



POLICY REGISTER

Keeping of Animals

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Please note:

It is not intended within this policy to regulate the way animals should be kept. It is, however, necessary that this policy should provide guidance about the criteria Balranald Shire Council will use when determining whether to issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.

1: INTRODUCTION

This policy seeks to inform the Balranald Shire Community of Council's regulatory requirements concerning the keeping of animals in the Balranald Shire Council area.

This Policy aims to:

- a) Minimise the incidence of nuisance being caused to persons.
- b) Protect the welfare and habitat of wildlife; and
- c) Safeguard the environment.

It is well documented that the keeping of companion animals and/or pet animals is usually most beneficial to the well-being of people. Nevertheless, on occasions, complaints are made to Council where animals of an inappropriate kind or number are being kept or where the animals and their accommodation are not being looked after properly.

2: AREA TO WHICH THIS POLICY APPLIES

Within the Balranald and Euston Townships as indicated by the maps in Appendix 1 - Town Boundaries.

3: SCOPE

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests. This Policy is not intended to replace or supersede the requirements of the *Companion Animals Act 1998* or the *Prevention of Cruelty to Animals Act 1979*.

More stringent conditions will be applied to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading, or selling.

Where it is intended to keep animals for any commercial purposes, it is necessary that a development application be submitted to Balranald Shire Council and planning consent obtained prior to the undertaking of the activity.

Consent to the operation of Commercial Animal Establishments may not be permitted where Council considers that the proposal would be harmful to the amenity of the locality.

4: AIMS AND OBJECTIVES

- a) To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
- b) To give guidance and advice to persons as to the keeping of animals for domestic purposes.
- c) To minimise local nuisance.
- d) Maximise residential amenity.
- e) Ensure that the keeping of animals does not compromise minimum standards of public health, safety, and convenience.
- f) To establish local standards, acceptable to the Community, for the keeping of animals.
- g) To publicly notify the circumstances that the Council will consider in determining whether to serve Order 18 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: GUIDELINES FOR THE NUMBER OF ANIMALS TO BE KEPT ON PREMISES

Balranald Shire Council, on occasion, receives complaints about nuisance caused by keeping animals on premises. **Table 1** provides guidance about the number of animals that can reasonably be kept at a premise without causing a significant nuisance, provided the conditions specified in the table are adhered to.

The kinds of animals that are suitable to be kept at any premises will be determined having regard to the size of available yard area and the distance to the nearest building or dwelling.

It should not be assumed that animals of all kinds may be kept on a premises which forms part of a multiple dwelling allotment. 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:

- a) Create unclean or unhealthy conditions for people or for the animals;
- b) Attract or provide a harbourage for vermin;
- c) Create offensive noise or odours;
- d) Cause drainage nuisance or dust nuisance;
- e) Create waste disposal or pollution problems;
- f) Create an unreasonable annoyance to neighbouring residents;
- g) Create nuisance due to proliferation of flies, lice, fleas or other pests and parasites; and
- h) Cause neighbouring residents to fear for safety.

Suitable facilities and shelters should be provided for all animals. Certain kinds of animals are required to be kept in enclosed locations to prevent escape or attack by predators. Generally, other animals are to be securely enclosed with adequate fencing to prevent escape. Certain animal shelters should not be erected or located at premises without prior approval of Council. Please contact Balranald Shire Council's Planning & Environmental Services for further details.

Design guidelines for the size, layout and construction of animal shelters are produced by the various animal welfare organisations and the Department of Primary Industries and Regional Development - Agriculture. These may be adopted from time to time as supplements to this policy.

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

Generally, Council's authority 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 2021*. *This is not a new power and has been available to Council since 1993.*

This Policy is intended to be used by Council to provide guidance about the criteria Balranald Shire Council will use when determining whether to exercise its powers to issue Order 18 when it becomes aware that animals are causing some form of undesirable impact on the community.

Balranald Shire Council may, given appropriate circumstances, issue an Order 18 to:

- a) Prohibit the keeping of various kinds of animals;
- b) Restrict the number of various kinds of animals to be kept at a premises; or
- c) Require that animals be kept in a specific manner.

Balranald Shire Council may also issue Orders requiring the occupier to do or refrain from doing such things that are specified to ensure that land or premises are placed or kept in a safe or healthy condition.

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

- a) *Companion Animal Act 1998*; (CAA 1998)
- b) *Protection of the Environmental Operations Act 1997*; (POEO 1997)
- c) *Environmental Planning and Assessment Act 1979*; (EP&A Act 1979)
- d) *Public Spaces (Unattended Property) Act 2021*; and
- e) *Food Act 2003* (prohibits animals to be kept where food is handled for sale) (FA 2003).

