

## Policy

# Companion Animals Management Plan

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# **Companion Animals Management Plan**

## **Policy Objective**

To provide facilities, services and education strategies in the Tweed Shire which permit pet owners to maximise the enjoyment of companion animals whilst also providing for environment protection and harmonious coexistence of pets, pet owners and the wider Community, and at all times providing for the well being of companion animals.

## **Definitions**

Not applicable

## **Policy Background**

The keeping of domestic dogs and cats as companion animals has evolved as a part of human existence. A strong human-animal bond has developed within society, however the degree of responsibility and care of such animals differs enormously from person to person and from place to place.

Companion animals can perform an important function in our Community. Many owners would not contemplate being without their animals, and companion animals can be especially important to the young, elderly, animal breeders and people living on their own. The health benefits of pet ownership should not be underestimated.

There is also the other sectors of the community which may not share this enthusiasm for companion animals. Their right to not be affected by the activities of companion animals must also be protected.

Consequently, within our modern society, a trend to condense the urban environment has placed a strain on the bond between companion animal owners and some sectors of society. Accordingly control measures have evolved to ensure that the rights of all parties within the urban environment are satisfied.

This strategy is intended to meet the needs of all groups, where possible, to help achieve a harmonious co-existence of these groups in the Tweed Shire.

## **Policy**

Community expectation is that Council should provide a quality service relating to companion animal control. Many residents expect both an immediate response and an immediate resolution to a companion animal complaint. However, it is difficult to provide this level of service given the availability of resources and the often, intense and complicated legislative procedures relating to such incidents. For some problems, such as barking, there is rarely an immediate resolution and investigation is a lengthy and detailed process.

Existing services provided by Council are many and varied:

- investigating issues about dogs (attacks, barking, roaming, defecating etc),
- providing cat and dog cages,
- patrolling residential areas and public places such as parks, reserves and beaches,
- impounding of roaming animals,
- providing advice to the public,
- management of the Dog and Cat Impounding facility,
- instigating legal action,
- issuing fines,
- enforcement and inspection of Restricted and Dangerous dog enclosures,
- off leash exercise areas
- seizure of animals for non compliance with the Act.

The significance of these issues cannot be under estimated. Relatively simple issues such as defecating dogs can impact water quality, amenity, aesthetics, streetscape, tourism and even public health. Persistently roaming or barking dogs may influence real estate values and there is also the potential hazard of a dog attack.

### **Community Education: Responsible Pet Ownership**

The privilege of owning and enjoying the companionship of a pet carries with it the dual responsibilities of care of the animal and care for the community. However, not all pet owners recognise these obligations.

In today's urban environment, there is general recognition of the right of dog and cat owners to have, and enjoy, the companionship of their pet. However, there must also be the recognition of the rights of others to enjoy a comfortable lifestyle without unreasonable interference from nuisance pets. Unfortunately, it is not necessarily the pet that causes the problem, but the lack of owner responsibility.

Reliance on the enforcement of legislation will probably always be the backbone of companion animal management; however, there is now more emphasis on the development of non-regulatory approaches such as public education.

Education is a significant factor in the successful implementation of the Act and education should also extend to the wider community, not just concentrate on pet owners.

Council has been involved in education through general contact with the community and providing information about:

- the keeping of animals,
- dog registration,
- preventative roaming and barking measures,
- school education programs,
- community education,
- micro chipping days,
- desexing programs,

- articles in the Tweed Link

The following education program activities have been implemented and are ongoing:

- Brochures and literature,
- Distribution of literature through libraries, veterinarians, community groups, schools, real estates, tourist information centres, community gathering and Council offices,
- Use of regular media promotions (Tweed Link),
- Conducting internal staff training,
- Providing accurate advice to the community through Council internal staff,
- Proactive community contact by Council Rangers,
- Conduct animal micro-chipping days, incorporating educational information,
- Conduct desexing days in conjunction with the RSPCA,
- Conduct school education programmes,
- Website access to Councils impounding facility.

Education focuses on the following key elements:

- Responsible pet ownership
- The benefits and importance of companion animals.
- Identifying the potential impacts of companion animals on the environment and community.
- Owners responsibilities whilst an animal is in a public place.
- The difference between registration and identification requirements, and their importance.
- Control of cats.
- Location of off leash exercise areas.
- Available Council services (capturing roaming animals, operating the pound, providing animal traps, distributing educational material and patrolling public areas).
- Importance of correct animal care (feeding, training and exercise) to have a 'happy'/healthy animal, and to minimise community disturbances.
- Importance of companion animal faeces collection from public places and importance of correct faeces disposal from all areas.
- Benefits of animal registration.
- The importance of selecting the 'right' animal for an individual.
- Penalties for repeat or persistent offenders.
- Miscellaneous requirements under the companion Animals Act, 1998 and the Prevention of Cruelty to Animals Act.
- Responsibilities of animal purchasers, breeders, sellers or those giving away animals.
- Details of 'dangerous' and restricted' dogs.
- The preferred number of animals to be kept at a premise.

