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**Draft Policy:**

**Keeping of Animals**

**(Urban Areas)**

**2024**

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## INFORMATION ABOUT THIS DOCUMENT

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

### **Document History**

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

<b>Related Legislation*</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Schedule 2 of the Local Government (General) Regulation 2021</li> <li>• State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)</li> <li>• Uralla Local Environmental Plan 2012</li> <li>• Uralla Development Control Plan 2012</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Public Spaces (Unattended Property) Act 2021</li> <li>• Companion Animals Act 1998</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.*

**1. OBJECTIVES**

The objective of this policy is to *maintain urban amenity and minimise the nuisance affects associated with the keeping of animals in urban areas.*

**2. SCOPE**

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

The policy only applies all residents living with the Urban areas of Uralla Shire Council.

The keeping of animals for any commercial purpose, other than for legitimate agricultural activities in the appropriate zone, may require a Development Application to be submitted to Council. This includes any animal boarding or training establishment.

Consent for the operation of animal boarding or training establishments may not be permitted where Council considers that the proposal would be detrimental to the amenity of the locality.

**3. DEFINITIONS**

<b>Companion animal</b>	A dog, a cat, or any other animal that is prescribed by the Companion Animal Regulation 2018 (NSW) as a companion animal.
<b>Dangerous dog</b>	A dog for the time being the subject of a declaration by an Authorised Officer of a council or a court under the Companion Animals Act 1998 (NSW) that the dog is a dangerous dog.
<b>animal boarding or training establishment</b>	A building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes.
<b>DPI</b>	NSW Department of Primary Industries
<b>Authorised Officer</b>	An employee of Uralla Shire Council provided with delegated authority to act under the Local Government Act 1993

**4. STATEMENT**

The keeping of animals, specifically in relation to animal numbers or the manner in which they are kept, can be the subject of Orders pursuant to Section 124 of the Local Government Act 1993.

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.

Where a Development Application is required (for example, for the construction of housing for animals) Council will exercise its discretion under Section 4.15 of the Environmental Planning and Assessment Act 1979 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 Indigenous 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-Indigenous animals is regulated by the Non Indigenous Animals Act 1987 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 and NSW Department of Primary Industries published Welfare Codes.

## **5. LEGISLATIVE AND STRATEGIC CONTEXT**

- Local Government Act 1993
- Schedule 2 of the Local Government (General) Regulation 2021

### **5.1. GIVING OF ORDERS BY COUNCIL**

Generally, where a problem is identified with the keeping of animals that cannot be resolved by consultation or authorised officers find sufficient supporting evidence, Council may 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.

## **6. POLICY PROVISIONS RELATING TO SPECIFIC ANIMALS/BIRDS:**

### **6.1. BEES**

One standard 10 frame bee hive may be kept without special permission of Council. One or two boxes may be added to the hive during summer, provided there is only one colony.

Beehives must be registered with the NSW Department of Primary Industries.

### **6.2. BIRDS**

Commercial aviaries require development consent, however the construction of small private bird aviaries may be exempt from approval pursuant to Council's Local Environmental Plan/Development Control Plan. Noise emissions must be maintained at or below 5dB above background noise level at the property boundary.

Cockatoo-type breeds will be the subject of strict controls relating to objectionable noise and/or unreasonable hours of noise.

Food storage areas and the ground surface beneath are to be cleansed as frequently as is necessary to preserve a state of cleanliness, free from offensive odour and in such manner as to ensure that flies and/or vermin are not attracted to the premises.

### **6.3. KEEPING OF PIGEONS**

The following general conditions shall apply to the keeping of pigeons:

- a) The use must not be for commercial purposes.
- b) The number of pigeons to be housed on the premises must be limited to:
  1. Members of recognised Pigeon Racing or Fanciers Association - 150 pigeons.
  2. Non-members or non-active members - 10 pigeons unless Council determines to the contrary, having in mind isolation, or other relevant factors in the particular case.
- c) Lofts shall be located at least 12m clear of any dwelling, or a greater distance as may be determined by Council in the particular case.
- d) Lofts shall be erected clear of fences and other buildings so as to facilitate cleansing and maintenance.
- e) The loft doors/gates shall not be left open and unattended at any time, i.e. an "open loft" is not permitted.

- f) Pigeon lofts and the ground surface beneath are to be cleansed as frequently as is necessary to preserve a state of cleanliness, free from offensive odour and in such manner as to ensure that flies and/or vermin are not attracted to the premises.
- g) The loft floor must be maintained dry at all times (other than during cleaning) and must be protected from the weather for that purpose.
- h) The lofts and birds must be kept free of lice at all times.
- i) Galvanised 25mm x 25mm mesh floors will be provided with a minimum clearance of 300mm between the underside of the floor and the impervious ground surface. Timber floors are not considered appropriate.
- j) Concrete floors (where used) will be turned down a minimum distance of 200mm below the ground surface at the perimeter of the concrete floor.
- k) Lofts will be constructed of materials that blend with the environment and that can be easily maintained. All surfaces likely to come in contact with excreta shall be impervious to facilitate ease of cleaning. Lofts must be proofed against rats and other vermin.
- l) All bird droppings and other waste must be collected and stored or disposed of in such a manner so as not to create any nuisance and will be subject to the approval of Council's Health Surveyor.
- m) Grain and other foods are to be kept in a vermin proof building or containers, to the satisfaction of Council's Health Surveyor.
- n) The premises must allow an area of 14 pigeons per cubic metre of loft space.