7: GIVING OF ORDERS BY COUNCIL

Upon complaint, Balranald Shire Council will inspect the premises and discuss any concerns with the owner/tenant of the premises in question. In addition, Council may liaise with community representatives with regards to solving the problem.

Where a problem is identified concerning the keeping of animals and it cannot be resolved by consultation, Council will proceed to issue a notice of its intention to serve an Order.

Normally a person will be given opportunity to make representations to Balranald Shire Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

Penalty

Any person not complying with an order may be liable to a maximum penalty of \$2,200.00. This is in accordance with the *Local Government Act 1993*. A penalty infringement notice of \$220.00 may also be issued by Council for failure to comply with an order.

Table 1:

Animal	Land Affected (Urban Boundaries)	Maximum Number (Excludes to Three months of age)	Minimum Distance (from Certain Buildings-See Note A)	Advisory Notes
Chickens (Excluding Roosters)		8 per dwelling or household	7.5 Metres Council may require a distance greater than 9 metres in some cases	The numbers must be appropriate to provide poultry products, e.g., up to eight chickens. Poultry must not create a nuisance, be a danger to health or be able to escape. Yards must be enclosed, kept clean, free from vermin and offensive odours and have hard floor in poultry house to ensure effective cleaning.
Roosters	Prohibited in ALL urban areas	Not Applicable	Not Applicable	The keeping of roosters is considered inappropriate due to noise.
Other Poultry (Ducks, geese, turkeys, pea and guinea fowl and pheasants)		Combined maximum of five total per dwelling or household	15 metres	Poultry must not create a nuisance, be a danger to health or be able to escape. Yards must be enclosed, kept clean, free from vermin and offensive odours and have hard floor in poultry house to ensure effective cleaning.

Animal	Land Affected (Urban Boundaries)	Maximum Number (Excludes to Three months of age)	Minimum Distance (from Certain Buildings-See Note A)	Advisory Notes
Pigeons		100 racing or 40 stock birds for active registered club members Non-members up to 20 birds	15 metres	Nuisance due to noise and also free flight is to be minimised. Flying times should be restricted to 2 hours after sunrise or 2 hours before sunset. “Open” lofts are not permitted. Free lofting is not permissible. On no account should birds be allowed to roost on/in neighbouring buildings. Lofts must be constructed to Council approval and have adequate visible landing platforms. They must be kept clean at all times with manure being disposed of correctly to minimise odours.
All birds except where otherwise specified		As appropriate to species, size of cage / aviary or bird room. Keepers of 50 birds or more must be members of official Aviculture Societies.		All birds should be kept in accordance with the Code of Ethics produced by the NSW Associated Bird Keepers and Traders Inc. A National Parks and Wildlife permit is required for the keeping and sale of protected bird species. Registered breeders may keep more birds (normal, breeding or show) but are subject to the requirements of the POEO Act 1997.

Animal	Land Affected (Urban Boundaries)	Maximum Number (Excludes to Three months of age)	Minimum Distance (from Certain Buildings-See Note A)	Advisory Notes
Sheep, Goats and Pigs	Prohibited in ALL urban areas	Not applicable	Not applicable	The keeping of sheep, goats and pigs is not considered appropriate in urban areas due to odours and noise. The provisions of the <i>Local Government (General) Regulation 2021</i> apply.
Bees	Prohibited in ALL urban areas	Not applicable	Not applicable	Under no circumstances are bees permitted to be kept in urban areas.
Horses and other hooved animals	Prohibited in ALL urban areas	Not applicable	Not applicable	Council may approve agistment on vacant allotments to help reduce overgrowth for short periods (not more than 21 consecutive days). Tethering subject to: a) The horse being securely tethered so as to prevent access to roads and footpaths; b) Not to be tethered between sunset and sunrise; and c) Availability of water. Each application shall be treated on its merits. Approval may not be granted in every case. Applications must be submitted by the owner of the land.

