under the effective control by means of adequate chain, cord or leash when it is outside of its property.
- 3.4 A declared dangerous or restricted dog must be kept in a specially constructed enclosure that meets all the requirements of the Companion Animals regulation Part 24. The enclosure must display an official dangerous dog warning sign. Whenever the dog is outside of this enclosure, declared dogs must be muzzled and leashed at all times and must be under the effective control of a competent person.
- 3.5 One or more signs must be displayed on the property showing the words "Warning Dangerous Dog" in letter clearly visible from the boundaries of the property on which the dog is kept at.
- 3.6 Declared dogs must at all times wear a collar of the kind prescribed by the regulations.
- 3.7 Declared dogs must be de-sexed within 28 days of the declaration.
- 3.8 Council must be informed within 24 hours, by owners of declared dogs, of details including change of address or other information regarding the dog.
- 3.9 Owners of declared dogs must inform Council within 24 hours if the dog becomes lost or attacks a person or other animal.
- 3.10 All provisions of the *Companion Animals Act 1998* and regulations must be followed in respect to any dog kept within the Snowy Valleys Council Area.

**4 Restricted Dogs**

(Refer to the definition within the Companion Animals Act 1998)

- 4.1 Nothing in this section limits the criteria of dogs in clause 2 of this policy.
- 4.2 Restricted breeds including the; American pit bull terrier, Pit bull terrier, Japanese tosa, Argentinean fighting dogs, Brazilian fighting dogs; must comply with the requirements of the *Companion Animals Act 1998*.
- 4.3 If an authorised officer of a Council is of the opinion that a dog:
- 4.3.1 Is of a breed or kind of dog referred to above or,
  - 4.3.2 Is a cross breed of any such breed or kind of dog.

4.4 The authorised officer may give notice to the owner of the dog of the officer's intention to declare the dog to be a restricted dog.

4.5 Declared dogs may be seized where conditions of a notice are not complied with.

#### **5. Static Guard Dogs**

5.1 Nothing in this section limits the criteria of dogs in clause 2 of this policy.

5.2 Owners and persons in charge of on-site guard dogs are required to undertake the following control requirements:

5.2.1 To provide and erect appropriate signage that is prominently displayed upon the perimeter fences to those premises being guarded, which reads "Warning – Guard Dog on Premises".

5.2.2 Such signs must be of a standard to alert any reasonable person of the potential consequences of entry.

5.2.3 Such Signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and

5.2.4 Such signs must include an emergency contact phone number to be used in emergency situations.

5.2.5 Compliance with the Department of Primary Industries Guidelines (refer [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)).

5.2.6 Owners and lessees of guard dogs must ensure that such dogs are securely contained upon the premises being guarded.

5.3 No attack trained dog may be held within the Snowy Valleys Council Local Government Area (police dogs and other Government Agencies excepted).

5.4 All provisions of the *Companion Animals Act 1998* must be followed in respect to any dog kept in the Snowy Valleys Council Local Government Area.

5.5 Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the *Companion Animals Act 1998* are not permitted to be utilised as static guard dogs upon any land within the Snowy Valleys Council Local Government Area, on a commercial or private basis.

#### **6. Greyhounds**

6.1 Greyhounds registered with the Greyhound Racing control Board are required to be micro-chipped. NSW trainers are required to notify their local council when they transfer former racing greyhound to a new owner.

6.2 When a greyhound ceases to be a registered racing greyhound, for example after being re-homed through an adoption program, it automatically loses its exemption from the lifetime registration requirements of the Act.

6.3 All other greyhounds must be microchipped and registered.

6.4 Greyhounds must be muzzled and be leashed at all times in public places unless:

- 6.4.1 An exemption has been granted under an approved greyhound re-training program and
- 6.4.2 The greyhound wears an approved collar when it is in a public place.
- 6.5 Greyhounds must be kept in a secure, fenced property to prevent escape.
- 6.6 The number of greyhounds permitted to be kept on land applicable to this policy is three (3)
- 6.7 Greyhounds must be provided with:
  - 6.7.1 Sufficient food, water and clothing.
  - 6.7.2 Sufficient exercise
  - 6.7.3 Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
  - 6.7.4 Veterinary attention when necessary.
- 6.8 Greyhound trainers must be registered with Greyhound Racing (GRNSW) as per the Greyhound Racing Act 2017.
- 6.9 Dog breeding, training and/or boarding kennels are subject to Council approval and compliance with the Department of Primary Industries Guidelines (refer [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)).

## Part 2: Non-Companion Animals on Residential Premises

This part applies when making a determination to issue an order 18 under s124 of the *Local Government Act 1993*.

This part applies to land within the prescribed zones of R2, R3, R5, RU4, RU5, B1, B2, and B4 zones under the Tumut Local Environmental Plan 2012 or the R3, R5, RU4, RU5, and B2 zones under Tumbarumba Local Environment Plan 2010 (LEP).

### 7. Swine

- 7.1 Swine must not be kept on premises within the prescribed zones as outlined within Part 2 of this policy.
- 7.2 Swine kept on premises outside these zones must not be kept (and swine dung must not be deposited) within sixty metres of a:
  - 7.2.1 Dwelling
  - 7.2.2 Shop
  - 7.2.3 Office
  - 7.2.4 Factory
  - 7.2.5 Church
  - 7.2.6 Workshop;
  - 7.2.7 School;
  - 7.2.8 Public place; or
  - 7.2.9 An urban part of the area

### 8. Horses and Cattle

- 8.1 Horses and cattle must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of a:
  - 8.1.1 Dwelling
  - 8.1.2 School
  - 8.1.3 Shop
  - 8.1.4 Office
  - 8.1.5 Factory
  - 8.1.6 Workshop
  - 8.1.7 Church or other place of public worship;
  - 8.1.8 Public Hall
  - 8.1.9 Premises used for the manufacture, preparation or storage of food.
- 8.2 The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material and must be properly graded to drain.
- 8.3 Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.

### 9. Rabbits

- 9.1 The keeping of rabbits is subject to all requirements of department of Primary Industries which may include gaining a licence for the keeping of rabbits.

- 9.2 Rabbits being kept in residential areas must not be kept closer than nine (9) metres to a dwelling or place that prepares, stores or handles food for sale.
- 9.3 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
- 9.4 Hutches and cages must be always kept clean.
- 9.5 All odours must be controlled
- 9.6 Rabbits must not be bred for greyhound training.
- 9.7 Rabbits must be protected from all predators.
- 9.8 Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof cage/hutch suitable for the breed.

## 10. Birds

- 10.1 All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council.
- 10.2 The material must be of new or good second-hand quality and be designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
- 10.3 All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.
- 10.4 Careful regard must be given to the requirements of neighbours, especially the avoidance of excessive noise and odour.
- 10.5 The NSW Animal Welfare Code of Practice prepared by the Associated Bird keepers of Australia (ABA) must be complied with at all times
- 10.6 Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the *Environmental Planning and Assessment Act 1979* may apply.
- 10.7 Extensive aviculture activities are required to submit aviary plans for development approval by Council.
- 10.8 Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.
- 10.9 All aviaries and other built facilities for the keeping of caged birds require Council consent, except where aviaries do not exceed the following dimensions:
- 10.10 Five (5) Square metres surface area, a maximum height of 2.1 metres and with a set back from any boundary, fence or wall of one (1) metres; and
- 10.11 Multiple permissible aviaries may not cover an area greater than 20 square metres without prior Council approval.
- 10.12 Enclosed buildings for the primary purpose of holding caged birds require Council consent.

- 10.13 An animal trade must not be conducted without prior consent.
- 10.14 Vermin proof food storage facilities must be provided.
- 10.15 An adequate rodent and pest control program must be in place.
- 10.16 Excessive noise and odour must be controlled by the use of sound proofing materials distance and choice of bird species.

