



“Animal Welfare by the experts – those who keep, care for and breed animals.”

www.animalcareaustralia.org.au

24th May 2022

Upper Lachlan Council

council@upperlachlan.nsw.gov.au.

RE: Upper Lachlan Council – Draft Dog & Cat Breeding Chapter for Development Control Plan 2022

To whom it may concern,

Animal Care Australia (ACA) is a national incorporated association established to lobby for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

ACA is currently recognised by the **NSW Department of Primary Industries** as a key stakeholder in the review and drafting of the NSW Animal Welfare Act 2022 and its associated regulations. ACA is directly consulting and advising during this review, including revising Codes of Practice for the keeping of all pets.

ACA encourages continued development of animal welfare standards and Codes of Practice for animal husbandry, breeding, training, sale and sporting exhibitions for a wide range of animal species, including pets, companion animals, animals used for educational or entertainment purposes or kept for conservation.

Councils public notice indicates:

“The Department of Primary Industries released an updated Animal Welfare Code of Practice 30 August 2021 and advised that as part of the inquiry into animal welfare policy in New South Wales, a Standing Committee was formed which is currently reviewing the Draft Animal Welfare Bill 2022.”

It is apparent by the level of restrictions proposed in Councils draft **Dog & Cat Breeding Chapter for Development Control Plan 2022** that Council has NOT reviewed the Draft Animal Welfare Act or sought out expert consultation from species experts. It is beyond comprehension that a Council would instigate and implement restrictions on numbers of pets/animals able to be kept by its residents, breeding or boarding establishments.

ACA emphasises NO RESTRICTIONS on numbers are included in the Draft Animal Welfare Act or in any aspect of the existing Companion Animals Act, and therefore we are bewildered that Council could suggest placing impractical restrictions with no obvious cause or justifiable purpose.

In addition, ACA seeks further explanation on:

“The proposed Draft chapter will bring the Upper Lachlan Development Control Plan (DCP) in line with current legislation and provide clear guidelines for assessment.”

This statement is blatantly false! There is NO existing legislation that Council must align to that includes the restriction of numbers of dogs or cats in a breeding or boarding establishment.

Council clearly states:

“The following documents are prescribed under the Prevention of Cruelty to Animals Act 1979 (POCTA). It is a requirement that people involved in the care and welfare of dogs and cats must comply with (and not limited to) these documents:

- [Animal Welfare Code of Practice - Animals in pet shops](#)
- [Animal Welfare Code of Practice - Breeding dogs and cats](#)
- [NSW Code of Practice No 5 - Dogs and cats in animal boarding establishments](#)
- [NSW Code of Practice No 9 - Security dogs](#)
- [Animal Welfare Code of Practice No 1 – Companion Animal Transport Agencies](#)
- [NSW Code of Practice No 8 - Animals in pet grooming establishments”](#)

Yet Council doesn't appear to be abiding by the same provisions, instead is placing restrictions that exceed the legislation and have no basis for animal welfare.

ACA strongly encourages all councils to promote and encourage the keeping of animals as pets as they provide extraordinary mental health benefits for all of us. Any restrictions only serve as a detriment to pets and those wishing to keep them.

ACA does not agree with imposing blanket limits on numbers of animals that can be kept especially when based solely on ideological theories. Animal restrictions for many species actually create animal welfare concerns.

Animal welfare is NOT about numbers – it is about the conditions, behavior, cleanliness, housing and husbandry that each animal is kept under by the owners – your residents.

Policies that restrict keeping of animals on the basis of preventing noise, odour or other issues for neighbours are strongly discouraged. Restrictions including permit requirements inflict an unnecessary compliance burden on residents and staff which only discourages animal keeping needlessly. Laws are already in place to deal with neighbourhood nuisance issues including matters due to poor animal keeping practices.

We also bring your attention to the following points of concern:

1. *Page 3: "Dogs and cats shall at all times be kept within the confines of the kennels and exercise yards except during their receipt or release".*

Does this section exclude animals from attending dog shows, trips to the dog park or vet, no desensitisation training, etc as it does not indicate any exceptions outside of receipt/release.

2. *The intent of the policy is to only apply to animal breeding and boarding facilities of cats and dogs. This policy does not apply to farm (working) dogs or companion animals unless commercial breeding is proposed. It applies to the welfare of dogs and cats which are involved in the business of breeding and raising puppies and kittens for fee or reward. It does not apply to one-off accidental litters.*

What defines commercial breeding? Does Council intend to define this while ignoring the fact it is NOT defined in any NSW Legislation?

3. *Dog breeding or boarding facilities shall hold no more than 20 adult dogs to include no more than 15 bitches for breeding at any time and all animal welfare guidelines and restrictions on litter frequency in a set period must be adhered to*

How did Council come to determine 15 or 20 adult dogs is a maximum for either breeding or boarding? Most Boarding Facilities would have over 20 dogs or cats on site at any one time. It would not be profitable, particularly in order to maintain staff – a vital component of upholding animal welfare.

4. Applicant details and description of the proposal including
 - a. The applicant must be registered with an Australian Business Number (ABN) and provide evidence as part of their application that they are registered for GST

In NSW, breeders do not require an ABN and the ATO does not recognise small scale or hobby breeding for taxation purposes (GST). Therefore the inclusion of this clause appears to be Council's attempt at completely banning/restricting breeding within the Shire.

Imposing number restrictions IS an animal welfare issue!

ACA strongly recommends the removal of restrictions instead implementing an open policy with an appropriate caveat that indicates numbers may be restricted or require permitting if a resident is found

to continue to have animals in such numbers, or situations that create a public health concern, smell, or excessive/continual noise complaints in the same way many other Councils have.

Should Council wish to persist with your current policy restrictions ACA offers our expertise to recommend more suitable categories and less restrictive numbers.

It should be noted that ACA will be making this submission public and is prepared to follow the outcome of this draft.

Should Upper Lachlan Council wish to persist with restricting numbers, ACA requests Council convene a meeting with us to enable our species representatives to directly address Council and provide a more concise position.

Please do not hesitate to make contact if we can assist further.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a large, looped 'M' and a long, sweeping tail.

Michael Donnelly
President
0400 323 843