## **Increase rates of Identification and Registration for Companion Animals**

*The Companion Animals Act requires Dogs and Cats to be micro chipped (permanently identified) from 12 weeks of age or at the time of sale (sale also includes the transfer of ownership by a gift). All animals that are micro-chipped are placed on the state wide register.*

*All dogs and cats must be registered from the age of six months. This is a one off fee for the life time of the animal and the current fees associated with registration are:*

A non desexed animal	\$150.00
A desexed animal	\$ 40.00
A desexed animal (with pension card)	\$ 15.00
A registered breeder	\$ 40.00

The lifetime registration fees are set by regulation and relate to both cat and dogs.

Working dogs are exempt from Microchipping and registration. A working dog is defined as a dog that is ordinarily kept on land categorised as farmland for the purpose of Part 3 of Chapter 15 of the Local Government Act.

Microchipping is designed to increase the number of pets that are re-homed back to their owners, in turn this will decrease the euthanasia rate and the number of animals entering animal shelters.

Increased rates of compliance regarding micro-chipping and registration are established through complaint investigations, education programmes, analysis of reports from the Companion Animals register and the sale/release of animals from Councils impounding facility.

## **Environmental Protection**

Community awareness of protection of water quality and flora and fauna is growing rapidly with the community at large expecting areas of environmental sensitivity to be protected. This is prevalent with the introduction of environmental sensitive subdivisions, such as Koala Beach, where instruments of authority prohibit cats and dogs from the estate.

Pollution of domestic yards, footpaths, parks and reserves by animal faeces, dogs in particular, and the consequent pollution of waterways by stormwater run-off, is of great environmental concern. Stray dog's faeces and the failure of owners to collect and properly dispose of their animal's faeces poses a potential health hazard to the community, as well as an environmental hazard.

Domestic and feral cats and dogs are responsible for a large number of wildlife deaths every year. The community expect the environment and areas of environmental sensitivity to be protected and Councils are expected to implement protection measures to ensure the continuing existence of endangered native fauna.

Provisions under the Companion Animals Act enables Council to issue nuisance orders, dangerous dog declarations and also infringement notices which can be used to regulate issues associated with dog faeces, dog attacks on animals and general roaming. These provisions provide Council with an effective tool to help in the protection of the environment whilst managing animal control requirements. Council also provides dog and cat traps to residents of the Shire who have problems with domestic or feral cats and dogs.

## **Community Amenity**

The coexistence of humans and animals in the community does not always run smoothly. Urban consolidation has resulted in the close proximity of neighbouring dwellings which has exacerbating noise and other nuisance animal problems. The three principle generators of dog related complaints are barking dogs, defecating dogs and dogs unleashed in public places.

### Barking Dogs

We know that dogs bark for a variety of reasons including boredom, separation anxiety, lack of exercise, etc. Establishing the existence of a nuisance barking dog can be one of the most complex and frustrating tasks faced by an officer. However established Council procedures help to eliminate vexatious complaints and aim at providing a relatively prompt and efficient investigation of these types of complaints. Investigations and action rely on evidence from at least two neighbouring property owners who are willing to, if necessary, provide evidence in a court of law. This enables Council officers to proceed in issuing nuisance dog orders that remain in force for a period of six months. Requirements of the order enable officers to expedite regulation of the noise complaint through the issuing of infringement notices or instigating further legal action if necessary.

### Defecating in Public

Dogs and cats that defecate in public or on neighbours lawns, etc is another difficult issue that Council officers have to deal with. A great portion of faeces left on footpaths or in public places comes from owners who either let their dogs out for this specific purpose, or they simply refuse to remove the faeces whilst walking their animal.

### Roaming Dogs

Stray dogs and cats have the potential to cause community nuisance through a variety unwanted activities including defecating in public or private properties, destructive behaviour towards property, potential for traffic accidents, harassing other dogs behind fences (causing noise disturbance) and worst of all an attack on another animal or person.

Many owners fail to realise their pet, which in many instances is an extension of their family, may be a nuisance to the rest of the neighbourhood. The best way to address these issues is through education with enforcement also playing a vital role in deterring animal owners from committing offences.