#### **6.4. CATS**

The keeping of cats is supported under the following conditions:

- a) Cats do not cause damage to other property.
- b) Cats do not cause a nuisance to other residents.
- c) All cats are de-sexed, micro-chipped and registered as required by the Companion Animals Act 1997.

A maximum of 4 cats normally housed at any premises on an urban allotment will be used as a guide for Council's administration of the Orders provisions for numbers under the Local Government Act 1993.

The behaviour of the cats is subject to the provisions of the Companion Animals Act 1998 and owners are encouraged to contain their cats during the hours of darkness to prevent attacks on native fauna.

## **6.5. DOGS**

The behaviour of dogs is subject to the provisions of the Companion Animals Act 1998. These provisions should be read in connection with this Policy.

Dogs are to be identified and registered as required by the Companion Animals Act 1998.

Dogs kept at urban properties are to have adequate shelter and protection from the weather.

The area in which the dogs are housed is to be maintained in a hygienic condition to:

- a) Limit the spread of disease; and.
- b) Minimise offensive odour.

The following maximum numbers of dogs housed at a premises on any urban allotment will be used as a guide only for Council's administration of the Orders provisions for numbers under the Local Government Act 1993

Up to 600m <sup>2</sup>	2 Dogs
Up to 850m <sup>2</sup>	3 Dogs
1000m <sup>2</sup> and above	4 Dogs

Disposal of faeces and other animal related waste must be by an approved sewer connection or other adequate approved means of disposal.

## **6.6. GOATS, SHEEP, ALPACAS, DEER, LLAMAS AND OTHER CAMELIDS**

The keeping of goats, sheep, alpacas, deer, lamas and any other camelids for commercial purposes within an urban area is not permitted.

The keeping of uncastrated male species of the above animals (e.g. Rams, Bucks and or Billy Goats) is not permitted within urban areas.

The use of the above animals to maintain an area in a neat and tidy condition is encouraged provided that:

- a) The area is fenced satisfactorily to prevent their escape and boundary fencing is protected from damage.
- b) Neighbouring trees/shrubs are protected.
- c) The area is kept free of offensive odour and flies.
- d) Water is provided on site at all times via trough, dam or similar. Plastic buckets are not to be used due to their instability.

One animal per 750m<sup>2</sup> per allotment is to be used as a basis for administering the Orders provisions for numbers under the Local Government Act 1993.

### **6.7. HORSES AND CATTLE**

The keeping of horses and cattle for commercial purposes or contained within feed lots within an urban area is not permitted.

The keeping of Bulls and Stallions is not permitted within urban areas.

The use of horses or cattle to maintain a vacant urban area in a neat and tidy condition is supported, subject to the following conditions:

- a) The area is fenced satisfactorily to prevent their escape.
- b) Horses, cattle must not be kept within 9 metres of a dwelling and other buildings usually occupied by humans and no less than 1 metre from any boundary fences, to prevent damage to such fences.
- c) Neighbouring trees/shrubs are to be protected.
- d) The area must be kept free of offensive odour/flies and rodents.
- e) Cattle, horses must be restricted to within not less than one animal per 1000m<sup>2</sup>.

One animal per 1000m<sup>2</sup> allotment is to be used as a basis for administering the Orders provisions for numbers under the Local Government Act 1993.

*Note: The Regulation to the Act (see specifically Schedule 2 of the Local Government [General] Regulation 2021) includes standards for the keeping of horses and cattle. These provisions must be read in connection with this Policy.*

### **6.8. PIGS (SWINE)**

One animal per 2000m<sup>2</sup> allotment is to be used as a basis for administering the Orders provisions for numbers under the Local Government Act 1993.

*Note: The Regulation to the Act (see specifically Schedule 2 of the Local Government [General] Regulation 2021) includes standards for the keeping of pigs/swine. These provisions must be read in connection with this Policy.*



## **6.9. POULTRY**

The keeping of poultry in an urban area is supported, subject to the following conditions:

- a) The area is kept free of offensive odour/flies and rodents.
- b) The poultry yard is fenced to ensure the poultry do not escape.
- c) Cages/Hen houses must have concrete or hard paved floors unless located more than 15.2m metres from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food,
- d) The following distances for the location of poultry housing from a dwelling are considered adequate:
  - a) Housing for Fowls (gallus gallus) or guinea fowls 4.5 Metres
  - b) Other Housing (e.g. Duck/Geese) 30 Metres
- e) Roosters, Tom Turkeys and Peacocks are not permitted within urban areas.

The following maximum numbers of poultry (chickens or Guinea fowls) to be housed at a premises on any urban allotment will be used as a basis for administering the Orders provisions for numbers under the Local Government Act 1993.

- a) Hens/fowls 10 birds
- b) Other poultry 5 birds

*Note: The Regulation to the Act (see specifically 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.*

## **7.0. REVIEW**

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

## **8.0. REPORTING**

There is no reporting directly linked to this policy.

## **9.0. RESPONSIBLE OFFICER**

Manager Development & Planning

## **10.0. ROLES AND RESPONSIBILITIES**

Councils Rangers 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>		

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