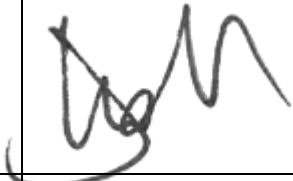





**Murrumbidgee**  
COUNCIL

## Keeping of Animals in Urban Areas Policy (Revision 1)

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		28 June 2023
Authorised By	John Scarce	General Manager		28 June 2023

Document Revision History	
Previous Policies	A.501 Murrumbidgee Shire Council - Animals - Limits on Keeping in Towns - Minute Number 53; 3.01 Jerilderie Shire Council - Domestic Animal Policy - Keeping of Domestic Animals in Village Area Policy
Revision Number:	1
Review Date:	February/May 2023
Date adopted by Council:	27 June 2023
Minute Number:	102/06/23
Next Review:	See Item 12 of this Policy
Revision Number:	
Review Date:	
Date adopted by Council:	
Minute Number:	

**JUNE 2023**

## Contents

1. Policy Statement .....	3
2. Introduction .....	3
3. Policy Objectives.....	3
4. Policy Guidelines.....	4
5. Council’s Power to Control and Regulate the Keeping of Animals.....	5
6. Giving Orders.....	5
7. Table of Requirements.....	6
8. Other Specific Requirements .....	10
8.1 Birds.....	10
8.2 Poultry.....	10
9. General .....	11
10. Definitions .....	11
11. Related Documents and Legislation .....	11
12. Policy Review.....	11

## **1. Policy Statement**

This policy seeks to inform the residents of Murrumbidgee Council Local Government area of Council's regulatory powers concerning keeping of domestic animals in the towns of Coleambally, Darlington Point and Jerilderie.

It is not the intention of this policy to completely regulate the manner in which animals should be kept, it is to inform the community of 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.

## **2. Introduction**

The Keeping of Animals in Urban Areas Policy sets out how Murrumbidgee Council will regulate powers concerning the keeping of animals in Village, Large Lot Residential and Industrial Zoned areas.

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

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.

## **3. Policy Objectives**

The purpose of this policy is to:

- Preserve the amenity and protect the lifestyles of urban dwellers by placing restrictions and controls on the keeping of animals within the townships of Coleambally, Darlington Point and Jerilderie;
- Minimise the incidence of nuisance being caused to persons;
- Set standards for the number of animals and size of enclosures that can be built;
- Protect the welfare of companion and farm animals;
- Protect the welfare and habitat of wildlife;
- Minimise the disturbance of, or damage to, protected vegetation;
- Safeguard the environment;
- Inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes;
- Establish local standards, acceptable to the community, for the keeping of animals;
- Publicly notify the circumstances that 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 actions to be undertaken regarding the keeping of animals.
- To permit a higher number of birds and/or animals where it can be demonstrated that the keeping of a higher number has not (before this Policy was adopted) or will not cause issues.

## 4. Policy Guidelines

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests within the Village, Industrial and Large Lot Residential zones of Murrumbidgee Local Government Area.

The principles contained in the prescriptive requirement will also apply to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading or selling.

This policy relates to Order Numbers 18 and 21 of Chapter 7, Under Section 124 of the Local Government Act 1993, Council Planning Instruments and the Companion Animals Act 1998.

The number of animals that may be kept at a premises should not exceed the number shown as appropriate and listed in the Table of Requirements.

The kind of animal that is suitable to be kept at any premises will be determined having regard to the size of the allotment and the distance to the nearest dwelling or other prescribed building.

Certain statutory requirements also apply as noted in the table.

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

Animals should be kept in a manner which does not:

- Create unclean or unhealthy conditions for people or for the animals;
- Attract or provide a harbourage for vermin;
- Create offensive noise or odours;
- Cause a drainage nuisance or dust nuisance;
- Create waste disposal problems or pollution problems;
- Create an unreasonable annoyance to neighbouring residents;
- Cause nuisance due to proliferation of flies, lice, fleas, rodents or other insects;
- Cause neighbouring residents to fear for safety.

Animals should be kept in a manner which guarantees or ensures effective control of animals.

Suitable shelter(s) should be provided for all animals. Generally, all animals are to be securely enclosed with adequate fencing to prevent escape.

Animal shelters that are greater in area than 10m<sup>2</sup> should not be erected or located at premises without prior development consent being obtained through Council's Department of Planning.

All horse and cattle type shelters need development consent from Council. Please contact the Environmental Services section for further information on 1300 MRMBGE (676243).

Design guidelines for size, layout and construction of animal shelters are produced by various animal welfare organisations and the Department of Primary Industries.

