



**CODE**

**FOR THE**

**KEEPING OF ANIMALS**

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## **PART 1**

### **Preliminary**

#### **1. Aims and objectives of code**

This Code has been prepared as a guide to the standards which may be considered by Council in assessing whether an order may be issued under section 124 of the Local Government Act 1993 or in assessing a development application under the Environmental Planning and Assessment Act 1979 for the keeping of animals.

#### **2. Name of Code**

This Code may be referred to as the “Code for the Keeping of Animals”.

#### **3. Adoption by Council and amendments**

This code was adopted by Council at its Meeting on 18 February 1998.

The Code was amended by Resolution of Council on:-

1. 21 June 2000 (amendments due principally to Protection of the Environment Operations Act 1997, the Local Government (Orders) Regulation 1999)

#### **4. Relationship to Council’s Management Plan**

This Code has been prepared to support the Assessments Major Programme under Council’s Management Plan. The responsible programme managers are the Planning Division’s Assessment Team 1 Manager, Mr David Warton and the Assessment Team 2 Manager, Mr Peter Fryar.

#### **5. Relevant Acts, Regulations, Statutory Instruments, and Industry Guidelines**

This Code should be read in conjunction with the Local Government Act 1993, Chapter 7 Part 2 (Orders), the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Local Government (Orders) Regulation 1999, Council’s Rural Lands (Interim) Development Control Plan and Rural Lands (Draft) Development Control Plan.

#### **6. Procedures**

Procedures in relation to applications, assessment criteria, standard report formats, standard conditions, standard letters, delegations, and general information may be found in the Planning Division’s “Procedures Manual”.

#### **7. Approvals**

The keeping of animals may be undertaken for commercial purposes and be classified as development involving the use of land as defined under the Environmental Planning and Assessment Act 1979 for which development consent is required to be obtained

from Council before the use is commenced. Where development consent is required, the provisions of this Code are a guide as to matters considered by Council. However, each application is assessed on the merits of the application and the standards under the Code may be varied.

Where a small number of animals are kept for non commercial use, such as for a family pet, supply of eggs for personal consumption etc, approval of Council is generally not required. However, in the event of complaints being received Council is required to consider the validity of the complaint and whether an order should be issued under s.124 of the Local Government Act 1993 to prohibit or modify the keeping of the animal(s) concerned. In this situation the standards under this Code may be referred to as a guide.

## PART 2

# Minimum Standards and Conditions for the Keeping of Poultry

### 8. Dictionary

For the purposes of this Part;

**Fowl;** means the domestic or barnyard hen or cock (domestic fowl), and includes guinea fowl.

**Poultry;** means fowl, ducks, geese, turkey and the like.

**Rooster;** means the male of the domestic fowl.

### 9. Poultry not to be nuisance or health risk

Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

### 10. Poultry and fowls not to be kept near certain premises

#### **Poultry**

10.1 Poultry, other than fowls, must not be kept within 30 metres of any dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food.

#### **Fowls**

10.2 Fowls must not be kept within 4.5 metres (or such greater distance as the Council may determine in a particular case), of a dwelling, public hall, school or any premises used for the manufacture, preparation, sale or storage of food.

### 11. Enclosure of yard space

Poultry yards must be so enclosed as to prevent the escape of poultry.

### 12. Offensive odours

Poultry yards must at all times be kept clean and free from offensive odours.

### 13. Floor materials for poultry houses

The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this clause does not apply to poultry houses:

13.1 that are not within 15.2 metres of a dwelling, public hall or school; or

13.2 that are situated on clean sand.

**14. Number of hens**

Fowls must not be kept on premises in residential areas or closely settled areas in greater number than five (5) hens.

**15. Roosters**

The keeping of roosters is prohibited within or in close proximity to residential areas.

**16. Rat proofing**

The poultry yard and poultry houses are to be rat proofed.

**17. Drainage**

The poultry yard and poultry houses are to be properly graded and drained and positioned such that any faeces, rubbish or refuse is not washed or deposited onto or into any adjoining property, public place or watercourse.

**18. Food materials**

All poultry feed is to be kept in vermin and fly-proof containers with a tight fitting lid.

## **PART 3**

# **Minimum Standards and Conditions for the Keeping of Horses**

**19. Horses not to be kept near certain premises**

Horses must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of 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.

**20. Floor materials of stables**

The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.

**21. Enclosure of yard space**

Horse yards must be so enclosed as to prevent the escape of horses and prevent them from coming within the distance prescribed by or under clause 19 above from any building listed in such clause.

**22. Drainage**

The stables and horse yards are to be so sited, constructed and drained as to prevent manure and refuse arising therefrom, being washed or deposited onto or into any adjoining property, public place or watercourse.

**23. Erection of stables**

Prior to the erection of any stable, a development application is to be lodged and approved by Council and a construction certificate issued.

**24. Provision of manure and refuse bin**

The occupier, or if unoccupied the owner, of any premises which contain any stable or horse yard shall provide a box or bin impervious to moisture and flies for the reception of all manure or refuse in such stable or horse yard.

The occupier or owner must cause such stable or horse yard to be cleansed daily.

**25. Use of manure and refuse bin**

The occupier, or if unoccupied the owner, of any premises which contain any stable or horse yard shall cause all manure or other refuse, if not removed immediately to be placed in the a box or bin required to be provided under clause 24, and shall cause the box or bin to be kept covered, and to be emptied and cleansed once at least in every week, and more often if the Council shall so require and shall not at any time allow such box or bin to become a nuisance.



