

POLICY

Local Orders – Keeping of Animals in Upper Hunter Shire

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| Minute number | 23/232 |
| Endorsed by | Senior Management Group |
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| Related documents | Nil |
| Responsible officer | Manager Planning, Building & Regulatory Services |
| Department/Section | Environmental and Community Services |
| Category | Regulatory Compliance |
| Community Strategic Plan goal | Goal 4 Plan for a sustainable future |
| | CS14 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible |



Policy Statement

This policy seeks to inform the Upper Hunter Shire Council community of Council's regulatory powers concerning the keeping of animals in the Upper Hunter Shire Council area. The Orders Policy aims to:

- a. Minimise the incidence of nuisance being caused to persons
- b. Protect the welfare of companion and farm animals
- c. Protect the welfare and habitat of wildlife
- d. Minimise the disturbance of or damage to protected vegetation.
- e. Safeguard the environment.

It is well documented that the keeping of companion animals and/or pet animals is usually most beneficial to the wellbeing 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.

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 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.

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.

Objective

The purpose of the Local Orders Policy is to, in accordance with s159 of the Local Government Act, supplement provisions of the Act and the Local Government (General) Regulation 2021 by specifying the criteria which Council staff will consider in determining whether or not to give an Order under Section 124 of the Local Government Act. The Objectives are;

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



Scope

This policy applies to all land within the Upper Hunter Shire Council Local Government Area.

This policy relates to Order Numbers 18 and 21 of Section 124 of the Local Government Act, 1993.

Definitions

| | |
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| Act | Means the Local Government Act 1993 and regulations made thereunder. |
| Adequate | Means equal to the requirement or occasion; fully sufficient, suitable or fit. |
| Clean and Sanitary | Means the provision of a healthy environment by the exclusion of dust, dirt, vermin, bacteria and waste. |
| Convenience | Means a state of affairs in which members of the community can enjoy a public place without aggravation, fear, annoyance or disruption from a source within private property. |
| Dwelling | A building or part of a building used as a place of residence. |
| Local Government Act | Means the Local Government Act 1993 (as amended) and includes subordinate legislation made thereunder. |
| Land | Includes allotments, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein. |
| Likely | Means probably or apparently going or destined to be. |
| Necessary | Means something that cannot be dispensed with. |
| Order | Means any order issued under s124 of the Act. |
| Safety | Means freedom from injury or danger. |

Policy Details

Prescriptive Requirements

The number of animals that may be kept at premises should not exceed the number shown as appropriate to the kind of animal listed in the table included with this policy (Attachment1) in town and village areas. The maximum number of animals of a particular species may need to be reduced where multiple species of animals are kept at a premises.

The kind of animal that is suitable to be kept at any premises will be determined having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building. Certain statutory requirements also apply as noted in the table. It should



be noted, where necessary, the Upper Hunter Shire Council has made a resolution to increase the minimum distances that are specified in the Local Government Act.

It should not be assumed that animals of all kinds may be kept on premises, which are part of a multiple dwelling allotment. Where a dwelling is owned within a Strata Plan, it will be necessary for the rules of the Body Corporate to be examined for requirements relevant to the keeping of animals.

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 or fear for safety
- Cause nuisance due to proliferation of flies, lice, fleas or other insects.

Suitable shelter(s) should be provided for all animals. Certain kinds of animals are required to be kept in cages to prevent escape or attack by predators. Generally other animals are to be securely enclosed with adequate fencing to prevent escape.

Certain animal shelters should not be erected or located at premises without the prior approval of Council. Please contact Council's Environmental Services Department for further details.

Design guidelines for the size, layout and construction of animal shelters are produced by the various animal welfare organisations, Department of Agriculture, Water and the Environment and Department of Primary Industries. These may be adopted from time to time as supplements to this policy.

Council's Powers to Control and Regulate the Keeping of Animals

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

The 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:

- 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:



- Companion Animals Act 1998
- Protection of the Environment Operations Act (POEO) 1997
- Public Spaces Unattended Property Act 2021
- Food Act 2003 (prohibits animals to be kept where food is handled for sale)

Giving of Orders by Council

Generally, where a problem is identified with the keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order. Normally a person will be given the 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.

In accordance with the Act, Council is required to observe certain procedures before giving Orders.

