

Local Orders Policy - Keeping of Animals & Birds

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1. Purpose

The purpose of this Local Orders Policy – Keeping of Animals & Birds is to, in accordance with s159 of the *Local Government Act 1993*, supplement provisions of the Act and the *Local Government (General) Regulation 2005* by specifying the criteria which Council must take into consideration in determining whether (or not) to give an Order under Order No. 18 of Section 124 of the Act, with regards to the number of animals or birds kept on a property.

1.1 Risks being addressed

This Policy mitigates risks of health and safety hazards to the community, while at the same time it helps Council to improve liveability in the local government area. In particular, the Local Orders Policy – Keeping of Animals & Birds helps to:

- a) Minimise the incidence of nuisance being caused to persons;
- b) Protect the welfare of companion animals;
- c) Protect the welfare and habitat of wildlife;
- d) Minimise the disturbance of or damage to protected vegetation; and
- e) Safeguard the environment.

2. Scope

The application of this Policy will apply to the keeping of animals and birds to all land use zones in the current and applicable Local Environmental Plan (LEP) to which the land is located, excluding the following zones:

- RU1 Primary Production;
- RU 3 Forestry;
- C1 National Parks and Nature Reserves;
- C3 Environmental Management;
- W1 Natural Waterways; and
- W2 Recreational Waterways.

This policy should be read and considered in conjunction with Council's Compliance and Enforcement Policy and Procedure.

3. Definitions

Refer to *Local Government Act 1993* and *Local Government (General) Regulation 2021* for definitions pertaining to this Policy.

4. Responsibilities

The Director Planning, Place & Sustainability is responsible for the implementation of this Policy.

Council authorised officers under the *Local Government Act 1993* will apply this Policy in relation to complaints received about keeping of animals and birds.

5. Links with Planning Legislation

5.1 Local Environmental Plans

Local Environmental Plans (LEP's) is a legislative tool that provides a framework that guides planning decisions for local government areas through zoning and development controls. Zoning determines how land can be used.

Some activities involving the keeping of animals may be prohibited in the applicable LEP for certain zones. **For example**, Zone 'R1 Residential' in the Corowa LEP prohibits animal boarding or training establishments.

Some activities involving the keeping of animals may be permitted with development consent in the applicable LEP for certain zones. **For example**, Zone 'R1 Residential' in the Corowa LEP states that tank-based aquaculture is permitted with consent (being development consent under the Environmental Planning and Assessment Act 1979).

The zoning of the subject land under the applicable LEP should be considered with regards to any customer requests (complaints) received about keeping of animals or birds under this Policy. The LEP prevails over this Policy in terms of land use requirements.

5.2 Exempt Development

Any animal enclosures or structures must satisfy the development standards and general requirements outlined in the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, or have development consent from Council. Access to the *SEPP (Exempt & Complying Development Codes) 2008* can be found here: <https://legislation.nsw>

Further information

Further information planning requirements can be obtained by contacting Council's Planning & Building Team. More information is also available at: <https://www.federationcouncil.nsw.gov.au/Building-Planning>

6. Policy Content

6.1 When will Council Act

Council will only act under this Policy upon receipt of a customer request (complaint) which relates to the keeping of animals and birds and where there is an allegation that the keeping of animals or birds are causing:

- an unreasonable nuisance or interference to surrounding properties; or
- an animal welfare issue; or
- an environmental issue.

Council authorised officers will only take action to issue an Order where it has been confirmed that the keeping of animals or birds are causing one or more of the above issues on surrounding properties. Council officers will utilise this Local Orders Policy in respect to the specified number or limits on the number of animals to be kept, however, there may be instances where Council chooses to act regardless of the number of animals kept due to the impact being caused by the keeping of the animals. This will be assessed on a case-by-case basis.

The below sections outline the criteria that will be considered before issuing an Order under this Policy.

Information lodging a customer request with Council can be found at: <https://www.federationcouncil.nsw.gov.au/Connect/Lodge-a-Customer-Request>

6.2 Criteria for Consideration

In accordance with the *Local Government Act 1993*, Councils are required to observe certain procedures before giving Orders.

Listed in the Orders schedule are the types of orders that Council may give, the circumstances under which they may be given and the criteria that must be considered, if any. In areas where it is considered that the circumstances for the particular Order are self-explanatory, no additional criteria is provided.

