

KEEPING OF ANIMALS POLICY 2014

POLICY OBJECTIVES

1. To inform the community of the statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
2. To give guidance and advice to persons inquiring about keeping of animals for domestic purposes.
3. To establish standards, acceptable to the community, for the keeping of animals.
4. To publicly notify the circumstances that Council will consider in determining whether to serve an Order under Section 124 of the *Local Government Act, 1993* to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.
5. To identify which animals are prohibited within Cootamundra-Gundagai Regional Council and the circumstances in which such animals are prohibited.

PREAMBLE

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; and
- d) Minimise the disturbance of or damage to protected vegetation.

It is well documented that the keeping of companion animals and/or pet animals can be most 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.

SCOPE

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

The policy only applies to properties under 1ha in area located within the following zones as identified in the Cootamundra Local Environmental Plan 2013

- R1 – General Residential
- R3 – Medium Density Residential
- R5 – Large Lot Residential
- IN1 – General Industrial
- IN2 – Light Industrial
- IN3 – Heavy Industrial
- RU5 – Village

The principles contained in the prescriptive requirements 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 purposes, it is necessary that a development application be submitted to Council and development consent be 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.

RELATED LEGISLATION

COUNCIL'S POWER TO CONTROL AND REGULATE THE KEEPING OF ANIMALS

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

The 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.

The 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 so as to ensure that land or premises are placed or kept in a safe or healthy condition.

It is advised that Council can exercise further controls over animals under the following Acts:

- *Protection of the Environment Operations Act, 1997*
- *The Impounding Act, 1993*
- *Companion Animals Act, 1998*

GIVING OF ORDERS BY COUNCIL

Generally, 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.

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 2008' - to determine which structures require development approval.

VARIATIONS TO THIS POLICY

Variations to this policy may be sought by the occupier of the land, by completing an application to Cootamundra-Gundagai Regional Council (see attachment 1). 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;
- Owners consent from the owner of the property;
- Reasons for the variation request;
- 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;
- Payment of prescribed fee.

Written support from neighbouring properties would be beneficial in supporting your case for a variation to this policy.

TABLE OF REQUIREMENTS

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

ANIMAL SPECIES	MAXIMUM NUMBER PERMITTED	MINIMUM DISTANCE (from certain buildings, including: dwellings, public halls, schools, hospitals or premises used for the manufacture, preparation, sale or storage of food)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
<p>Poultry, domestic and guinea fowl</p> <p>Poultry, other than fowls, including peafowl and other pheasants</p> <p>Geese, turkeys and ducks</p>	<p>10</p> <p>10</p> <p>2</p>	<p>4.5 metres</p> <p>30 metres</p> <p>30 metres</p>	<p>Keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean and free from offensive odours. Council may, insist on the keeping of domestic poultry or guinea fowl at a greater distance than 4.5 metres in particular cases.</p> <p>Poultry yards must be enclosed to prevent escape of poultry.</p> <p>Yards must be kept free of rats and mice.</p> <p>The base of poultry enclosures must be paved with concrete or mineral asphalt unless situated on clean sand.</p> <p>Relevant clubs or associations may be contacted for advice to assist Council in resolving disputes.</p>
<p>Roosters and peacocks</p>	<p>Roosters and peacocks are not permitted</p>	<p>N/A</p>	<p>N/A</p>
<p>Pigeons</p>	<p>60 pairs – Registered racing pigeon owners</p> <p>10 pairs – Non registered owners</p> <p>Keeping of pigeons is not permitted in medium density residential developments</p>	<p>9 metres</p>	<p>The NSW 'Exempt and Complying Development Codes SEPP 2008' – outlines design particulars for the construction of aviaries that do not require Development Consent of the Council.</p>

ANIMAL SPECIES	MAXIMUM NUMBER	MINIMUM DISTANCE (from certain buildings)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Birds including canaries, budgerigars, quails, finches and parrots	Appropriate to location and breed	2 metres	The NSW 'Exempt and Complying Development Codes SEPP 2008' – outlines design particulars for the construction of aviaries that do not require Development Consent of the Council.
Cockatoos	2	2 metres	Cockatoos are generally not appropriate as domestic pets as they often present a significant noise nuisance.
Rabbits	4	3 metres	<p>Must be domestic breed and kept in a cage.</p> <p>Must not be released into the environment.</p> <p>It is illegal to administer the fibroma (myxomatosis) vaccine in rabbits.</p>
Ferrets	4	3 metres	<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>
Reptiles	As appropriate in the circumstances with the appropriate licences.	Appropriate distance to avoid nuisance to adjoining premises	<p><i>National Parks and Wildlife Act, 1974</i> 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>
Pet rats, mice and guinea pigs	4 of each variety	3 metres	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.