## **11 Ferrets**

- 11.1 Hutches and cages must be clean at all times.
- 11.2 Odours must be controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by people.
- 11.3 Protection of ferrets from extreme weather conditions must be provided.
- 11.4 Hutch or cage construction must be of a standard that will prevent escape.
- 11.5 Ferrets are not to be fed live food.
- 11.6 Sufficient food and drink must be always provided.
- 11.7 Ferrets must be caged and/or always secured and not permitted to free range.
- 11.8 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

## **12 Goats**

- 12.1 No goat may be kept on premises with a free land mass area less than 0.4 hectares.
- 12.2 Not more than three (3) goats are permitted to be kept per household.
- 12.3 Goats may not be kept within 9 metres of any premises or facility used for the commercial preparation or storage of food for human consumption.
- 12.4 Goats are only permitted to be kept on land where suitable grazing exists.
- 12.5 No goat may be kept on a public place, including footpath areas and unfenced vacant allotments within the Snowy Valleys Council Local Government Area.

## **13 Guinea Pigs**

- 13.1 Hutches and cages must be kept clean at all times
- 13.2 Protection from the natural elements must be provided (particularly extreme hot weather).
- 13.3 Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
- 13.4 Sufficient food and water must be always provided.
- 13.5 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

- 13.6 Distance of two (2) meters from any boundary of the adjoining premises. Ringlock or barbed wire fencing is not permitted.

#### 14 Pigeons

- 14.1 The maximum number of pigeons to be kept on land applicable to this policy shall be:
- 14.1.1 Members of a 'Pigeon Fanciers' Association, or non-members willing to comply with any suggestions or directions from the association – 200 birds (regardless of type);
- 14.1.2 Persons not being members of a 'Pigeon Fanciers' Association, and not willing to be bound by their recommendations – 20 Birds.
- 14.2 Exercising of birds is to be on a planned basis and should not exceed 90 minutes. Exercise should not occur more than twice a day. All neighbours should be made aware of exercise schedules.
- 14.3 Lofts are to be kept clean at all times. Manure is to be cleaned daily and disposed of correctly. To minimise odours, owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning.
- 14.4 Pigeons must be fed within lofts after exercise. All feed must be kept in vermin proof containers.
- 14.5 Birds should not be allowed to roost on neighbouring buildings. "Free" or "Open" lofts are not to be permitted.
- 14.6 Residents are permitted to keep racing pigeons however must submit a development application for approval of the activity prior to any birds being kept.
- 14.7 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.
- 14.8 All new lofts shall, from the date of the adoption of this policy, be constructed off ground with a minimum height from the ground floor level of 40cm to allow for free-flowing air under floor. Floors can consist of any of the following:
- 14.1.3 A trafficable mesh grating, which allows droppings to pass through for collection from below floor level. Trafficable timber floor with suitable moisture absorption qualities, which allows for scrape cleaning (e.g., hardboard or plywood)
- 14.1.4 Concrete slab floor.
- 14.9 A pigeon loft shall be erected a minimum of 10 metres from any neighbouring dwelling, public hall, school or other premises.
- 14.10 All roof and concentrated surface water are to be collected and disposed of to Council's satisfaction.
- 14.11 The pigeon loft and associated areas are to be kept clean and free of offensive odours at all times and action taken to minimise the emission of dust from the loft area. Manure is to be cleaned up daily and disposed of correctly. Minimum general cleaning of the loft is to be undertaken once per week.

- 14.12 Upon receipt of a complaint, submitted in writing and signed by the person making the complaint alleging:
- 14.12.01 That they are householders within the policy boundaries
  - 14.12.02 That they reside within hearing of the sound or cause of the complaint of the pigeons kept on any land within the policy boundaries.
  - 14.12.03 That the pigeons are the source of the noise/odour, which falls within one or more of the sub paragraphs above.
- 14.15 This matter will be referred to an authorised officer of Council for attention and investigation.
- 14.16 Where the complaint is proven:
- 14.16.01 If an owner or occupier of the premises where pigeons are kept are members of the 'Australian Pigeon Fanciers' Association or a recognised racing club, the association/club will be contacted and informed of the complaint.
  - 14.16.02 If the owner or occupier where pigeons are kept are not members of the 'Australian Pigeon Fancier' Association or a recognised racing club, these groups will be contacted to request their assistance or guidance to the individual concern.
  - 14.16.03 In the event that this policy proves to be ineffective in resolving the situation, Council reserves the right to take whatever action appropriate under the *Local Government Act 1993*. If deemed necessary, Council could include a total prohibition of the keeping of pigeons upon premises, where the complaint is found to be justified.
- 14.17 Where the complaint is unfounded, Council will take no further action on the matter in relation to the complaint.
- 14.18 Inspections should also occur in response to a complaint, which may be in respect of the premises where pigeons are kept.
- 14.19 All pigeon owners are encouraged to adhere to the Associated Bird keepers of Australia's Code of Ethics in relation to the keeping of their birds.
- 14.20 Please note that this law is retrospective, in respect to the maximum number of birds kept, with these conditions applying to all residents within the policy boundaries who currently keep pigeons.

## 15 Poultry

- 15.1 All poultry must be kept in accordance with the Local Government (General) Regulations as follows:
- 15.1.1 Poultry not to be a nuisance or health risk

- 15.1.2 Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- 15.1.3 Poultry yards must at all times be kept clean and free from offensive odours. Poultry is not to be kept near certain premises.
- 15.1.4 Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must not be kept within 4.5 metres (or such greater distance as the Council may determine in a particular case) of any dwelling or public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- 15.2 Poultry (other than fowls referred to in clause 15.1.4 must not be kept within 30 metres of any building on a property.
- 15.3 The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:
- 15.3.1 That are not within 15.2 metres of an adjoining property boundary, dwelling, public hall or school or,
- 15.3.2 That are situated on clean sand.
- 15.4 Poultry yards must be enclosed as to prevent the escape of poultry.
- 15.5 All food must be stored in sealed vermin proof containers and must not be left uncovered.
- 15.6 Vermin and other pests must be controlled.
- 15.7 All offensive odours must be controlled.
- 15.8 All offensive noise must be controlled.
- 15.9 All poultry must be housed in purpose-built facilities. Council approval may be required for these structures.
- 15.10 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
- 15.11 Outside runs must not be free draining, not to be discharged to neighboring properties and not be allowed to become muddy.
- 15.12 The total numbers of poultry kept on premises must not exceed the maximum amount specified below:

Type	Maximum Numbers
Peafowl (Peacocks)	0
Peafowl (Peahen)	0

Type	Maximum Numbers
Roosters	0
Ducks	0
Geese	0
Swans	0
Turkeys	0
Fowls (Chickens)	20
Pheasants	10
Quails	20

- 15.13 Roosters may be permitted with Council consent during the breeding season only. Should such consent be granted roosters must be housed in a dark enclosed shed at night during that approved period.

#### RESPONSIBILITY

- All Council employees authorised and delegated to investigate allegations of unlawful activity are responsible for implementing this Policy.
- All notifications of alleged unlawful activity must be logged in Council's electronic customer action request system and directed to the responsible person for action, or, when the authorised officer is directly contacted, properly recorded in his/her evidence or contemporaneous notebook and all result actions/letters issued properly recorded in the Council document management system.

#### ASSOCIATED LEGISLATION AND OTHER LEGAL INSTRUMENTS

- NSW Ombudsman Enforcement Guidelines for Councils Office of Local Government Enforcement Guidelines (various)
- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979* and Regulation 2021
- *State Records Act 1998*

#### ASSOCIATED COUNCIL DOCUMENTS

- Council Code of Conduct - SVC-RP-STY-001
- Companion Animal Management Policy – SVC-ENV-PO-107
- Companion Animal Procedure – SVC-ENV-PR-064

- Food Inspection Management Plan Food Safety Procedures Council's EP&A Procedures

**HISTORY**

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
	Superseded	Companion Animals Management Plan (Former Tumut Shire Council)	CorpPlan.06v1.1		
	Superseded	Enforcement Measures – Companion Animals (Former Tumut Shire Council)	Reg .15		
18/02/2021	Adopted by Council	Companion Animals Management Policy	SVC-ENV-PO-107-01	18/02/2021	M20/21
15/07/2021	Adopted by Council	Companion Animals Management Policy	SVC-ENV-PO-107-02	15/07/2021	M150/21

DRAFT

## [DRAFT] Keeping of Animals in Residential Areas

Policy Owner: Executive Manager Statutory Planning and Certification	
Date Last Adopted/Amended: [Date Adopted or last amended]	Review Date: [Date for next Review]

### 1. Policy Statement/Objective(s)

Shellharbour City Council is committed to promoting best practice by establishing clear guidelines and standards for the community in relation to keeping animals within the Shellharbour Local Government area. The principles by which the Council will regulate the number of animals kept on premises is primarily guided by the *Local Government Act 1993* and *Companion Animals Act 1998*.

The objectives of the policy are to:

- Ensure residents' amenity is not impacted adversely by the keeping of animals;
- Safeguard wildlife and the environment;
- Promote responsible animal ownership; and
- Establish guidelines to ensure appropriate animals are kept in residential areas.

This policy provides relevant information and aims to:

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

### 2. Scope

This Policy provides information for all internal and external stakeholders and interested parties about the requirements around animals kept within Shellharbour City Council's Local Government Area.

### 3. References

*Companion Animals Act 1998* ("CA Act")  
*Public Spaces (Unattended Property) Act 2021* ("PSUP Act")  
*Local Government Act 1993* ("LG Act")  
*Protection of the Environment Operations Act 1997* ("POEO Act")  
 State Environment Planning Policies ("SEPP")  
 Shellharbour – Development Control Plan ("DCP")  
 Shellharbour – Local Environment Plan 2013 ("SLEP")

\*NB: Reference to Acts includes references to associated Regulations

## External/Internal Consultations

nil

## 4. Definitions

**Residential zones** as listed in the SLEP, including:

- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

**Rural zones** as listed in the SLEP, including:

- RU1 Primary Production
- RU2 Rural Landscape
- RU6 Transition

## 5. Land to which this Policy Applies

This Policy applies to private property on land that is located within Residential Zones

Note: There are some instances across the Shellharbour LGA where land abuts or contains both residential and rural zones. The application of this Policy will relate to the property zoned residential and will be considered on its merits, including amenity and environmental impact.

## 6. Variation and Review

The Council reserves the right to review, vary or revoke this policy.

### Review History

Date Policy first adopted – version 1	

## 7. Policy

### 7.1 Keeping of Animals

Animal numbers should be kept in accordance with the requirements detailed in **Attachment 1**.

The type and number of animals that are suitable to be kept at any premises will be determined by having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building. Animals should be kept in a manner which does not:

- Create unclean or unhealthy conditions for people or animals,
- Attract or provide a harbourage for vermin,
- Create offensive noise or odours,
- Cause a dust or drainage nuisance,
- Create waste disposal problems or pollution problems,
- Create an unreasonable annoyance to neighbouring residents or fear for safety,
- Cause nuisance due to proliferation of flies, lice, fleas or other parasites,

- Cause harm to wildlife,
- Cause any ill health or distress to the animals.

## **7.2 Transitional Phase**

Where the number of animals owned by a person (before the coming into force of this Policy) exceeds the number shown in **Attachment 1**, no further or replacement animals should be acquired or bred, with the number to be reduced over time to no more than the maximum allowed at the time that some of the animals die, are given away or sold.

This allowance does not prevent the Council from issuing Orders or taking other regulatory action to reduce numbers where the circumstances make it appropriate.

## **7.3 Animal facilities and shelters**

All animals should be provided with suitable facilities and shelter. They should also be contained to prevent escape and, in some cases, predation by suitable fencing or caging, depending on the species.

Certain animal habitats, shelters, and facilities should not be erected or installed without the council's prior approval. Residents should refer to the Shellharbour Local Environment Plan 2013 and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to determine which structures require development approval.

Various animal welfare organisations produce design guidelines for the size, layout, and construction of animal shelters.

Development Consent must be obtained from the Council for any commercial activity involving keeping of animals.

## **7.4 Certain animals prohibited within residential zones**

The following animals are not permitted to be kept in residential areas due to likely impact on the amenity of residential areas:

- Roosters
- Pigs
- Goats
- Sheep
- Horses
- Cattle
- Peacocks
- Llamas
- Alpacas

## **7.8 Compliance, monitoring and review**

Council may take compliance or enforcement action to address any impact resulting from the keeping of any animals, regardless of the number being kept or the distance from a dwelling. An impact may include matters pertained in clause 7.1 as well as the following:

- a) noise
- b) odour
- c) effluent discharge

- d) dust
- e) insect or pest generation
- f) safety risk.

Where the Council decides to take action to address any impact, such action will be undertaken in accordance with Council's Compliance and Enforcement Policy

**8. Related Forms**

Nil

**Note: Related forms can be located Online under "Forms"**

**9. Attachments**

Attachment 1: Requirements for the keeping of Animals in Residential Areas

**Policy Authorised by:**

Name: [Title of person authorising OR ELT OR Council Resolution Number]

Date: [Date adopted by ELT or Council Resolution]

DRAFT

Shellharbour City Council  
Requirements for the Keeping of Animals in  
Residential Areas

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### Note:

**Minimum distance** - unless stated otherwise within any other policy document, minimum distance means the distance/s indicated in the third column of the table are to be measured in metres perpendicular from all sides of the animal shelter or enclosure to the nearest dwelling, public hall, school, hospital, shop or premises used for the manufacture, preparation, sale or storage of food.

