



## LOCAL ORDERS FOR THE KEEPING OF ANIMALS IN URBAN AREAS OF TENTERFIELD SHIRE

### Summary:

This policy seeks to provide clear direction to the Tenterfield Shire Community of Councils responsibilities and regulatory powers concerning the keeping of animals in the Tenterfield Shire area and the process which Council uses to determine when to enforce the controls within this policy.

As such, it is not the intent of the Council nor the policy to enforce controls within this policy in the first instance but to work with owners of domestic animals to ensure that the keeping of domestic animals does not have adverse impact on adjoining properties.

<b>Policy Number</b>	3.120
<b>File Number</b>	
<b>Document version</b>	V5.0
<b>Adoption Date</b>	24 March 2021
<b>Approved By</b>	Council
<b>Endorsed By</b>	Council
<b>Minute Number</b>	70/21
<b>Consultation Period</b>	42 Days
<b>Review Due Date</b>	March 2024 – 3 years
<b>Department</b>	The Office of the Chief Corporate
<b>Policy Custodian</b>	Manager Open Space, Regulatory & Utilities
<b>Superseded Documents</b>	<p><b>23 August 2017 - 168/17</b></p> <p><b>28 September 2011 - 467/11</b></p> <p><b>24 October 2012 - 445/12</b></p> <p><b>25 March 2015 - 69/15</b></p>
<b>Related Legislation</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993 Chapter 7, Sections 124 and 159;</li> <li>• The Companion Animals Act 1998;</li> <li>• The Protection of the Environment Operations Act, 1998;</li> <li>• The Impounding Act, 1993;</li> <li>• The Food Act, 2003 (prohibits animals to be kept where food is handled for sale and in</li> </ul>

## **Delegations of Authority**

certain food service areas, Guide Dogs are exempt).

- Chief Executive,
- Chief Corporate Officer;
- Open Spaces, Regulatory and Utilities Manager;
- Planning & Development Services Manager;
- Ranger.

### **1. Overview**

This policy seeks to inform the Tenterfield community of Council's regulatory powers concerning the keeping of animals in the Tenterfield Shire area. This Policy, in conjunction with Council's Local Orders Policy aims to:

- a) Minimize 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;
- d) Minimize the disturbance of or damage to protected vegetation; and,
- e) Safeguard the environment.

It is well documented that the keeping of companion animals and/or pet animals is 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 accommodations are not being looked after properly.

It is not intended within this policy to completely regulate the manner in which animals should be kept. It is however necessary that this policy should inform 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 residential 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.

### **2. Policy Principles**

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.

### **3. Policy Objectives**

- To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
- To give guidance and advice to persons enquiring as to the keeping of animals for domestic purposes.

- To establish local standards, acceptable to the community, for the keeping of animals.
- To publicly notify the circumstances that the 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. Furthermore, to act in accordance with Councils Local Orders Policy.

#### 4. Policy Statement

##### 1. PRESCRIPTIVE REQUIREMENTS

- 1.1 The number of animals that may be kept at a premises should not exceed the number shown as appropriate to the kind of animal listed in the table included with this policy.
- 1.2 The type 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.
- 1.3 ***YARD AREA means an appropriate pastured paddock area situated on urban residential land that is suitably fenced, has water available and feed, shelter and shade appropriate to the animals being kept at the premises.***
- 1.4 It should not be assumed that animals of all kinds may be kept on premises which are part of a multiple dwelling allotment. Where a dwelling is owned within Strata Plan it will be necessary for the rules of the Body Corporate to be examined for requirements relevant to the keeping of animals.
- 1.5 Animals should be kept in a manner which does not:
  - a) Contravene assessment criteria outlined in part 5 of Council's Local Orders Policy 2015;
  - b) Create unclean or unhealthy conditions for people or for the animals;
  - c) Attract or provide a harbourage for vermin;
  - d) Create offensive noise or odours;
  - e) Cause a drainage nuisance or dust nuisance;
  - f) Create waste disposal problems or pollution problems;
  - g) Create an unreasonable annoyance to neighbouring residents or fear for safety; or,
  - h) Cause nuisance due to proliferation of flies, lice, fleas or other insects.
- 1.6 Suitable shelter(s) should be provided for all animals. Certain kinds 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. The containment of companion animals using electrical devices/containment systems must comply with the Prevention of Cruelty to Animals Act 1979 and Prevention of Cruelty to Animals (General) Regulation 2006.”