Note: *The giving of an Order is not mandatory and is at the discretion of the Council authorised officer whether or not the circumstances meet the applicable criteria for that order.*

If Council decides to give an Order Council is required to take the criteria listed in the orders schedule into consideration before giving the Order (Section 131 of the Act).

Note: Under Section 126 of the Act, Council may not give an Order in respect to the following land without the prior written consent of the Minister:

- Vacant Crown land;
- A reserve within the meaning of the *Crown Lands Act 1989*;
- A Common.

6.3 Giving Notice and Representations

Section 132 of the *Local Government Act 1993* requires that the following be carried out prior to issuing an Order:

- Before giving an order, Council must give notice to the person(s) to whom the Order is proposed to be given of its intention to give the Order, the terms of the proposed Order and the period proposed to be specified as the period within which the Order is to be complied with (*section 132(1) of the Act*).
- Council's Notice must indicate that the person to whom the Order is proposed to be given may make representations to Council as to why the Order should not be given or as to the terms of or period for compliance with the Order (*section 132(2) of the Act*).
- The Notice may indicate that the representations are to be made to the Council or a specified committee of the Council on a specified meeting date or to a specified Councillor or employee of the Council on or before a specified date being, in either case, a date that is reasonable in the circumstances of the case (*section 132(3) of the Act*).
- A person, to whom an Order is proposed to be given, when making representations may be represented by an Australian legal practitioner or agent. (*Section 133 of the Act*).
- The Council or a specified committee, or specified Councillor or employee of the Council is required to hear and to consider any representations made pursuant to s133 (*Section 134 of the Act*).

Representations are to be received, heard, and considered by the Manager of the issuing officer.

After hearing and considering any representations made concerning the proposed Order, the Manager concerned may determine:

- to give an Order in accordance with the proposed Order; or
- to give an Order in accordance with modifications made to the proposed Order; or
- not to give an Order (*section 135 of the Act*).

If the determination is to give an Order in accordance with modifications made to the proposed order, then

Council is not required to give notice of the proposed Order as so modified. (Section 135(2) of the Act).

If Council observes the above procedure it is taken to have observed the rules of procedural fairness. (Section 130 of the Act).

6.4 Content of Order

The Order must:

- Indicate the things the person must do or refrain from doing:
- State the reasons for the Order. It can be within the Order or in a separate document but must be given at the same time the Order is given except in the case of an emergency Order in which case they must be given the next working day (Section 136 of the Act).
- Specify a reasonable period for compliance. If there is a serious risk to health or safety or an emergency, compliance can be required immediately (Section 137 of the Act).
- State that the person may appeal to the Land and Environment Court against the Order or a specified part of the Order and specify the period within which an appeal may be made (Section 138 of the Act)

The Order may:

- Specify the standard that the premises are required to meet and indicate the nature of the work that, if carried out, would satisfy that standard instead of specifying the things that the person to whom the Order is given must do or refrain from doing. (Section 139 Local Government Act 1993)
- Clause 99 of the *Local Government (General) Regulation 2005* also requires that the following information must be included:
 - Any relevant provision of the *Local Government Act 1993*, local orders policy or regulations made under the *Local Government Act 1993* that is not being or has not been complied with,
 - That it is an offence not to comply with an Order and the maximum penalty for the offence,
 - That, if the Order is not complied with, the Council may give effect to the Order and recover the costs of doing so from the person concerned.

6.5 Revocation and Modification of Order

- Council may modify an Order given to a person at any time (including a modification of the period of compliance) providing the person agrees to that modification. (Section 152 Local Government Act 1993)
- Council may revoke an Order at any time. (Section 153 Local Government Act 1993)

6.6 After an Order is Given

There are a number of possible scenarios:

- The person who receives the Order complies.
- The owner or occupier of premises complies. If the occupier or manager complies with the Order, they may deduct the cost (plus interest) from rent payable to the owner or recover the cost in court (section 147 of the Act)
- Council can modify the Order if the person agrees to the modification (section 152 of the Act).
- Council can revoke the Order (section 153 of the Act).
- The person on whom the Order is served may appeal against the Order to the Land and Environment Court and seek compensation (see sections 180, 181, 182 of the Act).
- Person fails to comply with the Order.

It is an offence not to comply with an Order. The Act specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-compliance— see applicable penalties (*section 628 of the Act*).

Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order. Expenses incurred in giving effect to the terms of the Order may be recovered in a Court of competent jurisdiction as a debt due to Council by the person concerned (*section 678 of the Act*).

