

# Local Orders Policy - Keeping of Animals / Birds – LGA Section 124 Order No. 18

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# 1. Purpose

The purpose of this policy is to specify the criteria which the Council will take into consideration in determining whether or not to give an order under Section 124 as those orders relate to the keeping of animals and birds.

# 2. Scope

The application of this order will apply to birds and animals kept on premises within urban areas of the Federation Council as outlined in the following zones identified in Federation Council Local Environmental Plan 2012.

- (i) All premises and all areas associated with those premises;
- (ii) All land within the following planning zones within the Federation Council:
  - Residential zones R1, R2, R5 and RU5 Village
  - Enterprise Corridor B6 (Commercial zone)
  - Industrial zone IN1;
  - Selected zone RE1 adjacent to residential development;
  - Selected zone E3 adjacent to residential development

# 3. Definitions

## Property Identification Codes (PIC)

From 1 September 2012, anyone who keeps or owns livestock in NSW is required to ensure the land on which the livestock are kept has a Property Identification Code or PIC. 'Livestock' includes one or more cattle, sheep, goats, pigs, deer, bison, buffalo, camelids, equines (i.e., horses and donkeys), 100 or more poultry birds or 10 or more emus or ostriches.

A PIC is a unique identifier for land. PICs are assigned to individual properties and are allocated by Local Land Services. Call 1300 795 299 to locate the Local Land Services office.

PICs are fundamental to the operation and integrity of the National Livestock Identification System (NLIS) for cattle, sheep, goats and pigs because movements on the NLIS database are recorded between PICs. PICs provide traceability to specific properties.

# 4. Policy Content

## Enforcement Orders Regime

The orders regime includes the issuing of a notice, order or direction. Orders are issued to rectify a situation which has public health / safety / environmental / amenity implications or to remediate unauthorised activities. The process of issuing an order varies according to the Act under which it is issued. For further details refer to the section on the enforcement process within each part of this policy.

## Policy For The Issuing Of Orders.

In accordance with the Local Government Act, 1993, Councils are required to observe certain procedures before giving orders. In particular Section 132 requires that the following be carried out prior to issuing an order namely:

- (i) Prior to the issue of an order, Council must give the owner or occupier of the land or premises a notice of intent to give an order, the terms of the proposed order and the period proposed to be specified as the

period within which the order is to be complied with. The need for a notice of intent to give an order does not apply in emergency situations (section 129 of the Local Government Act 1993)

- (ii) Council seeks to write orders in a clear, concise and unequivocal manner. The terms of the order will be given and where appropriate, benchmarks or standards with which the recipient must comply will be included and the evidence or rationale behind the order given. The content of the order will vary depending on the issue. All orders state time frames for compliance.
- (iii) In the case of a hand delivered order, an emergency order and / or where verbal notice is given, the time frame will commence immediately from the date given. In the case of posted orders and in accordance with section 76 of the Interpretation Act 1987, the time frame commences from the fourth working day after the order is posted. Orders are served on either a person or a corporation (not a business name).
- (iv) Where it is not possible to comply with the time frame given within the order the recipient can apply for an extension of time. This request may be made verbally or in writing and will be assessed on its individual merit.
- (v) Indicate that the person to whom the order is proposed to be given may make representations to the Council as to why the order should not be given or as to the terms of or period for compliance with order.
- (vi) Indicate that the representations are to be made to the Council or a specified committee of the Council on a specified meeting date or to a specified Councillor or employee of the Council on or before a specified date being, in either case, a date that is reasonable in the circumstances of the case.
- (vii) **All representations are to be made to the General Manager.**
- (viii) In the event that representations are made to the Council and an agreement is not reached the persons affected by the order may still exercise their rights pursuant to Section 138 of the Act and have the matter determined by the Land and Environment Court.

### Penalties

Penalties for non-compliance with the terms of orders issued by Council are prescribed under Section 628 of the Local Government Act 1993. The maximum penalty for non-compliance with Order No 18 being \$2,200 at the date of adoption of this policy (ie. 20 penalty units).

### Right Of Appeal

The person affected by the order has the right of appeal to the Land and Environment Court within 28 days after the service of the order on the person.