Listed in the Orders schedule are the types of orders that Council may give, the circumstances under which they may be given and the criteria that must be considered, if any. In areas where it is considered that the circumstances for the particular order are self-explanatory no additional criteria has been provided.

Note: The giving of an order is not mandatory and is at the discretion of the Council authorised investigating officer whether or not the circumstances meet the applicable criteria for that order. If a Council authorised investigating officer decides to give an order they are required to take the criteria listed in the orders schedule into consideration before giving the order (Section 131 of the Act)

Table of Requirements

The table in Attachment 1 indicates the essential requirements and relevant considerations regarding the keeping of animals. The cumulative total of animals should not exceed the capacity of the premises to house those animals without resulting in overcrowding or impacts on the environment and public health. Accordingly, the maximum number specified for each kind of animal may need to be reduced where multiple species are kept at a premises.

Note: The information contained within this policy is provided as guidelines. Council will consider all aspects of the policy and the individual circumstances of the case when determining the appropriate form of action in response to any complaints received.

Responsibilities

Senior Management Group

The Senior Management Group will review and endorse this Policy.

Manager Planning, Building & Regulatory Services

The Manager Planning, Building & Regulatory Services will review this Policy every two years or as required.



Health, Building & Compliance Coordinator

The Health, Building and Compliance Coordinator will ensure the effective implementation of the Policy and ensure that all applicable staff are familiar with its contents.

References and Related Legislation

Section 124 of the Local Government Act does not affect the power of a council to give an order (or a notice or direction) under the authority of another Act.

For example, some of those Acts and the orders (or notices or directions) that may be given include—

- Local Government Act 1993
- Companion Animals Act 1998
- Protection of the Environment Operations Act 1997
- Public Spaces Unattended Property Act 2021
- Food Act 2003

Version History

| Version No. | Date | CM Reference | Reason for Review |
|-------------|------------|--------------|---|
| 1 | 15/11/2017 | INT-33984/17 | Timed review, administrative changes only |
| 2 | 28/10/2019 | CD-65/21 | Timed review, administrative changes only |
| 3 | 31/01/2022 | CD-182/21 | Timed review, administrative changes only |
| 4 | 27/11/2023 | CD-69/23 | |
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ATTACHMENT 1

TABLE OF REQUIREMENTS

| KIND OF ANIMAL | MAXIMUM NUMBER (Excludes Offspring to 3 months of age) | LOT SIZING OF PROPERTY | APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS |
|-----------------------------|---|---|--|
| Dogs | 2 maximum (4 with Approval) 4 maximum 5+ with Kennel Approval | At least 400m ² , less than 4,000m ² 4,000m ² or greater Kennel - 400m ² or Greater | |
| Dangerous / Restricted Dogs | | | Refer to Annexure A for requirements for the keeping of dangerous / restricted dogs |
| Working dogs | | | <p>Primary producer</p> <ul style="list-style-type: none"> • ABN number of business registration from the Tax Office identifying that the business is registered as a Primary Producer and showing that it is in the dog owner's name. • A Statutory Declaration from the person stating that the dog is a working dog (by definition in the Act). <p>Employee of a primary producer</p> <ul style="list-style-type: none"> • A letter from the business owner (on their business letterhead and ABN) confirming that the person is an employee of the business, that the business is registered as a primary producer and that the employee is required to use a dog for the purposes of their duties. • A Statutory Declaration from the person stating that the dog is a working dog (by definition in the Act) |
| Cats | 2 maximum 3 - (6 cats with approval) Up to 6 cats with approval 7+ with Cattery Approval | Under 400m ² At least 400m ² , less than 4,000m ² 4,000m ² or greater Cattery - 400m ² or greater | |