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (“SEPP Codes”)** - shall be referred to for requirements on animal-related structures as well as the keeping of certain animals in residential areas such as fowls and poultry. Any animal-related structures beyond the allowable requirements of this Policy will require Development Consent.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to Subdivision 4 "Aviaries" - SEPP Codes Refer to Subdivision 21 "Fowl and poultry houses" – SEPP Codes
All birds other than poultry, cockatoos, Corellas and domestic pigeons	As appropriate to species, size of cage/aviary or bird room.  Keepers of more than 50 birds should be members of official Agricultural Societies.	3 metres	<p>Certain sized aviaries are permitted without consent.</p> <p>Aviaries must be of an appropriate size and regularly cleaned in accordance with relevant code of practice or guidelines</p> <p>Compliance with the NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading of Birds is required.</p> <p>Aviaries must have an impervious floor and must be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining properties. There must not be more than two aviaries per property.</p> <p>If the aviaries they are located on bushfire-prone land and less than 5m from a dwelling, they must be constructed of non-combustible material.</p> <p>In residential areas, aviaries must not have a floor area of more than 10m<sup>2</sup>, be located in the rear yard at least 900mm for each side and rear boundary, metal components must be low reflective, coloured and not be higher than 2.4m. Metal components must be low-reflective, factory-pre-coloured materials.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to Subdivision 4 "Aviaries" – SEPP Codes
Cockatoos (including Corellas)	2	3 metres	<p>Cockatoos and corellas are generally not appropriate as domestic pets as they often present a significant noise nuisance.</p> <p>Owners should remain aware any noise nuisance created by the cockatoos as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i></p> <p>Conditions for aviaries as included above.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
		Refer to Subdivision 21 "Fowl and poultry houses" – SEPP Codes	
Poultry, domestic and guinea fowl	5	30 metres	Keeping poultry must not create a nuisance or be dangerous or injurious to health. Poultry houses must be kept clean and free of offensive odours. Excess seed must not be allowed to accumulate in or around the structure.
Poultry, other than fowls, including peafowl and other pheasants	5		Yards must be kept free from mice and rats.
Geese, ducks and turkeys	2	30 metres	
Roosters	0		Roosters are not permitted in residential areas.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to Subdivision 4 "Aviaries" - SEPP Codes Refer to Subdivision 21 "Fowl and poultry houses" – SEPP Codes
Domestic pigeons	<p>10 pairs – Non registered owners</p> <p>60 pairs – registered racing pigeon owners</p> <p>Keeping of pigeons is not permitted in multi and high-density residential developments</p>	4.5 metres	<p>Certain sized aviaries are permitted without consent.</p> <p>Larger aviaries will require Council approval with plans detailing, but not limited to information on ventilation, waterproofing and drainage.</p> <p>Cladding on the loft should be unobtrusive in colour.</p> <p>Lofts should be kept clean and insect free. Excess seed must not be allowed to accumulate in or around the structure. No feathers or droppings to escape from the subject land.</p> <p>Open lofts are not permitted. Food must be stored in vermin proof containers.</p> <p>Owners should remain aware any noise nuisance created by the pigeons as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i>.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to CA Act
Dogs - (excluding dogs under 3 months of age)	4		Dogs should be kept in numbers and breeds appropriate to the size of the property.
Residential Properties (excluding townhouses units or land area 400m <sup>2</sup> or less)			Dog owners must be responsible for ensuring that yards are kept in healthy condition and faeces are suitably disposed of at all times.
Units, townhouses & small land holdings	2		Owners should remain aware any noise nuisance created by barking dogs as they are subject to noise restrictions under the <i>POEO Act</i> and also the <i>CA Act</i> .
Strata Buildings			The <i>CA Act</i> requires all dogs to be micro chipped and registered by 12 weeks of age. Dogs must wear a collar with tag displaying the dog's name and the owner's phone number. Council encourages all dog owners to de-sex their pets. Approval is required from the Body Corporate for Strata Buildings.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to CA Act
Cats – (excluding cats under 3 months of age)	3		Council encourages owners to keep their cat inside particularly at night.  The <i>Companion Animals Act 1998</i> requires all cats born after 1 July 1999 to be micro chipped and registered by 12 weeks of age .  Cats born before 1 July 1999 should wear a collar with a tag displaying the cat's name and the owner's phone number.  The council encourages all cat owners to de-sex their pets.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Rabbits	2	3 metres	<p>A licence is not required to keep domestic rabbits in NSW. It remains illegal to keep wild rabbits in captivity without the approval of the Rural Lands Protection Board.</p> <p>Rabbits must be kept in a rabbit-proof enclosure and cannot be 'free-range'.</p> <p>Rabbits must not be released, abandoned, or left in any situation that would allow them to roam outside of their enclosure.</p> <p>Rabbit enclosures should be fly meshed to prevent spread of Myxomatosis and Rabbit Haemorrhagic Disease Virus (RHDV).</p> <p>Council recommends vaccination of pet rabbits against RHDV.</p> <p>Rabbits must not be vaccinated with the fibroma (myxomatosis) vaccine. It is illegal to possess fibroma vaccine.</p> <p>Rabbit farming is not permitted without approval and must comply with NSW Department of Primary Industries guidelines.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Ferrets	2	3 metres	<p>The keeping of ferrets is not recommended. However, where adequate care, including secure caging, is provided, the keeping of ferrets may be conducted, provided no nuisance is created.</p> <p>Cages must be adequate to prevent escape.</p> <p>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 two ferrets.</p> <p>If ferrets are exercised outdoors, adequate fencing to prevent escape is essential.</p> <p>Hobs that are not desexed should be caged outdoors during the months of October-February when females are on heat.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Pet rats, mice and guinea pigs	4	3 metres	<p>Rats and mice are to be kept indoors only in appropriate cages, which are to be odour-free.</p> <p>Care should be taken to prevent excessive breeding and release into the environment.</p> <p>Guinea Pigs kept outside need to be in a secure enclosure to prevent escape and also protect the secure enclosures to prevent escape and also protect enclosures to prevent escape and avoid escape and protect themselves from dogs and foxes.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Livestock including: <ul style="list-style-type: none"> <li>• Pigs</li> <li>• Goats</li> <li>• Sheep</li> <li>• Horses</li> <li>• Cattle</li> <li>• Peacocks</li> <li>• Llamas</li> <li>• Alpacas</li> </ul>	0	n/a	Not permitted in residential zones.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Reptiles and Frogs	As appropriate in the circumstances with the appropriate licenses as required by law and any Code of Practices.	Appropriate distance to avoid nuisance to adjoining premises.	<p>All lizards, snakes, frogs and turtles are protected under the <i>National Parks and Wildlife Act 1974</i>, and it is against the law to take them from the wild.</p> <p>You can get a licence from the National Parks and Wildlife Service to keep captive-bred reptiles and frogs as pets.</p> <p>All species must be adequately housed to prevent escape.</p>

<b>Animal Species</b>	<b>Maximum number in residential zones</b>	<b>Minimum distance</b>	<b>Regulations and advisory information</b>
Bees	2 hives	As far as practicable from doors or windows of dwellings, paths or outdoor resting areas.	<p>Bee flight paths to and from the hive should be kept distant from outdoor areas frequently used by humans.</p> <p>Hives should not be located in view of the public.</p> <p>Hives should not be located within the vicinity of schools, childcare centres, hospitals or other public facilities.</p> <p>Registration must be undertaken with the NSW Department of Primary Industries.</p> <p>Beekeepers must comply with the Beekeeping Code of Practice for NSW produced by the NSW Department of Primary Industries.</p>

<b>Animal Species</b>	<b>Maximum number in residential zones</b>	<b>Minimum distance</b>	<b>Regulations and advisory information</b>
Fish, aquarium and pond	As appropriate in the circumstances	As appropriate in the circumstances	<p>Water is to be maintained clean and at sufficient levels.</p> <p>Unwanted pet fish must not be released into waterways.</p> <p>Aquarium weeds must not enter waterways.</p>

<b>Policy Title</b>	Keeping of Domestic Animals Policy
<b>Responsible Manager(s)</b>	Director Planning
<b>Contact Officer(s)</b>	Manager – Development and Environment
<b>Directorate</b>	Planning
<b>Approval Date</b>	
<b>Strategic Focus Area</b>	Thriving, Responsive
<b>Delivery Plan Link</b>	A.1. Supporting networks, programs and facilities that encourage healthy lifestyles.
<b>Operational Plan Link</b>	A.1.1 Advocate for the delivery of legislated health protection and regulatory programs.

## Purpose

The purpose of this policy is to:

- ensure resident’s amenity is not impacted adversely by the keeping of domestic animals
- minimise the incidence of nuisance being caused to persons
- safeguard wildlife and the environment
- promote responsible animal ownership

## Scope

This policy applies to animals kept for domestic purposes, as companion animals, pets or as a hobby.

The policy only applies to land used for residential purposes regardless of the zone under the Hilltops Local Environmental Plan 2022.

The keeping of animals for any commercial purpose, other than for legitimate agricultural activities in the appropriate zone, requires a development application to be submitted to Council.

The Policy Requirements in Section 3 of this Policy apply to the keeping of the domestic animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading, or selling, unless specific provisions apply in State Legislation, or the Hilltops Local Environmental Plan or Development Control Plan.

## Policy Details

### 1. Power to control and regulate the keeping of animals

Council under Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2021 can control and regulate the keeping of animals.

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

- prohibit the keeping of various kinds of animals
- restrict the number of various kinds of animals to be kept at a premises
- require that animals be kept in a specific manner.

Council may also issue Orders requiring:

- Demolition of animal shelters built without the prior approval of Council
- The occupier to do or refrain from doing such things as are specified 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:

- Protection of the Environment Operations Act 1997
- Public Spaces (Unattended Property) Act 2021
- Companion Animals Act 1998

## 2. Giving of orders

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

## 3. Policy requirements

The number of animals that may be kept at a premise should not exceed the number prescribed as appropriate to the kind of animal listed in the table included with this policy.

The kind of animal that is suitable to be kept at any premises will be determined having regard for 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.

It should not be assumed that animals of all kinds may be kept on premises that are part of a multiple dwelling development. 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:

- Create unclean or unhealthy conditions for people or for the animals.
- Attract or provide a harbourage for vermin.
- Create offensive noise or odours.
- Cause a drainage or dust nuisance.
- Create waste disposal or pollution problems.
- Create an unreasonable annoyance to neighbouring residents or fear for safety.
- Cause nuisance due to proliferation of flies, lice, fleas, or other insects.

Animals should not be kept at premises used for the manufacture, preparation, sale, or storage of food for human consumption.

