



## KEEPING OF LIVESTOCK, FOWL AND BEES 2024

### By-law No. 7 of 2024

A By-law to regulate the keeping livestock, fowl and bees within urban areas in the interests of the community and to conserve the unique biodiversity and ecosystems on Kangaroo Island.

#### CONTENTS

<b>PART 1 – PRELIMINARY</b> .....	<b>2</b>
1. Title.....	2
2. Authorising law .....	2
3. Purpose.....	2
4. Commencement, revocation and expiry .....	2
5. Application.....	2
6. Definitions.....	3
<b>PART 2 – BEE KEEPING</b> .....	<b>4</b>
7. Bee Keeping in urban areas .....	4
<b>PART 3 – KEEPING FOWL</b> .....	<b>4</b>
8. Keeping Fowl in Urban Areas.....	4
9. Maximum Number of Fowl to be Kept on Premises.....	4
<b>PART 4 – KEEPING LIVESTOCK</b> .....	<b>5</b>
10. Keeping Livestock in Urban Areas.....	5
<b>PART 5 - MISCELLAENOUS</b> .....	<b>6</b>
12. Orders .....	6
13. Council May Grant Exemptions.....	7

**Note:** Persons keeping livestock must comply with their obligations under the *Livestock Act 1997*, including (where applicable) the requirement to obtain a Property Identification Code.

## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Keeping of Livestock, Fowl and Bees By-law of 2024* and is By-law No. 7 of Kangaroo Island Council.

### 2. Authorising law

This By-law is made under section 246 of the *Local Government Act 1999*.

### 3. Purpose

The objectives of this By-law are to regulate and control the keeping of livestock, fowl and bees in urban areas:

- 3.1. to prevent and mitigate nuisances to the community and harm to public health;
- 3.2. to preserve the amenity of Kangaroo Island and to conserve its unique biodiversity and ecosystems;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.

### 4. Commencement, revocation and expiry

- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

*Keeping of Livestock, Fowl and Bees By-law 2017.*<sup>2</sup>

- 4.2. This By-law expires on 1 January 2032.<sup>3</sup>

#### Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
- 5.2. This By-law applies throughout the Council's area subject to the operation of State legislation including but not limited to:
  - 5.2.1 the *Landscape South Australia Act 2019*; and
  - 5.2.2 the *Planning, Development and Infrastructure Act 2016*; and
  - 5.2.3 the *Livestock Act 1997*.

## 6. Definitions

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the *Local Government Act 1999*.
- 6.2. **Authorised person** means a person appointed as an authorised person pursuant to Section 260 of the Act.
- 6.3. **bee keeping** means bees kept in the course of undertaking apiary activities, but does not include the use of a hive to collect swarming bees from any premises provided that the hive is not on the relevant premises for more than 4 weeks;
- 6.4. **fowl** includes guineafowl and prescribed fowl.
- 6.5. **guineafowl** means birds of the family *Numidae* in the order *Galliformes*;
- 6.6. **keep** includes possessing and/or providing food or shelter, but does not include the possession of any livestock or prescribed fowl on land where a carnival, circus, petting zoo or similar function or event is taking place;
- 6.7. **livestock** means mammalian species kept or usually kept in a domestic or captive state including:
  - 6.7.1 *Camelidae* (alpacas, camel, dromedary, llama);
  - 6.7.2 *Bovidae* (buffalo, cattle);
  - 6.7.3 *Caprinae* (not limited to goats, sheep, dall),
  - 6.7.4 *Suidae* (pigs);but excludes dogs, cats and animals of the order *Equus* (horse, donkey);
- 6.8. **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof;
- 6.9. **'prescribed fowl'** means any bird of the families in the order *Galliformes* including:
  - 6.9.1 *Anatidae* (geese);
  - 6.9.2 *Phasianidae* (chickens, roosters, partridges, pheasants, turkeys, peafowl, grouse);
  - 6.9.3 *Odontophoridae* (quails);
  - 6.9.4 *Cracidae* (chachalacas, guans, curassows); and
  - 6.9.5 *Megapodidae* (brush turkeys, malleefowl);but excludes guineafowl.
- 6.10. **secure enclosure** means an enclosure that is designed and constructed to adequately confine the animals therein so that they cannot escape from it and, in the case of prescribed fowl, it must be fully enclosed with a roof; and

