

ADOPTED		VERSION NO	2
COUNCIL MEETING MIN NO	253/19	REVIEW DATE	AUGUST 2023
DATE:	21 AUGUST 2019	FILE NUMBER	GOV400047

## Objective

This policy seeks to inform the Mid-Western community of Council's regulatory powers concerning the keeping of animals in the urban environment. The Policy aims to:

- Minimise the incidence of nuisance being caused to persons;
- Protect the welfare of farm animals;
- Protect the welfare and habitat of wildlife; and
- Minimise the disturbance of or damage to protected vegetation.
- To inform the community of the statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes in the urban areas of Mudgee, Gulgong, Rylstone and Kandos.
- To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
- To establish 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.
- To identify which animals are prohibited within the Mid-Western Regional local government area and the circumstances in which such animals are prohibited.

*This policy applies to animals kept for domestic purposes but excludes companion animals (dogs and cats), control of which is adequately handled under the Companion Animals Act.*

## Legislative requirements

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124, Order 18, of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

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:

- Protection of the Environment Operations Act 1997
- The Impounding Act, 1993
- Companion Animals Act 1998

## 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 a notice of intention to serve an Order. Normally a person will be given opportunity to make representation to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

## Policy

### URBAN LAND

For the purposes of this policy, *urban areas* are defined as residential land located:

- in Mudgee, Rylstone, Kandos and Gulgong towns; and
- zoned: R1, R2, R3, R5, RU5 that are 2 hectares or less in size

Land Zoning for a property can be identified through the NSW Planning Portal (Find a Property) <https://www.planningportal.nsw.gov.au/find-a-property>.

### ANIMALS PROHIBITED IN URBAN AREAS

The following animals are not permitted to be kept in urban areas due to the likely impacts on health and amenity;

- Roosters;
- Goats;
- Sheep;
- Cattle; and
- Pigs.

### VARIATION TO THIS POLICY

Variations to this policy may be sought, by the occupier of the land that is 1ha or greater, may make a written submission to Mid-Western Regional Council. Any proposal for a variation to this policy will be considered on a case-by-case basis and must provide the following information as a minimum:

- The size of the property;
- A site plan showing the location where the animals will be kept and the distance from any structures on site or on adjoining properties;

- The type of animals to be kept;
- The number of animals to be kept;
- Owners consent from the owner of the property;
- The likely impact of the animals on the environment and the amenity of the area;
- Information addressing any matters raised by Council in any correspondence.

Written support from neighbouring properties will be beneficial in supporting your case for a variation.

## CONSIDERATIONS

In assessing any proposals seeking to vary this policy, as well as the specific provisions in Schedule 2 of the Local Government (General) Regulation 2005, the following matters shall be taken into consideration:

- 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.
- 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.
- Animals should not be kept at premises used for the manufacture, preparation, sale or storage of food for human consumption.
- Suitable shelter(s) should be provided for all animals. Certain species 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 and facilities should not be erected or located at a premise without the prior approval of Council. Animal owners wishing to erect such structures should consult Council to determine which structures require development approval.