



Extra Animals

Keeping more than specified in the Local Law

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Helping to keep our community safe

Council recognises the important contribution animals of all kinds make to the enjoyment and wellbeing of residents throughout the shire. This is reflected in Council's Local Law No 1 Community and Environment 2013 as it does not specify numbers of the different types of animals that you can keep on your property (other than dogs and cats), but bases these controls around the nuisance provision included in the Local Law. This ensures that if you are keeping livestock in line with Codes of Practice and the health and welfare of the animals is being supported, the Local Law permit requirement would be exempt.

The 'nuisance' clause does, however, provide Council Local Laws Officers an avenue for intervention should the keeping of livestock interfere with the amenity of neighbours. Examples of investigation could be for noise, odour, welfare of the animals or inappropriate location of animal housing. By requiring a permit to be obtained, conditions can then be included that minimise and/or remove the impact of any nuisance which may have arisen.

In Mitchell, as a pet owner, you can have 2 dogs and 2 cats in a semi-rural or residential area. In rural areas you can have up to 6 dogs and 4 cats.

Quick Facts

- It's important to remember that the Mitchell Planning Scheme is a higher authority than the Local Law. In some situations, a Planning Permit may be required, depending on the number of animals, the species, the use of the animals (non commercial or commercial, breeding, training etc), any Planning Zones which overlay your property or any covenants that may apply to your land.
- The Department of Environment and Primary Industries has a suite of Codes of Practice for the welfare of animals. These Codes of Practice must be followed as a permit condition for keeping animals



Sometimes, you may want to have more than these numbers, or introduce different species of animals into your life, such as chooks, ducks or sheep.

This fact sheet runs through the requirements to help make that happen.

Why do the numbers differ for dogs and cats depending on the area you live in?

When determining the numbers of dogs and cats per property, Council Officers took into account the fact that many of our farmers living in rural areas have dogs as an integral part of their livelihood – as working dogs. Often a farmer will have a couple of house cats and a couple that live in the out buildings keeping mice and rats to a minimum.

For people living in residential or semi rural areas, the numbers are reduced – not to stop you from having more, but to take closer neighbours into consideration, along with property capability of sustaining more animals.

If I want more than what's in the Local Law, what's the process?

- Check the table included in this fact sheet to see where your situation fits in with permit requirements
- If a permit is required, a Permit Application Form will need to be completed and payment of a fee made to Council. A permit for extra animals will expire annually in April and a renewal notice will be issued to let you know when that is. If your circumstances have not changed, payment of the renewal fee is all that is required by the due date to ensure continuity of your permit. If the number or type of animals changes, please let us know so that we can ensure minimal interruption to the process
- Upon receipt of the application, Local Laws staff will determine whether a Planning Permit is required, or whether the application should go ahead under Local Law
- If a Planning Permit is required, a refund of the Local Law Application Fee will be provided and a letter informing of the requirement to obtain a Planning Permit will be sent
- If a Local Law Permit is applicable, Local Laws staff will send a letter to abutting neighbours who may be

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impacted by your application, letting them know of the application received, and offering them the opportunity to make a submission. The submission can either be for or against the application, and they have a set time to do so

- Once the submission time has lapsed the decision as to whether a permit should be issued is determined
- Sometimes mediation may be required in negotiating an outcome
- An appeal process is in place for anyone in the application process who is not happy with the outcome, whether it is the applicant or a submitter



What needs to be considered before issuing a permit?

In deciding whether to grant a permit, the Council may take into consideration:

- The area and zoning of the land
- The reason for the application
- The proximity to adjoining occupiers
- The type and number of livestock, dogs and cats to be kept in the accommodation
- The amenity of the area and likely effect on adjoining occupiers
- The adequacy of the proposed accommodation
- Any membership by the applicant of any relevant bona fide association or organisation
- The age of the livestock, dogs and cats
- The sanitation of the area
- Any other matter relevant to the circumstances of the application



What about conditions of the permit?

Permit conditions may include:

- The ability of the property to sustain the number of livestock, dogs and cats proposed
- The location of housing
- The storage of feed
- A limit on the number of livestock, dogs and cats permitted
- The likely effect on safety of the general public
- The likely effect on the amenity of the area and adjoining properties

- Any housing for the livestock, dogs and cats be in accordance with the relevant Code of Practice or Regulation
- The keeping of livestock, dogs and cats in accordance with the relevant Code of Practice or Regulation
- Any other conditions deemed necessary

Housing for livestock, dogs and cats that exists or is proposed to be constructed to house animals, requires a Council permit.

Housing for any kind of livestock, dogs and cats for which a permit is required, and housing for any number of livestock, dogs and cats for which a permit is required, should be constructed to comply with the relevant Code of Practice.

What happens if you get complaints about my animals?

Any complaints received by Council will be investigated. What action will be taken will depend on the nature of the complaint.

- Upon detection of a breach of nuisance under the Local Law, an authorised officer may issue a Notice to Comply directing the person responsible to rectify the behaviour so that the behaviour no longer creates a nuisance for neighbouring properties
- If the matter is considered urgent or is endangering anyone or anything, an authorised officer may request the person responsible to cease the nuisance immediately and if they refuse or fail to comply, commence enforcement proceedings on the person responsible for the behaviour
- In circumstances where a permit has been issued, a show cause notice may be sent to the owner or occupier of the land detailing the permit breaches and request why the permit should not be rescinded. If no response is received within the specified period or the response will not negate the nuisance, then

- a notice rescinding the permit is to be issued giving a reasonable period to comply
- Failure to comply with this request may result in enforcement proceedings being initiated

Contact Council

If you require any further information or to apply for a permit, contact the Mitchell Shire Council Local Laws Department on 5734 6200.

Animal Management Schedule 2014

Type of animal	Residential Local Law Area	Semi Rural Local Law Area	Rural Local Law Area
Dogs	2	2	6
Cats	2	2	4
Poultry	10	10	Not limited by Local Law but planning scheme controls may apply
Geese	2	2	Not limited by Local Law but planning scheme controls may apply
Domestic Birds	20	30	Not limited by Local Law but planning scheme controls may apply
Roosters	Permit required	Permit required	Not limited by Local Law but planning scheme controls may apply
Domestic mice	10	10	Not limited by Local Law but planning scheme controls may apply
Guinea pigs	2	4	Not limited by Local Law but planning scheme controls may apply
Domestic Rabbits	2	4	Not limited by Local Law but planning scheme controls may apply
Ferrets	2	4	Not limited by Local Law but planning scheme controls may apply
Horses/Donkeys	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning scheme controls may apply
Cattle	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning scheme controls may apply
Sheep	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning scheme controls may apply
Goats	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning scheme controls may apply
Pigs	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning scheme controls may apply
Other animals not listed	Permit required	Not limited by Local Law but planning scheme controls may apply	Not limited by Local Law but planning scheme controls may apply

NB: Numbers of animals listed above are exempt from requiring a permit under the Local Law unless a nuisance complaint is received.