



Local Orders Policy - Keeping of Animals

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Keeping of Animals Policy

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Keeping of Animals Policy

1. OVERVIEW

This policy seeks to inform the community of Council's regulatory powers concerning the keeping of animals in the urban environment. The Policy aims to:

- a) Minimise the incidence of nuisance being caused to persons
- b) Protect the welfare of companion and farm animals
- c) Protect the welfare and habitat of wildlife
- d) Minimise the disturbance of or damage to the environment.

It is well documented that the keeping of companion animals and/or pet animals can be beneficial to the well-being of people. Nevertheless, on occasions, complaints are made to Council where animals of an inappropriate species or number are being kept or where the animals and their accommodation are not being cared for properly.

This policy informs the reasonable limits (both statutory and advisory) which apply concerning the maximum number of animals and the circumstances under which they may be kept on premises.

Responsible ownership is a very important component of nuisance control, and this document also contains advice to the animal owner regarding their responsibilities to prevent a nuisance from occurring.

Special provisions may be given to people who temporarily house certain animals as part of a legitimate foster care arrangement or care for pets of family and friends while they are on holidays etc. so long as health and amenity of the neighbourhood is preserved.

The Policy seeks to:

- Balance the rights of property owners and the rights of others to enjoy their own property free from external impacts of nuisance
- Ensure that animals kept on residential and rural lands are of an appropriate kind and in appropriate numbers and maintained in satisfactory conditions to not result in unhealthy or unsafe conditions and do not cause a nuisance to others.

2. PURPOSE

To provide information to the Community on the keeping of animals to:

- a) ensure resident's amenity is not impacted adversely by the keeping of animals
- b) minimise the incidence of nuisance being caused to persons
- c) safeguard wildlife and the environment
- d) promote responsible animal ownership



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3. SCOPE

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

The policy only applies to land used for residential purposes regardless of the zone under the Bellingen Local Environmental Plan 2010

The principles contained in the requirements unless specific provisions apply in State Legislation or Council's Environmental planning instrument will also apply to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading, or selling.

However, where it is intended to keep animals for any commercial purpose, it is usually necessary that a development application be submitted to Council and development consent obtained. Consent to the operation of animal establishments may not be permitted where Council considers that the proposal would be detrimental to the amenity of the locality.

4. DEFINITION OF TERMS

Term	Meaning
Amenity Impact	Includes disturbance from the keeping of animals due to noise, odour, dust, vermin, effluent, or the unsightliness of structures used to house animals
Animal	'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).
Authorised Officer	An employee of Bellingen Shire Council provided with delegated authority to act under the Local Government Act 1993
Council	Bellingen Shire Council
DPI	NSW Department of Primary Industries
Livestock	Includes cattle, horses, donkeys, mules, asses, camels, sheep, goats, and deer; including any that are a 'mini' breed
Prescribed premises	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

5 COUNCIL'S POWER TO CONTROL AND REGULATE ANIMALS

Council under Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005 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



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- 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
- The Impounding Act, 1993
- Companion Animals Act 1998

7 GIVING OF ORDERS BY COUNCIL

Where a problem is identified with the keeping of 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.

8 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.



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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 2008' - to determine which structures require development approval.

9 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.

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

10 TABLE OF REQUIREMENTS

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



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ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Bees	<p>Residential 2 hives</p> <p>Rural As appropriate to the size of property</p>	Hives should not be located within the vicinity of schools, childcare centres, hospitals, or other public facilities.	<p>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).</p> <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. Screens may be necessary to raise flight paths. An ample supply of water near the hive is required in summer months.</p>
Birds (Incl canaries, budgerigars, quails, finches, and parrots)	All locations Appropriate to location and breed	Appropriate distance to avoid nuisance to adjoining premises	Compliance with the Code of Conduct for the Keeping of Birds, including canaries, budgerigars, quails, finches, and parrots.
Cats	All locations 4 (And 1 litter of kittens up to 6 months old)	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>Cats born prior to 1 July 1999 should wear a collar with tag displaying the cats name and the owner's phone number.</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>



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ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
<p>Dogs (Over the age of 6 months)</p> <p>(Greyhounds - listed separately)</p>	<p>Residential 3</p> <p>Rural residential 5</p> <p>Rural As appropriate to size of property.</p>	<p>Appropriate distance to avoid nuisance to adjoining premises.</p> <p>Dog kennels must be at least 1 m from any boundary.</p>	<p>Dogs should be kept in numbers and breeds appropriate to the size of the property.</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>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 & 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>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>
<p>Ferrets</p>	<p>All locations 2</p>	<p>Cages to be 10m from dwellings and 1m from any boundary</p>	<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.</p>