## **5. Council's Power to Control and Regulate the Keeping of Animals**

Council's powers to control and regulate the keeping of animals is provided under Section 124 of the Local Government Act 1993 and the Part 3 of the Local Government (General) Regulation 2021.

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:

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

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

- Companion Animals Act 1998
- Protection of the Environment Operations Act 1997
- Public Spaces (Unattended Property) Act 2021
- Local Government Act 1993, Section 124
- The Food Act, 2003 (prohibits animals to be kept where food is handled and prepared for sale)

Owners of certain restricted breeds and/or dangerous dogs have additional responsibilities and control requirements to those listed in this Policy. These requirements are outlined in the Companion Animals Act, 1998 and Companion Animals Regulation, 2018.

Any application to Council to alter this policy to permit a higher number of birds and/or animals to be kept in a particular circumstance, will need to be in writing and is to be accompanied by supporting documentation such as relevant plans.

## **6. Giving Orders**

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

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 Issue an Order.

Normally a person will be given an 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.

## 7. Table of Requirements

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

### Murrumbidgee Council Table of Requirements

Animal	Maximum number (excludes offspring up to 3 months of age)	Minimum Distance (from Certain Buildings – see Note a)	Applicable Regulations and Other Advisory Matters
<p>Birds (caged and not poultry) including canaries, budgerigars, quail, finches and parrots</p> <p>Sulphur Crested Cockatoo and Long Billed Corella</p>	<p>6</p> <p>2 - Portable Cages 4 - Aviary</p>	<p>6 metres</p> <p>3 metres 6 metres</p>	<p>Cages and aviaries must be of appropriate size and regularly cleaned.</p> <p>National Parks and Wildlife permit is required to keep many native birds. Exemptions include budgerigar, zebra finch, galah and sulphur crested cockatoo.</p> <p>Noisy birds should be restricted in number.</p> <p>Sulphur crested cockatoo and long-billed corella are likely to be noisy if kept as single caged birds.</p>
<p>Boarding Kennel and/or Cattery</p>	<p>Development Consent to be obtained from Council</p>		<p>Distance from adjoining dwelling or property boundaries to be assessed as part of development application to conduct a boarding kennel.</p>
<p>Cat</p>	<p>2</p>	<p>-</p>	<p>More than 2 cats will not be appropriate in many situations and will require Council consent.</p> <p>Compliance with desexing, use of identity collars with bells, proper care, and the restriction of access to outdoors at night will be relevant factors in determining whether more than two cats may be kept at a premises.</p> <p>RSPCA recommendation.</p>

<b>Animal</b>	<b>Maximum number (excludes offspring up to 3 months of age)</b>	<b>Minimum Distance (from Certain Buildings – see Note a)</b>	<b>Applicable Regulations and Other Advisory Matters</b>
Dog	3	-	<p>The Companion Animals Act, 1998 requires registration and effective control of dogs at all times.</p> <p>Adequate fencing is essential.</p> <p>Council may approve requests to keep additional dogs where adequate yard size relative to the size and number of dogs and proper care, can be demonstrated.</p> <p>RSPCA recommendation.</p>
Dogs – Greyhounds (breeding/sale/training/racing)	Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Dog – Pedigree/Show (breeding/sale/show)	Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Dog – Obedience (breeding/sale/training)	Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Dogs – working	Up to 3, if more than 3 Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Outdoor 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 fenced in accordance with Council's Pool Fencing Code if more than 300mm deep.</p> <p>Ponds are not to provide a breeding ground for mosquitoes and other insects.</p>
Rabbits – pets	2	6 metres	<p>Rabbits must be a domestic breed and kept in a cage.</p> <p>Rabbits must not be released into the environment. Restriction on number is imposed by the NSW Department of Primary Industries under the Local Land Services Act 2013.</p>
Pet Rats, Mice and Guinea Pigs	2 of each variety	3 metres	Must be kept in an appropriate cage and not released into the environment.

Animal	Maximum number (excludes offspring up to 3 months of age)	Minimum Distance (from Certain Buildings – see Note a)	Applicable Regulations and Other Advisory Matters
Horses and Cattle	None	-	Generally the keeping of horses and/or cattle in residential areas is not permitted. In special cases such where horses are being kept for training purposes Council may approve an application to keep horses in the residential area. In these instances the keeping of horses will need to comply with Division 3 under Part 5 of Schedule 2 of the Local Government (General) Regulation 2021
Goats and Sheep (no males over the age of 6 months)	None	-	
Pig	None	-	The Local Government (General) Regulation 2021 applies to pigs. The keeping of pigs is not considered appropriate in residential areas.
Poultry, Domestic and Guinea Fowl	5 (roosters are not permitted in the village zone)	4.5 metres	Schedule 2, Part 5 of the Local Government (General) Regulation 2021 and Division 2 Subdivision 21 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies.
Poultry, other than fowls, including ducks, geese, turkeys, peafowl and other pheasants.	None	-	Please see Clause 8.2 for the requirements that will apply to the keeping of poultry.
Roosters	None	-	