## Dangerous Dogs and Restricted Dog Breeds

To help ensure the safety the community legislative guidelines have been provided to deal with instances of dog attacks and unreasonable aggression displayed by a dog. These provisions enable Council to proceed to declare a dog as Dangerous.

A dog can be classified as Dangerous if it:

- (a) has, without provocation, attacked or killed a person or animal (other than vermin)
- (b) has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin)
- (c) has displayed unreasonable aggression towards a person or animal (other than vermin)

Similarly the Companion Animals Act has identified that certain dog breeds have an increased potential to display unreasonable aggression. These dogs are classified as restricted dog breeds. These breeds currently include:

- (a) American pit bull terrier or pit bull terrier
- (b) Japanese tosa
- (c) dogo Argentino
- (d) fila Brasileiro
- (e) Perro de Canario or Presa Canario

Council has the authority to declare a dog as restricted dog, if it is believed the dog is a breed or kind of dog which is classified as a restricted breed or a cross-breed of a breed or kind of dog which is classified as a restricted breed.

The owner of a dangerous dog or restricted dog must adhere to strict guidelines associated with the ownership and housing of these types of dogs. Legislation pertaining to ownership of restricted and dangerous dogs provides for increased penalty amounts and the destruction of the animal should a breach occur.

## **Facilities and Service Provision to the Community**

### Dog and Cat Impounding Facility

The Tweed Shire Council provides a dog and cat impounding facility which is open to the public 7 days a week between the hours of 10am to 4pm. Councils operational practises at the pound have been developed in accordance with the Department of Agriculture and the RSPCA's code of conduct for the operation of boarding establishments relating to cats and dogs. The facility is of a high standard and its operation ensures the community receive an optimum service.

This service includes:

- Provision of suitable animals for re-homing back into the community. Achieved through behavioural and veterinarian assessment as well as the vaccination and desexing of all animals being sold.
- Discounted Microchipping service
- A website for people to view lost and impounded animals

- Potential owner interviews to establish compatibility between a person or persons and the type or breed of animals available.
- Provision of educational material to the public
- Provision of sustenance, shelter and veterinarian care to all impounded animals

Council has been committed to the upgrade of the facility with recent upgrades and modifications including:

- Additional dog runs
- Additional 10 dog kennels
- A new office, lunchroom and customer service area
- Quarantine room and exercise area
- Veterinarian room
- Cattery upgrade
- Dog transfer cage
- Additional staff to service the public and provide suitable care to impounded animals

#### Off Leash exercise Areas

In accordance with the Companion Animals Act Council has established 15 off leash exercise areas situated throughout the Shire for the benefit of the community. These include:

- An area at south Kingscliff Beach
- Boyd Family Park, West Tweed Heads
- The public park at Frangella Drive, Murwillumbah
- The public park at River St, Murwillumbah
- An area at south Cabarita Beach
- An area at south Pottsville Beach
- An area at south Fingal Head Beach
- Corowa Park, Chinderah
- Reserve at the end of Old Ferry Road, Oxley Cove, Banora Point
- Reserve at Naponyah Road, Terranora
- An area at Arkinstall Park, South Tweed Heads
- Reserve at Amaroo Drive, Banora Point
- Reserve at Bushland Drive, Banora Point
- Ducat Park, Tweed Heads
- Turnock Park, Chinderah

#### Regulatory Services

Councils Regulatory Services unit operates on a 7 day roster providing service to the public between the hours of 8am to 5pm seven days a week. The availability of resources is a major factor in the provision of adequate service levels to the community.

Community expectation is that Council should provide a quality services relating to companion animal control. Many residents expect both an immediate response and an immediate resolution to a companion animal complaint. However, it is difficult to provide this level of service given the availability of resources and the often, intense and complicated legislative procedures relating to such incidents.

The number of requests for companion animal investigations within the Regulatory services Unit has steadily increased in recent years and this trend will continue as the population growth of the Tweed Shire expands. Staffing levels need to be monitored to ensure that efficient and effective management of companion animal management issues are maintained.

## **Related Legislation**

The Companion Animals Act was passed by New South Wales Parliament on 3 July 1998. The Act introduced major reforms for the keeping and control of Companion Animals (Dogs and Cats) and endeavoured to address the concerns of modern society. The Companion Animals Act replaced the provisions of the Dog Act 1966.

The Act was developed with the understanding that all sectors of the Community will benefit through incorporating an educational approach to Companion animal management and the utilisation of more proactive and enforceable laws.

