

Keeping of Animals at Residential Properties**DOCUMENT SUMMARY**

This Official Council Policy deals with Keeping Of Animals at residential properties also known as properties within the Wentworth Shire.

1. STATEMENT OF POLICY INTENT

The intent of this policy is to establish clear guidelines as to the keeping of animals and to promote an integrated framework for dealing with Order 18 of The Act. To ensure consistency and fairness in the manner in which Council deals with Order 18 and to make Council's policies and requirements for the keeping of animals readily accessible and understandable to the public.

2. POLICY SCOPE

This policy is applicable to all residential land within the Wentworth Local Government Area

3. DEFINITIONS AND ABBREVIATIONS (used in this policy)

This table summarises the main definitions and abbreviations contained within this policy

The Act	Local Government Act 1993 (NSW)
Regulations	Local Government Act (General) Regulations 2005 (NSW)
GM	General Manager
Orders	A council may order a person to do or refrain from doing a thing
Council Officers	A Council Employee
Urban area/land	Residential premises in the Wentworth Shire zoned R5 or RU5
Rural area/land	Residential premises in the Wentworth Shire zoned RU1

4. BACKGROUND

This purpose of this policy - Keeping Of Animals is to supplement provisions of Chapter 7, Part 3 of the Local Government Act 1993 and Clause 100 of the Local Government (General) Regulation 2005 by specifying Council's policy in regard to certain Orders under Section 124 of the Act

5. POLICY

5.1 This policy ensures Wentworth Shire Council's compliance with Local Government Act 1993 and the Local Government (General) Regulation 2005.

5.2 Council Officers will ensure that the procedures for the issuing of Orders set out in Chapter 7, Part 2 Division 2 of the Act and Clause 99 of the Regulation are adhered to. Clear reasons will be given as to why the Order is being issued. Orders served in an emergency situation need not be preceded with a notice of intention.

5.3 There are no restrictions on the number of birds and animals that can be kept on premises in the Wentworth Shire in normal circumstances. The standards in this policy apply only where a legitimate problem has been identified relating to the numbers and or types of birds or animals kept upon and where an order under the provisions of Section 124 of the Local Government Act is required to rectify the problem.

5.4 Specific animal criteria are outlined in Appendix 1.

5.5 The issuing of an Order will be considered when birds or animals kept on the premises are:

- of an inappropriate kind or number or are kept inappropriately

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- are unable to be contained to the confines of the property
- in the case of premises – 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.

5.6 The Policy will be implemented by following the Orders Schedule (see Appendix 1) which specifies in detail the matters to be considered in determining whether to issue an Order. Councils [Enforcement and Prosecution Policy](#) specifies in detail the matters for consideration and procedures to follow.

6. ATTACHMENTS

Appendix 1 – Specific Animal Criteria

Orders Schedule SPECIFIC MATTERS FOR CONSIDERATION SECTION 124	
Order 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.	
1. Poultry, Domestic and Guinea Fowl	
a. Fowl <ul style="list-style-type: none"> i. Roosters are not permitted to be kept where crowing may cause offensive noise; ii. The maximum number of fowl shall be limited to ten (10) per premises. iii. Must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, storage, preparation, or sale of food. 	
b. Poultry other than fowls including ducks, geese and turkeys: <ul style="list-style-type: none"> i. must not be kept within 30 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. ii. The maximum number of poultry other than fowls shall be limited to 5 per premises. 	
2. Swine, Goats, Sheep	
a. Swine, goats or sheep must not be kept (and animal waste products must not be deposited) within 60 metres of a dwelling, shop, office, factory, church, or other place of public worship, school or public place. b. The maximum number of swine, goats or sheep to be kept in urban areas (zoned RU5) shall be limited to two (2).	
3. Birds other than Pigeons, Poultry and Domestic and Guinea Fowls	
a. Aviaries must not be located within 4.5 metres of a dwelling, public hall, school, or premises used for the manufacture, preparation, sale or storage of food. b. Aviaries must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health. c. Aviaries must at all times be kept clean and free from offensive odours. d. The maximum number of birds allowed to be kept in urban areas shall be as appropriate for the species, enclosure size, proximity to neighbours etc.	
4. Pigeons	
a. Pigeons must not be kept within 15 metres from a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. b. Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8 metres above the ground.	