## 5. Animal Management LGA Section 124 Order No. 18 Schedule

### Introduction

Order No. 18 deals specifically with the keeping of animals and birds under s124 of the Local Government Act. This Schedule has been prepared to provide a guideline for all local residents on what is usually considered an appropriate number and kind of birds and animals which may be kept and; secondly, to provide documented criteria which council will use as a basis in investigating any complaint.

Under this provision an Order can be issued to require an owner not to keep birds or animals on premises where such birds or animals kept are of an inappropriate kind or number or are kept inappropriately in a manner that adversely impacts on health, safety and wellbeing of the community.

This Order may apply to dogs and cats and any other animal that is prescribed by the regulations as a companion animal in accordance with the NSW Companion Animals Act 1998 No. 87.

**Note.** The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of the Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs.

## 6. Schedule Contents

### 6.1 Order No. 18 (1) KEEPING OF ALPACAS

#### Criteria

18.1.1 Recommended number:

A stocking rate of 1 per hectare (a minimum of 1 hectare is required).

18.1.2 Recommended requirements:

- a) Keep animals a minimum of 9 metres from any 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) Locate enclosures at least 20 metres from any dwelling or place where food is kept, processed or stored, or 6 metres from any roadway or 1 metre from any property boundary.
- c) Enclose yard areas to prevent escape.
- d) Keep feed that is packaged or otherwise requires storage in a manner that prevents access by vermin.

18.1.3 Advice Alpacas have specific fencing requirements to prevent escape.

18.1.4 Development consent may be required for enclosures / fences.

### 6.2 Order No. 18 (2) KEEPING OF BEES

#### Criteria

18.2.1 All provisions of the Biosecurity Act 2015 No 24 must be complied with.

18.2.2 The aims and husbandry procedures as defined in the NSW Department of Primary Industries Code of Practice for Bee Keeping must be complied with.

18.2.3 On land applicable to this policy no more than two hives per property is permitted, and then only when the following circumstances prevail:

- a) The hive is more than 9 metres from any neighbouring premises; greater distances apply from child care centres and schools;
- b) The hive is regularly re-queened with a recognised mild strain;
- c) The flight board is not directed at, or within 9 metres of any public thoroughfare or recreation area;
- d) A permanent water source suitable for bees is established within close proximity to the hive;
- e) The hive is not within nine metres of any neighbouring swimming pool;
- f) A suitable barrier is erected close to the landing board to force flight paths above two metres;
- g) The hive is regularly serviced by a competent manager;
- h) The swarming of the bees is controlled;

- i) The flight board is not directed at any neighbour activity area, for example washing area, barbeque area or children's play area;
- j) Diseases are properly controlled, as is regulated by Department of Primary Industries; and
- k) The keeping of bees in unit developments is not permitted. Note – In order to keep more than three hives, development consent is required.

#### 18.2.4 Wild Hives

- a) Wild hives must be controlled. Any person having a wild hive on their property must consult Department of Primary Industries for advice.
- b) A wild hive is described as feral bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

### 6.3 Order No. 18 (3) KEEPING OF BIRDS

#### Criteria

18.3.1 All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council. 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.

18.3.2 All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.

18.3.3 Careful regard must be given to the requirements of neighbours, especially the avoidance of excessive noise and odour.

18.3.4 The NSW Animal Welfare Code of Practice prepared by the Associated Bird keepers of Australia (ABA) must be complied with at all times.

18.3.5 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.

18.3.6 Extensive aviculture activities are required to submit aviary plans for development approval by Council.

18.3.7 Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.

18.3.8 All aviaries and other built facilities for the keeping of caged birds require Council consent, except where aviaries do not exceed the following dimensions:

- a) 5 square metres surface area, a maximum height of 2.1 metres and with a set back from any boundary, fence or wall of 1.0 metres; and
- b) Multiple permissible aviaries may not cover an area greater than 20 square metres without prior Council approval.

18.3.9 Enclosed buildings for the primary purpose of holding caged birds require Council consent.

18.3.10 An animal trade must not be conducted without prior consent.

18.3.11 Vermin proof food storage facilities must be provided.

18.3.12 An adequate rodent and pest control program must be in place.

18.3.13 Excessive noise and odour must be controlled by the use of sound proofing materials, distance and choice of bird species.



