CITY OF GREATER BENDIGO

KEEPING OF ANIMALS LOCAL LAW

CONTENTS:

Clause No.	DESCRIPTION	Page No.
2.1	Title	2
2.2	Objective of this Local Law	2
2.3	Power to make this Local Law	2
2.4	Operational Date of this Local Law	2
2.5	Revocation of this Local Law	2
2.6	Application of this Local Law	2
2.7	Date this Local Law ceases Operation	2
2.8	Definitions	2
2.9	Keeping of Animals	3
2.10	Limit on Number of Animals	4
2.11	Keeping of Poultry	6
2.12	Fences of Properties to Restrain Animals	6
2.13	Animal Litter	7
2.14	Infringement Notices	7

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CITY OF GREATER BENDIGO

KEEPING OF ANIMALS LOCAL LAW

1. Title

This is the City of Greater Bendigo City Council Keeping of Animals Local Law.

2. Objective of this Local Law

The objective of this Local Law is to regulate and control activities associated with the keeping of animals, birds and poultry so as to provide for the welfare of animals, birds and poultry and to protect general amenity.

3. Power to Make This Local Law

The Council's power to make this Local Law is contained in Section 98 of the Local Government Act 2020.

4. Operational Date of this Local Law

This Local Law operates from the first day of January 2026.

5. Revocation of this Local Law

On the commencement of this Local Law, Local Law No. 2 - Keeping of Animals Local Law August 2016 is revoked.

6. Application of this Local Law

This Local Law applies throughout the whole of the City of Greater Bendigo, except where it is indicated that a clause or schedule applies to specific areas.

7. Date this Local Law Ceases Operation

Unless this Local Law is revoked sooner its operation will cease on the day which is 10 years after the day on which it came into operation.

8. Definitions

Adjacent landowners	Refers to landowners or occupiers who may be reasonably impacted by a permitted activity. It is not a requirement to share a property boundary to be considered an adjacent landowner.
Animal	Includes poultry and other birds, dogs, cats, ferrets, rabbits, guinea pigs, horses, sheep, cattle, goats, pigs, camels or like species.

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Authorised Officer	Means a person appointed by Council under Section 224 of the Local Government Act 1989.
Commercial Zone	Means any land in the Commercial 1 and Commercial 2 Zones pursuant to the Greater Bendigo Planning Scheme.
Council	Means the Greater Bendigo City Council.
Horse	Includes stallion, colt, gelding, rig, mare, filly, foal, pony, donkey, ass or mule.
Industrial Zone	Means any land used predominantly for industrial purposes and includes land in the Industrial 1 and Industrial 3 Zones pursuant to the Greater Bendigo Planning Scheme.
Owner of Animal	Includes the owner or occupier of any land where any animal lives or is habitually found.
Poultry	Includes chickens, fowls, turkeys, ducks, geese, bantams, pheasants, peacocks, squab, guinea fowl or similar but does not include roosters.
Public Place	Includes: (a) Any public highway, road, street, footway, court, alley or thoroughfare, notwithstanding that it may be formed on private property; (b) Any public garden, reserve or other place of public recreation or resort; (c) Any open space to which the public have or are permitted to have access; (d) Crown Land; (e) Council land or land owned by or vested in any other public authority; and (f) Any trading area.
Residential Zone	Means any land used predominantly for residential purposes and includes land in the Low Density Residential, Mixed Use, Township Zones, Residential Growth, General Residential, and Neighbourhood Residential Zones pursuant to the Greater Bendigo Planning Scheme and all other zones not included in Rural Living Zones or Business and Industrial Zones, and any Non-Conforming Uses in the City of Greater Bendigo Area.
Rural Zone	Means any land within the rural zones and includes land in the Rural Living, Rural Conservation, and Farming Zones pursuant to the Greater Bendigo Planning Scheme.

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9. Keeping of Animals

Any owner or person in charge of any animal shall:

(a) ensure animals do not;
  (i) cause a nuisance to anyone by noise, dust, smell or other condition;
  (ii) damage any land, flora or fauna;
  (iii) pollute any drain, gutter, watercourse or water catchment.

(b) Keep the land occupied by any animal clear and clean of waste, feed scraps and excrement so as not to cause odour, pollution or damage to the area, save and except that landowners and occupiers of land in a Rural Zone may utilise and spread animal excrement as fertiliser if that is common farming practice in that area provided such action does not contravene any Planning permit conditions or any conditions or guidelines within an approved Manure Management Plan.

(c) Keep all properties occupied by animals vermin free and keep all animal feed in vermin proof buildings or containers with the exception of baled or sheaf hay.

PENALTY: Five penalty units and one penalty unit for each day the breach continues after conviction by any Court.

10. Limit on Number of Animals

(a) An owner or occupier of property must not without a permit keep or allow to be kept any more in number for each kind of animal than as set out in the following schedule:

Type of animal	***Maximum number allowed in Residential and Industrial Zones***	***Maximum number allowed in Commercial Zone***	***Maximum number allowed in Rural Zones***
dogs	2	2	3
cats	3	2	3
pigeons	10	Permit required	10
poultry	10	Permit required	10
roosters	Not permitted	Permit required	2
horses	Permit required	Permit required	According to Planning Regulations
other agricultural or similar large animals, including, but not limited to	Permit required	Permit required	According to Planning Regulations

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cattle, sheep, pigs and goats.			

PENALTY: Five penalty units and one penalty unit for each day the breach continues after conviction by any Court.

(b) Clause 10 (a) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding.

