

17<sup>th</sup> November 2025

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### **Draft Keeping of Animals Policy**

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 draft Policy Animal Care Australia would like to raise the following points of concern and suggested recommendations:

Animal Care Australia **DOES NOT SUPPORT** the sole use of surveys/feedback forms as a means of consultation. It is inappropriate for Council to claim you have consulted when organisations are not actually able to lodge a written submission. Surveys are misleading and provide for irresponsible statistical analysis.

It is vital that Councils support the keeping of all pets within their shires/municipalities and that Councils consult with the appropriate stakeholders when looking to address the many myths or phobias that are expressed by uneducated members of the public, in relation to the keeping of some animals.

**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:**

*“Council has prepared the Advisory Table below to provide guidance for keeping animals on residential land, including the appropriate number per species to maintain a healthy and safe environment for the animals. Council may consider this Table when required to address any impact created by the keeping of any animal species...”*

The Policy is confusing for the average reader.

The opening sections state:

### 1. Policy Objectives

1.1. *The objective of the Keeping of Animals Policy (the Policy) is to **provide minimum standards for the keeping of animals to:***

1.1.1. *reduce any adverse impacts on the surrounding community and environment*

1.1.2. *protect and promote the welfare of animals*

1.1.3. *protect the welfare and habitat of native wildlife*

1.1.4. *minimise the disturbance of, or damage to, protected native vegetation.*

### 2. Policy Scope

**2.1. This Policy applies to all owners of animals** (not dogs or cats) within the Central Coast Local Government Area in relation to residential premises on which animals are kept for domestic purposes, including as pets, hobby or companion purposes or other similar interests.

2.2. This Policy applies to animals kept on land used for residential purposes and any property less than 1200m<sup>2</sup> regardless of the zone under the Central Coast Local Environment Plan (LEP).

Both of the underlined sections 'imply' this Policy is mandatory. It sets minimum standards AND applies to all owners of the animals.

It is not until you read further down that it states:

4.2. While Council provides this information **as a guide**, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) outlines required setbacks for the structures required for keeping of animals in NSW. Structures which do not comply with the SEPP will require development consent.

4.3. Council has prepared the Advisory Table below **to provide guidance for keeping animals on residential land, including the appropriate number per species to maintain a healthy and safe environment for the animals**. Council may consider this Table when required to address any impact created by the keeping of any animal species.

The statement outlined in Section 4.3 is absolutely untrue. The numbers per species (notably all small mammal species listed) to maintain a healthy and safe environment are well and truly outdated and in FACT are in direct contradiction of the animal welfare needs of the species.

Equally, residential properties now are fast becoming the most popular homes for those species listed and so restrictions – even guidelines – should not be applied. Each individual circumstance should be assessed on the manner in which the animals are being kept AND not based on the reliance by a ranger/animal management officer to defer to a guideline rather than the actual welfare issues.

Animal welfare is NOT about numbers and should not be assessed by numbers. Poor welfare can be found in cases where 1 animal is being kept OR where 10 animals are kept.

Restrictions – even guidelines - 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 – even when zoned as residential.**

As noted in your own policy, 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.

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.

If, as implied, 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 following species:

**Rabbits – only two:**

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 <sup>1</sup> and even Animal Welfare Victoria <sup>2</sup>) 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.’

**Ferrets – only two:**

Most pet ferrets are now kept INDOORS and Ferrets in general must be kept in a cool shaded place or indoor area as ferrets are sensitive to heat and can easily overheat, especially when temperatures are in excess of 28 degrees Celsius.

Australian summers are regularly in excess of such temperatures even in the shade when outdoors. Keeping these animals indoors is much better for their welfare. If you need to keep ferrets separated it is as easy as moving one to another room of the house or unit and ensuring that they are in a secure enclosure.

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.

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.

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

Equally – there is no mention or allowance of litters for both rabbits and ferrets. 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.

Section 4.4. *”The numbers of animals are a guide and is a maximum of any, that is, 10*

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<sup>1</sup> [RSPCA information for keeping rabbits](#)

<sup>2</sup> [Animal Welfare Victoria – rabbit keeping](#)

*fowl/poultry only, not 10 of each”* also contradicts the animal welfare needs of rabbit/ferrets, as these two species are grouped together in the Table – meaning a child MUST choose between keeping pet rabbits OR pet ferrets. They cannot have both. It is not good animal welfare to only keep one of each.

The same equally applies to mice, rats and guinea pigs – only 4 of any species. Not 4 of each species. Again, this contradicts the animal welfare needs of these species - and there is no mention or allowance of litters for these species.

### **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. As companion animals allowing more appropriate colony sizes poses no threat to community, health, or animal welfare.<sup>3</sup>

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.

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.

Rabbits, ferrets, guinea pigs, rats, and mice are considered as house pets and have been for some time now.

Now that housing cost forces people into smaller unit dwellings, indoor pets such as rabbits, ferrets, rats, mice, and guinea pigs are becoming the norm.

Owners of these smaller pet’s work to improve the quality of the animal in health, temperament, and animal related clubs and societies 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 Animal Welfare Acts.

**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.

When making restrictions – even as Guidelines - 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. Any excuse that these restrictions have previously existed simply highlights the level of laziness in ensuring the most up to date animal welfare needs and community expectations are being met.

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<sup>3</sup> [Short Communication: Rats Demand for Group Size - Journal of Applied Animal Welfare Science 7 \(4\) 267-272 – 2004](#)

**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 written in a cursive style with a large, looping 'M' and a long, sweeping underline.

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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