

Application for permit to keep excess animals or birds

Community Local Law No. 2 – Part 7

A permit is required to keep a greater number of animals than what allowed under the Council's Community Local Law No. 2 (refer to the table on page 2 for more information).

For your application to be considered it is subject to the following conditions:

1. You must notify your neighbours of your proposal to keep more than the permitted number of animals and/or birds and obtain their signatures to indicate that they are aware and supportive of your application.
2. Submit and sign the completed application form and signatures of neighbours together with payment of the \$32 permit fee. Please note: the permit fee is non-refundable.
3. Payment of the fee may be made in person at the Council Offices (in Swan Hill or Robinvale), by phone via credit or debit card (phone 5036 2346) or by posting a cheque or money order to Swan Hill Rural City Council (PO Box 488, Swan Hill 3585).
4. Council's Authorised Officers will inspect your property to ensure it is suitable to keep excess animals or birds..
5. Council will advise you of their decision in writing. If your permit is granted it will be only for the animals listed on the permit. You must notify Council of any deceased or relocated animal. If your application is denied you may appeal the decision.
6. The permit must be renewed on 10 April each year and is subject to compliance with the conditions stated on the permit. If there are any breaches or complaints Council may revoke the permit at any time.

Applicant details	Name:		
	Residential address:		
	Postal address (if applicable):		
	Home:	Work:	Mobile:

Details of animals							
Animal type	Name	Breed	Colour	Registration No	Microchip No	Sex	Age

Declaration

I hereby acknowledge that I have read and understood the conditions and the requirements of the permit that I am applying for and have supplied true and correct information.

Signature of applicant: _____ Date: _____

OFFICE USE ONLY – File No. S24-04-08		
Receipt No (type 52):	Permit No:	
Date paid:	Date issued:	Amount paid:

Community Local Law No. 2

Part 7 - Animals

71. Keeping of animals in the municipal district

1. A person must not, without a permit keep or allow to be kept a greater number of animals than set out in the following table:

Type of Animal	Maximum allowed in residential area	Farming zone properties under 0.5 hectare and All Rural living zone properties	Farming Zone properties equal to or greater than 0.5 hectare
Dogs (includes working dogs)	2	2	5
Cats	2	2	2
Poultry	10	40	No maximum limit
Turkeys and geese	0	0	30
Roosters	0	0	20
Domestic birds (includes pigeons)	30	30	100
Ferrets	2	4	10
Guinea pigs	6	6	10
Domestic rabbits	2	6	10
Domestic mice	6	10	10
Pigs	0	0	6
Horses, donkeys, mules, sheep and goats	0	2	No maximum limit
Camels	0	0	No maximum limit
Cattle	0	1	No maximum limit
Ostriches, emus and peacocks	0	0	No maximum limit
Any other livestock or agricultural animal	0	0	No maximum limit

- a. For the purpose of calculating the maximum number of dogs or cats kept, any progeny may be lawfully kept, without a permit, for 12 weeks after birth;
 - b. The table does not apply where a planning permit has been obtained for land used for the purposes of animal boarding, breeding, keeping or training;
 - c. All cats and dogs, including working dogs must be registered with Council as per the Domestic Animals Act 1994;
 - d. Any zone outside of the table requires a permit to keep animals.
2. In determining whether to grant a permit for the keeping of animals where the number exceeds that which is set out in the table to sub-clause (1), Council must take into account:
- a. The zoning of the land;
 - b. The proximity of the area to adjoining properties;
 - c. The amenity of the area to that of adjoining properties;
 - d. The type and additional numbers of animals to be kept;
 - e. The area of land available for keeping the animals;
 - f. The likely effects on adjoining owners or occupiers;
 - g. Whether the animals are being temporarily homed under an approved community foster care network;
 - h. The adequacy of animal shelters;
 - i. Whether the animals have been desexed; and
 - j. Any other matter relevant to the circumstances associated with the application.

72 Adequate fencing to prevent the escape of animals

The owner and occupier of land on which an animal is kept must ensure that the land is adequately fenced so as to prevent the escape of the animal from their land.

73. Effective fencing for livestock

1. The owner and occupier of land must not use or permit the use of the land for the grazing or keeping of livestock unless it is adequately fenced for the purpose of preventing the livestock straying from their land onto any road or Council land.

2. If an Authorised Officer is of the opinion that land used for the grazing or keeping of livestock is not adequately fenced then, in addition to any penalty that may be imposed, the Authorised Officer may issue a Notice to Comply directing the owner or occupier of the land to do any or all of the following:

- a. install, repair, replace or modify fences and gates;
- b. remove any livestock from the land; and
- c. not to permit the grazing and keeping of livestock until required works have been completed.

74. Domestic animal nuisance to neighbours

The owner and occupier of land must ensure that any animal or bird kept on the land does not cause a nuisance to surrounding or neighbouring landowners.

The owner and occupier of any land where any animal or bird is kept must ensure that all animal and bird litter and waste and rubbish associated with the keeping of the animal or bird are disposed of in such a manner so as not to create any nuisance.

Name and address details of at least six neighbours adjoining your property		
Name	Address	Signature