Council may seek orders of the Land and Environment Court to enforce the terms of the Order (*section 673 of the Act*).

6.7 Penalties for Non-Compliance

Penalties for non-compliance with the terms of orders issued by Council if prosecuted are prescribed under section 628 of the *Local Government Act 1993*.

6.8 Right of Appeal

The person affected by the order has the right of appeal to the Land and Environment Court within 28 days after the service of the order on the person.

7. Orders Schedule – Section 124 Orders

7.1 Order No. 18 – Keeping of Animals & Birds

To Do What?

Not to keep birds or animals on premises, other than such kinds, in such numbers or in such manner as specified in the Order.

In What Circumstances?

Birds or animals kept on premises are:

- a) In the case of any premises (whether or not in a catchment district) – of an inappropriate kind or number or are kept inappropriately; or
- b) In the case of premises in a catchment district – 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.

Note: *catchment district is catchment district with the Governor proclaims a district to be catchment district for the Local Government Act 1993.*

To Whom?

Occupier of premises

Criteria

Refer to:

- Order No. 18 (1) Keeping of Sheep, Goats, Alpacas, Llamas and Camels

- Order No. 18 (2) Keeping of Bees
- Order No. 18 (3) Keeping of Birds
- Order No. 18 (4) Keeping of Cats
- Order No. 18 (5) Keeping of Cattle
- Order No. 18 (6) Keeping of Deer
- Order No. 18 (7) Keeping of Dogs
- Order No. 18 (8) Keeping of Declared Dogs (Dangerous, Menacing or Restricted)
- Order No. 18 (9) Keeping of Security Dogs
- Order No. 18 (10) Keeping of Greyhound Dogs
- Order No. 18 (11) Keeping of Ferrets
- Order No. 18 (12) Keeping of Guinea Pigs
- Order No. 18 (13) Keeping of Horses
- Order No. 18 (14) Keeping of Native Wildlife
- Order No. 18 (15) Keeping of Pigeons
- Order No. 18 (16) Keeping of Swine (Pigs)
- Order No. 18 (17) Keeping of Poultry
- Order No. 18 (18) Keeping of Rabbits
- Order No. 18 (19) Keeping of Reptiles
- Order No. 18 (20) Keeping of Rodents, Rats & Mice

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8. Schedule Contents

8.1 Order No. 18 (1) KEEPING OF SHEEP, GOATS, ALPACAS, LLAMAS AND CAMELS

Objectives:

- To ensure that sheep, goats, alpacas, Llamas, and camels are kept in a satisfactory manner.
- To ensure the welfare of sheep, goats, alpacas, Llamas, and camels.
- To ensure that the keeping of sheep, goats, alpacas, Llamas, and camels does not adversely affect surrounding properties.
- To ensure the keeping of sheep, goats, alpacas, Llamas, and camels does not affect the surrounding environment.

Limits or Maximum Number:

1. A minimum of 0.4 ha of land is required.
2. Maximum three (3) animals per property, depending on the type and size of the animal.

Requirements for Keeping:

3. Animals to be kept a minimum of 10m from any 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.
4. Locate enclosures at least 20m from any dwelling or place where food is kept, processed, or stored, and 6m from any roadway or 1m from any property boundary.
5. An enclosed yard or areas are to be provided to prevent escape.
6. Feed is to be stored in vermin proof containers.
7. Animals are only permitted to be kept on land where suitable grazing exists.
8. No animals to be kept on a public land, including footpath areas and unfenced vacant allotments.

8.2 Order No. 18 (2) KEEPING OF BEES

Objectives:

- To ensure the keeping of bees does not adversely affect nearby residents.
- To ensure the keeping of bees does not affect the surrounding environment.
- To ensure beekeepers comply with the relevant government legislation and regulations.

Limits or Maximum Number:

- No more than two hives is permitted.
- Keeping of bees in unit or townhouse developments is not permitted.

Requirements for Keeping:

1. Beekeepers must comply with the *Biosecurity Act 2015*.
2. All beehives must be identified by branding all brood boxes.
3. Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with

a disease.

4. The aims and husbandry procedures as defined in the Australian Honey Bee Industry Biosecurity Code of Practice must be complied with.
5. Only docile strains of bees should be kept.
6. Hive/s are to be position more than 10m from any neighbouring premises; greater distances apply from child care centres and schools.
7. The hive is regularly re-queened with a recognised mild strain.
8. The flight board is not directed at, or within 10m of any public thoroughfare or recreation area.
9. A permanent water source suitable for bees is established within close-proximity to the hive.
10. The hive is not within 10m of any neighbouring swimming pool.
11. A suitable barrier is erected close to the landing board to force flight paths above 2m.
12. The hive is regularly serviced by a competent manager.
13. The swarming of the bees is to be controlled.
14. The flight board is not directed at any neighbour activity area, for example washing area, barbeque area or children's play area.

