

The Keeping of Birds and Erection of Bird Enclosures and Pigeon Lofts

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Notes	

POLICY

PURPOSE

The purpose of this policy is to provide general guidelines for the keeping of birds and clear criteria for the assessment of any applications for the erection of bird enclosures or pigeon lofts that do not require development consent from Council. Further information about structures requiring consent can be obtained by contacting Council’s Planners on (02) 6801 4000.

BACKGROUND AND RELATED LEGISLATION

- Local Government (General) Regulation 2005, Schedule 2 - Standards enforceable through orders are listed. These include standards for the keeping of birds or animals and in particular for the keeping of fowls and poultry;
- Local Government Act, 1993, Part 2, Orders – Orders that can be issued by Council are outlined and include orders to protect public health and the environment; and
- Dubbo LEP 2011, Wellington LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008 – outline what development is permitted, when Council approval is required and what structures are exempt from approval.

SCOPE

This Policy applies to all urban land within the City of Dubbo and the town of Wellington. The Policy aims to:

- Ensure birds are kept under such conditions as not to cause or create a nuisance or to be dangerous or injurious to human health;
- Ensure consistency and fairness in the manner in which Council deals with applications for the erection of bird enclosures and pigeon lofts; and
- Ensure that any structure used for the keeping or housing of birds is appropriately constructed.

DEFINITIONS

To assist in the interpretation of this Policy, the following definitions apply:

Term	Definition
Bird	Means all birds (including both domestic, native and wild) including racing and non-racing pigeons
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan

POLICY

Criteria Council must consider when determining applications to keep birds and for the erection of bird housing.

Council will assess all applications to keep birds and/or erect a bird enclosure in accordance with this Policy and its aims. Bird enclosures or pigeon lofts constructed in accordance with the following criteria are deemed to have achieved the aims of this policy.

1. Applications for the erection of aviaries, pigeon lofts or poultry houses

- Where the proposal does not meet the exemption criteria outlined in *Subdivision 4 - Aviaries* or *Subdivision 21 - Fowl and Poultry Houses* of the SEPP (Exempt and Complying Development Codes) 2008, Council will require a development application. All applications should be made by completing a development application form, including a site plan indicating the location of the proposed structure, and indicating elevations and specifications.
- Applicants should also advise the reason for wanting to keep birds or pigeons such as recreation or racing and the proposed number of birds or pigeons to be kept on the premises.
- The appropriate fee must also be paid at the time of lodging the application.

2. Location

Where possible bird housing should be located in the rear yard of the premises and must be:

- A minimum of 3.6 metres from the side or rear boundary (except the side boundary of corner blocks where the side boundary adjoins the roadway); and
- A minimum of 4.5 metres from every dwelling, public hall, school, or premises used for the manufacture, preparation, sale or storage of food.

3. Methods of construction

- a) Structures must be constructed of non-reflective materials;
- b) Walls within 4 metres of the property boundary must be of solid construction;
- c) Floors:
 - Where wooden floors are used, a clear air space not less than 400mm between the ground level and the underside of the flooring timbers must be provided;
 - Where concrete floors are used, a smooth easy-to-clean surface must be provided; and
 - Earth floors are permitted in circumstances where such floors are reasonable for the type of bird eg native Australian birds and must be kept in a clean, dry and vermin-free manner.
- d) Lofts are to have a maximum height of 2.5 metres above natural ground level;
- e) An appropriate size of enclosure must be selected to house a maximum number of birds. The maximum number of birds per enclosure should be reasonable taking into consideration the type of birds and the space each bird requires for the welfare of the

bird. As a guide only, the maximum number of birds per cubic metre of air space should not exceed (5); and

- f) Roof water and wastewater must be disposed of in an environmentally responsible manner without causing a nuisance or hazard to neighbouring premises.

4. Guidelines for keeping birds

- a) In addition to these guidelines, relevant State and Commonwealth legislation will also be taken into account.
- b) The operator of any racing pigeon loft shall be a current bona fide member of a recognised Pigeon Racing or Fanciers' Association or other recognised bird club.
- c) Pigeons are permitted to be exercised for no more than one hour in the morning and one hour in the evening. The hours permitted to exercise the pigeons are between 7.00 am and 8.30 am in the mornings and between 4.00 pm and 5.30 pm in the evenings. The applicant must notify immediate neighbours in writing of the permitted times so that any possibilities of nuisances occurring are minimised.
- d) All feed must be kept in vermin-proof containers and must be stored appropriately so as to avoid attracting vermin. All birds must be fed within the enclosure and at no times shall feed be made available outside of the enclosure.
- e) Enclosures must be regularly cleaned and maintained in a healthy condition so that food scraps, faeces or feathers do not create odours or attract vermin.
- f) Health and noise nuisances must not be created which may adversely impact on persons in the immediate vicinity. (Should Council receive notification of justified nuisances the owner of the birds may be directed to remove the birds from their premises.)
- g) The keeping or breeding of birds shall not be undertaken for any business or commercial purpose or financial gain without prior development consent from Council.
- h) Standards for the Keeping Birds and Animals, which may be enforceable by Order under the Local Government Act are available in [Part 5, Schedule 2 Local Government \(General\) Regulation 2005](#).

5. Maximum number of birds or pigeons

The number of birds to be kept on a property will be determined by Council in each instance. Council will take into consideration the type of bird, the welfare of the birds, the wishes of the applicant, any submissions by relevant parties and any other reasonable factors, such as health and environment, when making such a determination.

In the case of pigeons, no more than 120 racing pigeons including 40 breeding stock birds shall be kept per premises.

RESPONSIBILITIES

This Policy is to be referred to by Building and Development Services officers when assessing applications. Instances of non-compliances are to be investigated by Environmental Control officers.