

[DRAFT] Keeping of Animals in Residential Areas

Policy Owner: Executive Manager Statutory Planning and Certification	
Date Last Adopted/Amended: [Date Adopted or last amended]	Review Date: [Date for next Review]

1. Policy Statement/Objective(s)

Shellharbour City Council is committed to promoting best practice by establishing clear guidelines and standards for the community in relation to keeping animals within the Shellharbour Local Government area. The principles by which the Council will regulate the number of animals kept on premises is primarily guided by the *Local Government Act 1993* and *Companion Animals Act 1998*.

The objectives of the policy are to:

- Ensure residents' amenity is not impacted adversely by the keeping of animals;
- Safeguard wildlife and the environment;
- Promote responsible animal ownership; and
- Establish guidelines to ensure appropriate animals are kept in residential areas.

This policy provides relevant information and aims to:

- Inform the community of the acceptable limits which apply to the keeping of certain animals for domestic purposes;
- Give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes;
- Minimise local nuisance and maximise residential amenity;
- Ensure the keeping of animals does not compromise minimum standards of public health, safety and convenience;
- Establish local standards, acceptable to the Community, for the keeping of animals.

2. Scope

This Policy provides information for all internal and external stakeholders and interested parties about the requirements around animals kept within Shellharbour City Council's Local Government Area.

3. References

Companion Animals Act 1998 ("CA Act")
Public Spaces (Unattended Property) Act 2021 ("PSUP Act")
Local Government Act 1993 ("LG Act")
Protection of the Environment Operations Act 1997 ("POEO Act")
 State Environment Planning Policies ("SEPP")
 Shellharbour – Development Control Plan ("DCP")
 Shellharbour – Local Environment Plan 2013 ("SLEP")

*NB: Reference to Acts includes references to associated Regulations

External/Internal Consultations

nil

4. Definitions

Residential zones as listed in the SLEP, including:

- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

Rural zones as listed in the SLEP, including:

- RU1 Primary Production
- RU2 Rural Landscape
- RU6 Transition

5. Land to which this Policy Applies

This Policy applies to private property on land that is located within Residential Zones

Note: There are some instances across the Shellharbour LGA where land abuts or contains both residential and rural zones. The application of this Policy will relate to the property zoned residential and will be considered on its merits, including amenity and environmental impact.

6. Variation and Review

The Council reserves the right to review, vary or revoke this policy.

Review History

Date Policy first adopted – version 1	

7. Policy

7.1 Keeping of Animals

Animal numbers should be kept in accordance with the requirements detailed in **Attachment 1**.

The type and number of animals that are suitable to be kept at any premises will be determined by having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building. Animals should be kept in a manner which does not:

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

- Cause harm to wildlife,
- Cause any ill health or distress to the animals.

7.2 Transitional Phase

Where the number of animals owned by a person (before the coming into force of this Policy) exceeds the number shown in **Attachment 1**, no further or replacement animals should be acquired or bred, with the number to be reduced over time to no more than the maximum allowed at the time that some of the animals die, are given away or sold.

This allowance does not prevent the Council from issuing Orders or taking other regulatory action to reduce numbers where the circumstances make it appropriate.

7.3 Animal facilities and shelters

All animals should be provided with suitable facilities and shelter. They should also be contained to prevent escape and, in some cases, predation by suitable fencing or caging, depending on the species.

Certain animal habitats, shelters, and facilities should not be erected or installed without the council's prior approval. Residents should refer to the Shellharbour Local Environment Plan 2013 and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to determine which structures require development approval.

Various animal welfare organisations produce design guidelines for the size, layout, and construction of animal shelters.

Development Consent must be obtained from the Council for any commercial activity involving keeping of animals.

7.4 Certain animals prohibited within residential zones

The following animals are not permitted to be kept in residential areas due to likely impact on the amenity of residential areas:

- Roosters
- Pigs
- Goats
- Sheep
- Horses
- Cattle
- Peacocks
- Llamas
- Alpacas

7.8 Compliance, monitoring and review

Council may take compliance or enforcement action to address any impact resulting from the keeping of any animals, regardless of the number being kept or the distance from a dwelling. An impact may include matters pertained in clause 7.1 as well as the following:

- a) noise
- b) odour
- c) effluent discharge

- d) dust
- e) insect or pest generation
- f) safety risk.