Requirements for Wild Hives

15. Wild hives must be controlled. Any person having a wild hive on their property must consult NSW DPI for advice. A wild hive is described as feral bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

8.3 Order No. 18 (3) KEEPING OF BIRDS

Objectives:

- To ensure that owners manage their birds responsibly.
- To ensure that neighbours are not affected visually by any bird enclosure.
- To ensure that neighbours and the surrounding environment are not affected by noise, odour, or vermin.
- To ensure the welfare of birds are maintained.

Limits or Maximum Number:

- Not specified.

Requirements for Keeping:

1. The NSW Code of Practice No. 4 – Keeping and Trading Birds must be complied with at all times.
2. All aviaries and holding facilities must be:
 - a. constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council.
 - b. designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
 - c. well-maintained by the owner to avoid escape and/or injury to birds.
 - d. Flooring must be constructed of an impervious material such as concrete, sand or gravel with a rodent proof mesh underlay.
3. Food must be stored in vermin proof containers.
4. An adequate rodent and pest control program must be in place.
5. Excessive noise and odour must be adequately controlled. Such control measures may include sound proofing materials, distance housed from neighbours, the choice of bird species and regular cleaning and maintenance of aviaries.

8.4 Order No. 18 (4) KEEPING OF CATS

Objectives:

- To encourage satisfactory care and management of cats.
- To ensure the keeping of cats does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

- No more than three (3) cats over the age of 6 months per property. Exemptions may be provided for special circumstances on a case-by-case basis.

Requirements for Keeping:

1. Cats are to be contained within the boundaries of the property that they are kept.
2. Cats must not be permitted to create a nuisance to nearby residents, including noise, odour, straying, spraying, or otherwise.
3. The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.
4. Wildlife must be protected where possible from cats.
5. All provisions of the Companion Animals Act 1998 must be complied with, including:
 - Registration requirements;
 - Micro-chipping requirements; and
 - Annual permit (un-desexed cats over 4 months of age).

Note. Owners of cats are encouraged to de-sex their cats. Registration fees are cheaper for doing so.

8.5 Order No. 18 (5) KEEPING OF CATTLE

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of cattle.
- To ensure the keeping of cattle does not adversely affect the community or the environment.
- To ensure that cattle owners comply with relevant legislation.

Limits or Maximum Number:

- A minimum of 0.4ha of land is required.
- The maximum number of animals at any one time is two (2) per property.

Requirements for Keeping:

1. Cattle must not be within 10m of any dwelling.
2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
3. Cattle yards must be enclosed as to prevent the escape of cattle.
4. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
5. All fences must be constructed and up to a standard of maintenance so that the cattle cannot escape or

be injured.

6. No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.

8.6 Order No. 18 (6) KEEPING OF DEER

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of deer.
- To ensure the keeping of deer does not adversely affect the community or the environment.
- To ensure that deer owners comply with relevant legislation.

Limits or Maximum Number:

- A minimum of 0.4ha of land is required.
- A rate of one (1) animal per 5ha of land is required.

Requirements for Keeping:

1. Keep animals a minimum of 10m 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.
2. Locate enclosures at least 20m from a dwelling or place where food is kept, processed, or stored, or 6m from any roadway or 1m from any property boundary.
3. Deer must be housed in enclosed yards areas to prevent escape. Deer have specific fencing requirements to prevent escape. Owners should research requirements and ensure they yards are secure.
4. Feed must be stored in vermin proof containers.
5. Deer must not be slaughtered at the premises on which they are kept. They must be transported to an accredited abattoir.

8.7 Order No. 18 (7) KEEPING OF DOGS

Objectives:

- To encourage satisfactory care and management of dogs.
- To ensure the keeping of dogs does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

- No more than three (3) dogs over 12 weeks of age per property. Exemptions may be provided for special circumstances on a case-by-case basis.

Requirements for Keeping:

1. No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.
2. Waste material, including litter and bedding, must be disposed of in an approved manner.
3. All noise, including barking, must be controlled.
4. All odours must be controlled.
5. The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the

- event of illness.
6. Wildlife must be protected where possible from dogs.
 7. All provisions of the *Companion Animals Act 1998* must be complied with, including:
 - a. Registration requirements; and
 - b. Micro-chipping requirements.