Animal	Land Affected (Urban Boundaries)	Maximum Number (Excludes to Three months of age)	Minimum Distance (from Certain Buildings-See Note A)	Advisory Notes
Fish, aquariums and ponds		Not applicable	Not applicable	Water is to be maintained at clean and sufficient levels. Ponds must contain an area of shade and must be protected from predators by means of a cover or fencing. Ponds should be made child proof, to prevent drowning. The fence should comply with Australian Standards and applies to ponds 300mm or greater in depth.
Reptiles and other native animals		Not applicable	Not applicable	Shall be kept in accordance with DEECCW "Code of Practice for Private Keeping of Reptiles and native animals". All required licences must be obtained from National Parks and Wildlife. Reptiles and native animals are not to be sold through pet shops and must not be taken from the wild in accordance with DEECCW requirements.
Rodents (Mice and Rats)		Not applicable	Not applicable	Must not be kept to feed reptiles. Only domesticated breeds are permitted to be kept. Must be kept in rodent proof cages and

				enclosures.
Animal	Land Affected (Urban Boundaries)	Maximum Number (Excludes to Three months of age)	Minimum Distance (from Certain Buildings-See Note A)	Advisory Notes
Rabbits		Not more than 4 without approval	3 metres	Must be of a domestic breed. Wild rabbits are not to be kept without approval of LHPA. Hutch and cages must be kept clean and free from offensive odours with all waste material being disposed of in an appropriate manner. Must not be bred for the training of greyhounds under any circumstances.
Ferrets		Not more than 4 without approval	3 metres	Are not to be given live food. Must have adequate food and water at all times. Hutch or cage construction must be of a standard that prevents escape and be vermin proof. Must be secured at all times not be able to roam freely. All waste to be disposed of in an appropriate manner.

NOTES:

- a) The distances indicated in column three of the above table is 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.
- b) Animal includes a mammal, bird, reptile, amphibian or fish. It does not include a human being (as defined in *Prevention of Cruelty to Animals Act 1979*).
- c) Schedule 2 of the *Local Government (General) Regulation 2021* specifies minimum standards for the keeping of animals. The distances specified (except in the case of pigs) may be varied at a meeting of the council and be notified in writing to the applicant in each particular case.
- d) Schedule 2 Division 2 of the *Local Government (General) Regulation 2021* allows for a variation of requirements of the keeping of poultry and Division 3 allows for variation to the requirements for the keeping of horses and cattle.
- e) All cages and enclosures, aviaries and or structures for the keeping of animals over 10m² of floor area and a height of 2.4 metres are subject to the approval of a development application.
- f) The combination of types of animals kept at a property will be assessed on its merits to minimise noise, odours and loss of amenity to neighbouring residents.
- g) All animal issues prior to the adoption of this Keeping of Animals Policy, will be considered on their merits and in accordance with any prior management plan or policy previously adopted or used by Council.

h) **Horses**

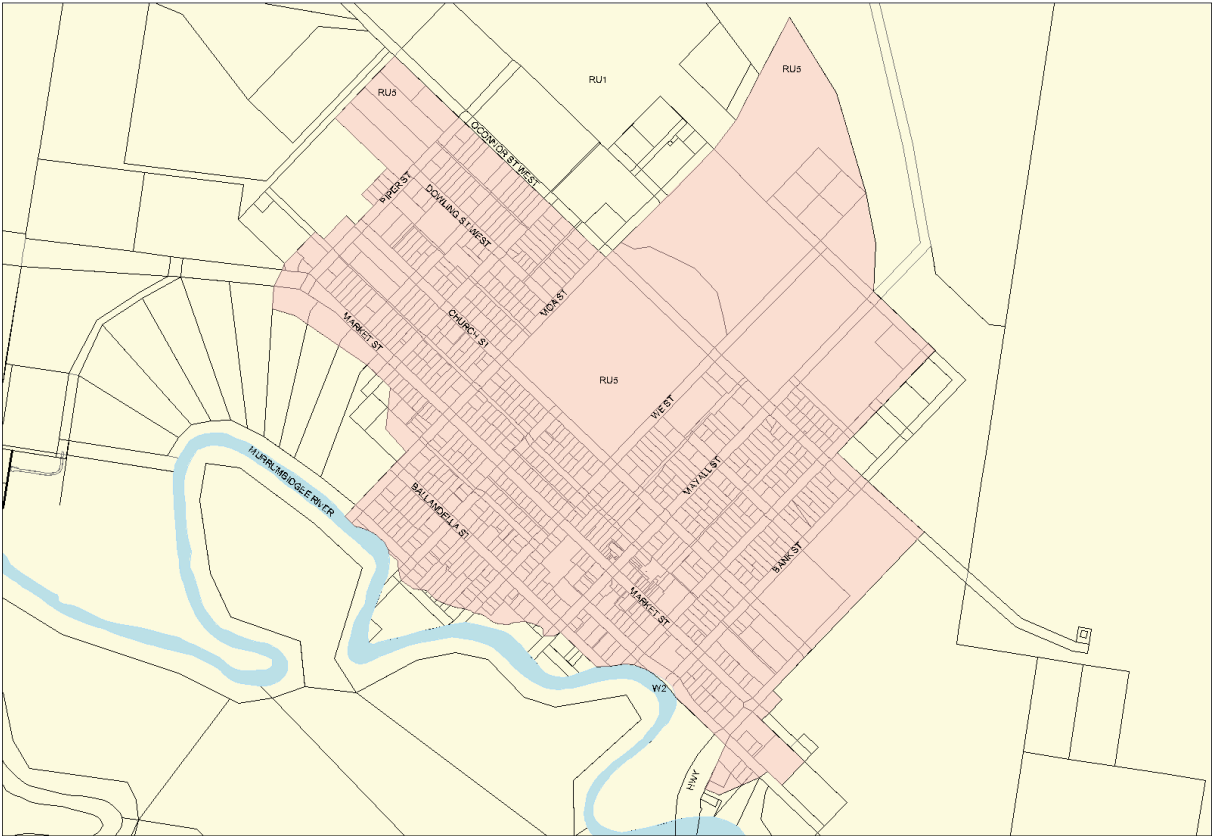
Council may permit the keeping of horses on vacant allotments in accordance with this policy with the exception of stallions which are not to be tethered.