## 6.4 Order No. 18 (4) KEEPING OF CATS

### Criteria

18.4.1 Those persons requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council to do so.

Council will consider altering the above criteria on a case-by-case basis. Special dispensation may be given upon application for more cats only in special circumstances where;

- a) adequate facilities are available,
- b) the keeping of extra cats can be justified and after taking submissions of close neighbours into account, and
- c) Council is satisfied that no nuisance or health hazard will be caused to the surrounding neighbourhood.

18.4.2 The provision of adequate holding facilities must be in place, especially for all non de-sexed male cats.

18.4.3 Cats must not be permitted to create a nuisance in any form, including straying, interfering with the properties of others or otherwise.

18.4.4 The applicant must have a demonstrated high level of expertise in the management and caring for cats.

18.4.5 The applicant must have the ability to control all odours and waste to the satisfaction of Council.

18.4.6 The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.

18.4.7 Wildlife must be protected where possible from cats.

18.4.8 All provisions of the Companion Animals Act 1998 and the Companion Animals Amendment Act 2001 must be complied with, including:

- a) Registration requirements; and
- b) Micro-chipping requirements.

18.4.9 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 Environment and Planning Department for details of requirements and approval procedures.

Exemption from micro-chipping for a cat less than 12 weeks of age that is sold by a recognised breeder to a pet shop has been removed from the Regulation. Recognised breeders must therefore 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 one of the following breed organisations:

- a) NSW Cat Fanciers Association
- b) Waratah State Cat Alliance Inc or,
- c) 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. Registration fees are cheaper for doing so.

## 6.5 Order No. 18 (5) KEEPING OF CATTLE

### Criteria

18.5.1 No cattle may be kept in a residential area with a free land mass area less than 0.4 hectares.

18.5.2 The maximum number of cattle at any one time shall be two (2).

18.5.3 Cattle must not be within 9 metres (or such a greater distance as the Council may determine in a particular case) of any dwelling.

18.5.4 The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.

18.5.5 Cattle yards must be enclosed as to prevent the escape of cattle.

18.5.6 Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.

18.5.7 All fences must be constructed and up to a standard of maintenance so that the cattle cannot escape or be injured.

18.5.8 No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.

## 6.6 Order No. 18 (6) KEEPING OF DEER

### Criteria

18.6.1 A stocking rate of 1 per 5 hectares (A minimum of 5 hectares is required).

18.6.2 Recommended requirements:

- a) Keep animals a minimum of 9 metres 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.
- b) Locate enclosures at least 20 metres from a dwelling or place where food is kept, processed or stored, or 6 metres from any roadway or 1 metre from any property boundary.
- c) Enclose yards areas to prevent escape.
- d) Keep feed that is packaged or otherwise requires storage in a manner that prevents access by vermin.

18.6.3 Advice:

- a) Refer to the requirements of the Deer Act 2006.
- b) The keeping of hooved animals above the recommended number may require development consent.
- c) Deer have specific fencing requirements to prevent escape.
- d) Development consent may be required for these enclosures / fences.
- e) Deer must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.
- f) Environmental degradation caused by feral deer is listed as a key threatening process under the Threatened Species Conservation Act 1995; owners must contain animals on site.

## 6.7 Order No. 18 (7) KEEPING OF DOGS

### Criteria

18.7.1 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.

18.7.2 A maximum of three (3) dogs per household shall be allowed. Council will consider altering the above criteria on a case-by-case basis. Special dispensation may be given upon application for more dogs only in special circumstances where;

- a) adequate facilities are available,
- b) the keeping of extra dogs can be justified and after taking submissions of close neighbours into account, and
- c) Council is satisfied that no nuisance or health hazard will be caused to the surrounding neighbourhood.

18.7.3 Waste material, including litter and bedding, must be disposed of in an approved manner.

18.7.4 All noise, including barking, must be controlled.

18.7.5 All odours must be controlled.

18.7.6 The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.

18.7.7 Wildlife must be protected where possible from dogs.

18.7.8 Dog breeding, training and/or boarding kennels are subject to Council approval and compliance with the DPI NSW - Breeding Dogs and Cats Code of Practice.

