

NON-COMPANION ANIMALS ON RESIDENTIAL PREMISES POLICY



Responsible Department: Development and Economic Growth
Responsible Section: Planning and Regulatory Services
Responsible Officer: Manager Planning and Regulatory Services

Objective

The objective of this policy is to control and regulate the number of non-companion animals kept on a premises and to maintain the health standards of the premises and preserve the amenity of the neighbourhood whilst recognising the right of all property owners to enjoy the use of their premises provided that in so doing they do not conflict with the public interest.

Introduction

Council regulates the number of animals kept on premises in accordance with the Local Government Act 1993 (the Act). Schedule 2, Part 5, Division 2 of the Local Government (General) Regulation 2005 (the Regulation) regulates the keeping of animals by specifying minimum standards. The standards apply to a person only if the council has served an order under section 124 of the Act to that effect on the person and it is open to council not to enforce the standards. This policy provides a guide for council officers in exercising their delegated authority to regulate the keeping of animals in the local government area.

Policy

1. Definitions

For the purpose of this policy, the following definitions apply:

Term	Meaning
Non-companion animal	all animals not dogs or cats including bees and birds.

2. Keeping of swine

Swine must not be kept on premises within the R1 General Residential and RU5 Village zones under the Narrabri Local Environmental Plan 2012 (LEP).

Swine kept on premises outside these zones must not be kept (and swine's 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 city, town, village or other urban part of an area.

3. Keeping of poultry

Attachment 14.5.b

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

Poultry yards must at all times be kept clean and free from offensive odours.

Poultry must not be kept within 30 metres (or such greater distance as the council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.

The floors of poultry houses must be paved with concrete or mineral asphalt or clean sand.

Poultry yards must be so enclosed as to prevent the escape of poultry.

4. Keeping of horses and cattle

Horses and cattle must not be kept within 9 metres (or such greater distance as the council may determine in a particular case) of 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.

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

Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.

5. Maximum Number of Non-Companion Animals

To maintain the amenity of residential and urban areas and the health and safety of neighbourhoods, Council may restrict the number of non-companion animals per residential property to reasonable levels when it is considered that the animals are impacting on residential amenity, e.g. noise, odour issues associated with poor hygiene, or poor management of animal wastes.

When this is demonstrated Council may restrict the number of non-companion animals per residential property. Whilst each situation will be assessed on its merits Council will use as a guide:

Animal	Recommended minimum distance from buildings	Recommended number in residential areas	Applicable regulations and other advisory matters
Birds	4m	20	Cages and aviaries must be of sufficient size and regularly cleaned. All birds to be kept in accordance with the "Code of Ethics" produced by the Associated Bird keepers of Australia and printed by NSW Agriculture. All enclosures are to be maintained free of rodents and other vermin. All feed is to be stored in vermin-proof containers. A National Parks and Wildlife permit is required to keep many native birds. Exemptions include budgerigars, zebra finch, galah and sulphur crested cockatoo.
Pigeons	5m	20	Nuisance due to noise and also free flight of pigeons is to be minimised.

Attachment 14.5.b

			Lofts must be constructed on hard paving of a smooth surface, graded to drain. Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. Open lofts are not permitted.
Poultry	30m	10	Local Government (Orders) Regulation 1993, Schedule 5 applies. Council may, by resolution, insist on greater distances than specified in particular cases. Roosters are not to be kept on residential premises (as crowing may cause offensive noise).
Horses and cattle	9m	1 horse per 4000m ² 0 other cattle	Local Government (Orders) Regulation 1993 - Schedule 5 applies. Council may, by resolution, insist on greater distances than specified in particular cases.
Rabbits	3m	2	Permit may be required from NSW Agriculture. Must be a recognised domestic breed and kept in a rabbit-proof enclosure. The rabbits must not be vaccinated with the fibroma vaccine. Do not release into the environment. Restriction on number is imposed by the NSW Department of Agriculture under the Rural Lands Protection Act 1989.
Sheep and Goats	9m	1 per 1000m ²	Keeping goats and sheep on residential land is not encouraged. Sheep and goats are not to be slaughtered at the premises on which they are kept.
Pigs	N/A	0	Minimum land area for keeping pigs is 2 hectares. Local Government (Orders) Regulation 1993 – Schedule 5 applies. The keeping of pigs is not appropriate on residential properties.
Bees	As appropriate to ensure flight paths are a minimum of 2m above neighbouring properties	4 hives	Each hive is required to be registered with the Department of Agriculture. To be kept in accordance with the “Code of Practice for Beekeeping NSW”.

Where there are continuing impacts on residential amenity from non-companion animals on a particular premise, Council may enforce a further reduction in the number of animals.

To enforce this Council will utilise Order number 18 of section 124 of the Local Government Act 1993.

6. Confidentiality of complainants

People who report issues associated with the keeping of non-companion animals should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:

Attachment 14.5.b

- the disclosure is necessary to investigate the matter;
- their identity has already been disclosed to the subject of their report directly or in a publicly available document;
- the individual was consulted following receipt of a Government Information (Public Access) Act 2009 application and did not object to the disclosure;
- the individual consents in writing to their identity being disclosed;
- the disclosure is required to comply with principles of procedural fairness;
- the matter proceeds to court.

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit council's ability to investigate the matter.

References

- Local Government Act 1993
- Local Government (General) Regulation 2005
- In writing this policy Council have referred to the policies and other materials of numerous councils and other bodies. We acknowledge the materials and assistance in writing this policy from the following:
- Warringah Council Policy ENV-PL 320
- NSW Ombudsman Model Compliance and Enforcement Model Policy December 2015

History

MINUTE NUMBER:	MEETING DATE:	DESCRIPTION OF CHANGE: