

20<sup>th</sup> June 2023

Hilltops Council  
Director, Planning  
E: [mail@hilltops.nsw.gov.au](mailto:mail@hilltops.nsw.gov.au)

To whom it may concern,

**RE: Draft Keeping of Domestic Animals Policy**

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.

Animal Care Australia is currently recognised by the **NSW Department of Primary Industries and the NSW Office of Local Government** as a key stakeholder in the review of NSW’s Animal Welfare Act (nee: POCTAA) and the review of the Companion Animals Pet Registry. Animal Care Australia is directly consulting and advising during both reviews, including the future revision of Regulations and Codes of Practice for the keeping of all pets.

Animal Care Australia 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.

Animal Care Australia is engaged with state governments to develop more appropriate model Local Laws and model Subordinate Local Laws governing the keeping of animals in each state. Nationally, Animal Care Australia is finding Local Councils placing restrictions and permit requirements on their residents which do nothing to improve animal welfare and tend to lead to greater non-compliance.

To this end, Animal Care Australia would like to recommend that the following statement be included as an Objective of your Policy:

**“Hilltops Council acknowledges the importance animals play in the wellbeing of our residents. Council’s default position is to encourage and promote the keeping of animals within the shire.”**

In reviewing the proposed amendments Animal Care Australia would like to raise the following points of concern and suggested recommendations:

- **Animal Care Australia questions what is a “legitimate foster caring arrangement”? Who decides this, and what happens to animals needing help who are not deemed to be legitimate?**
- **The maximum time frame of 4 weeks for fostering is unreasonable.**
- **This Draft Policy seems to be exceeding the intent of the LGA 1993 in that Council is placing restrictions PRIOR to the issuing of any Order without any justifiable reason or confirmed issue of animal welfare concerns. The LGA 1993 DOES NOT give Councils the right to randomly place restrictions as they see fit.**
- **“The keeping of ferrets is not recommended”: It is legal to keep ferrets in NSW and there are no supported reasons from Council (based on amenity or animal welfare concerns) as to why Council does not recommend their keeping. The statement MUST BE removed from your Policy.**
- **“The keeping of snakes may cause concern to neighbours”: This statement is completely inappropriate and pure ‘fearmongering.’ The inclusion of this statement not only incites the fear of reptiles but also provides the provision for a neighbour to complain about the keeping of reptiles simply because “they do not like reptiles.” The statement MUST BE removed from your Policy.**
- **Animal Care Australia strongly recommends Council invest in and implement extensive education of its residents prior to permitting its enforcement/compliance officers to commence regulating any aspect of the newly implemented policy.**
- **This should include extensive communication and consultation with residents and other stakeholders in order to ensure support and ongoing compliance.**

- **Animal Care Australia recommends an additional clause is included that applies to all of the Draft Policy. The additional clause to read as:**
  - **“On receipt of a complaint, prior to orders being made Hilltops Council will advise the owner or occupier of the details of the complaint and advise their rights to respond, to be represented and have their case heard under Sections 132-135 of the Local Government Act 1993.”**
- **Persons who have complied with State and Council regulations on pet keeping should not be forced to ‘dispose’ of pets they have legally, and responsibly owned up to this point. Therefore, grandfather clauses must be included within the Policy.**
- **Restrictions on the number of animals on a property is not supported by Animal Care Australia without full consideration of the animal welfare impacts on the individual species, particularly on land greater than one acre – even when zoned as residential.**
- **In the interest of neighbourhood amenity, regard should be given to preventing excessive noise, rodents, and odour. Noise abatement directions are available to council officers for offensive noise under Part 8.6 Division 3 of the Protection of the Environment Operations Act 1997.**
- **Breeding of dogs requiring Council approval and development applications is not supported in the manner the Draft Policy dictates. The provision of suitable housing etc is already protected and enforceable by the Prevention of Cruelty to Animals Act. Council should not be placing extra requirements as a means of revenue raising.**
- **Numbers determined for horses and cattle are out of line with modern land management standards, and Animal Care Australia cannot comprehend the rationale behind them.**
- **Ferrets are social animals and should be kept as pairs or in groups, therefore Council’s restriction of only two ferrets is impractical and ill-advised.**
- **Rats, Mice and Guinea Pigs are colony animals, and it is important for their health and well-being to be kept in larger numbers than what Council’s policy imposes.**
- **The Policy on rabbits being restricted to the same gender is unjustified and not supported. Animal Care Australia again questions the basis of any animal welfare concern that justifies dictating the gender of a species that is allowed to be kept legally in NSW.**

Council should seek consultation with real animal experts to provide a policy that not only works for Council and its community but also ensures good welfare outcomes for the animals.