(c) Clause 10 (a) does not apply where a planning permit has been obtained for the development and use of stables, or where existing land use rights apply in relation to the keeping of horses.

(d) Clause 10 (a) does not apply where a property owner has an existing local law permit in place for the keeping of a rooster. The permit will continue to remain in effect until the keeping of rooster ceases or the permit is revoked due to non-compliance with its conditions.

(e) For the purpose of calculating the maximum limit of the number of animals kept, the progeny of any animal which is lawfully kept will be exempt for 12 weeks after their birth.

(e) An application for a permit pursuant to Clause 10 (a) must be made in writing and shall not be considered unless it contains the following:
- (i) the species of the animal(s), the quantity desired to be kept and identifying features of the animal(s);
- (ii) the name, address and telephone number of the applicant;
- (iii) the address at which the animal is desired to be kept;
- (iv) the reason that the animal is desired to be kept;
- (v) the type of enclosure, shelter and run proposed for the wellbeing of the animal;
- (vi) the total area available for each and all animals;
- (vii) measures proposed to be taken to ensure no nuisance is caused to other people. In the case of dogs and poultry, measures to prevent noise nuisance are to be specifically nominated.

(f) Unless a permit under Clause 10(a) expressly allows, horses, cattle, sheep or any other large animal whatsoever shall not be kept:
- (i) without a substantial enclosing fence and;
- (ii) in an area smaller than 0.2 hectare per large animal.

(g) To determine whether to grant a permit pursuant to clause 10(a) an Authorised Officer must take into consideration:
- i. the zoning of the land;
- ii. the land size available for animal keeping;
- iii. the proximity of adjacent dwellings;
- iv. the reason that the animal(s) are to be kept;
- v. the cleanliness of the residence and its surrounds;

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vi. the type and additional numbers of animals to be kept;
vii. the security of the premises including the state of fencing and the adequacy of the animal shelters and runs;
viii. the welfare of the animals;
ix. the likely effects on adjacent properties;
x. the impact on the amenity of the area;
xi. whether the adjacent landowners and occupiers have expressed no objections to the proposal, in which case, such landowners shall be notified and provided opportunity to comment;
xii. the conservation of the land and flora of the region;
xiii. the past history of the applicant as an animal owner; and
xiv. any other matter considered relevant by the Authorised Officer.

PENALTY: Five penalty units and one penalty unit for each day the breach continues after conviction by any Court.

11. Keeping of Poultry

(a) No person shall keep poultry in a multi-dwelling unit or other multi-occupancy residential building.

(b) Poultry must be kept in a poultry house or similar building to which may be attached an enclosed poultry run.

(c) The number of poultry able to be housed in a poultry house will be dependent on the size of the enclosure and the type and breed of poultry.

(d) Except where approved by permit, every poultry house or any enclosed poultry run on any premises shall be:
(i) located at least 15 metres from the boundary of the street or road to which the property has a frontage;
(ii) located at least 1.5 metres from the boundary of any adjoining allotment of land;
(iii) located at least 10 metres from an adjacent dwelling.

(f) Every poultry house shall be constructed of suitable materials to securely contain poultry and prevent the entry of vermin. The poultry house must have fully enclosed walls and roof with secure access points.

(g) The occupier of any premises on which poultry is kept, shall cause the poultry house and enclosed run to be maintained at all times in a clean and sanitary condition to the satisfaction of an Authorised Officer.

(h) In determining whether to issue a permit pursuant to this clause an Authorised Officer shall have regard to:
(i) the proximity of poultry to adjacent properties;

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(ii) the amenity of the area;
(iii) the quantity of poultry;
(iv) the likely effect on adjacent owners;
(v) any relevant code of practice;
(vi) any other matter considered relevant by the Authorised Officer.

PENALTY: Five penalty units and one penalty unit for each day the breach continues after conviction by any Court.

12. Fences of Properties to Restrain Animals

(a) On any property where an animal is kept an Authorised Officer may require the owner or occupier of such land to ensure that the fences or enclosures on the property are of suitable design, quality and construction to keep such animal fully within that property if, in the opinion of the Authorised Officer, such action is necessary to protect public amenity. In the event of such fence not being present or adequate to keep such animal within that property, Council may serve notice on the owner or occupier of the land to erect a fence or alter or repair the fence so that it is of suitable design, quality or construction to keep the animal within that property.

PENALTY: Five penalty units and one penalty unit for each day the breach continues after conviction by any Court.

13. Animal Litter

(a) The owner or person in charge or control of an animal must immediately collect and remove all of the excrement left by the animal on any road (including footpath and nature strip) or in a public place.

(b) The owner or person in charge or control of a dog on any road (including footpath and nature strip) or in a public place must have in his or her possession bags or similar devices sufficient for the purpose of removing from the road or public place, any excrement from that dog deposited on the road or public place.

PENALTY: One Penalty Unit

14. Infringement Notices

(c) Notices to Comply, Notices of Impounding, Infringement Notices and Permits for this Local Law may be issued by an Authorised Officer pursuant to the Administration Local Law No. 10.

15. Animal Management Agreements

(d) An Authorised Officer may enter into an Animal Management Agreement on behalf of and in the name of Council with an owner or occupier of land on which an animal is kept if the animal has:
(e) Escaped from the land on which it is kept; or
(f) Bitten, chased, or rushed another person or animal.

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(g) An Animal Management Agreement must set out the obligations of the owner or occupier of the private land in relation to securing an animal on the private land.

(h) Any owner or occupier of private land who fails to comply with any items set out in the Animal Management Agreement commits an offence against this Local Law.

PENALTY: Two penalty units

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