Where the Council decides to take action to address any impact, such action will be undertaken in accordance with Council's Compliance and Enforcement Policy

8. Related Forms

Nil

Note: Related forms can be located Online under "Forms"

9. Attachments

Attachment 1: Requirements for the keeping of Animals in Residential Areas

Policy Authorised by:

Name: [Title of person authorising OR ELT OR Council Resolution Number]

Date: [Date adopted by ELT or Council Resolution]

DRAFT

Shellharbour City Council
Requirements for the Keeping of Animals in
Residential Areas

Table of Contents

All birds other than poultry, cockatoos (including Corellas) and domestic pigeons	6
Cockatoos (including Corellas).....	6
Poultry, domestic and guinea fowl	7
Poultry, other than fowls, including peafowl and other pheasants	7
Geese, ducks and turkeys	7
Roosters	7
Domestic pigeons	7
Dogs	8
Cats	8
Rabbits	9
Ferrets	9
Pet rats, mice and guinea pigs	10
Livestock	10
Reptiles and frogs	10
Bees	11
Fish, aquarium and pond	11

Note:

Minimum distance - unless stated otherwise within any other policy document, minimum distance means the distance/s indicated in the third column of the table are to be measured in metres perpendicular from all sides of the animal shelter or enclosure to the nearest dwelling, public hall, school, hospital, shop or premises used for the manufacture, preparation, sale or storage of food.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (“SEPP Codes”) - shall be referred to for requirements on animal-related structures as well as the keeping of certain animals in residential areas such as fowls and poultry. Any animal-related structures beyond the allowable requirements of this Policy will require Development Consent.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to Subdivision 4 "Aviaries" - SEPP Codes Refer to Subdivision 21 "Fowl and poultry houses" – SEPP Codes
All birds other than poultry, cockatoos, Corellas and domestic pigeons	As appropriate to species, size of cage/aviary or bird room. Keepers of more than 50 birds should be members of official Agricultural Societies.	3 metres	<p>Certain sized aviaries are permitted without consent.</p> <p>Aviaries must be of an appropriate size and regularly cleaned in accordance with relevant code of practice or guidelines</p> <p>Compliance with the NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading of Birds is required.</p> <p>Aviaries must have an impervious floor and must be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining properties. There must not be more than two aviaries per property.</p> <p>If the aviaries they are located on bushfire-prone land and less than 5m from a dwelling, they must be constructed of non-combustible material.</p> <p>In residential areas, aviaries must not have a floor area of more than 10m², be located in the rear yard at least 900mm for each side and rear boundary, metal components must be low reflective, coloured and not be higher than 2.4m. Metal components must be low-reflective, factory-pre-coloured materials.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to Subdivision 4 "Aviaries" – SEPP Codes
Cockatoos (including Corellas)	2	3 metres	<p>Cockatoos and corellas are generally not appropriate as domestic pets as they often present a significant noise nuisance.</p> <p>Owners should remain aware any noise nuisance created by the cockatoos as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i></p> <p>Conditions for aviaries as included above.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
		Refer to Subdivision 21 "Fowl and poultry houses" – SEPP Codes	
Poultry, domestic and guinea fowl	5	30 metres	Keeping poultry must not create a nuisance or be dangerous or injurious to health. Poultry houses must be kept clean and free of offensive odours. Excess seed must not be allowed to accumulate in or around the structure.
Poultry, other than fowls, including peafowl and other pheasants	5		Yards must be kept free from mice and rats.
Geese, ducks and turkeys	2	30 metres	
Roosters	0		Roosters are not permitted in residential areas.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to Subdivision 4 "Aviaries" - SEPP Codes Refer to Subdivision 21 "Fowl and poultry houses" – SEPP Codes
Domestic pigeons	<p>10 pairs – Non registered owners</p> <p>60 pairs – registered racing pigeon owners</p> <p>Keeping of pigeons is not permitted in multi and high-density residential developments</p>	4.5 metres	<p>Certain sized aviaries are permitted without consent.</p> <p>Larger aviaries will require Council approval with plans detailing, but not limited to information on ventilation, waterproofing and drainage.</p> <p>Cladding on the loft should be unobtrusive in colour.</p> <p>Lofts should be kept clean and insect free. Excess seed must not be allowed to accumulate in or around the structure. No feathers or droppings to escape from the subject land.</p> <p>Open lofts are not permitted. Food must be stored in vermin proof containers.</p> <p>Owners should remain aware any noise nuisance created by the pigeons as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i>.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to CA Act
