



Hurstville City Council

Local Orders Policy – Keeping of Animals

Adopted: 1 July 2015

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1 Purpose

This policy seeks to inform the Hurstville Community of Council's regulatory powers concerning the keeping of animals in the urban environment.

It is not intended with 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 premises in an urban environment.

This policy applies to animals kept for domestic reasons, as companion animals, pets or for hobby interests.

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 Council and planning consent obtained. Consent to the operation of Commercial Animal Establishments may not be allowed where the Council considers that the proposal would be harmful to the amenity of the locality.

2 General Aims

The Policy aims:

- 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 inquiring as to the keeping of animals for domestic purposes.
- To minimise local nuisance and maximise residential amenity, and
- To ensure the keeping of animals does not compromise minimum standards of public health, safety and convenience.
- 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 to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.

3 Revocation of Policy (this was taken from the current Local Order Policy)

The policy is revoked in accordance with Section 165(4) of the Act:

4) A local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

4 Application of Policy

The Policy applies to all land within the Hurstville City Council area.

5 Legislation requirements

The number of animals that may be kept at premises should not exceed the number shown as appropriate to the kind of animal listed in Table 1 of Clause 8 of this Policy.

The kind 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 and advisory requirements also apply as noted in Table 1 of Clause 8 of this Policy.

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 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 unsanitary or unhealthy conditions;
- b) attract or provide harbourage for vermin;
- c) create offensive noise or odours;
- d) cause a drainage or dust nuisance;
- e) create a waste disposal problem;
- f) create an unreasonable annoyance to neighbouring residents or fear for safety;
- g) cause nuisance due to proliferation of flies, lice, fleas or other insects; and,
- h) cause any ill health or distress to the animals.

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 a premise without the prior approval of Council. Application for approval to erect animal shelters should be made to Council.

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

Where the number of animals owned by a person before the coming into force of the policy exceeds that shown in table 1, no further or replacement animals should be acquired or bred, with the number to be reduced over time to no more than the recommended maximum as some of the animals die, are given away or sold. This allowance does not prevent the Council from issuing orders to reduce numbers where the circumstances make it appropriate

6 Council's Powers to Control and Regulate the Keeping of Animals

Generally, Council's power to control and regulate the keeping of animals is provided under Section 124 of the Local Government Act 1993 and Local Government (General) Regulation 2005.

The Council may, in the appropriate circumstances, issue an order to:

- prohibit the keeping of various kinds of animals;
- restrict the number of various kinds of animals to be kept at a premises;
- require that animals be kept in a specific manner.

The Council may also issue Orders requiring:

- demolition of animal shelters built without the prior approval of the Council; and
- the occupier to do or to refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

It is advised that Councils can exercise further controls over the keeping of animals under the following Acts:

- The Companion Animals Act 1998;
- Local Government Act 1993
- Local Government (General) Regulation 2005
- The Protection of the Environment Operations Act 1997;
- The Environmental Planning and Assessment Act 1979;
- The Impounding Act 1993; and,
- The Food Act 2003 (prohibits animals to be kept where food is handled for sale).

7 Giving of orders by Council

Generally, where a problem is identified with the keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue notice of its 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.