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

Animal Care Australia’s primary objective is ‘education over regulation’ and always commend Councils wherever they seek to further the education of their residents.

**Animal Care Australia requests the opportunity to meet with Council to discuss our concerns relating to this Policy.**

**It should be noted that Animal Care Australia DOES NOT SUPPORT this current draft policy and will be making this submission public and in doing so stating our non-support.**

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

Kind regards,



Michael Donnelly  
President  
0400 323 843



Animal Care Australia  
2023

## Hilltops Council – Draft Domestic Animal Management Policy

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Approved: 21<sup>st</sup> June 2023  
Animal Care Australia Inc.

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# Hilltops Council – Draft Domestic Animal Management Policy

Animal Care Australia submission.

## ACA Background:

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.

Animal Care Australia is currently recognised by the NSW Department of Primary Industries and the NSW Office of Local Government as a key stakeholder in the review of NSW's Animal Welfare Act (nee: POCTAA) and the review of the Companion Animals Pet Registry. Animal Care Australia is directly consulting and advising during both reviews, including the future revision of Regulations and Codes of Practice for the keeping of all pets.

Animal Care Australia 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.

Animal Care Australia is engaged with state governments to develop more appropriate model Local Laws and model Subordinate Local Laws governing the keeping of animals in each state. Nationally, Animal Care Australia is finding Local Councils placing restrictions and permit requirements on their residents which do nothing to improve animal welfare and tend to lead to greater non-compliance.

To this end, Animal Care Australia would like to recommend that the following statement be included as an Objective of your Policy:

**“Hilltops Council acknowledges the importance animals play in the wellbeing of our residents. Council’s default position is to encourage and promote the keeping of animals within the shire.”**

In reviewing the proposed amendments Animal Care Australia would like to raise the following points of concern and suggested recommendations:

## General comments:

Animal Care Australia has viewed the **Q & A provided by Councils Director of Planning** and would like to question several points outlined in that session:

1. This current Draft Policy is based on a Policy from a now non-existent Council and was written more than 10 years ago. Many animal welfare practices and understandings of animal behaviour and husbandry have changed in that time. So why is Council utilising an outdated policy?
2. The Director stated no stakeholders (other than other Councils) were consulted. Why not? How is this responsible policy development? Seeking expert advice prior to consulting the public (local residents) would surely reduce anxiety and validate the policy in their view.

3. The Director claims stakeholders may be consulted in the coming weeks, but could not elaborate which stakeholders will be consulted. **As a national animal welfare organisation Animal Care Australia requests to be one of those stakeholders.**
4. The Director continually claimed this Policy is really about large size residential (zoned residential for future development) and yet the wording throughout the Policy makes no such distinction, as the majority of the Policy implies it applies to all residential zones including the keeping of indoor animals. Animal Care Australia seeks further clarification on this matter as the Directors claims are not supported by the wording of the Draft Policy.
5. The Director stated “this Policy is only for non-commercial animal keeping” and yet within the Scope of the Policy (fully quoted below) it states: “*The Policy Requirements in Section 3 of this Policy apply to the **keeping of the domestic animals for commercial purposes**, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading, or selling, ...*” Again, Animal Care Australia questions this contradiction?

**“Policy Scope:**

***This policy applies to animals kept for domestic purposes, as companion animals, pets or as a hobby. The policy only applies to land used for residential purposes regardless of the zone under the Hilltops Local Environmental Plan 2022.***

***The keeping of animals for any commercial purpose, other than for legitimate agricultural activities in the appropriate zone, requires a development application to be submitted to Council.***

***The Policy Requirements in Section 3 of this Policy apply to the keeping of the domestic animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading, or selling, unless specific provisions apply in State Legislation, or the Hilltops Local Environmental Plan or Development Control Plan.”***

Animal Care Australia makes the following points in relation to the above Scope of the Draft Policy:

Paragraph 1: most pet keepers including the majority of registered dog or cat breeders are actually ‘hobby’ breeders. That is, they are only breeding to better, or to preserve the breed/species, or for their own requirements. The majority of these ‘hobby’ breeders have animals that are kept as pets and companions and are not bred with commercial “profit” as a driving factor. Council’s inference that breeding is a ‘commercial’ propriety are ill-founded and in are most cases inappropriate to the circumstances. This raises concerns as to the implementation and enforcement of development applications (DA).

Paragraph 3: implies that even the small ‘hobby breeders’ will be required to submit a DA regardless of the number of animals they may have – even if that number is less than that suggested in the table supplied. What is of greatest concern is there is NO mentioned of any whether exemptions to the suggested animal number caps will be entertained when a DA is applied for – especially in the Rural Residential areas where land sizes may be perfectly suitable to housing more animals than is recommended. This concern arises with regards to dogs that come in various sizes, for example: 5 Great Danes will require more space than 5 Chihuahuas.

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Paragraph 4 : outlines various ‘commercial purposes’ where a DA will be required, yet, the draft policy only lists the bare minimum information that will be required in order to entertain/approve any DA. Council’s other mentioned suggested legislations, Environmental Plan, or Development Control Plan also do not give sufficient extra guidance as to what the terms or conditions would be to have a DA related to commercial companion animal as listed in paragraph 4 entertained and approved.

**“Legitimate agricultural activities”** are determined by who? All the activities listed describe legitimate agricultural activities as they relate to horses and livestock. All animals kept on the land could be considered agricultural. Is Council favouring meat and dairy production over other, legitimate animal keeping activities? If so, why?

This suggests that someone who shows their cattle at the Sydney Royal must apply for a DA because their cattle are groomed and trained and meat production animals are not! This is unjustified and an overreach of power.

***“Animals should not be kept at premises used for the manufacture, preparation, sale, or storage of food for human consumption.”***

This is not sound Policy. Many residential rural zoned properties have a dog for security or to manage animals, and barn cats are also common to control vermin. Cats are common and welcome in food storage warehouses and can even be found in small grocery stores for the same reason. Their presence deters rats and mice and keeps food safe from spoilage. Members of the Country Women’s Association, preparing food for fundraising, could not meet this standard.

How do Council intend to police this? Stating that animals cannot be present in the premises at all is not realistic. It is fair to expect food preparation areas to be free of animals, but not the entire premises.

**“Temporary care and accommodation:**

**“Although the number of animals that may be permanently kept at a premise should not exceed the number prescribed in Clause 10 of this policy, special provisions may be given to those who temporarily house additional animals as part of a legitimate foster caring arrangement, or care for friends and family pets who go on holidays, etc. for a period not greater than four weeks so long as health and amenity of the neighbourhood is preserved.”**

Animal Foster Care services in NSW are not regulated by or registered with the NSW Government. Therefore, Animal Care Australia questions what is a “legitimate foster caring arrangement”? Who decides this, and what happens to animals needing help who are not deemed to be legitimate?

The maximum time frame of 4 weeks is unreasonable. Most foster arrangements are longer than this. This does not encourage good welfare outcomes, and the fostering of needy animals should not be curtailed, especially during the current crisis where pounds, shelters and rescues are completely full, and heavily reliant on foster carers, and especially long-term foster carers.



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***“Council under Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2021 can control and regulate the keeping of animals.***

***Council may, in the appropriate circumstances, issue an Order to:***

- ***prohibit the keeping of various kinds of animals***
- ***restrict the number of various kinds of animals to be kept at a premises***
- ***require that animals be kept in a specific manner.”***

Animal Care Australia notes that under Section 124 of the Local Government Act 1993 Council ‘may in the appropriate circumstances issue an order’. This Draft Policy seems to be exceeding the intent of the LGA 1993 in that Council is stating placing restrictions PRIOR to the issuing of any Order without any justifiable reason or confirmed issue of animal welfare concerns. The LGA 1993 DOES NOT give Councils the right to randomly place restrictions as they see fit. Council is exceeding the intent of the Local Government Act when making statements such as:

- ***“The keeping of ferrets is not recommended”***: It is legal to keep ferrets in NSW and there are no supported reasons from Council (based on amenity or animal welfare concerns) as to why Council does not recommend their keeping. **The statement MUST BE removed from your Policy.**
- ***“The keeping of snakes may cause concern to neighbours”***: This statement is completely inappropriate and pure ‘fearmongering’. The inclusion of this statement not only incites the fear of reptiles but also provides the provision for a neighbour to complain about the keeping of reptiles simply because “they do not like reptiles”. Reptiles kept under the provisions and Codes of Practice outlined by the National Parks & Wildlife Services provide for the secure and healthy keeping of all reptiles. Any non-compliance with such provisions ‘may’ provide Council with a reason to issue an Order to comply – BUT NOT until such time as non-compliance is confirmed. **The statement MUST BE removed from your Policy.**

While Animal Care Australia acknowledges the Policy states Council will not be going from door to door to enforce this Policy, knowledge of the existence of this Policy should be provided to each resident within Council’s Local Government Area. Parts of Council’s Draft Policy are new and this will have a major impact on many animal keepers (including our members) who reside within the Shire.

Therefore, **Animal Care Australia strongly recommends Council invest in and implement extensive education of its residents prior to permitting its enforcement/compliance officers to commence regulating.**

This should include extensive communication and consultation with residents and other stakeholders in order to ensure support and ongoing compliance.

Animal Care Australia reminds Council that once a guide or document for guidance is produced, this has the potential of being used by individuals with their own agendas. Guidelines written into Local Laws have a way of becoming the Law that is then fully enforced. The original intent is lost with each new employee who reads them.

#### **Additional Comment:**

Sections 129-135 of the Local Government Act 1993 details procedures that must be observed before giving orders.

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Accordingly, **Animal Care Australia recommends an additional clause is included that applies to all of the Draft Policy. The additional clause to read as:**

**“On receipt of a complaint, prior to orders being made Hilltops Council will advise the owner or occupier of the details of the complaint and advise their rights to respond, to be represented and have their case heard under Sections 132-135 of the Local Government Act 1993.”**

Persons who have complied with State and Council regulations on pet keeping should not be forced to ‘dispose’ of pets they have legally, and responsibly owned up to this point. NSW is currently experiencing a surge in surrendered pets due to the end of lockdowns and the cost-of-living crisis and Council must not be contributing to the problem. People who have the time, space, and funds to care for multiple pets should be encouraged to do so and supported by Council. Therefore, grandfather clauses must be included within the Policy.

### **Species Specific comments:**

Restrictions on the number of animals on a property is not supported by Animal Care Australia without full consideration of the animal welfare impacts on the individual species, particularly on land greater than 1 acre – even when zoned as residential.

Animal Care Australia questions the validity of the proposed number restrictions and the method of ascertaining specific numbers for each species. Imposing gender restrictions on some species is equally unsupported by any animal welfare resources. There are no scientific facts to support the methodology in these circumstances and this applies throughout a number of species.

This does appear to be a case of uneducated, ill-informed, or animal rights influenced persons who have drafted this policy.

### **Birds – Aviary, Fowl, and others**

Animal Care Australia supports the recommendation made by the Canary & Caged Bird Federation of Australia (a member organisation).

Under the “MAXIMUM NUMBER” column, Animal Care Australia recommends appending the following:

- Replace text under **“APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS”** with the following.
- Council recommends owners of birds comply with the NSW Code of Practice No 4 - Keeping and Trading of Birds and subsequent replacements. Compliance with relevant clauses in the code can be used as a defence.
- In the interest of neighbourhood amenity, regard should be given to preventing excessive noise, rodents, and odour. Noise abatement directions are available to council officers for offensive noise under Part 8.6 Division 3 of the Protection of the Environment Operations Act 1997.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Reg 2.8 specifies the exempt development standards for aviaries. Aviaries constructed according to these standards do not require council approval. Aviaries outside these standards may require council approval.