Suitable shelter(s) should be provided for all animals. Certain species of animals are required to be kept in cages to prevent escape or attack by predators. Generally, other animals are to be securely enclosed with adequate fencing to prevent escape.

Certain animal shelters and facilities should not be erected or located at a premise without the prior approval of Council. Animal owners wishing to erect such structures should consult the NSW 'Exempt and Complying Development Codes SEPP' - to determine which structures require development approval.

## 4. Variations to this policy

Variations to this policy may be sought, by the occupier of the land, by making written representation to Council using the application form along with payment of the associated application fee.

Any proposal for a variation to this policy will be considered on a case-by-case basis and must provide the following information as a minimum:

- The size of the property
- A site plan showing the location where the animals will be kept and the distance from any structures on site or on adjoining properties
- The type of animals to be kept
- The number of animals to be kept
- Owner's consent from the owner of the property
- The likely impact of the animals on the environment and the amenity of the area
- Information addressing any matters raised by Council in any correspondence.
- Demonstrate compliance with objectives of the Policy.

Written support from neighbouring properties will be beneficial in supporting the application for a variation.

## 5. Temporary care and accommodation

Although the number of animals that may be permanently kept at a premise should not exceed the number prescribed in Clause 10 of this policy, special provisions may be given to those who temporarily house additional animals as part of a legitimate foster caring arrangement, or care for friends and family pets who go on holidays, etc. for a period not greater than **four weeks** so long as health and amenity of the neighbourhood is preserved.

Regardless of the expected time frame for temporarily housed animals, any animal specifically prohibited due to the likely impacts on health an amenity cannot be housed on the property without a specific exemption being granted by Council.

If a problem is identified with the keeping of domestic animals under this temporary care and accommodation provision that cannot be resolved by consultation, Council may take action to regularise the number or type of animal temporarily housed to ensure compliance with this policy.

## 6. Table of requirements

The following table indicates the essential requirements and relevant considerations regarding the keeping of domestic animals.

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Bees	Residential 2 hives	All locations Hives should not be located within the vicinity of schools,	Regulated by the NSW Apiaries Act 1985. Beekeepers must be registered in NSW and applications are available from the NSW Department of Primary Industries (DPI).

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
	<b>Rural residential</b> 5	childcare centres, hospitals, or other public facilities.	<p>Beekeepers should refer to the Beekeeping Code of Practice on the NSW DPI website.</p> <p>Bee flight paths to and from the hive should be kept distant from outdoor areas frequently used by people.</p> <p>Screens may be necessary to raise flight paths above 2m. An ample supply of water near the hive is required in summer months.</p>
<b>Birds</b> (Incl canaries, budgerigars, quails, finches, and parrots)	<b>All locations</b> Appropriate to location and breed  Keepers of 50 birds or more must be members of official Aviculture Societies.	<b>All locations</b> Appropriate distance to avoid nuisance to adjoining premises	<p>All birds should be kept in accordance with the Code of Ethics produced by the NSW Associated Bird Keepers and Traders Inc.</p> <p>A National Parks and Wildlife permit is required for the keeping and sale of protected bird species.</p> <p>Registered breeders may keep more birds (normal, breeding or show) but are subject to requirements of the POEO Act 1997.</p>
<b>Cats</b>	<b>All locations</b> 4 (and 1 litter of kittens up to 6 months old)	<b>All locations</b> Appropriate distance to avoid nuisance to adjoining premises	<p>Cats should be kept in numbers and breeds appropriate to the size of the property.</p> <p>Owners are encouraged to keep their cat inside particularly at night. The Companion Animals Act 1998 requires all cats born after 1 July 1999 to be microchipped by 12 weeks of age and registered at 6 months of age.</p> <p>Owners are encouraged to desex their pet.</p> <p>The provision of adequate holding facilities must be in place, especially for all non-de-sexed male cats.</p> <p>Cats must not be permitted to create a nuisance in the form of noise nuisance or damaging the property of others.</p> <p>The owner must control all odours and waste.</p> <p>The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.</p> <p>Wildlife must be protected where possible from cats.</p>
<b>Dogs</b> (Over the age of 6 months)	<b>Residential</b> 3  <b>Rural residential</b>	<b>Residential</b> Appropriate distance to avoid nuisance to adjoining premises.  <b>Rural residential</b>	<p>Dogs should be kept in numbers and breeds appropriate to the size of the property.</p>

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
(Greyhounds - listed separately)	5	Dog kennels must be at least 1 m from any boundary.	<p>Dog owners are responsible for ensuring that yards are kept in clean condition and faeces suitably disposed of at all times.</p> <p>When walking/exercising dogs in public areas faeces must be collected and suitably disposed of at all times.</p> <p>Owners should remain aware of any noise nuisance created by barking dogs as they are subject to noise restrictions under Protection of the Environment Operations Act 1997 &amp; the Companion Animals Act 1998.</p> <p>The Companion Animals Act 1998 requires that dogs must be microchipped from 12 weeks of age and registered from 6 months of age.</p> <p>Dogs must wear a collar with a name tag displaying their name and the address and/or phone number of the owner.</p> <p>Dog owners are encouraged to desex their pet.</p> <p>All working dogs (including dogs trained as a working dog) used primarily for droving, tending, working, or protecting stock <b>not</b> ordinarily kept on land rated as farmland must be microchipped and registered. No fee is payable to register a working dog.</p> <p>No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police, or other approved Government agency.</p> <p>Waste matter, including litter and bedding, must be disposed of in an approved manner.</p> <p>All odours must be controlled.</p> <p>The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.</p>
Ferrets	All locations 2	All locations Cages to be 10m from dwellings and 1m from any boundary	<p>The keeping of ferrets is not recommended; however, where proper care (including appropriate secure cages) is available, the keeping of ferrets may be undertaken provided no nuisance is created.</p> <p>Cages should be adequate to prevent escape. Ferrets must not be released into the environment.</p>

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Greyhounds	<p><b>Residential</b> 2</p> <p><b>Rural residential</b> 4</p>	<p><b>All locations</b> Kennels to be 15m from adjoining dwellings and 1m from any boundary.</p>	<p>Greyhounds must be registered under the Greyhound Racing Act or under the Companion Animals Act.</p> <p>Dog owners are responsible for ensuring that yards are kept in clean condition and faeces suitably disposed of at all times.</p> <p>When walking/exercising dogs in public areas faeces must be collected and suitably disposed of at all times.</p> <p>Individual greyhounds to be housed in separate kennels. Kennels to be secure and lockable. Minimum kennel dimensions to be 1200 (w) x 1800 (h) x 1200 (d)</p> <p>Greyhounds registered on the NSW Pet Registry are not required to wear a muzzle.</p> <p>A muzzling exemption only applies to greyhounds that have successfully completed a greyhound re-training program. To successfully complete an approved program, a greyhound must be deemed suitable to be unmuzzled in a public place by an authorised greyhound assessor. The muzzle exemption process is administered by Greyhound Racing NSW (GRNSW) as part of its Greyhounds program.</p> <p>Greyhound will still require a muzzle in an off-leash area if it has not undergone an approved retraining program. Greyhounds that have completed this program will continue to wear identifying green collars, or alternatively the person in charge of the animal can carry a 'proof of completion' card.</p> <p>Owners should remain aware of any noise nuisance created by barking dogs as they are subject to noise and nuisance dog restrictions under <i>Protection of the Environment Operations Act, 1997 &amp; The Companion Animals Act, 1998</i></p>
Horses, Donkeys & Cattle	<p><b>Residential</b> 1 horse with a minimum property size of 5000m<sup>2</sup>. Cattle strictly prohibited.</p>	<p><b>Residential</b> 10m from certain buildings and 1m from any boundary</p> <p><b>Rural residential</b></p>	<p>Local Government (General) Regulation, 2005 applies. A greater separation distance may be required by resolution of Council in each particular case.</p> <p>Fencing must be strong and durable to prevent escape. Stables and sheds must be hard paved and graded to drain.</p>