Note – Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.

8.8 Order No. 18 (8) KEEPING OF DECLARED DOGS (DANGEROUS, MENACING OR RESTRICTED)

Objectives:

- To ensure that all requirements of the *Companion Animals Act 1998* for Declared Dogs are complied with.
- To ensure that the keeping of Declared Dogs does not adversely affect the surrounding community or the environment.
- To ensure that the keeping of Declared Dogs does not endanger the community.

Limits or Maximum Number:

- No more than one (1) Declared Dangerous Dog per property.

Requirements for Keeping:

This section does NOT limit Order No. 18 (7) The Keeping of Dogs.

1. A declared dog must be kept in an enclosure and in a manner that complies with the requirements of the *Companion Animals Act 1998* and Regulations.
2. All provisions of the *Companion Animals Act 1998* and Regulations must be complied with in respect to Declared Dogs.
3. Declared dogs may be seized where conditions of a Control Notice are not complied with and in some circumstances, Council may destroy seized dogs under the provisions of the *Companion Animals Act 1998*.

8.9 Order No. 18 (9) KEEPING OF SECURITY DOGS

Objectives:

- To encourage the appropriate care and management of security dogs.
- To ensure the keeping of security dogs does not pose a safety threat to the community.
- To ensure that the owners of security dogs comply with all relevant legislation.

Limits or Maximum Number:

- No more than two (2) security dogs per property.

Requirements for Keeping:

1. Owners and persons in charge of security dogs are required to undertake the following control requirements:
 - a. To provide and erect appropriate signage that is prominently displayed upon the perimeter

- fences to those premises being guarded, which reads “Warning – Guard Dog on Premises”;
- b. Such signs must be of a standard to alert any reasonable person of the consequences of entry;
 - c. Such signs must be legible; and
 - d. Such signs must include an emergency contact phone number to be used in emergency situations.
2. Owners must comply with the NSW DPI Animal Welfare Code of Practice No. 9 Security Dogs.
 3. Owners and/or lessees of security dogs must ensure that such dogs are securely contained upon the premises being guarded.
 4. No attack trained dog may be held within the Federation Council LGA (police dogs and other Government institutions excepted).
 5. All provisions of the *Companion Animals Act 1998* must be followed in respect to any security dog kept within the Federation LGA.
 6. Any dog Declared Dangerous pursuant to the *Companion Animals Act 1998* are not permitted to be utilised as security dogs within the Federation Council LGA.

8.10 Order No. 18 (10) KEEPING OF GREYHOUND DOGS

Objectives:

- To encourage satisfactory care and management of greyhounds.
- To ensure the keeping of greyhounds does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

1. No more than three (3) greyhounds per property.

Requirements for Keeping:

2. Greyhounds registered under the *Greyhound and Harness Racing Administration Act 2004* are exempt from microchipping and lifetime registration under the *Companion Animals Act 1998*.
3. When a greyhound ceases to be a registered racing greyhound, for example after being re-homed through an adoption program, it automatically loses its exemption from the identification and lifetime registration requirements of the *Companion Animals Act 1998*.
4. All other greyhounds must be micro-chipped and registered.
5. Greyhounds must be muzzled and be leashed at all times in public places unless;
 - a. an exemption has been granted under an approved greyhound re-training program and
 - b. the greyhound wears an approved collar when it is in a public place.
6. Greyhounds must be kept in a secure, fenced yard to prevent escape.
7. Greyhounds must be provided with:
 - a. Sufficient food drink and clothing;
 - b. Sufficient exercise;
 - c. Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
 - d. Veterinary attention when necessary.

8.11 Order No. 18 (11) KEEPING OF FERRETS

Objectives:

- To encourage satisfactory care and management of ferrets.
- To ensure the keeping of ferrets does not adversely impact on the community or the environment.

Limits or Maximum Number:

- Not specified.

Requirements for Keeping:

1. Hutches and cages must be kept clean at all times.
2. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people. Odours must be controlled at all times.
3. Protection for ferrets from extreme weather conditions must be provided.
4. Hutch or cage construction must be of a standard that will prevent escape.
5. Ferrets are not to be fed live food.
6. Sufficient food and drink must be provided at all times.
7. Ferrets must be caged and/or secured at all times and are not permitted to free range.
8. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

8.12 Order No. 18 (12) KEEPING OF GUINEA PIGS

Objectives:

- To encourage satisfactory care and management of guinea pigs.
- To ensure the keeping of guinea pigs does not adversely impact on the community or the environment.