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Greyhounds	Residential 2 Rural residential 4 Rural As appropriate to size of property.	Kennels to be 15m from adjoining dwellings and 1m from any boundary	<p>Ferrets must not be released into the environment.</p> <p>Greyhounds must be registered under the Greyhound Racing Act 2009.</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.</p> <p>Minimum kennel dimensions to be 1200 (w) x 1800 (h) x 1200 (d)</p> <p>Muzzles must be fitted to each greyhound when in public and no more than 2 greyhounds to be walked by one individual</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 & The Companion Animals Act, 1998</i></p>
Horses, and Cattle	Residential 1 horse with a minimum property size of 5000m ² . Cattle strictly prohibited. Rural residential 1 horse/5000m ² . 5 Cattle/5000m ² . Rural As appropriate to size of property.	10m from certain buildings and 1m from any boundary 20m from dwellings 20m from dwellings	<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>
Pet rats, mice and guinea pigs	All locations 4 of each variety	3m from certain buildings and 1m from any boundary	<p>Rats and mice are to be kept indoors only in appropriate cages which are to be kept odour free.</p>



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ANIMAL SPECIES	MAXIMUM NUMBER (Excluding offspring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
			Care should be taken to prevent excessive breeding and release into the environment.
Pigeons	<p>Residential 80 birds (Registered racing pigeon owners)</p> <p>20 birds (Non-registered owners)</p> <p>Medium density residential Keeping of pigeons is strictly prohibited</p> <p>Rural residential 160 birds (Registered racing pigeon owners)</p> <p>60 birds (Non-registered owners)</p> <p>Rural As appropriate to size of property.</p>	10m from certain buildings and 1m from any boundary	<p>All pigeons must be house in purpose built facilities.</p> <p>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.</p> <p>Lofts should be kept clean and insect free. No feathers or droppings to escape from subject land. Open lofts are not permitted.</p> <p>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.</p> <p>Enclosed housing must use deep litter or other appropriate substrate.</p> <p>Rodents and other vermin must be vigorously controlled. All offensive odours must be controlled.</p> <p>Pigeons must not be kept within 10 m of any property used for the sale, preparation, handling, or storage of food for sale.</p> <p>Adequate protection from predators must be provided.</p>
Pigs	<p>Residential Strictly prohibited</p> <p>Rural residential 1 pig/1 ha.</p> <p>Rural As appropriate to size of property.</p>	Pigs or their manure must not be within 60 m of certain buildings/areas.	<p>Local Government (General) Regulation, 2005 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>
Poultry Geese, turkeys & ducks	Residential Combined maximum of 2 animals (And	30 m from certain buildings and 1 m from any boundary	Keeping of poultry must not create a nuisance or be dangerous or injurious to health.




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	<p>chicks until fully fledged). Ganders & Gobblers are strictly prohibited.</p> <p>Rural residential Combined maximum of 10 animals. (And chicks until fully fledged). Maximum one rooster permitted.</p> <p>Rural Permitted appropriate to size of property</p>	<p>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>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.</p> <p>The keeping of roosters in residential areas is strictly prohibited.</p> <p>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.</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) if constructed within 3m of a property boundary.</p>
<p>Poultry (domestic) guinea fowl & bantams</p>	<p>Residential 10 (And chicks until fully ledged). Roosters are strictly prohibited.</p> <p>Rural residential 20 (And chicks until fully fledged) A maximum of 1 Rooster.</p> <p>Rural Permitted appropriate to size of property</p>	<p>10m from dwellings and 1m from any boundary</p> <p>20m from dwellings and 10m from any boundary</p> <p>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 clean sand or other suitable material.</p>
<p>Poultry, (other) including peafowl, pheasants</p>	<p>Residential 10 (and chicks until fully fledged). Roosters are strictly prohibited.</p>	<p>30m from dwellings and 1 m from any boundary</p>	



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ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
	<p>Rural residential 1 (and chicks until fully fledged).</p> <p>Rural Permitted appropriate to size of property</p>	<p>30m from dwellings and 10 m from any boundary</p> <p>30m from dwellings and 10m from any boundary</p>	
Rabbits	<p>Residential 2 (Same gender)</p> <p>Rural residential 4 (Same gender)</p> <p>Rural Permitted appropriate to size of property</p> <p>Care should be taken to prevent excessive breeding.</p>	<p>Enclosures (hutch) to be 3m from any boundary</p> <p>Enclosures (hutch) to be 10m from any boundary</p> <p>Enclosures (hutch) to be 10m from any boundary</p>	<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>
Reptiles	<p>All locations As appropriate in the circumstances with the appropriate licences.</p>	<p>Appropriate distance to avoid nuisance to adjoining premises</p>	<p>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 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>



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ANIMAL SPECIES	MAXIMUM NUMBER (Excluding off-spring to 3 months of age)	MINIMUM DISTANCE (From certain buildings see Note 1)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Sheep and goats	Residential 1 (Billy goats and/or rams strictly prohibited) Rural residential 4 Rural Permitted appropriate to size of property	10m from certain buildings and 1m from any boundary	Enclosure must be securely fenced to avoid escape. 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. Care should be taken to prevent excessive breeding.

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).