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
	<b>Rural residential</b> 1 horse per 5000m <sup>2</sup> . 5 Cattle per 5000m <sup>2</sup> .	20m from dwellings	
Other animals not specified elsewhere	<b>Residential</b> As appropriate to species  <b>Rural residential</b> As appropriate to species	<b>All locations</b> Setbacks in line with similar species of animal in the table.	
Pet rats, mice & guinea pigs	<b>All locations</b> 4 of each variety	<b>All locations</b> 3m from certain buildings and 1m from any boundary	Rats and mice are to be kept indoors only in appropriate cages which are to be kept odour free.  Care should be taken to prevent excessive breeding and release into the environment.
Pigeons	<b>Residential</b> 80 birds (Registered racing pigeon owners)  20 birds (Non-registered owners)  <b>Multi dwelling residential</b> Keeping of pigeons is strictly prohibited.  <b>Rural residential</b> 160 birds (Registered racing pigeon owners)  60 birds (Non-registered owners)	<b>All locations</b> 10m from certain buildings and 1m from any boundary	All pigeons must be housed in purpose-built facilities.  The construction of a pigeon loft will require Council approval with plans detailing ventilation, waterproofing and drainage. Cladding on the loft should be unobtrusive in colour.  Lofts should be kept clean and insect free. No feathers or droppings to escape from subject land. Open lofts are not permitted.  Food must be stored in vermin proof containers. Owners should remain aware any noise nuisance created by the pigeons as they are subject to noise restrictions under the Protection of the Environment and Operations Act 1997.  Enclosed housing must use deep litter or other appropriate substrate.  Rodents and other vermin must be vigorously controlled. All offensive odours must be controlled.  Pigeons must not be kept within 10 m of any property used for the sale, preparation, handling, or storage of food for sale.  Adequate protection from predators must be provided.

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
<b>Pigs</b>	<p><b>Residential</b> Prohibited.</p> <p><b>Rural residential</b> 1 pig/1 ha.</p>	<p><b>All locations</b> Pigs or their manure must not be within 60 m of certain buildings/areas.</p>	<p>Local Government (General) Regulation, 2021 applies to pigs. The keeping of pigs is not permitted in residential areas. This applies to all breeds of pigs, including miniature pigs.</p> <p>It is illegal to feed prohibited pig feed (swill) to pigs under the Biosecurity Regulation 2017.</p> <p>A person must not feed or allow access to human waste food or stock food containing a mammal product (meat) to a pig.</p>
<b>Poultry - geese, turkeys &amp; ducks</b>	<p><b>Residential</b> Combined maximum of 2 animals (And chicks until fully fledged). Ganders &amp; Gobblers are strictly prohibited.</p> <p><b>Rural residential</b> Combined maximum of 10 animals. (and chicks until fully fledged).</p> <p>1 rooster.</p>	<p><b>Residential</b> 30 m from certain buildings and 1 m from any boundary</p> <p><b>Rural residential</b> 30 m from certain buildings and 10 m from any boundary</p> <p>30 m from certain buildings and 10 m from any boundary</p>	<p>Keeping of poultry must not create a nuisance or be dangerous or injurious to health.</p> <p>Poultry yard must always be kept clean and free from offensive odours.</p> <p>Council may insist on the keeping of domestic poultry or guinea fowl at a distance greater than 10 m in a particular case where Council believes there is likely to be an impact to adjoining premises.</p> <p><b><u>The keeping of roosters in residential areas is strictly prohibited.</u></b></p> <p><b><u>The keeping of roosters in rural residential areas is not recommended. Noise issues relating to roosters will result in the removal of the offending bird.</u></b></p> <p>Poultry yards must be enclosed to prevent escape of poultry.</p> <p>The floors of poultry houses beneath roosts or perches must be constructed of impervious material (e.g., concrete, or mineral asphalt or other equally impervious material) to permit easy cleaning if constructed within 3m of a property boundary.</p>
<b>Poultry - domestic chickens (Gallus gallus), guinea fowl &amp; bantams</b>	<p><b>Residential</b> 10 (and chicks until fully ledged). Roosters are strictly prohibited.</p> <p><b>Rural residential</b> 20 (And chicks until fully fledged)</p>	<p><b>Residential</b> 10m from certain buildings and 1m from any boundary</p> <p><b>Rural residential</b> 20m from dwellings and 10m from any boundary</p>	<p>This does not apply to poultry houses that are located at a distance greater than 15.2m from a dwelling, public hall, or school. Where impervious material is not required the floor of the poultry house is to be covered with a suitable material such as sawdust, clean sand or other suitable material.</p>

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
	1 Rooster.	20m from dwellings and 10m from any boundary	
<b>Poultry (other) - including peafowl, pheasants</b>	<b>Residential</b> 10 (and chicks until fully fledged). Roosters are strictly prohibited.  <b>Rural residential</b> 20 (and chicks until fully fledged).	<b>Residential</b> 30m from dwellings and 1 m from any boundary  <b>Rural residential</b> 30m from dwellings and 10 m from any boundary	
<b>Rabbits</b>	<b>Residential</b> 2 (Same gender)  <b>Rural residential</b> 4 (Same gender)	<b>Residential</b> Enclosures (hutch) to be 3m from any boundary  <b>Rural residential</b> Enclosures (hutch) to be 10m from any boundary	<p>Must be domestic or hybrid of a domestic breed and kept in a cage.</p> <p>A licence is not required to keep domestic rabbits in NSW. It remains illegal to keep wild rabbits in captivity without the approval of the Rural Lands Protection Board.</p> <p>Noise, odour, and pests must be adequately managed to prevent nuisance to neighbours. Hutches must be cleaned regularly, which should include the replacement of litter and bedding material at least once per week.</p> <p>Must not be released abandoned or left in any situation which would allow them into the environment.</p> <p>Rabbit enclosures should be fly meshed to prevent spread of Myxomatosis and Rabbit Haemorrhagic Disease Virus (RHDV). Council recommends vaccination of pet rabbits against RHDV. Rabbits must not be vaccinated with the fibroma (myxomatosis) vaccine.</p> <p>Rabbit farming is not permitted without approval and must comply with NSW Department of Primary Industries guidelines.</p>
<b>Reptiles</b>	<b>All locations</b> As appropriate in the circumstances	<b>All locations</b> Appropriate distance to avoid nuisance to adjoining premises	National Parks and Wildlife Act, 1974 requires a Reptile Keeper's Licence to be held for anyone who keeps captive-bred reptiles. It is against the law to take reptiles from the wild. Advice on the keeping

ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1,2,3,4)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
	with the appropriate licences.		<p>of reptiles should be sought from the National Parks and Wildlife Service in all cases.</p> <p>All species must be adequately housed to prevent escape. The keeping of snakes may cause concern to neighbours.</p>
<b>Sheep &amp; goats</b>	<p><b>Residential</b> 2 (Billy goats and/or rams strictly prohibited) A min. of 2000m<sup>2</sup>.</p> <p><b>Rural residential</b> 4</p>	<p><b>All locations</b> 10m from certain buildings and 1m from any boundary</p>	<p>Enclosure must be securely fenced to avoid escape.</p> <p>Consideration should be given to any noise created by sheep as they are subject to noise restrictions under Protection of the Environment Operations Act 1997.</p> <p>Care should be taken to prevent excessive breeding.</p>

**NOTES:**

1. 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, hospital, premises used for the manufacture, preparation, sale or storage of food or any other building listed.
2. The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.
3. The distance specified above may be varied by resolution of the Council and notified in writing to the occupier of the premises in specific cases.
4. Every property with livestock (includes pet pigs) must have a property identification code (PIC) number. Registration for a PIC number is completed through Local Land Services (LLS).

## Definition of Terms

The meaning of words and expressions used in this Policy are detailed in the table.