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### Cats:

Restrictions to just four (4) cats without a permit are not supported by Animal Care Australia, particularly if they must be contained to the property. Unlike some other States/territories, there is no current legislation restricting the number of cats/dogs permitted without Council approval.

Under the “other advisory matters” column, it states “cats should be kept in numbers and breeds appropriate to the size of the property. Is this not contradictory to the limit of 4? Does this mean that more cats may be kept in a residential area if a DA is applied for, and other conditions are met? The wording is ambiguous and requires further clarification.

**“The provision of adequate holding facilities must be in place, especially for all non-desexed male cats.”**

Again – this is Council dictating restrictions based on gender, especially when Council is only recommending cats be kept indoors and not introducing a curfew. Council cannot have it both ways.

Additionally, **“Dogs must wear a collar with a name tag...”** Animal Care Australia questions why cats are NOT required to wear a collar and tag, which would assist to properly identify them at a glance as pets, rather than stray/community/feral animals, potentially removing the need of catching and scanning for a microchip, allowing them to return to their homes under their own fruition – unless having been reported as a nuisance.

### Dogs:

Restrictions to just three (3) dogs for residential or five (5) for rural residential without a permit are not supported by Animal Care Australia. Unlike some other States/territories, there is no current legislation restricting the number of cats/dogs permitted without Council approval.

Under the “other advisory matters” column, it states “dogs should be kept in numbers and breeds appropriate to the size of the property. Is this not contradictory to the limits in column 2? Does this mean that more dogs may be kept in a residential area if a DA is applied for, and other conditions are met? The wording is ambiguous and requires further clarification. This is particularly important given the NSW Code of Practice for the Breeding of Dogs and Cats recognises the size differences of breeds and therefore enclosures, shelters, runs etc. Council should be recognising that keeping 3-5 Chihuahuas will have very different space needs than 3-5 Great Danes and so on.

Again, the breeding of dogs requiring Council approval and development applications is not supported in the manner the Draft Policy dictates. The provision of suitable housing etc is already protected and enforceable by the Prevention of Cruelty to Animals Act. Council should not be placing extra requirements as a means of revenue raising.

Animal Care Australia questions the motive of Council demanding the “demolition of animal shelters without council approval”. While Animal Care Australia acknowledges the need for certain structures to require Council approval, this statement does not provide comfort for persons who have constructed their kennels and runs. Surely, a better option would be for Council to work with and encourage any poorly constructed kennels/shelters to be improved rather than the ‘gung-ho’ attitude implied by Council, and therefore avoiding further animal welfare concerns.

**Note: This equally applies to other shelters/aviaries, etc for all animals and not just dogs.**

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As previously stated, in relation to the fostering of dogs being limited to just 4 weeks, Animal Care Australia does not support this length of time. Responsible and registered breeders would require longer in order to take a dog that is being surrendered back to the breeder due to the inability of the purchaser (new owner) to continue to keep it. It takes more than 4 weeks to assess it, rehabilitate and then rehome the dog. Council MUST reconsider this timeframe.

### Horses, and other livestock

Animal Care Australia notes that the Draft Plan states that **“Other Animals Not Specified Elsewhere should be kept in numbers as appropriate to the species”**.

For livestock, the DSE (Dry Sheep Equivalent) and carrying Capacity would determine this, and we must question why horses, donkeys, cattle, sheep, pigs and goats are being excluded from species appropriate welfare management practices?

The whole chart for all species really should be deleted and replaced with that one line: **“As appropriate to the species”**. The chart is unnecessarily complicated and clearly not welfare based.

The numbers determined for horses and cattle are out of line with modern land management standards, and Animal Care Australia cannot comprehend the rationale behind them.

For cattle, “5 per 5000m<sup>2</sup>” disregards the DSE calculation method used by livestock managers, including the Department of Primary Industries (DPI) and Royal Society for the Prevention of Cruelty to Animals (RSPCA). This method determines how many dry, 50kg sheep and the equivalent in other species, that the individual pasture can reasonably support. For example, dry, mature cattle are 7-8 DSE, and a goat is the same as sheep. A pony is 5 DSE, and a horse 10 DSE. Breeding animals have a higher DSE, as their dietary needs are higher. The DPI provide helpful charts that clearly list the DSE of all livestock species kept in Australia.