| KIND OF ANIMAL | MAXIMUM NUMBER (Excludes Offspring to 3 months of age) | LOT SIZING OF PROPERTY | APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS |
|---|--|---|--|
| Chickens and Quails | 6 maximum 12 maximum Not applicable | Under 1,000m2 1,001m2 to 4,000m2 Over 4,000m2 | |
| Roosters, guinea fowl, ducks, geese, turkeys, peafowl and pheasants | Not allowed Not applicable | Under 4,000m2 Over 4,000m2 | |
| Cockatoo, Galah | 1 maximum with approval | Under 4,000m2 | |
| Birds including canaries, budgerigars, finches and parrots. | 20 maximum (no approval required) Over 20 - Deemed Approval Not applicable | Under 4,000m2 Under 4,000m2 Over 4,000m2 | Aviaries must not be within 10 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale. |
| Pigeons | As appropriate in the circumstances | | Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale. NOTE: To establish the permissible number of pigeons by locality of premises, it will be necessary for Council Officers to assess the site conditions. |
| Native Animals | Kept only for the purpose of rehabilitation and subsequent return to the wild. Maximum 10 (note that the maximum number includes bats and flying foxes less than 3mths old) | | National Parks and Wildlife Act, 1974 Fauna Protection regulations place a general prohibition on the keeping of native mammals by any person other than licensed keepers. Advice on the keeping of native mammals should be sought from the NPWS in all cases. Council may require cages to incorporate sound insulation features if unreasonable noise levels are generated. Cages to be provided with paved / impervious floor in residential area. |
| Rabbits | 4 adult domestic rabbits may be kept at any one time | Under 2,500m2 | Rabbits being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale. |



| KIND OF ANIMAL | MAXIMUM NUMBER (Excludes Offspring to 3 months of age) | LOT SIZING OF PROPERTY | APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS |
|---|---|---|---|
| Ferrets | - | - | The keeping of ferrets is not recommended, however where proper care (including appropriate secure cages) is available, the keeping of ferrets may be approved. |
| Pet rats, Mice and Guinea pigs | 12 of each variety | Under 2,500m ² | Must be kept in appropriate cages and not released into the environment. |
| Sheep, Goats, Alpacas, Llamas or similar. | Not allowed 4 maximum (no approval required) Over 4 - Deemed Approval 6 maximum (no approval required) Over 6 - Deemed Approval Not applicable | Under 2,000m ² 2,001m ² to 4,000m ² 2,001m ² to 4,000m ² 4,001m ² to 6,000m ² 4,001m ² to 6,000m ² Over 6,001m ² | Sheep, Goats, Alpacas, Llamas, may not be kept within 10 metres 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. |
| Pigs | Not allowed 2 maximum Not applicable | Under 4,000m ² 4,001m ² to 10,000m ² Over 10,001m ² | Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property. |
| Horse, Donkey, Cow, Camel or similar | Not allowed 1 maximum 2 maximum (no approval required) Over 2 - Deemed Approval Not applicable | Under 2,500m ² 2,500m ² -4,000m ² 4,001m ² to 10,000m ² 4,001m ² to 10,000m ² Over 10,000m ² | Horse, Donkey, Cow, and Camel must not be kept within 10 metres of an adjoining property boundary or 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. This distance may be varied on application in areas zoned for stable/horse keeping purposes (refer to the Local Environmental Plan). |



| KIND OF ANIMAL | MAXIMUM NUMBER (Excludes Offspring to 3 months of age) | LOT SIZING OF PROPERTY | APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS |
|-------------------------|--|---|--|
| Reptiles and Amphibians | As appropriate in the circumstances | As appropriate in the circumstances | <p>National Parks and Wildlife Act, 1974 Fauna Protection regulations place a general prohibition on the keeping of reptiles and amphibians by any person other than licensed keepers. Advice on the keeping of reptiles and amphibians should be sought from the National Parks and Wildlife Service in all cases.</p> <p>All species must be adequately housed to prevent escape. The keeping of snakes may cause concern to neighbours.</p> |
| 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 not to provide a breeding ground for mosquitoes and other insects.</p> <p>Ponds are required to be made child proof with a fence. The fence must comply with Australian Standard 1926. Applies to ponds more than 300 millimetres in depth.</p> |
| Bees | No more than two hives is permitted | In urban areas, where allotments are less than 2500m ² | All beekeepers must be registered with the NSW Department of Primary Industries |

NOTES:

- a. The distances indicated in the Fourth column of the above table are to be measured in metres from the animal yard or enclosure to the nearest 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. It does not include a human being (as defined by the Prevention of Cruelty to Animals Act).
- c. Schedule 2 of the Local Government (General) Regulation, 2005 specifies minimum standards for the keeping of animals. The distances specified (except in the case of pigs) may be varied by Council and notified in writing to the occupier of premises in a particular case.
- d. **Rural Areas:** Council is still concerned with ensuring that responsible ownership occurs in the rural areas of the shire. Many of the obligations and requirements stated within the policy are applicable to the rural situation. Council will assess any complaints and take appropriate action based on the circumstances of the particular case.