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- c. Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning
- d. Pigeons must be fed within lofts after exercise. All feed must be kept in vermin-proof containers.
- e. Racing pigeon's lofts should have adequate visible landing platforms.
- f. Exercising of birds should not occur between 8.00 am and 3.30 pm.
- g. Birds shall not be allowed to roost on neighbouring buildings. 'Open' lofts are not permitted.

5. Horses and Cattle

- a. Only two (2) horses may be kept on any premises on urban land.
- b. Horses and cattle must be kept no closer than 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.
- c. The floors of any stables must be paved with concrete or mineral asphalt or equally impervious material and must be properly graded to drain.
- d. Horse yards and cattle yards must be enclosed to prevent the escape of horses and cattle.
- e. Yards must not be kept under such condition as to create a nuisance or to be dangerous or injurious to health.
- f. Yards must at all times be kept clean and free from offensive odours.

6. Dogs

- a. The maximum number of dogs shall be limited to two (2) adults and one (1) litter of pups up to six (6) months old per premise in urban areas.
- b. The maximum number of dogs other than greyhounds shall be limited to four (4) adults and one (1) litter of pups up to six (6) months old per premise in rural areas.
- c. The maximum number of greyhounds shall be limited to four (4) adults and one (1) litter of pups up to thirteen (13) months old in rural areas.
- d. A premises used for the keeping of a dog or dogs must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.
- e. A premises used for the keeping of dog/s must at all times be kept clean and free from offensive odours.
- f. A premises used for the keeping of dog/s should be appropriately fenced to secure the dog/s within the premises in accordance with the requirements of the Companion Animal Act 1998

7. Cats

- a. The maximum number of cats shall be limited to four (4) per premise.
- b. A premises used for the keeping of a cat or cats must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.
- c. A premises used for the keeping of a cat or cats must at all times be kept clean and free from offensive odours.

8. Rabbits

- a. The maximum number of rabbits shall be limited to one (1) per premise.
- b. A premises used for the keeping of a rabbit must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- c. A premises used for the keeping of a rabbit must at all times be kept clean and free from offensive odours.

9. Bees

- a. The keeping of bees in urban areas shall be in accordance with the NSW Department of Primary Industry factsheet Beekeeping Code of Practice for NSW
- b. An adequate supply of water is to be provided within the premises where the bees are kept.

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- c. Hives are to be located so that flight paths do not interfere with surrounding residents.
- d. All hives must be registered with the NSW Department of Primary Industries.
- e. Bee hives must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

10. Ferrets

- a. The maximum number of ferrets shall be limited to two (2) per premise.
- b. Ferrets must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, storage, preparation, or sale of food.
- c. A premises used for the keeping of a ferret must at all times be kept clean and free from offensive odours.

11. Miscellaneous

- a. The maximum number of bird(s) or animal(s) permitted to be kept, where the type of bird or animal, or the maximum number has not been specifically noted above, is at the discretion of the investigating Officer, taking into consideration the number and type of bird(s) or animal(s) being kept, the conditions under which they are kept and the impact they are causing.
- b. Such animals would be required to be kept under such conditions as to prevent the creation of a nuisance or not to be dangerous or injurious to health.
- c. The area proposed for the keeping of such animals must at all times be kept clean and free from offensive odours.
- d. Where the keeping of birds or animals on premise is capable of being regulated by the NSW Environment Protection Authority, Council is excluded from making an Order No. 18.

12. Criteria and/or Matters that will not be considered

- a. Damage caused by wild or native birds or animals;
- b. The trapping of any wild or native birds or animals;
- c. The control of or treatment of termites on private or public land;
- d. The control of or treatment of rabbits, foxes or other feral pests on private or public land.

Document Approval

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on the 21/11/2018. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