A person shall not use any stud animals:

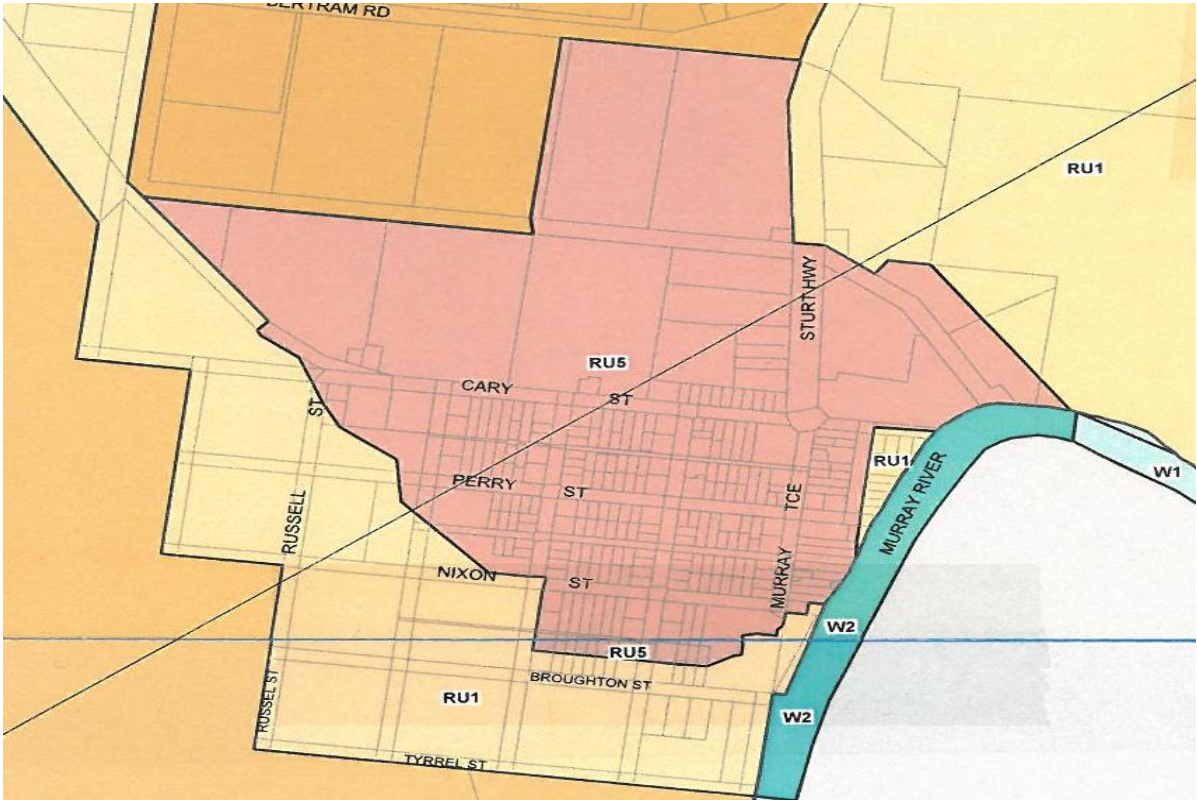
- i. In any public place or on any public reserve or in any place of which any person has the right of way;
- ii. In view of any public place or public reserve; or
- iii. In view of any school, hospital or church.

Persons keeping horses within the defined area, without approval, are required to apply for approval in accordance with this policy. Approval may or may not be granted in this instance.

Appendix 1- Urban Areas of Balranald & Euston Townships



Balranald



Euston