Once upon a time, there was an old rule that stated: a landowner requires 2 acres for the first horse, and 1 acre for each horse thereafter. This is terribly outdated, but the numbers drafted here of 1 per 5000sm is even less animals per acre, and we cannot comprehend how this number was determined?

However - knowing the DSE is only part of the assessment. The land is assessed for its Carrying Capacity (sometimes called Feed On Offer) which is the amount of available grazing plants on the land. Following a visual assessment of the land in question, there is then a calculation method to determine the Carrying Capacity. The Stocking Rate is then determined by DIVIDING the Carrying Capacity by the DSE.. The result will vary throughout the year as well as year to year, based on local weather and environmental conditions, as well as how the land has been managed in the past. It is simply NOT a set figure, which is why this calculation was created and adopted by livestock managers.

The Stocking Rate is an assessment guideline, to help livestock managers make decisions about how the property is managed and what needs to change over time to ensure that the animals are managed in a way that improves the land. A property that is correctly set up with Equicentral, cell grazing or other rotational grazing systems can support many more animals in higher welfare conditions than poorly maintained land with set stocking or track systems with only 2 animals.

Proper grazing management also protects properties against fire, and limiting numbers of animals will lead to higher fuel loads and neglect of harder to manage areas, as landowners focus on the easier and cheaper to

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manage areas. This comes to the detriment of native species in the area, as well as the human inhabitants and their animals.

**Horses and livestock** are herd animals and should be kept in groups of 2 or more to meet their minimum welfare needs. A horse should never be kept alone (without another horse nearby). Allowing single horses on a property will create new welfare issues for the animals in your Shire.

The draft numbers in Councils Policy completely ignore the management system of the animals, the type of property (whether the land is cleared and level, or bush and steep, or contains waterways), the Carrying Capacity and plant species of the pastures, and the species-specific welfare needs of the animals themselves.

The draft laws proposed only serve to punish good land managers, and negatively affect the welfare of their animals, and the productivity and appearance of their land. At worst it is discrimination of small acreage owners, preventing them from following proven farming principles utilising grazing behaviours of horses and livestock to properly manage their grazing lands.

Quality rural districts like Hilltops Shire are diminishing and poor acreage property planning such as these proposed animal numbers is contributing to the degradation and misuse of land, further feeding the perception that animals are to blame for the loss of land quality. This is a misconception and can be rectified with education - of councils as well as of landowners.

Instead of limiting the numbers of horses and livestock to enact unrealistic, unhealthy, and low welfare standards, Council could invest in property management programs and workshops for acreage owners in the Shire. Courses that educate those who are new to the rural lifestyle on how to manage their acreage with animals, identify grass species and weeds, how to protect waterways and natural resources, and preserve native animal habitats on their land has been hugely successful in NSW and Victoria, with little to no cost to participants. These programs are easy to run and encourage landowners to see the value of their investment and take pride in looking after the land and their animals to a high standard. This benefits everyone in the Shire, not just those that live there, but for local tourism as well.

### **Small Mammals:**

#### **Ferrets**

Ferrets have become much loved companion pets and while they do require some care, maintenance and ensuring that they are kept very entertained and occupied when awake, they in fact do not require a lot of space which makes them perfect as 'indoor' pets.

Councils Policy of a maximum of 2 ferrets can be kept in all locations, and cages to be 10 metres from dwellings and 1 metre from any boundary therefore prohibits indoor keeping of these animals. As the majority of pet ferrets are kept as indoor pets, it makes no sense for the policy to have a 10m from dwelling rule without further clarification that it ONLY applies to external enclosures.

Ferrets are far more secure indoors and escapes into the environment are far less likely to occur with an indoor kept pet than an animal out in a cage 10 meters away from any dwelling.

Adding further complication to this are people who live in units who keep ferrets as indoor pets, making the '1 metre from any boundary' problematic.

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Ferrets are also social animals and should be kept as pairs or in groups, therefore Council's restriction of only 2 ferrets is impractical and ill-advised.

#### Rats, Mice and Guinea Pigs

These animals are colony animals, and it is important for their health and well-being to be kept in larger numbers than what Council's policy imposes.