18.7.9 All provisions of the Companion Animals Act 1998 and the Companion Animals Amendment Act 2001 must be complied with, including:

- a) Registration requirements; and
- b) Micro-chipping requirements.

Note – Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.

## **6.8 Order No. 18 (8) KEEPING OF DECLARED DOGS (DANGEROUS, MENACING OR RESTRICTED)**

### **Criteria**

This section does NOT limit section 18(7) The Keeping of Dogs Criteria.

18.8.1 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 or proposed dangerous or restricted dog.

18.8.2 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 effective control by means of adequate chain, cord or leash when it is outside its property.

18.8.3 A declared dangerous or restricted dog must be kept in a specially constructed enclosure that meets all the requirements of the Companion Animals Regulation 2008 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.

18.8.4 One or more signs must be displayed on the property showing the words “Warning Dangerous Dog” in letters clearly visible from the boundaries of the property on which the dog is kept.

18.8.5 Declared dogs must at all times wear a collar of the kind prescribed by the regulations.

18.8.6 Declared dogs must be de-sexed within 28 days.

18.8.7 Council must be informed within 24 hours, by owners of declared dogs, of details including change of address or other information regarding the dog.

18.8.8 Owners of declared dogs must inform Council within 24 hours if the dog becomes lost or attacks a person or other animal.

18.8.9 All provisions of the Companion Animals Act 1998 and regulations must be followed in respect to any dog kept within the Federation Local Government Area.

#### Restricted Dogs

18.8.10 Restricted breeds including the; American pit bull terrier, pit bull terrier, Japanese tosas, Argentinean fighting dogs, Brazilian fighting dogs; must comply with the requirements of the Companion Animals Act 1998.

If an authorised officer of a Council is of the opinion that a dog:

- a) is of a breed or kind of dog referred to above or,
- b) is a cross-breed of any such breed or kind of dog,

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.

18.8.11 Declared dogs may be seized where conditions of a notice are not complied with and in some circumstances Council may destroy seized dogs as per Section 58G(1)(a), 51(1A)(b) and 51(1A)(c) of the Companion Animals Act 1998 No. 87.

## 6.9 Order No. 18 (9) KEEPING OF STATIC GUARD DOGS

### Criteria

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

- (a) 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";
- (b) Such signs must be of a standard to alert any reasonable person of the consequences of entry;
- (c) Such signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and
- (d) Such signs must include an emergency contact phone number to be used in emergency situations.
- (e) Compliance with the Department of Primary Industries Guidelines [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

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

18.9.3 No attack trained dog may be held within the Federation Local Government Area (police dogs and other Government instrumentalities excepted).

18.9.4 All provisions of the Companion Animals Act 1998 and the Companion Animals Amendment Act 2001 must be followed in respect to any dog kept within the Federation Local Government Area.

18.9.5 Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the Companion Animals Act 1998 and the Companion Animals Amendment Act 2001 are not permitted to be utilised as static guard dogs upon any land within the Federation Local Government Area, on a commercial or private basis.

## 6.10 Order No. 18 (10) KEEPING OF GREYHOUND DOGS

### Criteria

18.10.1 Greyhounds registered with the Greyhound Racing Control Board are not required to be micro-chipped. NSW trainers are required to notify their local council when they transfer a former racing greyhound to a new owner.

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 identification and lifetime registration requirements of the Act.

All other greyhounds must be micro-chipped and registered.

18.10.2 Greyhounds must be muzzled and be leashed at all times in public places unless;

- an exemption has been granted under an approved greyhound re-training program and
- the greyhound wears an approved collar when it is in a public place.

18.10.3 Greyhounds must be kept in a secure, fenced property to prevent escape.

18.10.4 The number of greyhounds permitted to be kept on land applicable to this policy is three (3).

18.10.5 Greyhounds must be provided with:

- (a) Sufficient food drink and clothing;
- (b) Sufficient exercise;
- (c) Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
- (d) Veterinary attention when necessary.