Dogs

Objectives:

- To encourage the satisfactory care and management of dogs in the Upper Hunter Shire Local Government Area;
- To ensure that the keeping of dogs does not adversely impact on the surrounding community or the environment; and
- To ensure that all dog owners comply with all relevant government legislation and regulations.

Detailed Requirements:

1. No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.
2. Waste material, including litter and bedding, must be disposed of in an approved manner, which may include composting.
3. All noise, including barking, must be controlled.
4. All odours must be controlled.
5. The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.
6. Wildlife must be protected from dogs.
7. Dog breeding and/or boarding kennels are subject to Council approval.
8. All provisions of the Companion Animals Act 1998 and the Companion Animals Amendment Act 2006 must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.

Note - Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.

Dog breeders may apply for permission from Council to vary the number of dogs permitted on any property.

Cats

Objectives:

- To encourage the satisfactory care and management of cats in the Upper Hunter Shire Local Government Area;
- To ensure that the keeping of cats does not adversely impact on the community or the environment; and
- To ensure that all provisions of relevant legislation are complied with.

Detailed Requirements:

1. The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.
2. Wildlife must be protected from cats.
3. All provisions of the Companion Animals Act 1998 and the Companion Animals Amendment Act 2001 must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.



Note – Owners of cats are encouraged to de-sex their cats and keep them contained at night.

Registration fees are cheaper for de-sexed animals.

Chickens, Quails, Guinea fowl, Ducks, Geese, Turkeys, Peafowl and other Pheasants

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Upper Hunter Shire Local Government Area;
- To ensure that the keeping of poultry does not adversely affect the community or the environment; and
- To ensure that poultry owners comply with relevant government legislation.

Detailed Requirements:

1. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
2. Poultry yards must at all times be kept clean and free from offensive odours.
3. All food must be stored in sealed vermin proof containers and must not be left uncovered.
4. All offensive noise, odours, vermin and other pests must be controlled.
5. All poultry must be housed in purpose built facilities. Structures must satisfy the general area and development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or have development consent from Council.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
7. Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.

Roosters are not permitted in residential areas

Pigeons

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Upper Hunter Shire Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the surrounding community or the environment.

Detailed Requirements:

The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the Upper Hunter Shire Local Government Area is permitted with the following control conditions applying:

1. A maximum 40 pigeons except as permitted for Racing Pigeons (see below) may be kept.
2. All pigeons must be housed in purpose built facilities. All aviaries/lofts and other built facilities for the keeping of caged birds including pigeons require prior Council development consent, except where aviaries/lofts do not exceed the following dimensions as prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 CI2.7.



3. The keeping of pigeons within unit or townhouse developments is not permitted.
4. Racing Pigeons: The maximum number of racing pigeons that may be kept on premises within an urban area is 150 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association is an active member of the sport and otherwise complies with other provisions of this local policy
5. Development Consent is required for any activity not considered a hobby including breeding pigeons for sale purposes.
6. Enclosed housing must use deep litter or other appropriate substrate.
7. Rodents other vermin and offensive odours must be vigorously controlled. All food must be stored in sealed vermin proof containers and must not be left uncovered.
8. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no in or nuisance resulting from this activity or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
9. Waste must be disposed of in an approved manner.
10. Liberation of Pigeons (General)

Note: This section below relates to the practice commonly referred to as homing

11. The uncontrolled release of pigeons (free lofting) in an urban residential area is not permitted.
12. Free flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.
13. Free non-flight time must be conducted under close supervision by the owner.
14. The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.
15. Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.
16. Every reasonable attempt must be made to retrieve birds that do not return.
17. Birds must not be permitted to roost on neighbours' premises.
18. Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.

Birds including Canaries, Budgerigars, Finches Parrots, Cockatoo and Galah

Objectives:

- To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly;
- To ensure that local and neighbouring residents are not affected visually by any aviculture structure;
- To ensure that the neighbours and the surrounding environment are not affected by noise, odour or vermin; and
- To ensure that the welfare of birds is maintained.



