

16th September 2025
Eurobodalla Shire Council
Mayor & Councillors
Email: council@esc.nsw.gov.au

Draft Local Orders Policy – Keeping of Animals

Animal Care Australia is a national incorporated association established to consult with government in advocating 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 current review of the Companion Animals Act. 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 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.

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

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.

Animal Care Australia notes:

"Criteria for consideration: There are no restrictions on the number of birds and animals that can be kept on premises in the Eurobodalla Shire in normal circumstances. The standards in this Orders Schedule apply only where a legitimate problem has been identified relating to the numbers and/or types of birds or animals kept upon and where an order under the provisions of Section 124 of the Local Government Act is required to rectify the problem."

What exactly are 'normal circumstances'?

This statement is nothing more than Council imposing its bias against certain pets when or how it sees fit – completely regardless of the welfare needs of the animals in question.

Restrictions based 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 or urban.

In the interest of neighbourhood amenity, regard should be given to preventing excessive noise, 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.

"Taking of action

The issuing of an Order will be considered when birds or animals kept on the premises are:

- ***of an inappropriate kind or number or are kept inappropriately, or***

- ***in the case of premises — birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs.***

Animal Care Australia acknowledges the above are taken directly from Section 124 of the Local Government Act 1993 – however - what qualifications and species-specific training will a Council Officer be required to have in order to make an ‘appropriate’ determination of numbers. What is appropriate? Clearly judging by the fact Council stipulates only one rabbit per premises is appropriate then Council has no clue.

For that matter the ability of a ‘disease’ that might be communicable to man or other animals?

All species have diseases that exist naturally and flareup due to conditions such as weather. This WILL impact other members of the same species and in certain circumstances can be transferred to different species or to a human. These have far less to do with numbers and far more with whether the affected animals are being treated with appropriate medications. A Council Officer SHOULD NOT be provided with the power to make these determinations – this MUST be made by a veterinary practitioner. In 99% of circumstances no other action is required beyond appropriate veterinary treatment.

Council officers having significant discretion in issuing orders is problematic. While this allows case-by-case flexibility, it also risks inconsistency or perceived unfairness in enforcement. Council should include expert opinion in its decision making, including from veterinarians and animal-keeping associations who have the highest level of species awareness.

While noting the number restrictions may be used only when needed, the wording within the Appendix 1 Orders Schedule reads contradictory to the stated intent.

For example: “Only two (2) horses may be kept on any premises on urban land.”

Is that ONLY 2 horses OR is it that Council will restrict an owner of a premises on urban land to two horses where there is an identified problem? This confusion is relevant when compared to the entry for dogs where it states: “The maximum number of dogs shall be limited to two...”

The language used is important: MUST will be interpreted by residents differently to SHALL and given if Council’s comments ¹ “Eurobodalla Council maintains the policy will help reduce animal abuse and promote pet safety and welfare” are to be believed then Council MUST re-examine the Schedule, its wording and the proposed number restrictions.

If animal abuse is the primary concern – this is actually a matter for the authorised officers under the Prevention Of Cruelty To Animals Act – and NOT Council. In fact – both the RSPCA and Animal Welfare League have continually stated ‘animal welfare is NOT about numbers’. These statements have been provided within their submissions and testimony during NSW Parliamentary Inquiries into ‘Puppy Farms’ and the proposed ‘NSW Animal Welfare Act’.

If general animal welfare & safety is of concern then the proposed numbers are NOT appropriate when considering the animal welfare needs of the animals. Of particular concern is the restriction on **rabbits**:

“a. The maximum number of rabbits shall be limited to one (1) per premise”

This is in total contradiction to the animal welfare requirements of rabbits. Many people that keep rabbits in any 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.

Responsible pet owners will have their rabbits desexed should THEY NOT wish to breed. Council imposing these restrictions is an extreme overreach of power and highlights how out of touch with animal keeping this draft policy is. Rabbits are social animals (as acknowledged by the RSPCA ² and even Animal Welfare Victoria ³) Rabbits are also more commonly kept indoors so there is little risk or opportunity of multiple rabbits creating noise or other concerns for neighbours. This restriction MUST be removed or if there is a need to impose an Order 18 it must be altered to ‘no less than two rabbits.’

For ferrets: “b. Ferrets must not be kept within 4.5m of a dwelling”

This is misleading and incorrect. Most pet ferrets are kept INDOORS. Placing a distance restriction is not

¹ [News.com article](#)

² [RSPCA information for keeping rabbits](#)

³ [Animal Welfare Victoria – rabbit keeping](#)

plausible. If Council is referring to outdoor enclosures, then that should be clearly stipulated.