18.10.6 Greyhound trainers must be registered with Greyhound Racing NSW (GRNSW) as per the Greyhound Racing Act 2009.

18.10.7 Dog breeding, training and/or boarding kennels are subject to Council approval and compliance with the Department of Primary Industries Guidelines [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

## 6.11 Order No. 18 (11) KEEPING OF FERRETS

### Criteria

18.11.1 Hutches and cages must be kept clean at all times.

18.11.2 Odours must be vigorously controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.

18.11.3 Protection for ferrets from extreme weather conditions must be provided.

18.11.4 Hutch or cage construction must be of a standard that will prevent escape.

18.11.5 Ferrets are not to be fed live food.

18.11.6 Sufficient food and drink must be provided at all times.

18.11.7 Ferrets must be caged and/or secured at all times and are not permitted to free range.

18.11.8 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

## **6.12 Order No. 18 (12) KEEPING OF GOATS**

### **Criteria**

18.12.1 No goats may be kept on premises with a free land mass area less than 0.4 hectares.

18.12.2 No more than three (3) goats are permitted to be kept per household.

18.12.3 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.

18.12.4 Sheep and goats are only permitted to be kept on land where suitable grazing exists.

18.12.5 No sheep or goat may be kept on a public place, including footpath areas and unfenced vacant allotments within the Federation Local Government Area.

## **6.13 Order No. 18 (13) KEEPING OF GUINEA PIGS**

### **Criteria**

18.13.1 Hutches and cages must be kept clean at all times.

18.13.2 Protection from the natural elements must be provided (particularly extreme hot weather).

18.13.3 Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.

18.13.4 Sufficient food and drink must be provided at all times.

18.13.5 Odours must be vigorously controlled at all times.

18.13.6 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

## **6.14 Order No. 18 (14) KEEPING OF HORSES**

### **Criteria**

18.14.1 Horses are not permitted on land applicable to this policy if such land is less than 0.4 hectares in total.

Approval must be sought from Council for exceptions to the above requirement and will be considered on a case by case basis.

Any concession made will be subject to compliance with the requirements of "Guidelines for Minimum Standards for Keeping Horses in Urban Areas" Fact Sheet 16 from Department of Primary Industries [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

18.14.2 Land of a size exceeding 0.4 hectares shall comply with the requirements of the guidelines with the maximum number of horses at any one time shall be two (2).

18.14.3 Each application for the keeping of horses shall be treated on its merits and approval to keep horses may not be granted in every case. Applications are to be submitted by the owner of the land.

18.14.4 Construction of yards and shelters required for the keeping of horses may require a Development Application to be lodged.

18.14.5 The neighbouring owners of the land for which permission is applied for will be advised of each application. Any person who owns and who contends that his enjoyment of the land will be detrimentally affected if the development is carried out may object, in writing, to Council.

18.14.6 Stables and yards shall be kept clean and tidy to the satisfaction of Council at all times, so as not to be the cause of a nuisance.

18.14.7 Additional requirements for fencing may also apply for the purpose of preventing damage to an adjoining premise. An adequate fence shall be provided to preclude horses within a distance of two (2) meters from any boundary of the adjoining premises. Ringlock or barbed wire fencing is not permitted.

## **6.15 Order No. 18 (15) KEEPING OF NATIVE WILDLIFE**

### **Criteria**

18.15.1 No native animal may be taken from the wild and kept as a pet.

18.15.2 Carers of injured native wildlife must complete a WIRES (Wildlife Rescue Organisation) training course for the caring of injured animals.

18.15.3 A temporary caring licence must be obtained from the National Parks and Wildlife Service.

18.15.4 Injured wildlife must not create a nuisance of any kind to the surrounding community.

18.15.5 All offensive noise must be controlled.

18.15.6 All odours must be controlled.

18.15.7 Suitable facilities for the housing of injured animals must be available and used.

18.15.8 The caring of injured native wildlife in residential unit developments is not permitted.

## **6.16 Order No. 18 (16) KEEPING OF PIGEONS**

### **Criteria**

18.16.1 The maximum number of pigeons to be kept on land applicable to this policy shall be:

- (a) 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);
- (b) Persons not being members of a Pigeon Fanciers' Association and not willing to be bound by their recommendations – 20 birds.

