

# COBAR SHIRE COUNCIL



## Code for Keeping Domesticated Animals

FILE: P5-30

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## 1. **INTRODUCTION**

This policy seeks to inform the residents of Cobar, Canbelego, Nymagee, Mount Hope, Euabalong and Euabalong West of Council's regulatory powers concerning the keeping of domestic animals in the town of Cobar and surrounding village areas as listed above.

## 2. **AIM**

The policy aims to:

- a) Minimise the incidence of nuisance being caused to persons.
- b) Protect the welfare of domestic animals.
- c) Set certain standards for the number of animals, minimum area required and enclosures that can be built.

It is well documented that the keeping of domestic 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 accommodation is 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 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 with Cobar, Canbelego, Nymagee, Mount Hope, Euabalong and Euabalong West.

Responsible ownership is a very important component of nuisance control and this policy also contains advice to the animal owner regarding their responsibilities to prevent a nuisance from occurring.

## 3. **SCOPE**

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests within the town area of Cobar and villages of Canbelego, Nymagee, Mount Hope, Euabalong and Euabalong West.

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 of the Local Government Act 1993, and Council Planning Instruments.

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#### **4. OBJECTIVES**

- a) To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
- b) To give guidance and advice to persons as to the keeping of animals for domestic purposes.
- c) To establish local standards, acceptable to the community, for the keeping of animals.
- d) 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.

#### **5. PRESCRIPTIVE REQUIREMENTS**

The number of animals that may be kept at a premises should not exceed the number shown as appropriate to the specified kind of animal 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 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 than 10m<sup>2</sup> should not be erected or located at premises without the prior approval of Council. All horse and cattle type shelters need prior approval of Council. Please contact Council's Planning and Environmental Services Department for advice.

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

## **6. 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 Local Government (Orders) Regulation 1993.

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 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 Council can exercise further controls over animals under the following Acts:

- The Companion Animals Act 1998.
- Protection of the Environment and Operations Act 1997.
- The Impounding Act 1993.
- The Food Act 2003 (prohibits animals to be kept where food is handled for sale).
- Local Government Act 1993, Section 125.

Any application made to Council to alter this policy, in a particular circumstance, will need to be in writing and will be accompanied by supporting documentation such as plans.

Note that any, kennel or shelter used by any animal is required to be approved by Council prior to construction if it is not classified as Exempt Development under Council's Development Control Plan 2/2002.

## **7. GIVING ORDERS BY COUNCIL**

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 the problems.

Where a problem is identified with the keeping of animals and it can not 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.

<b>ANIMAL</b>	<b>MAXIMUM NUMBER (EXCLUDES OFFSPRING TO 3 MONTHS OF AGE)</b>	<b>MINIMUM DISTANCE (FROM CERTAIN BUILDINGS – SEE NOTE A)</b>	<b>MINIMUM BLOCK SIZE FOR KEEPING OF ANIMALS IN M<sup>2</sup></b>
<b>Dogs</b> (household pets)	2	6m	400m <sup>2</sup>
<b># Greyhounds</b> (Breeding/sale/ training/racing)	* As approved by Council	6m	1000m <sup>2</sup>
<b># Pedigree/Show</b> (breeding/sale/ showing)	* As approved by Council	6m	1000m <sup>2</sup>
<b># Obedience</b> (breeding/sale/ training)	* As approved by Council	6m	1000m <sup>2</sup>
<b># Boarding</b>	* As approved by Council	6m	1000m <sup>2</sup>
<b>Working</b>	* As approved by Council	6m	1000m <sup>2</sup>
<b>Cats</b> (household pets)	2	6m	400m <sup>2</sup>
<b># Pedigree/Show</b>	* As approved by Council	6m	1000m <sup>2</sup>
<b>Birds</b> (Caged/not poultry)	30	6m	600m <sup>2</sup>
<b># Goats &amp; Sheep</b> (no males over 6 months of age)	2	6m	600m <sup>2</sup>
<b># Horses &amp; Cattle</b>	1	15m	1000m <sup>2</sup>
<b>Poultry</b>	10 (only 1 Rooster per allotment)	10m	600m <sup>2</sup>

<b>APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS FOR THE KEEPING OF ALL DOMESTICATED ANIMALS</b>
The Companion Animals Act 1998 requires that certain dogs and cats are microchipped and lifetime registered and animals are kept under effective control at all times.
The Council may approve requests to keep additional dogs where adequate yard size relative to the size and number of dogs, proper care and desexing can be demonstrated. The minimum distance may be increased subject to additional dogs being approved.
Noise reduction must be considered when building kennels.
* Council requires every premises to be approved by Council. Inspection of these premises will take place if complaints are received.
Approval must be sought for any kennels that are not classified as Exempt Development.
The activities marked with a # require Development Approval.
Local Government (Orders) Regulation, 1993 applies. A greater separation distance may be required by resolution of Council in each particular case. Fencing must be strong and durable to prevent escape. Stable and sheds require Development Consent.