- 1.7 Certain animal shelters should not be erected or located at a premises **without the prior approval of Council**. Please contact Council's Environmental and Community Services Department for further details.
- 1.8 Design Guidelines for the size, layout and construction of animal shelters are produced by the various animal welfare organizations and the Department of Primary Industries. These may be adopted from time to time as supplements to this policy.

## **2. COUNCIL'S POWERS TO CONTROL AND REGULATE THE KEEPING OF ANIMALS**

- 2.1 Generally, Council's powers to control and regulate the keeping of animals is provided under Section 124 of the Local Government Act, 1993 and the Companion Animals Act 1998.
- 2.2 The Council may, in the appropriate circumstances, issue an Order 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; and/or,
  - c) Require that animals be kept in a specific manner.
- 2.3 The Council may also issue Orders requiring:
  - a) Demolition of animal shelters built without the prior approval of Council; and/or,
  - b) 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, tidy or healthy condition.
- 2.4 It is advised that Council can exercise further controls over animals under the following Acts.
  - a) The Companion Animals Act 1998;
  - b) The Protection of the Environment Operations, 1998;
  - c) The Impounding Act, 1993; and/or,
  - d) The Food Act, 2003 (prohibits animals to be kept where food is handled for sale and in certain food service areas, Guide Dogs are exempt).

## **3. GIVING OF ORDERS BY COUNCIL**

- 3.1 The procedures for the issuing of Notices and Orders is outlined in Council's Local Orders Policy 2015. Generally, where a problem is identified with the

keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue a Notice of Intention to serve an Order. Normally a person will be given opportunity to make representations to Council prior to a formal Order being issued. In situations where urgency is required an emergency Order may be issued without prior notice.

#### 4. TABLE OF REQUIREMENTS

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

<b>KIND OF ANIMAL</b>	<b>MAXIMUM NUMBER (Excludes Offspring to 3 months of age)</b>	<b>MINIMUM DISTANCE (from certain buildings) (See Note A)</b>	<b>APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS</b>
Dogs	2		<p>Under the Companion Animals Act a companion animal must be microchipped from 12 weeks of age.</p> <p>A companion animal must be registered from 6 months of age.</p> <p>Dogs must be under effective control at all times.</p> <p>Adequate fencing is essential and must be enclosed so as to prevent the dog from escaping.</p> <p>Where complaints are received, odour, noise or other issues relating to the keeping of dogs, Council will conduct an inspection of the property. Council has the power under section 124 of the Local Government Act to impose restrictions on the numbers and manner in which dogs are kept on a particular property.</p>
Working Dogs	Seek prior approval from Council as to the		Dogs used for the purpose of tending or droving stock or the protection of stock.

	number to be allowed on site.		<p>The companion animals Act 1998 requires all working dogs to be permanently identified and registered in accordance with part 2 of the Act. However no registration fee applies.</p> <p>Demonstrations may be required.</p> <p>Working dogs must also be kept in accordance with the above listed conditions.</p>
Cats	2		<p>The Companion Animals Act 1998 requires permanent identification and lifetime registration.</p> <p>Under the Companion Animals Act a permit is required to own a cat that is four (4) months old or older that is not desexed.</p> <p>Cats should be kept inside the dwelling and/or an enclosure from dusk until dawn.</p> <p>Compliance with desexing, use of identity collars with multiple bells, proper care, restriction of access to outdoors at night.</p>
Poultry, domestic and guinea fowl	<p>10 hens per property (not members of a recognized poultry club or association).</p> <p>Persons who are members of a recognized poultry club or association (must be able to provide</p>	10m	<p>Local Government (Orders) Regulation 1993 applies</p> <p>Hard paving must be provided under roosts in poultry houses if within 15.2 metres of a dwelling, public hall or school.</p> <p>Poultry yards must be</p>