On the introduction of this policy, if residents have more than the maximum number of pigeons, they will have no more than 6 months from the date of notification to remove the excess birds.

18.16.2 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.

18.16.3 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.

18.16.4 Pigeons must be fed within lofts after exercise. All feed must be kept in vermin proof containers.

18.16.5 On no account should birds be allowed to roost on neighbouring buildings. "Free" or "Open" lofts are not to be permitted.

18.16.6 Residents are permitted to keep racing pigeons however must submit a development application for approval prior to any birds being kept.

18.16.7 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.

18.16.8 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:

- a) 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)
- b) Concrete slab floor.

18.16.9 A pigeon loft shall be erected a minimum of 10 metres from any neighbouring dwelling, house or flat or 15 metres from any dwelling, public hall, school or other premises used for the preparation, sale or storage of food.

18.16.10 Roof and concentrated surface water are to be collected and disposed of to Council's satisfaction.

18.16.11 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.

18.16.12 Upon receipt of a complaint, submitted in writing and signed by the person making the complaint alleging:

- a) That they are householders within the policy boundaries
- b) That they reside within hearing of the sound or cause of complaint of the said pigeons kept on any land within the policy boundaries
- c) That said pigeons are the source of the noise/odour, which falls within one or more of the sub paragraphs above.

The matter will be referred to an authorised officer of Council for attention.

18.16.13 Where the complaint is proven:

- a) 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.
- b) If the owner or occupier where pigeons are kept are not members of the Australian Pigeon Fanciers' Association or a recognised racing club, these groups will be contacted to request their assistance or guidance to the individual concerned.
- c) 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.



18.16.14 Where the complaint is unfounded:

- a) Council will take no further action on the matter in relation to the said complaint.

18.16.15 Inspections should also occur in response to a complaint, which may be made in respect of the premises where pigeons are kept.

18.16.16 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.

18.16.17 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.

## **6.17 Order No. 18 (17) KEEPING OF SWINE (PIGS)**

### **Criteria**

18.17.1 Swine are not permitted in residential areas within the Federation Local Government Area.

18.17.2 Persons' seeking to keep swine for breeding and farming purposes outside of residential areas may require a Development Application and must satisfy Council that;

- a) adequate facilities are available,
- b) the keeping of swine can be justified and after taking submissions of close neighbours into account, and
- c) Council is satisfied that no nuisance or health hazard will be caused to the surrounding neighbourhood.

18.17.3 Swine must not be kept in such a place or manner as to pollute any water supplied for use (or used, or likely to be used):

- a) by a person for drinking or domestic purposes, or
- b) in a dairy.

18.17.4 Swine dung must not be deposited in such a place or manner as to pollute any water referred to in subclause (18.7.3).

- a) Without limiting clause 18.17.4, swine must not be kept (and swine dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a town, village or other urban part of an area.
- b) A greater distance determined under this clause applies to a person only if the council has served an order under section 124 of the Act to that effect on the person.

## **6.18 Order No. 18 (18) KEEPING OF POULTRY**

### **Criteria**

18.18.1 All poultry must be kept in accordance with the Local Government (General) Regulation 2005, Part 5 – Division 2, as follows:

- a) Poultry not to be a nuisance or health risk
- b) Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

- c) Poultry yards must at all times be kept clean and free from offensive odours. Poultry not to be kept near certain premises
- d) 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 or school or premises used for the manufacture, preparation, sale or storage of food.
- e) Poultry (other than fowls referred to in subclause C) must not be kept within 30 metres of any building on a property.
- f) 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:
  - (i) that are not within 15.2 metres of an adjoining property boundary, dwelling, public hall or school; or
  - (ii) that are situated on clean sand.
- g) Poultry yards must be so enclosed as to prevent the escape of poultry.

18.18.2 All food must be stored in sealed vermin proof containers and must not be left uncovered.

18.18.3 Vermin and other pests must be controlled.

18.18.4 All offensive odours must be controlled.

18.18.5 All offensive noise must be controlled.

18.18.6 All poultry must be housed in purpose built facilities. Council approval may be required for these structures.

18.18.7 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

18.18.8 Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.