<b>Animal</b>	<b>Maximum number (excludes offspring up to 3 months of age)</b>	<b>Minimum Distance (from Certain Buildings – see Note a)</b>	<b>Applicable Regulations and Other Advisory Matters</b>
Pigeons	None	-	<p>Generally the keeping of pigeons in residential areas is not permitted. In special cases on application to Council keeping pigeons may be permitted.</p> <p>To establish the permissible number of pigeons by locality of premises, it will be necessary for Council Officers to assess the site conditions and the following standards as a minimum must be met:</p> <p>Lofts must be constructed of hard paving with a smooth surface and graded to a drain. Open lofts are not permitted.</p> <p>Lofts are to be kept clean at all time. Manure is to be cleaned up daily and disposed of in a correct manner.</p> <p>Keepers of more than fifty (50) birds are to be members of official or registered avicultural societies. Upon complaint, Council is to liaise with society representatives/officials to determine suitable actions to resolve the complaint.</p>
Reptiles	As appropriate in the circumstances	As appropriate in the circumstances	<p>National Parks and Wildlife Act, 1974 and Fauna Protection regulations place a general prohibition on the keeping of reptiles.</p> <p>Advice on the keeping of reptiles should be sought from the Department of Planning and Environment.</p> <p>Native reptiles are protected by law. Reptiles kept as a pet will need a biodiversity conservation licence granted under the Biodiversity Conservation Act 2016 from the Department of Planning and Environment (National</p>

			Parks and Wildlife Service). All species must be adequately housed to prevent escape. The keeping of snakes may cause concern to neighbouring residents.
--	--	--	---

Notes:

- a) The distances indicated in the third column of the Table of Requirements are to be measured in metres from the animal yard or enclosure to the nearest adjoining 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 as defined in the Prevention of Cruelty to Animals Act;
- c) All cages, kennels or any structure for the keeping of animals over 10 m<sup>2</sup> in floor area and over 2.4m in height will require development consent to be obtained from Council;
- d) Schedule 2 Part 5 of the Local Government (General) Regulation, 2021 specifies minimum standards for the keeping of animals. The distances specified (except in the case of pigs) may be varied at a meeting of the Council and notified in writing to the occupier of the premises in a particular case.

## 8. Other Specific Requirements

### 8.1 Birds

Development Consent is required for commercial aviaries. Private aviaries may not require development consent if they are under 10m<sup>2</sup> in floor area and their height does not exceed 2.4m. Noise emissions must be maintained at or below 5dB above background noise level at the property boundary.

Cockatoo type breed will be the subject of strict controls relating to objectionable noise and/or unreasonable hours.

Food storage area and the ground surface beneath are to be cleansed as frequently as is necessary to preserve a state of cleanliness, free from offensive odour and in such a manner as to ensure that flies and/or vermin are not attracted to the premises.

### 8.2 Poultry

The keeping of poultry in a residential area is regulated by Schedule 2, Part 5 of the Local Government (General) Regulation 2021. This Regulation includes provision for the following:

- a) The area is kept free of offensive odour/flies and rodents
- b) The area is fenced to ensure the poultry do not escape
- c) The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches and comply with the Building Code of Australia
- d) The following distances for the construction of poultry housing from a dwelling are considered adequate:

Hen House: 4.5 metres

## 9. General

The keeping of indigenous animals such as kangaroos and wallabies is regulated under Commonwealth and State legislation such as the Environment Protection and Biodiversity Conservation Act 1999.

The keeping of non-indigenous animals is regulated by the Non Indigenous Animal Act 1987, and Regulation 2006, and is not subject to any Council controls. However, if justified complaints are received, Council may prohibit or impose restrictions in individual cases

## 10. Definitions

Council	means Murrumbidgee Council.
Staff	means all persons employed by Council.
Council official	means Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act 1993.

## 11. Related Documents and Legislation

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Environment Protection and Biodiversity Conservation Act 2016
- Non-Indigenous Animal Act 1987, and Regulation 2012
- Prevention of Cruelty to Animals Act 1979
- Companion Animals Act 1998
- Protection of the Environment Operations Act 1997
- Biodiversity Conservation Act 2016
- National Parks and Wildlife Act 1974
- Impounding Act 1993
- Rural Lands Protection Act 1998
- Food Act 2003

## 12. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).