Term	Meaning
<b>Amenity Impact</b>	Includes disturbance from the keeping of animals due to noise, odour, dust, vermin, effluent, or the unsightliness of structures used to house animals
<b>Animal</b>	'Animal' includes a mammal, bird, reptile, amphibian, or fish. 'Animal' does not include a human being (as defined by the Prevention of Cruelty to Animals Act 1979, NSW).
<b>Authorised Officer</b>	An employee of Hilltops Council provided with delegated authority to act under the Local Government Act 1993
<b>Council</b>	Hilltops Council
<b>Domestic Animal</b>	Animals kept for domestic purposes, as companion animals, pets or as a hobby.
<b>DPI</b>	NSW Department of Primary Industries
<b>Fully Fledged</b>	A pullet is ready to begin laying eggs, generally around 16-24 weeks old. This is the sign when your chick is no longer a baby or teenager but a full-fledged adult, but still will not be fully grown (usually 12 months).
<b>All Locations</b>	A Residential or Rural Residential property
<b>Livestock</b>	Includes cattle, horses, donkeys, mules, asses, camels, sheep, goats, and deer; including any that are a 'mini' breed
<b>Multi dwelling residential</b>	3 or more dwellings (whether attached or detached) or a building containing 3 or more dwellings on one allotment
<b>Prescribed premises</b>	An adjoining dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food
<b>Residential</b>	Properties used primarily for residential use
<b>Rural Residential</b>	Larger properties used primarily for residential use

## Document History

Date	Status	Version	Resolution	Description
May 2023	Draft	0.1		Draft Keeping of Domestic Animals Policy created

- This Keeping of Domestic Animals Policy shall be reviewed within 12 months of an election, and thereafter at intervals of no greater than four years. Any review will ensure this Policy continues to meet all statutory requirements and the operational needs of Hilltops Council. The Policy may also be reviewed at other times as determined by Hilltops Council.
- This Policy commences on and from the date of adoption by Hilltops Council as listed in the document history and replaces all previous versions.

<b>Policy title</b>	Local Orders Policy – Keeping of Animals
<b>Responsible manager(s)</b>	Director, Planning and Environment
<b>Contact officer(s)</b>	Divisional Manager, Development and Compliance
<b>Directorate</b>	Planning and Environment
<b>Approval date</b>	
<b>Outcome area</b>	1 Eurobodalla welcomes, celebrates and supports everyone.
<b>Strategy</b>	1.3 Foster a safe community
<b>Delivery Program</b>	1.3.3 Deliver legislated health protection and regulatory programs to protect public health and wellbeing
<b>Operational Plan</b>	1.3.3.4 Monitor, inspect and respond to issues in relation to public safety

### Purpose

The purpose of the Local Orders Policy (LOP) – Keeping of Animals is to supplement provisions of Chapter 7, Part 3 of the *Local Government Act 1993* (the Act) and Clause 99 of the *Local Government (General) Regulation 2021* (the Regulation) by specifying Council’s policy in regard to certain Orders under Section 124 of the Act.

1. To provide guidelines for residents on what is usually considered an appropriate number and kind of animals which may be kept.
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others.
3. To outline criteria Council will take into consideration when determining whether to issue an order in relation to the keeping of animals.

### Policy aims

- Promote an integrated framework for dealing with Order 18 – Keeping of Animals.
- Ensure consistency and fairness in the way Council deals with Order 18.
- To do or refrain from doing such things as are specified in Order 21 to ensure that land is, or premises are, placed or kept in a safe or healthy condition.
- Assist Council to fully pursue its charter under Section 8 of the Act.
- Make Council's policies and requirements for the keeping of animals readily accessible and understandable to the public.

**Policy details**

<p><b>1</b></p>	<p><b>Application</b></p> <p>This policy applies to all land within the Eurobodalla local government area (LGA).</p>
<p><b>2</b></p>	<p><b>Legislation</b></p> <p>This policy ensures Eurobodalla Shire Council’s compliance with the <i>Local Government Act 1993</i> (the Act) and the <i>Local Government (General) Regulation 2021</i> (the Regulation).</p> <p>Additional information is contained in the Regulation, Schedule 2 - Standards Enforceable by Orders, Part 5 - Standards for Keeping Birds or Animals.</p>
<p><b>3</b></p>	<p><b>Procedures for issuing of Orders</b></p> <p>Council Officers will ensure that the procedures for the issuing of Orders set out in Chapter 7, Part 2 Division 2 of the Act and Clause 99 of the Regulation are adhered to. Clear reasons will be given as to why the Order is being issued.</p> <p>Orders served in an emergency situation need not be preceded with a notice of intention.</p>
<p><b>4</b></p>	<p><b>Criteria for consideration</b></p> <p>There are no restrictions on the number of birds and animals that can be kept on premises in the Eurobodalla Shire in normal circumstances.</p> <p>The standards in this Orders Schedule apply only where a legitimate problem has been identified relating to the numbers and/or types of birds or animals kept upon and where an order under the provisions of Section 124 of the Local Government Act is required to rectify the problem.</p> <p>Specific animal criteria are outlined in <a href="#">Appendix 1</a>.</p> <p>The giving of an order is not mandatory and is at the discretion of the Council Authorised Officer whether or not the circumstances meet the applicable criteria for the Order.</p>
<p><b>4.1</b></p>	<p><b>Taking of action</b></p> <p>The issuing of an Order will be considered when birds or animals kept on the premises are:</p> <ul style="list-style-type: none"> <li>• of an inappropriate kind or number or are kept inappropriately, or</li> <li>• in the case of premises— 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.</li> </ul>

## Implementation

Requirements		Responsibility
1	<p><b>Order 18 Schedule</b></p> <p>This policy will be implemented by following the Orders Schedule (see Appendix 1) which specifies in detail the matters to be considered in determining whether to issue an Order. <a href="#">Council's Compliance Policy</a> and Compliance Code of Practice specifies in detail the matters for consideration and procedures to be followed.</p>	Council Officers
2	<p><b>Fees and charges</b></p> <p>Current fees and charges associated with Orders are available on Council's website at <a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a></p>	Council
3	<p><b>Staff</b></p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
4	<p><b>Concerns</b></p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
5	<p><b>Consultation</b></p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	As required

## Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

**Note:** Automatic revocation of this policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2024.

This policy may also be reviewed and updated as necessary when:

- legislation requires it or
- Council's functions, structure or activities change or
- when technological advances or new systems change the way that Council manages the keeping of animals.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Number of enforcement actions warranted	Council records
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Internal or external review	Audit

### Definitions

Word/ Acronym/ Phrase	Definition
Orders	A council may order a person to do or to refrain from doing a thing

### Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

#### *Related legislation and policies*

Name	Link
Companion Animals Management Plan	<a href="https://www.esc.nsw.gov.au/residents/pets/barking-dogs">https://www.esc.nsw.gov.au/residents/pets/barking-dogs</a>
Compliance Policy	<a href="https://www.esc.nsw.gov.au/council/governance/council-policies">https://www.esc.nsw.gov.au/council/governance/council-policies</a>
<i>Local Government Act 1993</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1993/30">www.legislation.nsw.gov.au/#/view/act/1993/30</a>
<i>Local Government (General) Regulation 2021</i>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460</a>
<i>Companion Animals Act 1998</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1998/87">www.legislation.nsw.gov.au/#/view/act/1998/87</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1997/156">www.legislation.nsw.gov.au/#/view/act/1997/156</a>
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	<a href="http://www.legislation.nsw.gov.au/#/view/EPI/2008/572">www.legislation.nsw.gov.au/#/view/EPI/2008/572</a>

#### *Related external references*

Name	Link
The Office of Local Government	<a href="http://www.olg.nsw.gov.au/">www.olg.nsw.gov.au/</a>
NSW Department of Primary Industries	<a href="http://www.dpi.nsw.gov.au/">www.dpi.nsw.gov.au/</a>
NSW Environment Protection Authority	<a href="http://www.epa.nsw.gov.au/">www.epa.nsw.gov.au/</a>
Office of Environment and Heritage	<a href="http://www.environment.nsw.gov.au/">www.environment.nsw.gov.au/</a>

*Supporting documents*

Name	Link
NSW DPI – ‘Honeybees’ web page	<a href="https://www.dpi.nsw.gov.au/animals-and-livestock/bees">https://www.dpi.nsw.gov.au/animals-and-livestock/bees</a>