In addition, the policy goes against scientific research (Short Communication: Rats Demand for Group Size - Journal of Applied Animal Welfare Science 7 (4) 267-272 – 2004) into ideal colony numbers for rats, which have demonstrated that the numbers in your policy are not compatible with the fulfillment of basic social needs and high welfare standards. As companion animals allowing more appropriate colony sizes poses no threat to community, health, or animal welfare.

Rats, mice, and guinea pigs are primarily indoor pets and invariably kept in small enclosures. These animals do not exhibit extreme noise, are not intrusive and are free of the diseases and pathogens that often plague their wild counterparts. In fact, they pose no health problem for their owners and are renowned for keeping themselves well groomed.

For the Club registered breeding community, the proposed limitations are also unrealistic, especially given the average litter size for some of these species is larger than the proposed limit suggesting that these proposals have not considered the biology and needs of these species. Additionally, due to their short lifespans it is vital that several adult pairs be kept at any given time to ensure that the quality of the gene pool is maintained – without allowing owners to keep 'breeders' the health of the species will invariably suffer. Owners of these smaller pets work to improve the quality of the animal in health and temperament and the Clubs have policies for registered breeders who are bound by their published Code of Ethics and Code of Practice along with provisions provided with the current Prevention Of Cruelty To Animals Act 1979.

#### Rabbits

The Policy states 2 (same gender) in residential, and 4 (same gender) in Rural Residential. Animal Care Australia again questions the basis of any animal welfare concern behind such a restriction. Many people that keep rabbits in any residential situation keep them as pets and the majority of pet rabbits are kept as indoor pets for their health and safety. Vaccines do not provide protection against all of the government released rabbit haemorrhagic viruses that are designed to eradicate feral rabbits.

**It is unjustified to dictate the gender of a species that is allowed to be kept legally in NSW.**

Responsible pet owners will have their rabbits desexed should THEY NOT wish to breed. Council imposing gender restrictions is an extreme overreach of power, and highlights how out of touch with animal keeping this draft policy is.

Council should seek consultation with real animal experts to provide a policy that not only works for the council and its community but also ensures good welfare outcomes for the animals.

'The 3 meters from any boundary' makes it problematic for people in residential units to keep indoor pet rabbits.

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Again, for the club registered breeding community the proposed limitations of number of rabbits allowable to be kept is unrealistic.

### **In closing:**

Animal Care Australia 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.

Animal Care Australia does not agree with imposing blanket limits on numbers of animals that can be kept especially when based solely on ideological theories as these theories are animal rights based. Animal restrictions for many species 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 the keeping of animals based purely on preventing noise, odour or other issues for neighbours are strongly discouraged. Laws are already in place to deal with neighbourhood nuisance issues including matters due to poor animal keeping practices. Restrictions including permit requirements inflict an unnecessary compliance burden on residents and staff which only discourages animal keeping needlessly.

Animal Care Australia's primary objective is 'education over regulation' and always commend Councils wherever they seek to further the education of their residents. It is perhaps an easy mistake to make in thinking that capping numbers and dictating gender of species that people can keep is the big fix for animal related issues within a community, however, the most effective and long-term solution is in fact education and creating awareness, so that people within your community are able to learn how to be responsible pet owners.

Animal Care Australia has references to support our submission and will be happy to supply them on request. Animal Care Australia offers our expertise to recommend more suitable categories and less restrictive numbers.

It should be noted that Animal Care Australia will be making this submission public and in doing so stating our non-support of such a restrictive and ill-informed animal keeping policy.

Animal Care Australia requests the opportunity to meet with Council to discuss our concerns relating to this Policy.

On behalf of the Animal Care Australia Committee.

Michael Donnelly

### **References:**

[NSW Code of Practice No 4 - Keeping and Trading of Birds](#)

[Prevention Of Cruelty To Animals Regulation 2012](#)

[State Environmental Planning Policy \(Exempt and complying development codes\) 2008 - reg 2.8](#)

[Protection Of the Environment Operations Act 1997](#)

[Prevention of Cruelty to Animals Act 1979 No 200](#)

[DSE Assessment](#)

[Stocking Rates](#)