ANIMAL SPECIES	MAXIMUM NUMBER	MINIMUM DISTANCE (from certain buildings)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Dogs	4 Over the age of 6 months	Appropriate distance to avoid nuisance to adjoining premises	<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 a healthy condition and faeces is suitably disposed of when exercising dogs in public areas.</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</i> & <i>The Companion Animals Act, 1998</i></p> <p><i>The Companion Animals Act, 1998</i> requires that dogs must be registered from 6 months of age and must wear a collar with a name tag displaying the dogs name and the address and/or phone number of the owner. They must also be microchipped from 12 weeks of age.</p>
Greyhounds	6	Appropriate distance to avoid nuisance to adjoining premises	<p>Greyhounds must be registered under the Greyhound Racing Act 2009.</p> <p>Dog owners are responsible for ensuring that yards are kept in a healthy condition and faeces is suitably disposed of when exercising dogs in public areas.</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</i> & <i>The Companion Animals Act, 1998</i></p>

ANIMAL SPECIES	MAXIMUM NUMBER	MINIMUM DISTANCE (from certain buildings)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Cats	4 Over the age of 6 months	Appropriate distance to avoid nuisance to adjoining premises	<p>Cats should be kept in numbers and breeds appropriate to the size of the property and should be kept indoors at night.</p> <p>Cats should wear collars with a tag displaying their name and owners address and/or phone number with a bell attached.</p> <p><i>The Companion Animals Act, 1998</i> requires that cats must be registered from 6 months of age and must wear a collar with a name tag displaying the cats name and the address and/or phone number of the owner. They must also be microchipped from 12 weeks of age.</p>
Sheep and Goats	Sheep and Goats are not permitted	N/A	N/A
Pigs	Pigs are not permitted	N/A	N/A
Horses and Cattle	Horses and cattle are not permitted	N/A	N/A
Bees	Maximum of 2 hives	Hives should not be located within the vicinity of schools, childcare centres, hospitals or other public facilities.	<p>Regulated by the <i>NSW Apiaries Act, 1985</i>. 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>

NOTES:

- a 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.
- b Animal includes a mammal, bird, reptile, amphibian or fish. It does not include a human being (as defined by the Prevention of Cruelty to Animals Act).
- c The animal type, number or distance specified above may be varied by the Council upon approval of an application to vary this policy for an individual property.

ANIMALS PROHIBITED

The following animals are not permitted to be kept due to the likely impacts on health and amenity;

- Roosters
- Peacocks
- Sheep
- Goats
- Rams
- Horses
- Cattle
- Pigs

TEMPORARY CARE AND ACCOMODATION

Although the number of animals that may be permanently 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, 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.

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 animals under this temporary care and accommodation provision that cannot be resolved by consultation, Council may still instigate legal proceedings as outlined in this policy.



KEEPING OF ANIMALS POLICY

APPLICATION TO VARY POLICY

- About this Form** Use this form to apply for a variation to Council’s ‘Keeping of Animals Policy’. You can only make this application if you are the owner of the land or an occupier with the owner’s written consent.
- Lodgment & Fees** Application can be posted to PO Box 420, Cootamundra, NSW 2590, emailed to mail@cgrc.nsw.gov.au, or submitted in person to the Council office. Payment of the scheduled application fee must be made upon lodgment of the application.
- Any questions** Phone Customer Service on 1300 459 689, or visit the Council office at either 81 Wallendoon Street, Cootamundra or 255 Sheridan Street, Gundagai.

APPLICATION AND PROPERTY DETAILS

1. Your name, address and contact details

Applicant’s Name: _____

Postal Address: _____

State: _____ Post Code: _____ Phone: _____

2. Location and tile description of the property

House No: _____ Street: _____ Locality: _____

Lot (s): _____ Section: _____ DP: _____

Strata Plan: _____ Property Size (m2): _____

3. Who owns the land? Give the name of every owner

Owner’s Name: _____

Address: _____

State: _____ Post Code: _____ Phone: _____

Owner’s consent

As owner of the land to which this application relates, I consent to this application. I also give consent for authorised Council officers to enter the land to carry out inspections:

Signature: _____ Date: _____

If you are signing on the owner’s behalf as the owner’s legal representative, please state the nature of your legal authority and attach documentary evidence.

(eg, power of attorney, executor)

Office Use Only	Fee Type	Fee	Receipt No.
To be completed by Council’s Cashier. Retain your receipt as proof of lodgment of the application	Keeping of Animals Policy Variation		
Receiving Officer Signature: _____		Date: _____	

Privacy Statement

The information and personal details provided by you on this Form are managed in accordance with the *Privacy and Personal Information Protection Act 1998* and Cootamundra-Gundagai Regional Council’s policies and procedures as outlined in Councils *Privacy Management Plan*. Should you choose not to provide this information (wholly or in part) this may impact upon consideration of the matter by Council. The information will ultimately be stored in Council’s records system.

POLICY VARIATION DETAILS

4. Provide details of the type of animal this variation relates

Animal Type Proposed: _____

Is the keeping of this animal type prohibited under the policy Yes No

Number of this type of animal permitted under the policy: _____

Number of animals proposed for variation: _____

5. Detail reason for variation request;

6. Detail any likely impact of the animals on the environment and the amenity of the area;

7. Further information addressing any matters raised by Council;

8. Site Plan

Site plan must identify the location of all structures on site, the animal shelter and open space if applicable and distances from boundaries and adjoining buildings.

Draw Site Plan Here:-

[Large empty rectangular box for drawing the site plan]