*Change history*

Version	Approval date	Approved by	Minute	File	Change
1	Oct 2006	Council		E06.0381	Policy commenced
2	22 Sep 2009	Council	09/291	E06.0381 E09.3418.B	Policy reviewed and retained
3	10 Sep 2013	Council	13/272	E06.0381 E13.7095	Reviewed and updated (start of new Council term)
4	28 Feb 2017	Council	17/34	E06.0381 E16.0297	Reviewed (start of new Council term). Policy refined to focus on circumstances where an Order may be issued under s.124 of the Act for keeping of animals. This includes the number and conditions of animals permitted to be kept at a premises. See report PSR17/005.
4	24 May 2022	Council		E06.0381	Review of policy (and updated (start of new Council term)
5	22 July 2025	Council	25/114	S004-T00060	Review of policy

*Internal use*

Responsible officer		Director, Planning and Environment		Approved by	Council
Minute no.	25/114	Report no.	PER25/015	Effective date	22 July 2025
File	S004-T00060	Review date	21 July 2028	Pages	10

## Appendix 1. Specific animal criteria

<b>Orders Schedule</b> <b>SPECIFIC MATTERS FOR CONSIDERATION</b> <b>SECTION 124</b>	
<b>Order 18</b>	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.
<b>1. Poultry, Domestic and Guinea Fowl</b>	<ul style="list-style-type: none"> <li>a. Fowl               <ul style="list-style-type: none"> <li>i. Roosters are not permitted to be kept where crowing may cause offensive noise.</li> <li>ii. The maximum number of fowl shall be limited to ten (10) per premises.</li> <li>iii. Must not be kept within 4.5m of a dwelling, public hall, school or premises used for the manufacture, storage, preparation, or sale of food.</li> </ul> </li> <li>b. Poultry other than fowls including ducks, geese and turkeys:               <ul style="list-style-type: none"> <li>i. must not be kept within 30m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food</li> <li>ii. the maximum number of poultry other than fowls shall be limited to 5 per premises.</li> </ul> </li> </ul> <p><i>Please note:</i>            Clause 2.42 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides development standards for fowl and poultry houses.            Some houses may require development approval. Please check first with Council.</p>
<b>2. Swine, Goats, Sheep</b>	<ul style="list-style-type: none"> <li>a. Swine, goats or sheep must not be kept (and animal waste products must not be deposited) within 60m of a dwelling, shop, office, factory, church, or other place of public worship, school or public place.</li> <li>b. The maximum number of swine, goats or sheep to be kept in urban areas shall be limited to two (2).</li> </ul>
<b>3. Birds other than Pigeons, Poultry and Domestic and Guinea Fowls</b>	<ul style="list-style-type: none"> <li>a. Aviaries must not be located within 4.5m of a dwelling, public hall, school, or premises used for the manufacture, preparation, sale or storage of food.</li> <li>b. Aviaries must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.</li> <li>c. Aviaries must at all times be kept clean and free from offensive odours.</li> <li>d. The maximum number of birds allowed to be kept in urban areas shall be as appropriate for the species, enclosure size, proximity to neighbours etc.</li> </ul>

**4. Pigeons**

- a. Pigeons must not be kept within 15m from a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- b. Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground.
- c. 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 due to rain or cleaning.
- d. Pigeons must be fed within lofts after exercise. All feed must be kept in vermin-proof containers.
- e. Racing pigeon's lofts should have adequate visible landing platforms.
- f. Exercising of birds should not occur between 8.00 am and 3.30 pm.
- g. Birds shall not be allowed to roost on neighbouring buildings. 'Open' lofts are not permitted.

*Please note:*

*Pigeon structures may require development approval. Please check first with Council.*

**5. Horses and Cattle**

- a. Only two (2) horses may be kept on any premises on urban land.
- b. Horses and cattle must be kept no closer than 9m from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
- c. The floors of any stables must be paved with concrete or mineral asphalt or equally impervious material and must be properly graded to drain.
- d. Horse yards and cattle yards must be enclosed to prevent the escape of horses and cattle.
- e. Yards must not be kept under such condition as to create a nuisance or to be dangerous or injurious to health.
- f. Yards must at all times be kept clean and free from offensive odours.

**6. Dogs**

- a. The maximum number of dogs shall be limited to two (2) adults and one (1) litter of pups up to six (6) months old per premise in urban areas.
- b. The maximum number of dogs other than greyhounds shall be limited to four (4) adults and one (1) litter of pups up to six (6) months old per premise in rural areas.
- c. The maximum number of greyhounds shall be limited to four (4) adults and one (1) litter of pups up to thirteen (13) months old in rural areas.
- d. A premises used for the keeping of a dog or dogs must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.
- e. A premises used for the keeping of dog/s must at all times be kept clean and free from offensive odours.

- f. A premises used for the keeping of dog/s should be appropriately fenced to secure the dog/s within the premises in accordance with the requirements of the Companion Animal Act 1998

*Please note:*

*Some dog kennel structures may require development approval. Please check first with Council.*

*Declared dangerous or restricted dog enclosures require development approval.*

*Commercial dog breeding and/or boarding kennels are subject to Council approval.*

*Owners of dogs are encouraged to de-sex their dog and registration fees are cheaper for desexed animals.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping dogs.*

#### **7. Cats**

- a. The maximum number of cats shall be limited to four (4) per premise.
- b. A premises used for the keeping of a cat or cats must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.
- c. A premises used for the keeping of a cat or cats must at all times be kept clean and free from offensive odours.

*Please note:*

*Owners of cats are encouraged to keep their cat(s) indoors overnight to limit hunting of native wildlife.*

*Owners of cats are encouraged to desex their cat(s); registration fees are cheaper for desexed animals.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping cats.*

#### **8. Rabbits**

- a. The maximum number of rabbits shall be limited to one (1) per premise.
- b. A premises used for the keeping of a rabbit must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- c. A premises used for the keeping of a rabbit must at all times be kept clean and free from offensive odours.

*Please note:*

*Rabbits should be desexed before 5 months of age.*

**9. Bees**

- a. To keep one or more beehives in NSW, you are required to register as a beekeeper with the Department of Primary Industries.
- b. Under the *Biosecurity Act 2015*, you must be registered to keep bees, you must mark all hives with a hive identification number and may include the number of hives on the property.
- c. An adequate supply of water is to be provided within the premises where the bees are kept.
- d. Hives are to be located so that flight paths do not interfere with surrounding residents.
- e. All hives must be registered with the NSW Department of Primary Industries.
- f. Beehives must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- g. Beekeepers should familiarise themselves with [The Australian Honey Bee Industry Biosecurity Code of Practice](#).

**10. Ferrets**

- a. The maximum number of ferrets shall be limited to two (2) per premise.
- b. Ferrets must not be kept within 4.5m of a dwelling, public hall, school or premises used for the manufacture, storage, preparation, or sale of food.
- c. A premises used for the keeping of a ferret must at all times be kept clean and free from offensive odours.

*Please note:*

*Owners of ferrets are encouraged to have them desexed.*

*Do not release ferrets into the environment.*

**11. Miscellaneous**

- a. The maximum number of bird(s) or animal(s) permitted to be kept, where the type of bird or animal, or the maximum number has not been specifically noted above, is at the discretion of the investigating Officer, taking into consideration the number and type of bird(s) or animal(s) being kept, the conditions under which they are kept and the impact they are causing.
- b. Such animals would be required to be kept under such conditions as to prevent the creation of a nuisance or not to be dangerous or injurious to health.
- c. The area proposed for the keeping of such animals must, at all times, be kept clean and free from offensive odours.
- d. Where the keeping of birds or animals on premise is capable of being regulated by the NSW Environment Protection Authority, Council is excluded from making an Order No. 18.

- 12. Criteria and/or matters that will not be considered:**
- a. damage caused by wild or native birds or animals
  - b. the trapping of any wild or native birds or animals
  - c. the control of or treatment of termites on private or public land
  - d. the control of or treatment of rabbits, foxes or other feral pests on private or public land.

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