



Keeping of Animals and Birds (Urban Areas)

Local Policy 2024

INFORMATION ABOUT THIS DOCUMENT

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

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

Related Legislation*	<ul style="list-style-type: none">• <i>Local Government Act 1993 (NSW)</i>• <i>Local Government (General) Regulation 2021</i>• <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>• <i>Uralla Local Environmental Plan 2012</i>• <i>Uralla Development Control Plan 2012</i>• <i>Protection of the Environment Operations Act 1997 (NSW)</i>• <i>Public Spaces (Unattended Property) Act 2021 (NSW)</i>• <i>Companion Animals Act 1998 (NSW)</i>• <i>Biosecurity Act 2015 (NSW)</i>• <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>
Related Policies	Nil
Related Procedures/ Protocols, Statements, documents	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 ² : 2 dogs Up to 850m ² : 3 Dogs 1000m ² and above: 4 Dogs	N/A	<ul style="list-style-type: none"> • Comply with requirements of the <i>Companion Animals Act 1998</i> including registration and control of dogs. • 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. • Prevent persistent, excessive or offensive noise. • The area in which the dogs are housed is to be maintained in a hygienic condition to: <ul style="list-style-type: none"> a) Limit the spread of disease; and b) Minimise offensive odour.
Attack-trained (hunting) Dogs	1000m ² and above: 2 Dogs	N/A	
Cats	4	N/A	<ul style="list-style-type: none"> • Comply with requirements of <i>Companion Animals Act 1998</i> including registration and control of cats. • Prevent persistent, excessive noise. • Owners are encouraged to contain their cats during the hours of darkness to prevent attacks on native fauna.
Fowls (domestic or guinea fowl)	20	4.5m	<ul style="list-style-type: none"> • Prevent escape of poultry (a poultry yard is recommended). • Keep poultry yards clean, free of rats and mice, and free from offensive odours. • Prevent persistent, excessive noise. • *Roosters are prohibited unless housed in a soundproof enclosure or with similar noise control method, to the satisfaction of Council.
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"> Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC. <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"> Do not use open lofts. Keep lofts/cages clean, and free of rats and mice. Lofts shall be erected away from fences and buildings, to facilitate cleaning. Keep pigeons free of lice. Clean up and correctly dispose of manure daily. Ensure pigeons allowed to fly free do not repeatedly cause damage to, or interfere with the enjoyment of, other property or premises. Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC.
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"> Use cages and aviaries of appropriate size. Keep cages and aviaries clean, and free of rats and mice. Prevent persistent, excessive noise. Hold National Parks and Wildlife permit (if required).

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"> Use cages and aviaries of appropriate size. Keep cages and aviaries clean, and free of rats and mice. Prevent persistent, excessive noise. Hold National Parks and Wildlife permit (if required).
Rabbits	1	3m	<ul style="list-style-type: none"> Use rabbit-proof enclosure Keep domestic breeds only Do not release into the environment
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"> Keep in appropriate cages Do not release into the environment
Sheep and goats etc (including deer and camelids) Uncastrated male species	1 (one) animal per 750m ² of land Nil (0) in urban areas*	6m N/A	<ul style="list-style-type: none"> Do not slaughter at premises where animals are kept Ensure fencing is adequate. Prevent persistent, excessive noise. Neighbouring trees/shrubs are protected. *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. Comply with the <i>Biosecurity Act 2015 (NSW)</i> and <i>Biosecurity (National Livestock Identification System) Regulation 2017</i>, including holding a PIC.
Pigs	1 (one) animal per 2000m ² of land	60m	<ul style="list-style-type: none"> Do not keep in a place/manner that may pollute water likely to be used

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"> • Keep in escape-proof enclosure. • Comply with care standards set out in Code of Practice for the Private Keeping of Reptiles, issued by NSW Government.
Fish, aquarium and pond	As appropriate in the circumstances	As appropriate in the circumstances	<ul style="list-style-type: none"> • Keep water clean and maintain at sufficient levels. • Fence ponds if more than 300 mm deep. • Ensure ponds do not provide a breeding ground for mosquitoes and other insects.
Bees	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"> • Beehives must be registered with the NSW Department of Primary Industries. • 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. • Registration details must be prominently displayed on hive ware. • Must not cause a nuisance or safety hazard to neighbouring premises. • Strongly recommend that hobbyists engage with local beekeepers club/ association to learn disease management and husbandry. • *The keeping of bees on a lot less than 1500m2 is prohibited, except with the prior written approval of Council.

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

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.

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