## **PART 4**

# **Minimum Standards and Conditions for the Keeping of Goats**

- 26. Goats not to be nuisance or health risk**  
Goats must not be kept under such conditions or in such a manner as to create a nuisance or to be dangerous or injurious to health.
- 27. Goats not to be kept near certain premises**  
Goats must not be kept within 45 metres (or such greater distance as the Council may determine in a particular case) of any dwelling, public hall or school or any premises used for the manufacture, preparation, or storage of food.
- 28. Number of goats to be kept**  
Goats shall not be kept on premises in greater number than one per 93 square metres of available yard space
- 29. Floor materials for goat sheds**  
The floors of goats sheds must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to drain.
- 30. Water supply**  
An adequate water supply shall be provided to the goat shed and such shed shall be cleansed and hosed down daily.
- 31. Enclosure of yard space**  
The goat yard must be so enclosed as to prevent the escape of goats.

## **PART 5**

# **Minimum Standards and Conditions for the Keeping of Pigs**

### **32. Development consent**

Premises must not be used for the keeping of pigs unless development consent has been issued under the provisions of the Environmental Planning and Assessment Act 1979.

### **33. Erection of buildings and sheds**

Prior to the erection of any building or shed, a development application is to be lodged and approved by Council and a construction certificate issued.

### **34. Structural standards**

The minimum structural requirements shall be:-

**34.1** Pigs shall be kept in enclosed pens and yards provided with a pig-proof fence. Such fences shall be situated at least 6 metres from the side and rear boundaries of the land and the area outside the fences shall be planted with trees and shrubs to effectively screen the pens and yards. Such trees and shrubs shall be maintained by the occupier.

**34.2** The floors of pens shall be constructed of concrete, unless there is a depth of at least 300mm of clean shavings, litter or the like.

**34.3** The floor of the pens shall be constructed of brick, stone, or concrete, provided that the use of timber or galvanised iron walls on top of brick walls one metre high (cement rendered) will be permitted. Divisional walls within a shed may be of steel mesh, set at least 50mm above the floor.

**34.4** The roof shall be constructed of galvanised iron, fibre cement or other approved material.

**34.5** New materials only may be used in the construction of pens and sheds.

**34.6** All roofs shall be fitted with guttering and downpipes discharging into an approved drainage system.

**34.7** An adequate water supply shall be available.

**34.8** All drainage of effluent arising from the premises shall be disposed of without nuisance in a Council approved manner.

### **35. Pigs not to be kept near certain premises**

Pigs must not be kept (and pigs' dung must not be deposited) within 60 metres (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 village or other urban part of the Shire.

**36. Removal of dung**

All dung shall be removed from the pens daily and disposed of without nuisance in a Council approved manner.

**37. Putrescible matter prohibited**

No putrescible matter shall be brought onto the premises and pigs are to be fed on approved dry feed only which is to be kept and stored in vermin and fly proof containers.

**38. Feeding troughs**

All materials for the feeding of stock shall be deposited in troughs only. Feeding troughs shall be constructed of impervious material.

**39. Repair and cleaning**

All premises, utensils, appliances and tools shall be kept in good repair and in a clean and sanitary condition at all times.

## **PART 6**

### **Minimum Standards and Conditions for the Erection of Boarding and / or Breeding Kennels for Dogs in Rural Areas**

**40. Development consent**

Premises must not be used for the boarding and / or breeding of dogs and no boarding and / or breeding kennels erected unless development consent has been issued under the provisions of the Environmental Planning and Assessment Act 1979 and a construction certificate issued for the erection of any boarding and / or breeding kennels.

**41. Construction and sound proofing of buildings**

Any building used for the housing of dogs is to be soundly constructed and sound-proofed to prevent any noise nuisance from barking dogs. Noise levels emitted from the premises are not to exceed 5dB(A) above the existing background levels.

**42. Floor material of kennels**

The floor of the kennels is to be constructed of concrete and to be properly drained to Council's satisfaction.

**43. Distance of kennels from residences and occupancies**

No kennels are to be erected within 100 metres of any adjoining residence or occupancy.

**44. Number of dogs to be accommodated**

Dogs are to be limited in number according to the location of the proposed kennels.

**45. Exercising of dogs**

Dogs are to be exercised under supervision.

**46. Acoustical compliance**

The occupation of the kennels will not be permitted until Council is furnished with a certificate from an Acoustic Engineer that the building complies with Council's sound-proofing requirements.

**47. Storage and preparation of food**

All feed is to be stored and prepared in a properly constructed building capable of being easily cleansed, maintained and kept free of vermin.

**48. Confinement of dogs**

Dogs shall at all times be kept within the confines of the kennels and exercise yards except during their receipt or release.

**49. Storage and disposal of excrement**

All excremental waste and loose hair, if not removed immediately, is to be collected in an impervious fly-proof container which is to be emptied and cleansed at least once in every seven consecutive days. All such wastes shall be deposited at a Council agreed waste disposal depot and shall not be incinerated or buried on the premises.

**50. Drainage**

The kennel drainage system shall be constructed so as to ensure the collection of all waste water which shall then be transported through earthenware or plastic pipe to a suitable arrestor pit thence to a properly constructed absorption drain. Details of all proposed drainage is to be submitted and approved by Council.