- 6.11. **urban area** means, subject to any resolution of the Council to the contrary, any land within the Council's area that is outside of the *Rural Living, Rural, Deferred Urban and Rural Shack Settlement* zones established under the *Planning, Development and Infrastructure Act 2016*.

## **PART 2 – BEE KEEPING**

### **7. Bee Keeping in urban areas**

- 7.1. Subject to part 6 of the *Livestock Act 1997*, a person must not undertake bee keeping on premises in an urban area without permission of the Council.
- 7.2. Clause 7.1 does not apply where hives are in the process of being transported to premises in an urban area.

## **PART 3 – KEEPING FOWL**

### **8. Keeping Fowl in Urban Areas**

- 8.1. A person must not, without permission of the Council, keep or cause, suffer or permit to be kept, guineafowl on premises within an urban area.
- 8.2. A person must not keep or cause, suffer or permit to be kept, any prescribed fowl on premises within an urban area other than:
- 8.2.1 in the circumstances prescribed by subclause 8.3 ; or
- 8.2.2 without permission of the Council.
- 8.3. A person may, keep prescribed fowl on premises in an urban area that are:
- 8.3.1 female (i.e. a hen); or
- 8.3.2 a male hatchling bred or hatched at the premises provided that it is not kept on the premises for a period greater than three (3) months or after the point the hatchling reaches sexual maturity and begins to crow (whichever occurs first).
- 8.4. Any person who keeps fowl on premises in an urban area must ensure the fowl are securely contained on the premises on which they are kept and not permitted to roam onto other premises without permission of the occupier of those premises.

### **9. Maximum Number of Fowl to be Kept on Premises**

- 9.1. Subject to subclause 9.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than six (6) fowl on premises in an urban area (whether or not of a mixture of fowl species).
- 9.2. Hatchlings of any fowl species bred or hatched at premises within an urban area may be kept on the premises in addition to the prescribed maximum number of fowl specified in subclause 9.1 for a maximum period of up to three (3) months before all fowl on the premises must be reduced to six (6) fowl in total (subject to any permission from Council to the contrary).

## PART 4 – KEEPING LIVESTOCK

### 10. Keeping Livestock in Urban Areas

- 10.1. A person must not keep or cause, suffer or permit to be kept, livestock on premises within an urban area, other than;
- 10.1.1 on premises with a total area in excess of 700m<sup>2</sup>, the keeping of not more than one (1) animal of the *Caprinae* family (sheep, goat); or
- 10.1.2 on premises with a total area in excess of 2000m<sup>2</sup>, the keeping of:
- (a) not more than two (2) animals of the *Caprinae* family (sheep, goat), or
  - (b) not more than one (1) animal of the *Suidae* family (pig); and
  - (c) no more than 2 of the animals described in 10.1.2(a) and (b) in total; or
- 10.1.3 with permission of the Council.
- 10.2. Any person who keeps livestock on premises in an urban area must ensure the livestock are confined to those premises and are not permitted to roam onto other premises without permission of the occupier of those premises.

## PART 5 – MISCELLANEOUS

### 11. Orders

- 11.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 11.1.1 if the conduct is still continuing – to stop the conduct; and
- 11.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 11.2. A person must comply with an order of an authorised person made pursuant to section 262 of the Act.
- 11.3. If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

### 12. Council May Grant Exemptions

- 12.1. The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2. An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;

- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3. The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4. The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on the **INSERT DATE** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
DARYL BUCKINGHAM  
Chief Executive Officer

PROPOSED