Detailed Requirements:

1. All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council, and designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
2. All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.
3. Careful regard must be given to the amenity of neighbours, especially the avoidance of excessive noise and odour.
4. The Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia, must be complied with at all times.
5. Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the Environmental Planning and Assessment Act 1997 may apply.
6. Extensive aviculture activities are required to submit aviary plans for development approval by Council.
7. Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.
8. Enclosed buildings for the primary purpose of holding caged birds require Council consent.
9. An animal trade must not be conducted without prior consent.
10. Vermin proof food storage facilities must be provided.
11. An adequate rodent and pest control program must be in place.
12. Excessive noise and odour must be controlled by the use of sound proofing materials, distance and choice of bird species.

Native Animals

Objectives:

- To ensure the satisfactory care and management of injured native wildlife;
- To ensure that the keeping of injured native wildlife does not adversely affect the surrounding community or the environment; and
- To ensure that the carers of injured native wildlife comply with relevant government legislation.

Detailed Requirements:

1. No native animal may be taken from the wild and kept as a pet.
2. Carers of injured native wildlife must be a member of a licensed rehabilitation group and have completed the appropriate training courses for the caring of injured animals.
3. Injured wildlife must not create a nuisance of any kind to the surrounding community.
4. All offensive noise must be controlled.
5. All odours must be controlled.
6. Suitable facilities for the housing of injured animals must be available and used.
7. The caring of injured native wildlife in townhouse or unit developments is not permitted.
8. A Native Animal Keepers' licence is required to keep most native animals as pets (i.e. those bred in captivity). Contact the Office of Environment and Heritage's licencing unit for licencing requirements.



Rabbits

Objectives:

- To encourage the appropriate care and management of rabbits within the Upper Hunter Shire Local Government Area;
- To ensure that rabbit owners comply with all relevant legislation; and regulations and;
- To ensure that the keeping of rabbits does not adversely affect the surrounding community and environment.

Detailed Requirements:

1. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
2. Hutches and cages must be kept clean at all times.
3. All odours must be controlled.
4. Rabbits must not be bred for greyhound training.
5. Rabbits must be protected from all predators.
6. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure.

Note – Owners of rabbits are encouraged to keep vaccinations for calicivirus current.

Ferrets

Objectives:

- To encourage the correct care and management of ferrets in the Upper Hunter Shire Local Government Area;
- To ensure that ferret owners comply with all relevant government legislation; and
- To ensure that the keeping of ferrets does not adversely affect the surrounding community and environment.

Detailed Requirements:

1. Hutches and cages must be kept clean at all times.
2. Odours must be vigorously controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.
3. Protection for ferrets from extreme weather conditions must be provided.
4. Hutch or cage construction must be of a standard that will prevent escape.
5. Ferrets are not to be fed live food.
6. Sufficient food and drink must be provided at all times.
7. Ferrets must be caged and/or secured at all times and are not permitted to free range.
8. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Guinea Pigs

Objectives:

- To encourage the appropriate care and management and care of guinea pigs within the Upper Hunter Shire Local Government Area; and



- To ensure that the keeping of guinea pigs does not adversely affect residents and the surrounding environment.

Detailed Requirements:

1. Hutches and cages must be kept clean at all times.
2. Protection from the natural elements must be provided (particularly extreme hot weather).
3. Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
4. Sufficient food and drink must be provided at all times.
5. Odours must be vigorously controlled at all times.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Rats and Mice

Objectives:

- To encourage the satisfactory care and management of companion rodents, rats and mice; and
- To ensure the keeping of rodents, rats and mice does not adversely affect the surrounding community and the environment.

Detailed Requirements:

1. The keeping of these animals is permitted as pet companion animals only. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.
2. Only domesticated breeds of rats and mice are permitted to be kept.
3. Rodents, rats and mice must be confined within rodent proof cages or enclosures.
4. These animals must be protected from the predation of cats and dogs.
5. Any excess rodents must be disposed of in an appropriate and humane manner.
6. Odours must be vigorously controlled at all times.
7. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Sheep, Goats, Alpacas, Lamas, or Similar

Objectives:

- To ensure that sheep and goats are kept in a satisfactory manner in the Upper Hunter Shire Local Government Area;
- To ensure that the welfare of Sheep, Goats, Alpacas, Llamas, remains a priority;
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, does not adversely affect nearby residents or property; and
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, does not affect the surrounding environment.