Limits or Maximum Number:

- Not specified.

Requirements for Keeping:

1. Hutches and cages must be kept clean at all times.
2. Protection from the natural elements must be provided (particularly extreme hot weather).
3. Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
4. Sufficient food and drink must be provided at all times.
5. Odours must be controlled at all times.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

8.13 Order No. 18 (13) KEEPING OF HORSES

Objectives:

- To encourage satisfactory care and management of horses.
- To ensure the keeping of horses does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

1. A minimum of 0.4ha of land is required to keep horses.
2. Maximum number of horses is two (2) per property.

Requirements for Keeping:

3. Approval must be sought from Council for exceptions to limits above and will be considered on a case-by-case basis.
4. Any concession made will be subject to compliance with the requirements of “Guidelines for Minimum Standards for Keeping Horses in Urban Areas” Fact Sheet 16 from NSW DPI www.dpi.nsw.gov.au.
5. Each request for approval for the keeping of horses shall be treated on its merits and approval to keep horses may not be granted in every case. Requests for approval are to be submitted by the owner of the land.
6. Adjoining land owners will be consulted before Council grants any request for approval and have an opportunity to make a submission to Council about the request.
7. Horses must not be kept within 10m of an adjoining property boundary or a dwelling, school, shop, office, public hall, or premises.
8. Horse yards must be so enclosed as to prevent the escape of horses.
9. The provision of protection from sun, rain, wind, and extremes of temperature should be provided.
10. Stables and yards shall be kept clean and tidy to the satisfaction of Council at all times, to avoid any nuisance being caused.
11. Horse manure is to be cleaned from stables and yards regularly to avoid any odour nuisance being caused. Any manure is not to be stockpiled on site to extended periods of time.

8.14 Order No. 18 (14) KEEPING OF NATIVE WILDLIFE

Objectives:

- To encourage satisfactory care and management of native wildlife.
- To ensure the keeping of native wildlife does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

1. The caring of injured native wildlife in residential unit and townhouse developments is not permitted.

Requirements for Keeping:

2. No native animal may be taken from the wild and kept as a pet.
3. Wildlife carers must be associated with a local wildlife rehabilitation provides which holds a Biodiversity Conservation Licence under the *Biodiversity Conservation Act 2016*.
4. Carers of injured native wildlife must complete a recognised wildlife carers training course for the caring of injured animals.
5. Injured wildlife must not create a nuisance of any kind to the surrounding community.
6. All offensive noise must be controlled.
7. All odours must be controlled.
8. Suitable facilities for the housing of injured animals must be available and used.

8.15 Order No. 18 (15) KEEPING OF PIGEONS

Objectives:

- To encourage satisfactory care and management of pigeons.
- To ensure the keeping of pigeons does not adversely impact on the community or the environment.

Limits or Maximum Number:

- Members of a Pigeon Fanciers' Association, Australian National Pigeon Association, or another recognised racing club - 200 birds.
- Non-members of a Pigeon Fanciers' Association – 20 birds.

Requirements for Keeping:

1. Pigeon owners are encouraged to adhere to the NSW Code of Practice No. 4 Keeping and Trading Birds.
2. Exercising of birds is to be on a planned basis and should not exceed 90 minutes. Exercise should not occur more than twice a day. All neighbours should be made aware of exercise schedules.
3. Lofts are to be kept clean at all times. Manure is to be cleaned daily and disposed of correctly. To minimise odours, owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning.
4. Pigeons must be fed within lofts after exercise.
5. All feed must be kept in vermin proof containers.
6. On no account should birds be allowed to roost on neighbouring buildings. "Free" or "Open" lofts are not to be permitted.
7. Owners must ensure that pigeons do not make excessive noise at unreasonable times of the day and do not cause an odour nuisance to surrounding properties.
8. All new lofts shall, from the date of the adoption of this policy, be constructed off ground with a minimum height from the ground floor level of 40cm to allow for free-flowing air under floor. Floors can consist of any of the following:
 - a. A trafficable mesh grating, which allows droppings to pass through for collection from below floor level. Trafficable timber floor with suitable moisture absorption qualities, which allows for scrape cleaning (e.g., hardboard or plywood)
 - b. Concrete slab floor.
9. A pigeon loft shall be erected a minimum of 10m from the property boundary and at least 20m from any dwelling, public hall, school, or other premises used for the preparation, sale, or storage of food.
10. Roof and concentrated surface water are to be collected and disposed of to Council's satisfaction.
11. The pigeon loft and associated areas are to be:
 - a. Kept free of offensive odours at all times.
 - b. Action taken to minimise the emission of dust from the loft area.
 - c. Manure is to be cleaned up daily and disposed of correctly.
 - d. Kept clean with cleaning of the loft to be undertaken once per week at a minimum.
12. Upon receipt of a complaint, the matter will be referred to an authorised officer of Council for investigation and/or inspection of the property where the pigeons are kept.
13. Where the complaint is proven:
 - a. If an owner or occupier of the premises where pigeons are kept are members of a recognised association or racing club, the association/club will be contacted and informed of the complaint.
 - b. If the owner or occupier where pigeons are kept are not members of a recognised association or racing club, these groups will be contacted to request their assistance or guidance to the individual concerned.
14. Council reserves the right to take to restrict number of pigeons kept even further or prohibition of the keeping of pigeons all together.