Equally – there is no mention or allowance of litters for both rabbits and ferrets – coincidentally included for dogs and cats. These animals will breed (if not desexed) and are legally able to be bred in NSW, therefore if an Order 18 is to be applied it should either require the desexing of the permitted animals or a timeframe and age of young to be moved on from the premises.

Small mammals are extremely popular, particularly in circumstances of higher residential density areas, make no noise, and despite common misconception produce little to no odour. Small mammals are colony animals, and a limit of such small numbers is simply poor animal welfare.

For Bees: “ d. Hives are to be located so that flight paths do not interfere with surrounding residents”

How is this enforceable? Bees fly wherever they want to. A resident cannot ‘control-tower’ their bees. They most certainly can locate hives away from a premise but where there are flowers or plants, there will be bees.

For cats and dogs:

Animal Care Australia DOES NOT support the limiting of numbers where those numbers contradict the recently updated POCTAA legislation relating to the number of fertile female dogs a person can legally keep. We have specific concerns with:

- **“Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping cats or dogs.”**

This is incorrect. Everyone can apply to keep a pet. It is very difficult for a landlord to refuse. The grounds for refusal are really strict and while a landlord may set some conditions the above statement is misleading. The new rules form part of every residential tenancy agreement (aka lease).⁴ Those conditions (if any) are individual and as such it is not necessary to be included by Council – even in an Order 18 – as a breach of the conditions is a matter between the landlord, the tenant and possibly the Tribunal.

- **c. The maximum number of greyhounds shall be limited to four (4) adults and one (1) litter of pups up to thirteen (13) months old in rural areas.**

This restriction is ludicrous. The keeping of greyhounds within residential and urban areas is vital. Greyhounds make great companion animals - particularly rescued greyhounds. These greyhounds are maintained in standard sized residential yards and even in intercity townhouses and units. Any restriction here is blatant overreach by Council.

Animal welfare vs. human convenience: Council is implying the restrictions are in the best interest of animal welfare and yet that does not read true in this Policy. There are many limits (e.g. rabbits, goats, poultry) that appear designed to minimise nuisance rather than improve animal welfare.

Animal Care Australia strongly recommends:

“There are no restrictions on the number of birds and animals that can be kept on premises in the Eurobodalla Shire in normal circumstances”

is repeated in the first paragraph of the Orders Schedule (appendix 1) to make it clear for residents who may not read all of the document or are linked directly to the Schedule during an internet search.

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 a 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 Council will advise the owner or occupier of the details of the complaint and advise their rights to respond, to be**

⁴ [NSW Residential Tenancy Information](#)

represented and have their case heard under Sections 132-135 of the Local Government Act 1993.”

There appears to be no appeals process included within this Policy. 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, and as such Order 18’s SHOULD NOT be used by Council as a quick fix in order to resolve disputing neighbours issues.

Again, 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.

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 recommends viewing our online document: [Council Animal Management Plans](#)

Should you require further details please do not hesitate to reach out as we would be happy to meet with you and further discuss this matter.

On behalf of the Animal Care Australia Committee and our members.

A handwritten signature in black ink that reads "M Donnelly". The signature is fluid and cursive, with the first name "M" being particularly prominent.

Michael Donnelly
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About Animal Care Australia

As a nationally recognised animal welfare organisation, 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, animals used for educational or entertainment purposes or kept for conservation, and in particular native birds, reptiles, and mammals.

Animal Care Australia was founded in early 2018 to establish an organisation run solely by volunteers to lobby for real animal welfare. With extreme animal rights and animal liberationist ideologies influencing government legislation, regulation, and policy at our expense and to the detriment of our animals and pets, it has become necessary to provide government with a balancing voice.

By uniting the broad spectrum of animal groups, collectively we offer an experienced, sensible approach to animal welfare.

By educating our members and the public about the importance of treating animals with kindness and respect for their needs and promoting the humane treatment of animals to improve animal welfare outcomes, Animal Care Australia is in the unique position of lobbying and advocating for all animals within our care.

Animal Care Australia provides priority to the following:

- advocating for stronger welfare outcomes
- advocating to increase education of the public in animal welfare and best care techniques
- educate the public on handling their animals with kindness & respect and the importance of their needs
- educate the public in the differences between animal welfare and animal rights