8 Table of Requirements

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

TABLE 1

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
Dogs	2	-	<p>The Companion Animals Act 1998 requires permanent identification of animals and life time registration.</p> <p>The Council may approve requests to keep additional dogs where adequate yard size relative to size/breed and number of dogs, proper care, de-sexing etc can be demonstrated</p>
Cats	2	-	<p>More than two cats will not be appropriate in many situations.</p> <p>Compliance with de-sexing, use of approved identity collars with multiple bells, proper care, restriction of access to outdoors at night will be relevant factors in determining whether more than two cats may be kept at a premise.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
Poultry domestic and guinea fowl	10	4.5m	Local Government (General) Regulation 2005 applies. Council may, by resolution, insist on greater distances than specified in particular cases.
Poultry other Than fowls, Including ducks, geese, turkeys, peafowl and other pheasants	5	30	<p>Hard paving must be provided under roosts in poultry houses if within 15.2m of a dwelling, public hall or school.</p> <p>Poultry yards must be enclosed to prevent escape of poultry.</p> <p>Yards must be kept free of rats and mice.</p> <p>Roosters should not be kept where crowing will cause offensive noise.</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
<p>Pigeons</p> <p>NOTE: Definitions of development are found within the Dictionary of the Hurstville Local Environmental Plan 2012</p>	<p>Racing pigeons: including high flyers, rollers</p> <p>Up to 120 provided that the keeper is a certified member of a recognised pigeon racing club, federation or association and is an active member of the sport. If the keeper is not a certified member of a recognised pigeon racing club, federation or association or is not an active member of the sport, then the number of birds shall be limited to 20 (see below Domestic or other pigeons for further information).</p>	<p>15m</p>	<p>Keeping of pigeons is only permissible on properties that have single dwelling or dual occupancy development. Pigeons are not permitted on any other type of residential accommodation, which includes but is not limited to flat buildings and multi dwelling housing.</p> <p>Aviaries (Lofts) must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground. Loft must be an enclosed structure.</p> <p>Aviaries (Lofts) are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly.</p> <p>To minimise odours owners must design and manage lofts to prevent manure becoming wet in rain or during cleaning.</p> <p>Pigeons must be fed within lofts after exercise. All feed must be kept in vermin proof containers.</p> <p>Racing pigeon Aviaries (lofts) should have adequate visible landing platforms.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
			<p>All pigeons must have a leg band with the club name, and unique ID number.</p> <p>Exercising/free flight should occur between 7:00am and 8.00am and between 4.00pm and 5:00pm give or take 15mins either side of the time restrictions, other times the pigeons must be kept within their enclosure. All exercise should be conducted under close supervision by the owner.</p> <p>The exit and entry of these birds from the Aviary (loft) must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.</p> <p>On no account should Pigeons be allowed to roost on neighbouring buildings.</p> <p>Aviary (Loft) doors and traps must be locked at all times with the exception of exercising/free flight time.</p> <p>Free lofting of pigeons outside of free flight time (that is allowing pigeons to freely roam outside of their loft) in a residential area is not permitted.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
			NOTE: Check with Council officers as to whether Development Consent is required.
Pigeons	Domestic other pigeons including fancy pigeons: Up to 20		<p>Keeping of pigeons is only permissible on properties that have single dwelling or dual occupancy development. Pigeons are not permitted on any other type of residential accommodation, which includes but is not limited to flat buildings and multi dwelling housing.</p> <p>Aviaries (Lofts) must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground. Loft must be an enclosed structure.</p> <p>Aviaries (Lofts) are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly.</p> <p>To minimise odours owners must design and manage lofts to prevent manure becoming wet in rain or during cleaning.</p> <p>Pigeons must be fed within the loft. All feed must be kept in vermin proof containers.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
			<p>Free lofting of pigeons (that is allowing pigeons to freely roam outside of their loft) in a residential area is not permitted at any time.</p> <p>On no account should Pigeons be allowed to roost on neighbouring buildings. Aviary (Loft) doors and traps must be locked at all times.</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>
<p>All birds except for racing pigeons, sulphur-crested cockatoo, long-billed Corella, poultry and domestic and guinea fowl</p>	<p>As appropriate to species, size of cage/aviary or bird room.</p> <p>Keepers of more than 50 birds should be members of official Agricultural Societies.</p>	<p>Distance appropriate to noise of species and/or sound proofing measures taken.</p>	<p>Aviaries must be of an appropriate size and regularly cleaned. Allow a maximum of 30 budgerigars per cubic meter of aviary.</p> <p>All birds should be kept in accordance with NSW Animal Welfare Code of Practice No 4 - Keeping and Trading of Birds. National Parks and Wildlife permit is required to keep many native birds. Exemptions include budgerigar, zebra finch, galah and sulphur-crested cockatoo.</p> <p>N.S.W. Agriculture permit is required for some exotic species.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
			<p>Noisy birds should be restricted in number.</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>
Sulphur-crested cockatoo and long-billed Corella	<p>2 if in portable cages</p> <p>4 if in aviary</p>	<p>3m or within owners dwelling</p> <p>6m</p>	<p>Sulphur-crested cockatoo and long-billed Corella are likely to be noisy if kept as single caged birds.</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>
Rabbits	1	3m	<p>Must be domestic breed and kept in cage. Do not release into environment. Restriction on number is imposed by the NSW Agriculture Dept. under the Rural Lands Production Act 1989</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
<p>Ferrets</p> <p>Undesexed hobs (mates</p>	4	6m	<p>Compliance with de-sexing, proper care, and provision of secure enclosures of adequate size will be relevant factors in assessing requests to keep more than four ferrets. If ferrets are exercised outdoors adequate fencing to prevent escape is essential.</p> <p>Undesexed hobs should be caged outdoors during the months of October-February when females are on heat.</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>
<p>Pet rats, mice and guinea pigs</p>	4	6m	<p>Must be kept in appropriate cages and not released into the environment. Should be kept outside of dwelling</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>
<p>Sheep and goats</p>	0	-	<p>Not permitted in Hurstville City Council Local area.</p>
<p>Pigs</p>	0	-	<p>Not permitted in Hurstville City Council Local area.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
Horses and cattle	1	9m	<p>Local Government (General) Regulation 2005. A greater separation distance may be required by resolution of Council in each particular case. Fencing must be strong and durable to prevent escape. Damage to neighbouring properties and boundary fences should be prevented by erection of rails or fences 2m inside allotment boundaries.</p> <p>Stables and sheds must be hard paved and graded to drain.</p> <p>Fly and dust control is imperative</p> <p>Most premises within this Council area are considered inappropriate for the keeping of these animals. Refer to Council to determine if a property is suitable.</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
Reptiles	As appropriate in the circumstances	As appropriate in the circumstances	<p>Advice on the keeping of reptiles should be sought from National Parks and Wildlife Service in all cases.</p> <p>All species must be adequately housed to prevent escape. The keeping of snakes will cause concern to neighbours.</p>
Fish, aquarium and pond	As appropriate in the circumstances	As appropriate in the circumstances	<p>Water is to be maintained clean and at sufficient levels.</p> <p>Ponds are to be made child -safe if more than 300mm in depth by fencing complying with AS 1926</p> <p>NOTE: Check with Council officers as to whether Development Consent is required.</p>

Kind of Animal	Maximum Number (excluded off spring to 3 months of age)	Minimum Distance from Certain buildings)	Applicable regulations and other advisory matters
Bees	Maximum 2 hives	As far as practicable from doors or windows of dwellings, paths or outdoor resting areas.	Regulated by the NSW Agriculture Department. (Permit required from Department to locate hives.) Bee flight paths to and from hive should be kept distant from outdoor areas frequently used by humans. Screens may be necessary to raise flight paths. An ample supply of water near to hive is required in summer months. Hives should be constructed to approved guidelines issued by NSW Agriculture.

Notes:

- (A) The distances indicated in the third column of the above table are to be measured in meters from the animal yard or enclosed 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. 'Animal' does not include a human being (as defined by the Prevention of Cruelty to Animals Act).
- (C) Schedule 2 of the Local Government (General) Regulation 2005 specifies minimum standards for keeping of animals. The distances specified may be varied at a meeting of the Council and notified in writing to the occupier of premises in a particular case
- (D) Policy details may change prior to review date due to legislative changes etc,