15. Where the complaint is unfounded, Council will take no further action on the matter in relation to the said complaint.

8.16 Order No. 18 (16) KEEPING OF SWINE (PIGS)

Objectives:

- To encourage satisfactory care and management of pigs.
- To ensure the keeping of pigs does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

1. Not permitted in any land zoned residential or village.

Requirements for Keeping:

1. Pig dung and other waste must be cleaned up and disposed of in an approved manner on a daily basis.
2. Pigs must not be kept (and pigs' dung must not be deposited) within 60m (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 town, village, or other urban part of an area.
3. Pigs must be kept in an enclosed pig proof fence. Such fences must be 60m from the side and rear boundaries of the property.
4. Feeding troughs must be used and the troughs must be constructed of an impervious material.
5. All feed must be stored in vermin proof containers.
6. Noise must be controlled at all times.
7. All odours must be kept under control.
8. Swine must not be kept in such a place or manner as to pollute any surrounding waters.

8.17 Order No. 18 (17) KEEPING OF POULTRY

Objectives

- To encourage satisfactory care and management of poultry.
- To ensure the keeping of poultry does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

- The total numbers of poultry kept on premises must not exceed the maximum amount specified below:

Type	Maximum Number(s)
Peafowl (Peacocks)	nil
Peafowl (Peahen)	nil
Roosters	nil
Ducks	3
Geese	nil
Swans	nil
Turkeys	nil

Fowls (chickens)	20
Pheasants	10
Quails	20
Maximum total number of birds	20

Requirements for Keeping:

1. All poultry must be kept in accordance with the *Local Government (General) Regulation 2021, Part 5 – Division 2*, as follows:
 - a. Poultry not to be a nuisance or health risk.
 - 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 not to be kept near certain premises.
 - c. Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must not be kept within 4.5m (or such greater distance as the Council may determine in a particular case) of any dwelling or public hall or school or premises used for the manufacture, preparation, sale, or storage of food.
 - d. Poultry (other than fowls referred to in subclause c) must not be kept within 30m of any building on a property.
 - e. The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:
 - i. that are not within 15m of an adjoining property boundary, dwelling, public hall, or school; or
 - ii. that are situated on clean sand.
 - f. Poultry yards must be so enclosed as to prevent the escape of poultry.
2. All food must be stored in sealed vermin proof containers and must not be left uncovered.
3. Vermin and other pests must be controlled.
4. All offensive odours must be controlled.
5. All offensive noise must be controlled.
6. All poultry must be housed in purpose-built facilities. Council approval may be required for these structures.
7. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
8. Outside runs must be free draining, not to discharge to neighbouring properties and must not be allowed to become muddy.

8.18 Order No. 18 (19) KEEPING OF RABBITS

Objectives:

- To encourage satisfactory care and management of rabbits.
- To ensure the keeping of rabbits does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

- Wild rabbits – prohibited to be kept in captivity without the approval from NSW Local Lands Service (LLS).
- Domestic rabbits - no more than 4 adult rabbits may be kept.

Requirements for Keeping:

1. Rabbits being kept in residential areas must not be kept closer than 10m to a dwelling or place that prepares, stores, or handles food for sale.

2. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
3. Hutches and cages must be kept clean at all times.
4. All odours must be controlled.
5. Rabbits must not be bred for greyhound training.
6. Rabbits must be protected from all predators.
7. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure suitable for the breed.