18.18.9 The total numbers of poultry kept on premises must not exceed the maximum amount specified below:

Type	Maximum Numbers
Peafowl (Peacocks)	nil
Peafowl (Peahen)	nil
Roosters	nil
Ducks	3
Geese	nil
Swans	nil
Turkeys	nil
Fowls (chickens)	20
Pheasants	10
Quails	20
Maximum total number of birds	20

## 6.19 Order No. 18 (19) KEEPING OF RABBITS

### Criteria

18.19.1 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.

18.19.2 Rabbits being kept in residential areas must not be kept closer than nine metres to a dwelling or place that prepares, stores or handles food for sale.

18.19.3 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

18.19.4 Hutches and cages must be kept clean at all times.

18.19.5 All odours must be controlled.

18.19.6 Rabbits must not be bred for greyhound training.

18.19.7 Rabbits must be protected from all predators.

18.19.8 Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure suitable for the breed.

## **6.20 Order No. 18 (20) KEEPING OF REPTILES**

### **Criteria**

18.20.1 NSW National Parks and Wildlife Act 1974 and the Biosecurity Conversation Act 2016 place a general prohibition on the keeping of reptiles.

All provisions of the National Parks and Wildlife Act 1974, must be complied with. This includes obtaining a licence to keep reptiles.

18.20.2 Advice regarding the keeping of reptiles must be obtained from the National Parks and Wildlife Service.

18.20.3 It is prohibited to move a reptile from the natural environment.

18.20.4 Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the particular species.

18.20.5 All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to:

### **Snakes**

- a) Venomous snakes may only be kept in lockable, sealed, escape proof containers or cages within a lockable and sealed escape proof room;
- b) The individual containers and the room itself must be locked when the licensee is not present in the room, so as to prevent unauthorised entry and/or tampering with containers or cages and the escape of snakes;
- c) Access to all venomous snakes must be limited to persons who are under the direct supervision of the licensee or to persons holding a Class 2 licence with the same category endorsement;
- d) All housing for snakes must be kept in a clean condition;
- e) Council must approve all housing facilities for snakes.

### **Turtles**

- a) Ponds that house turtles must be cleaned on a regular basis;
- b) Basking logs and rocks must be available along and partly emerged in the pond to allow for stress free basking.
- c) Adult turtles (30 centimetres or greater shell length) require a 2 metres length by 2 metres width by a 0.5 metre depth (2m (L) x 2m (W) x 0.5m (D) pond with gradual sides to allow easy exit;
- d) Turtles are to be in an enclosed area so as to prevent escape.

18.20.6 All offensive odours must be controlled.

18.20.7 All noise must be controlled.

18.20.8 The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.

18.20.9 All reptiles must be protected from the predation of other animals.

18.20.10 All reptiles must be kept in appropriate numbers.

## 6.21 Order No. 18 (21) KEEPING OF RODENTS

### Criteria

18.21.1 The keeping of these animals is permitted as pet companion animals only. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.

18.21.2 Only domesticated breeds of rats and mice are permitted to be kept.

18.21.3 Rodents, rats and mice must be confined within rodent proof cages or enclosures.

18.21.4 These animals must be protected from the predation of cats and dogs.

18.21.5 Any excess rodents must be disposed of in an appropriate and humane manner.

18.21.6 Odours must be vigorously controlled at all times.

18.21.7 Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

## 6.22 Order No. 18 (22) KEEPING OF SHEEP

### Criteria

18.22.1 No sheep may be kept on premises with a free land mass area less than 0.4 hectares.

18.22.2 No more than three (3) sheep are permitted to be kept per household.

18.22.3 Sheep may not be kept within 9 metres of any premises or facility used for the commercial preparation or storage of food for human consumption.

18.22.4 Sheep are only permitted to be kept on land where suitable grazing exists.

18.22.5 No sheep may be kept on a public place, including footpath areas and unfenced vacant allotments within the Federation Local Government Area.

## 7. Policy History

Version	Date	Changes / Amendments
1.0	2014	Adopted December 2014
2.0	2018	Adopted December 2018 - Review of document and new template. Combined Local Order Policy and Schedule of Keeping Animals and Birds into one document.

## 8. Reviews

Every four years or sooner as required.

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