**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, and or any structure for the keeping of animals that are not Exempt Development are subject to Development Approval.
- d) It is required that a combination of no more than two (2) types of animals be kept as the maximum number at any one property.

**BIRDS**

Commercial aviaries shall be the subject of development consent, however the construction of private aviaries may be exempt from approval under Council's Development Control Plan. Noise emissions must be maintained at or below 5dB above background noise level at the property boundary.

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

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Food storage areas 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 manner as to ensure that flies and/or vermin are not attracted to the premises.

### **GOATS AND SHEEP**

The keeping of sheep or goats for commercial purposes within a residential area is not permitted.

The use of sheep and goats to maintain an area in a neat and tidy condition is encouraged provided that:

- i) The area is fenced satisfactorily to prevent their escape.
- ii) Neighbouring trees/shrubs are protected.
- iii) The area is kept free of offensive odour and flies.

The welfare of the animals will be subject to the provisions of the Prevention of Cruelty to Animals Act 1979.

One animal per 600m<sup>2</sup> per allotment will be used as a guide.

If the number to be kept exceeds this level an application to Council is to be submitted. Council will consider any submissions from adjoining neighbours and from any other person that could reasonably be effected by the numbers of goats and or sheep to be housed.

### **HORSES AND CATTLE**

The keeping of horses and cattle for commercial purposes within a residential area is not permitted.

The use of horses or cattle to maintain a vacant area in a neat and tidy condition is encouraged. However the keeping of horses and cattle is regulated by Schedule 5 of the Local Government (Orders) Regulations 1999. This Regulation includes the following provisions:

- i) That development approval must be granted.
- ii) That the area is fenced satisfactorily to prevent their escape.
- iii) Horses and cattle must not be kept within 15 metres of a dwelling and certain other buildings.

Additional conditions for the keeping of horses and cattle are:

- i) That neighbouring trees/shrubs are protected.



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- ii) The area must be kept free of offensive odour/flies and rodents.
  - iii) Cattle and horses must be restricted to within not less than 1 metre of the boundary fences to prevent damage to such fences.
  - iv) No more than 1 horse is to be kept in a lot up to 1000m<sup>2</sup>.
  - v) Feed lots will not be permitted.

If the number of animals to be kept exceeds the maximum number given above, an application to Council must be submitted. Council will consider any submissions from adjoining neighbours and any other person that could be reasonably be effected by the numbers of horses and or cattle to be housed.

The welfare of the animals will be subject to the provisions of the Prevention of Cruelty to Animals Act 1979.

### **PIGS**

The keeping of pigs is regulated by Schedule 5, Division 1 of the Local Government (Orders) Regulation 1999.

Pigs must not be kept, and pig dung must not be deposited, where there is any possibility of polluting water supply for domestic or dairy purposes.

Pigs must no be kept within Cobar, Euabalong, Euabalong West, Canbelego, Nymagee and Mount Hope.

### **POULTRY**

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

- i) The area is kept free of offensive odour/flies and rodents.
- ii) The area is fenced to ensure the poultry do not escape.
- iii) Cages/Hen houses must have a concrete floor and comply with the Building Code of Australia.
- iv) The following distances for the construction of poultry housing from a dwelling are considered adequate:

Hen House:	10 metres
Duck/Geese House:	30 metres

Roosters are not permitted unless they are able to be housed within a properly constructed sound reduction shed.

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The following maximum numbers to be housed at a dwelling will be used as a guide:

Hens:	20 fowls per allotment, or
Duck/Geese:	10 birds per allotment

### **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 Animals Act 1987, and the Regulation of 1997, and is not subject to any Council controls. However, if justified complaints are received, Council may prohibit or impose restriction in individual cases.

The keeping of Rabbits is, in general, prohibited and enquired should be directed to the NSW Department of Primary Industries.

