

2.46 Keeping of Animals

POLICY TITLE: KEEPING OF ANIMALS

FILE REF: SC168

EXPIRY DATE: WITHIN 12 MONTHS AFTER THE NEXT ORDINARY COUNCIL ELECTION

OBJECTIVE

1. To inform the community of the acceptable limits which apply to the keeping of certain animals for domestic purposes.
2. To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
3. To minimise the local nuisance and maximise amenity in residential areas.
4. To ensure that the keeping of animals does not compromise minimum standards of public health, safety and convenience.
5. To establish local standards, acceptable to the community, for the keeping of animals.
6. 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 action regarding the keeping of animals.

POLICY STATEMENT

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

The policy aims to:

- a) Minimise the incidence of nuisance being caused to persons; and
- b) Protect the welfare of companion and farm animals.

This policy informs the reasonable limits which apply concerning the maximum number of animals and the circumstances under which they may be kept on premises. 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.

This policy applies most specifically to land zoned RU5 – Village in accordance with the Lockhart Local Environmental Plan 2012.

POLICY REQUIREMENTS

Residents may keep animals as pets (subject to any relevant laws) provided they are properly cared for and do not cause a nuisance or danger to health or safety.

- All pets must be provided with food, water, preventive health care and veterinary care appropriate to their needs.
- Shelters, cages or enclosures must be escape-proof, provide adequate shelter, protection from predators, and meet the physical and behavioural needs of the animals.
- All shelters, cages, enclosures and equipment, including food and water containers, must be designed and constructed so that they can be easily and effectively cleaned.
- All facilities and equipment must be cleaned regularly and be kept clean.
- Appropriate measures must be taken to control vermin and other pests.

Aviary Birds

A wide variety of bird species are commercially available for domestic aviaries.

Aviaries may be erected without consent, subject to compliance with the exempt requirements set out in the [State Government's Exempt and Complying Development Code](#) (External link).

Bees

All beekeepers must be registered with the NSW Department of Industry and Investment. For further information see the Department's [Backyard Beekeeping Fact Sheet](#) (External link).

2.46 Keeping of Animals (cont'd)

Dogs and Cats

The size and breed of dog you choose must be suited to the environment to which it will be kept. Dogs especially need plenty of space and exercise, to minimise barking and aggression because of boredom. Discipline is also important, to allow the owner to maintain control over the animal and ensure their safety and that of others.

Dogs and cats must be housed securely to prevent roaming and must be microchipped and registered to ensure they are permanently identified.

More information can be obtained from various sources, including [the RSPCA](#), which provides a range of educational material on responsible pet ownership.

Horses and Cattle

The keeping of horses and cattle in residential areas is not recommended. Standards for keeping horses and cattle are set out in clause 21 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link).

Development consent is required from Council to erect a stable.

Native Fauna

All native mammals, birds, reptiles and amphibians are protected under the *National Parks and Wildlife Act 1974*.

Any person wanting to keep native fauna as pets (other than certain species of birds) must obtain a licence from the NSW Department of Environment, Climate Change and Water.

[Further information on keeping native animals](#) (External link) as pets can be obtained from the NSW Department of Environment, Climate Change and Water.

Pigs

Standards for keeping swine or pigs are set out in clauses 17 and 18 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link).

Under the regulations, all pigs must be kept at least 60 metres from any dwelling, shop, office, factory, church or other place of worship, workshop, school or public place in a city, town, village or other urban part of an area. This effectively prohibits the keeping of pigs in villages in Lockhart Shire.

These requirements also apply to pigs sold as 'miniature' pet pigs.

Poultry

Poultry include domestic fowls, ducks, geese, turkeys and guinea fowls. However, only domestic fowls are generally suitable for residential backyards.

Roosters can cause a nuisance by crowing and must not be kept in residential areas.

Poultry should have a poultry house for nesting and roosting, and a yard for foraging in dry weather.

Standards for keeping poultry are set out in clauses 19 and 20 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link). The regulations state that poultry must not cause a nuisance or danger to health and that the poultry yard must be kept clean and free of offensive odours.

Domestic fowls and guinea fowls must be kept at least 4.5 metres from neighbouring residences. Other kinds of poultry should be kept at least 30 metres from neighbouring residences.

The poultry yard must be enclosed to prevent the escape of the poultry.

Fowl and poultry houses may be erected without consent, subject to compliance with the exemption requirements set out in the State Government's Exempt and Complying Development Code and should have a concrete floor to facilitate cleaning.

[Further information on backyard poultry keeping](#) (External link) may be obtained from the NSW Department of Industry and Investment.

Rabbits

The keeping of wild rabbits is prohibited. Pet rabbits must be either a recognised domestic breed or a hybrid of a domestic breed.

Rabbits must be housed in a suitable hutch. The hutch must be of sturdy construction to prevent escape. If the rabbit is taken out of the hutch it must be carefully supervised to make sure that it does not burrow or escape.

It is recommended that all pet rabbits be desexed.

Unwanted rabbits must not be released. Find a new home for the rabbit or take it to the RSPCA.

2.46 Keeping of Animals (cont'd)

Sheep and Goats

The keeping of sheep and goats in residential areas is not recommended.

LEGISLATIVE RESPONSIBILITIES

Where animals are being kept inappropriately, Council may order the occupier of the premises:

- not to keep more than a specified number of animals;
- to keep the animals in a specified manner;
- to cease keeping the animals.

If the issue cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order. Council's power to control and regulate the keeping of animals is provided under Section 24 of the *Local Government Act 1993* and the Local Government (General) Regulation 2021 applies.

Adopted by Council 18 September 2023
Refer Minute No. 170/23

Adopted by Council 17 August 2020
Refer Minute No. 161/20

Adopted by Council – 19 October 2015
Refer Minute No. 264/15