<p>Poultry other than fowls including geese, turkeys, peafowl and other pheasants.</p> <p><i>*See further information regarding Registered Poultry Breeders at the end of this table.</i></p>	<p>membership documentation), please see table (pg 9) under registered breeders for proposed numbers</p> <p>2</p>	<p>15m</p>	<p>enclosed to prevent escape of poultry and be kept free of rats and mice.</p> <p>Keeping of poultry must not create a nuisance to neighbouring properties. At all times poultry yards must be kept clean and free from offensive odours.</p> <p><b>Roosters are only to be kept by persons who are members of a recognized poultry club or association.</b></p> <p>Membership details must be provided to Council.</p>
<p>Pigeons</p> <p>NOTE: to establish the permissible number of pigeons by locality of premises, it will be necessary for Council Officers to assess the site conditions</p>	<p>As appropriate to species, size of cage, aviary or bird room</p>	<p>6m</p>	<p>Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed of hard paving with a smooth surface and graded to drain. Open lofts are not permitted.</p> <p>Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly.</p> <p>Keepers of more than fifty (50) birds are to be members of official or registered aviculture societies.</p> <p>Upon complaint, Council may liaise with society representatives /officials to resolve the complaint.</p>
<p>Birds including canaries, budgerigars,</p>	<p>Up to 30 30+</p>	<p>3m 6m</p>	<p>Cages and aviaries must be of appropriate size and regularly cleaned.</p>

quails, finches and parrots.			National Parks and Wildlife permit is required to keep many native birds. Exemptions include Budgerigar, Zebra Finch, Galah and Sulphur Crested Cockatoo Noisy birds should be restricted in number.
Sulphur Crested Cockatoo and Long Billed Corella.	2 portable cages	3m	Sulphur Crested Cockatoo and Long Billed Corella are likely to be noisy if kept as single caged birds.
Rabbits	2	3m	Must be domestic breed and kept in cage. Wild rabbits are not permitted to be kept.  <b>Do not release into the environment.</b>
Ferrets	2	10m of a neighbouring dwelling	The keeping of ferrets is not recommended, however where proper care (including appropriate secure cages) is available, the keeping of ferrets may be approved.
Pet rats and mice	2 of each	Recommended for indoors only	Must be kept in appropriate cages and not released into the environment.
Guinea pigs	2	3m	Must be kept in appropriate cages and not released into the environment.

**The keeping of livestock within an allotment containing a residential dwelling is prohibited.**

Sheep and goats	1 (one animal per one tenth hectare of land as a general guide) 5/1/2hectare	6m	Billy goats should not ordinarily be kept on residential premises. These animals are not to be slaughtered at the premises where they are kept.
Pigs	Prohibited in residential area.		The keeping of pigs is not considered appropriate in residential areas.
Horses and Cattle	1(one animal per half hectare of pastured land as a general guide)	10m	Separation distances may vary at the discretion of Councils authorised Officers. In instances



Stallions	On vacant building block  Prohibited		where officers establish the distance is causing a nuisance they can direct the distance to be lengthened.  Fencing must be strong and durable to prevent escape. Stables and sheds must be hard paved and graded to drain and also located at least 30m from any other dwelling or building.
-----------	--	--	---

**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 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 by the Prevention of Cruelty to Animals Act);
- c) Schedule 2 5 of the Local Government Act, 1993 specifies minimum standards for issue of Notices and orders with respect to the keeping of animals;
- d) All Government institutions eg. Education research etc are exempt from this policy providing that all animals are kept on these premises are maintained to RSPCA standards;
- e) Existing households (identified as of 2012) that currently have animals (dogs, cats) in excess of the prescribed number will be able to keep these animals until they die. Then once the allowable number is reached the animal numbers cannot rise above the number stated in this policy;**
- f) Councils' authorised officers reserve the right to reduce numbers of animals further if deemed to be a health risk to the public or create offensive noise, odours, insufficient feed or for repeated offences with owners that fail to rectify the cause of the offence;
- g) Councils' authorised officers reserve the right to allow for more numbers if of the opinion to do so will not affect public health or create offensive noise, odours, and sufficient feed is available.