Detailed Requirements:

1. Sheep, Goats, Alpacas, Llamas, and Camels are only permitted to be kept on land where suitable grazing exists.
2. The keeping of Sheep, Goats, Alpacas, Llamas, in townhouse or unit developments is not permitted.



3. No Sheep, Goats, Alpacas, Llamas, may be kept on a public place, including footpath areas and vacant allotments within the Upper Hunter Shire Local Government Area.
4. The slaughtering of Sheep, Goats, Alpacas, Llamas, is not permitted in urban areas unless within an approved facility.

Pigs

Objectives:

- To ensure the satisfactory standard of care for pigs (swine) in the Upper Hunter Shire Local Government Area;
- To ensure that the keeping of pigs (swine) does not adversely affect the community or the environment; and
- To ensure that the keeping of pigs (swine) complies with the relevant government legislation and regulations.

Detailed Requirements:

1. Pigs' dung and other waste must be disposed of in an approved manner on a daily basis.
2. Keeping pigs within units or townhouse developments is not permitted
3. Prior to the erection of any building or shed, a development application must be lodged to and approved by council.
4. The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.
5. The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.
6. Feeding troughs must be used and the troughs must be constructed of an impervious material.
7. All feed must be stored in vermin proof containers.
8. Noise must be controlled at all times.
9. All odours must be kept under control.

Horses and Donkeys

Objectives:

- To ensure that the satisfactory care and management of horses is maintained in the Upper Hunter Shire Local Government Area;
- To ensure that the keeping of equines does not adversely affect residents or the surrounding environment; and
- To ensure that equines owners comply with relevant government legislation.

Detailed Requirements:

1. The floors of stables must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to an approved drain.
2. Equines yards must be so enclosed as to prevent the escape of horses.
3. Yarded equines must be provided with a loosebox or similar shelter.
4. The provision of protection from sun, rain, wind and extremes of temperature should be provided.

The facilities must be of such a standard of construction and state of repair that prevents escape or injury to the equines. Yards and other holding facilities must be of post and rail or



similar construction. Paddock held equines may use natural cover, but rugging and constructed shelters should also be considered.

5. All fences must be of such construction and standard of maintenance that will reasonably ensure that equines cannot escape and/or be injured.
6. No tethered equines may be on a roadway or public place, unless under the direct supervision of an adult.
7. Equines on busy roadways must be under the direct care of a responsible adult.
8. No equines may be taken onto a public reserve, unless permission to do so has been obtained from Upper Hunter Shire Council.
9. No equines may be kept on a public place or vacant allotment within the Upper Hunter Shire Local Government Area.
10. Any stabled equines must be exercised at least daily for a minimum of 30 minutes and the time out of stables must be in excess of 2 hours.

Cattle and Camels

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of cattle and camels in the Upper Hunter Shire Local Government Area;
- Ensuring that the keeping of cattle and camels does not adversely affect the community or the environment; and
- To ensure that cattle and camel owners comply with relevant government legislation.

Detailed Requirements:

1. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
2. Cattle and camel yards must be enclosed as to prevent the escape of cattle and camels.
3. All fences must be constructed and up to a standard of maintenance so that the cattle and camels cannot escape or be injured.
4. No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.
5. The keeping of cattle and camels in townhouse or unit developments is not permitted.

Reptiles and Amphibians

Objectives:

- To ensure satisfactory standards of care and management are met in regards to the keeping of all reptiles in the Upper Hunter Shire Local Government Area;
- To ensure that the keeping of reptiles does not adversely affect the surrounding community and the environment; and
- To ensure that all relevant government legislation and regulations are complied with

Detailed Requirements:

1. All provisions of the National Parks and Wildlife Act 1974 must be complied with. This includes obtaining a licence to keep reptiles.
2. Advice regarding the keeping of reptiles must be obtained from the National Parks and Wildlife Service.
3. It is prohibited to move a reptile from the natural environment.



4. Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the particular species.
5. All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to:
6. All offensive odours must be controlled.
7. All noise must be controlled.
8. The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.
9. All reptiles must be protected from the predation of other animals.
10. All reptiles must be kept in appropriate numbers.