8.19 Order No. 18 (19) KEEPING OF REPTILES

Objectives:

- To encourage satisfactory care and management of reptiles.
- To ensure the keeping of reptiles does not adversely impact on the community or the environment.
- To ensure that all provisions of relevant legislation are complied with.

Limits or Maximum Number:

- Not specified.

Requirements for Keeping:

1. All provisions of the *National Parks and Wildlife Act 1974*, must be complied with. This includes obtaining a licence to keep reptiles.
2. Advice regarding the keeping of reptiles must be obtained from the NPWS.
3. It is prohibited to move a reptile from the natural environment.
4. Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the species.
5. All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to (outlined below):

Snakes

- a. Venomous snakes may only be kept in lockable, sealed, escape proof containers or cages within a lockable and sealed escape proof room.
- b. The individual containers and the room itself must be locked when the licensee is not present in the room, to prevent unauthorised entry and/or tampering with containers or cages and the escape of snakes.
- c. Access to all venomous snakes must be limited to persons who are under the direct supervision of the licensee or to persons holding a Class 2 licence with the same category endorsement.
- d. All housing for snakes must be kept in a clean condition.
- e. Council must approve all housing facilities for snakes.

Turtles

- f. Ponds that house turtles must be cleaned on a regular basis.
- g. Basking logs and rocks must be available along and partly emerged in the pond to allow for stress free basking.
- h. Adult turtles (30cm or greater shell length) require a 2m length by 2m width by a 0.5m depth (2m (L) x 2m (W) x 0.5m (D) pond with gradual sides to allow easy exit.

- i. Turtles are to be kept in an enclosed area to prevent escape.
- j. All offensive odours must be controlled.
- k. All noise must be controlled.
- l. The breeding of rats, mice, or other live animals for the purpose of feeding any reptile is not permitted.
- m. All reptiles must be protected from the predation of other animals.
- n. All reptiles must be kept in appropriate numbers.

8.20 Order No. 18 (20) KEEPING OF RODENTS, RATS & MICE

Objectives:

- To encourage satisfactory care and management of rodents, rats, and mice.
- To ensure the keeping of rodents, rats and mice does not adversely impact on the community or the environment.

Limits or Maximum Number:

- The keeping and breeding of rodents as food animals for reptile feeding is prohibited.
- Only pet rodents are permitted.
- Only domesticated breeds of rats and mice are permitted to be kept.

Requirements for Keeping:

1. Rodents, rats, and mice must be confined within rodent proof cages or enclosures.
2. These animals must be protected from the predation of cats and dogs.
3. Any excess rodents must be disposed of in an appropriate and humane manner.
4. Odours must be controlled at all times.
5. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

9. References & Associated Documents

Other council Policies/Procedures

- 19/1334 Compliance and Enforcement Policy
- 19/1335 Compliance and Enforcement Procedure

Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Companion Animals Act 1998*
- *Companion Animals Regulation 2018*
- *National Parks and Wildlife Act 1974*
- *Biosecurity Conversation Act 2016*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Environmental Planning and Assessment Act 1979*
- *Crown Lands Act 1989*
- *Corowa Local Environmental Plan 2012*
- *Urana Local Environmental Plan 2011*

Guidelines / Standards

- NSW DPI Guidelines for Minimum Standards for Keeping Horses in Urban Areas Factsheet 16
- NSW Code of Practice No. 4 – Keeping and Trading of Birds
- NSW Code of Practice No. 9 – Security Dogs
- Australian Honey Bee Industry Biosecurity Code of Practice
- NSW DPI Animal Welfare Code of Practice Breeding Dogs and Cats

10. Policy History

Version	Date	Changes / Amendments
1.0	2014	Adopted December 2014
2.0	2018	Adopted December 2018 - Review of document and new template. Combined Local Order Policy and Schedule of Keeping Animals and Birds into one document.
3.0	November 2024	Reformatted to be consistent with the revised council policy template. Updated content in the following sections: policy purpose, scope, definitions, and policy statement. Review and updated any references to legislations, standards, guidelines, and code of practice. Removed any outdated references. Included Objectives for each Order in the Schedule. Removed any content not relevant for this policy or content that is governed by other laws/legislation. Combined sheep, goats, alpacas, Llamas, and camels in the schedule.

	Revised the scope, in particular the zoning of land this Policy applies to.
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11. Reviews

Every four years or sooner as required.

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