Dogs - (excluding dogs under 3 months of age)	4		Dogs should be kept in numbers and breeds appropriate to the size of the property.
Residential Properties (excluding townhouses units or land area 400m ² or less)			Dog owners must be responsible for ensuring that yards are kept in healthy condition and faeces are suitably disposed of at all times.
Units, townhouses & small land holdings	2		Owners should remain aware any noise nuisance created by barking dogs as they are subject to noise restrictions under the <i>POEO Act</i> and also the <i>CA Act</i> .
Strata Buildings			The <i>CA Act</i> requires all dogs to be micro chipped and registered by 12 weeks of age. Dogs must wear a collar with tag displaying the dog's name and the owner's phone number. Council encourages all dog owners to de-sex their pets. Approval is required from the Body Corporate for Strata Buildings.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
			Refer to CA Act
Cats – (excluding cats under 3 months of age)	3		Council encourages owners to keep their cat inside particularly at night. The <i>Companion Animals Act 1998</i> requires all cats born after 1 July 1999 to be micro chipped and registered by 12 weeks of age . Cats born before 1 July 1999 should wear a collar with a tag displaying the cat's name and the owner's phone number. The council encourages all cat owners to de-sex their pets.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Rabbits	2	3 metres	<p>A licence is not required to keep domestic rabbits in NSW. It remains illegal to keep wild rabbits in captivity without the approval of the Rural Lands Protection Board.</p> <p>Rabbits must be kept in a rabbit-proof enclosure and cannot be 'free-range'.</p> <p>Rabbits must not be released, abandoned, or left in any situation that would allow them to roam outside of their enclosure.</p> <p>Rabbit enclosures should be fly meshed to prevent spread of Myxomatosis and Rabbit Haemorrhagic Disease Virus (RHDV).</p> <p>Council recommends vaccination of pet rabbits against RHDV.</p> <p>Rabbits must not be vaccinated with the fibroma (myxomatosis) vaccine. It is illegal to possess fibroma vaccine.</p> <p>Rabbit farming is not permitted without approval and must comply with NSW Department of Primary Industries guidelines.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Ferrets	2	3 metres	<p>The keeping of ferrets is not recommended. However, where adequate care, including secure caging, is provided, the keeping of ferrets may be conducted, provided no nuisance is created.</p> <p>Cages must be adequate to prevent escape.</p> <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 two ferrets.</p> <p>If ferrets are exercised outdoors, adequate fencing to prevent escape is essential.</p> <p>Hobs that are not desexed should be caged outdoors during the months of October-February when females are on heat.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Pet rats, mice and guinea pigs	4	3 metres	<p>Rats and mice are to be kept indoors only in appropriate cages, which are to be odour-free.</p> <p>Care should be taken to prevent excessive breeding and release into the environment.</p> <p>Guinea Pigs kept outside need to be in a secure enclosure to prevent escape and also protect the secure enclosures to prevent escape and also protect enclosures to prevent escape and avoid escape and protect themselves from dogs and foxes.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Livestock including: <ul style="list-style-type: none"> • Pigs • Goats • Sheep • Horses • Cattle • Peacocks • Llamas • Alpacas 	0	n/a	Not permitted in residential zones.

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Reptiles and Frogs	As appropriate in the circumstances with the appropriate licenses as required by law and any Code of Practices.	Appropriate distance to avoid nuisance to adjoining premises.	<p>All lizards, snakes, frogs and turtles are protected under the <i>National Parks and Wildlife Act 1974</i>, and it is against the law to take them from the wild.</p> <p>You can get a licence from the National Parks and Wildlife Service to keep captive-bred reptiles and frogs as pets.</p> <p>All species must be adequately housed to prevent escape.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
Bees	2 hives	As far as practicable from doors or windows of dwellings, paths or outdoor resting areas.	<p>Bee flight paths to and from the hive should be kept distant from outdoor areas frequently used by humans.</p> <p>Hives should not be located in view of the public.</p> <p>Hives should not be located within the vicinity of schools, childcare centres, hospitals or other public facilities.</p> <p>Registration must be undertaken with the NSW Department of Primary Industries.</p> <p>Beekeepers must comply with the Beekeeping Code of Practice for NSW produced by the NSW Department of Primary Industries.</p>

Animal Species	Maximum number in residential zones	Minimum distance	Regulations and advisory information
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>Unwanted pet fish must not be released into waterways.</p> <p>Aquarium weeds must not enter waterways.</p>