**MEMBERS OF A RECOGNIZED POULTRY CLUB OR ASSOCIATION**

**CODE OF PRACTICE:**

- All birds must be kept in a way that provides minimal impact to neighbours living on all sides of the property;
- Breeders must maintain numbers of fowl with the ideal of minimizing impact on neighbours;
- Poultry must not be kept under such conditions as to create a nuisance or be dangerous or injurious to health;
- Poultry yards must use appropriate manure and waste management practices so that there are no negative impacts to the environment;
- Fowls must not be kept within the specified distances of a neighbouring dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. Where no distance is explicitly noted, 10 metres shall be used as a standard;
- Owners must ensure that poultry yards be enclosed so as to prevent the escape of poultry from the property
- All poultry food and water vessels must be kept in hygienic condition;
- Poultry must be checked regularly and kept free from parasites;
- Owners must regularly take precautions to discourage rodents such as rats and mice;
- Owners are encouraged and advised to seek help on health and general poultry keeping issues from their local poultry club or veterinarian. Councils can provide poultry club contacts;
- All poultry enclosures to have fully enclosed roofs.

#### Proposed Numbers

<b>Land Size</b>	<b>Registered Poultry Keepers Female Stock</b>	<b>Registered Poultry Keepers Male Stock</b>
< 1000m <sup>2</sup>	10	1
1001-2000	20	2
2001-4000	30	4
>4001	70	8

#### NOTE

#### Juvenile Stock

Juvenile stock should be allowed for the replacement of breeding or exhibition stock or for food purposes. Exemption of juvenile stock in the overall numbers of poultry should be allowed until poultry are of selection age. For breeding stock,

the selection age should be up to one year and for food production, less than four months would be suitable.

## 5. Scope

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

This policy applies to urban residential areas of Tenterfield and Villages within the Shire, namely LEP zoning RU1, however, assessment of what constitutes "urban" will be dependent upon the locale of the property in question and its surroundings.

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.

However, where it is intended to keep animals for any commercial purposes (except the keeping of livestock on rural properties), it is necessary that **a development application be submitted to Council and planning consent obtained**. Consent to the operation of Commercial Animals Management Establishments may not be allowed where Council considers that the proposal would be harmful to the amenity of the locality.

This policy relates to Orders specified in Part 5 of Council's Local Orders Policy 2015.

## 6. Accountability, Roles & Responsibility

### **Elected Council**

Adopt policies to enable the administration of Legislation and Regulatory requirements

### **General Manager, Executive and Management Teams**

Open Spaces Regulatory & Utilities Manager, are responsible for the Regulatory provisions, approval and maintenance of procedures/protocols that support the Council's Policies.

### **Council Staff**

Ranger - Responsible for ensuring compliance with this policy; and Staff will provide administration support.

## 7. Definitions

**Nuisance:** - a person or thing causing inconvenience or annoyance

**Prohibited:** - That has been forbidden; banned.

## 8. Related Documents, Standards & Guidelines

- Companion Animals Act 1998
- Local Government Act 1993
- Impounding Act 1993
- Poultry Association Code of Practice.

## 9. Version Control & Change History

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
V1.0	28/09/11	Council	Adoption of Original Policy (467/11)
V2.0	24/10/12	Council	Review/Amended (Res No. 445/12)
V3.0	25/03/15	Council	Review/Amended (Res No. 69/15)
V4.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V5.0	24/03/21	Council	Review/Amended (Res No. 70/21)