Fish, Aquarium and Ponds

Objectives:

- To ensure the satisfactory standard of care for aquatic organisms in the Upper Hunter Shire Local Government Area;
- To ensure that the keeping of fish, aquariums and ponds does not adversely affect the community or the environment; and
- To ensure that all relevant guidelines, regulations and Australian Standards are complied with.

Detailed Requirements:

1. Water is to be maintained at clean and sufficient levels.
2. All noise from filtration pumps must not be used in a manner that creates a nuisance.
3. Ponds must contain shade of some kind. This may include aquatic plants.
4. Food must be made available that suits the species of aquatic organism(s). This may include aquatic plants.
5. Fish must be protected from predation. This may be done with fencing or a cover of some kind.
6. All fish and aquatic plants must be disposed of in a council approved manner. Council does not approve the dumping of fish and aquatic plants into any type of waterway, or anywhere that leads to one.

Bees

Objectives:

- To ensure that the welfare of bees remains a priority;
- To ensure that the keeping of bees does not adversely affect nearby residents or property; and
- To ensure that the keeping of bees does not affect the surrounding environment.
- To ensure that the owners keeping bees comply with the relevant government legislation and regulations.

Detailed Requirements:

1. All beekeepers must be registered with the NSW Department of Primary Industries (NSW DPI) and must comply with the NSW Biosecurity Act 2015.
2. All beehives must be identified by branding all brood boxes with their registration number.
3. Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with a disease.



4. The aims, objectives and husbandry procedures as defined in the Australian Honey Bee Industry Code of Practice must be complied with.
5. 5.. Only docile strains of bees should be kept;
6. Beekeeper must obtain permission from the owners of private lands or from the authority of government controlled lands before placing beehives on such lands;
7. Beehives should not be positioned in the front yard of houses.
8. A permanent water source suitable for bees should be established within close proximity to the hive;
9. Hive/s are regularly monitored for signs of disease; and
10. The keeping of bees in unit and townhouse developments is not permitted.

Note – Beekeepers are encouraged to increase and update their knowledge by attending training and/or belonging to a beekeeping association.



ANNEXURE A

COMPANION ANIMALS REGULATION 2018

Clause 32 Enclosure requirements for dangerous or restricted dogs

- (1) For the purposes of sections 51 (1) (c) and 56 (1) (a1) of the Act, the requirements set out in subclauses (2)–(4) are prescribed as the requirements that must be complied with in relation to an enclosure for a dangerous or restricted dog.
- (2) The enclosure must:
 - (a) be fully enclosed, constructed and maintained in such a way so that the dog is not able to dig or otherwise escape under, over or through the enclosure, and
 - (b) be constructed in such a way so that a person cannot have access to it without the assistance of an occupier of the property who is above the age of 18 years, and
 - (c) be designed to prevent children from having access to the enclosure, and
 - (d) not be located on the property in such a way so that people are required to pass through the enclosure to gain access to other parts of the property, and
 - (e) have a minimum height of 1.8 m and a minimum width of 1.8 m, and
 - (f) have an area of not less than 10 square metres for each dangerous or restricted dog kept on the property, and
 - (g) have walls that are fixed to the floor and constructed to be no more than 50 mm from the floor, and
 - (h) have walls, a fixed covering and a gate that are constructed of:
 - (i) brick, timber, iron or similar solid materials, or
 - (ii) mesh that complies with subclause (4), or
 - (iii) a combination of the materials referred to in subparagraphs (i) and (ii), and
 - (i) have a floor that is constructed of sealed concrete and graded to fall to a drain for the removal of effluent, and
 - (j) provide a weatherproof sleeping area of sufficient dimensions to enable each dangerous or restricted dog kept on the property to shelter from the weather.
- (3) Any gate to the enclosure must:
 - (a) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure, and
 - (b) be kept locked when the dog is in the enclosure, and
 - (c) display the warning sign referred to in clause 33.
- (4) Mesh used in the construction of an enclosure must be:
 - (a) chain mesh manufactured from at least 3.15 mm wire to form a maximum mesh spacing of 50 mm, or
 - (b) weldmesh manufactured from at least 4 mm wire with a maximum mesh spacing of 50 mm.