The Act can be summarised thus:

- Lifetime registration of dogs and cats from 6 months of age.
- Establishment of a state-wide register of animals to be administered by the State Government.
- Microchipping of dogs and cats from 12 weeks of age or at point of sale. This is applicable to all new puppies, kittens and animals which change ownership.
- Council will retain 80% of all registration fees and retain fines and Pound fees.
- More stringent requirements apply to Dangerous and Restricted dogs or breeds which have been identified by the Act.
- Penalties exist for various offences under the Act, which is indicative of the potential disturbance which can be caused by anti-social behaviour by Companion Animals.
- Provisions for nuisance dog and cat orders exist.
- Requirements for Council to establish off leash exercise areas.

## **Compliance**

Not applicable.

## **Forms**

Not applicable.

## **Review Period**

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

## Useful Links

### [Tweed Shire Council website](#)

#### **Information for Dog Owners in NSW – Brochure**

[http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Information\\_for\\_Dog\\_Owners\\_in\\_NSW - Brochure.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Information_for_Dog_Owners_in_NSW_-_Brochure.pdf)

#### **Information for Cat Owners in NSW – Brochure**

[http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Information\\_for\\_Cat\\_Owners\\_in\\_NSW - Brochure.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Information_for_Cat_Owners_in_NSW_-_Brochure.pdf)

#### **Dealing with Barking Dogs – Brochure**

<http://www.environment.nsw.gov.au/noise/barkingdogs.htm>

#### **Dogs in Rural Communities - Brochure**

[http://www.dlg.nsw.gov.au/Files/Information/Dogs\\_in\\_Rural\\_Communities - Brochure.pdf](http://www.dlg.nsw.gov.au/Files/Information/Dogs_in_Rural_Communities_-_Brochure.pdf)

#### **Restricted and Dangerous Dogs in NSW - Brochure**

[http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Restricted\\_and\\_Dangerous\\_Dogs\\_in\\_NSW - Brochure.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Restricted_and_Dangerous_Dogs_in_NSW_-_Brochure.pdf)

#### **Information for Dog and Cat Owners – Brochure**

(under reconstruction)

#### **Information Sheet - Restricted and/or Dangerous Dogs**

(under reconstruction)

## **APPENDIX A**

### **Planning Exercise Areas**

With appropriate planning of exercise area locations (sites with fringe buffer distances, away from schools and arterial roads etc) can result in very minimal impact on local residents.

Off-leash areas can be provided on a time-share arrangement (eg dog are allowed off-leash at certain times of the day – usually early morning and evening). Time-share works well however it is important to recognise its disadvantages:

- It concentrates potential problems into a restricted number of hours;
- Some dogs owners may be disadvantaged if they work irregular hours or have small children. Timeshare may also not suit the elderly who wish to use time available during the day.

### **Public places where dogs are excluded (Section 14)**

Under the Act (Section 14) dogs are also prohibited in the following public places:

- In or within 10m of any children's play areas
- Food preparation or consumption areas
- Recreation areas where dogs are declared prohibited
- Public bathing areas where dogs are declared prohibited
  - School grounds (unless with the permission of the person controlling the grounds);
  - Child care centre (unless with the permission of the person controlling the centre);

### **Advantages**

Off leash areas are effective in ensuring animals are well exercised, which can achieve the following:

- Socialise your animal.
- Reduce aggressive behaviour.
- Reduce stress and stress related activity such as digging and barking.
- Reduce boredom.
- Enhance mental stimulation.
- Improve the general well being of your dog.

Dogs that are not exercised are more likely to develop behavioural problems such as aggression and excessive barking. The areas can also be a social success in attracting people with similar interests.

### **Rules When Using Off Leash Exercise Areas**

Whilst dogs are permitted to be not on a leash whilst within the designated areas, owners still have certain responsibilities:

*Collect Dog Faeces* – Collection bags may be provided at all off leas areas for the collection and removal of faeces. To date this has not been incorporated into off leash exercise areas due to the set up and ongoing costs associated with the function. At heavily used areas, a specific dog litter bin may also be provided. Where a specific bin is not provided, bags may be deposited in a ‘normal’ street litter bin.

Section 20 of the Act also states that ‘The owner of a dog that defecates in a public place must immediately remove the dog’s faeces and properly dispose of them’. The faeces must be removed whether or not bags are provided – this is the owners’ responsibility. On the spot penalties may be applied by Council for non compliance.

*Control Your Dog* – Whilst the exercise areas are ‘leash free zones’ it is the owners’ responsibility to maintain control of their dog. An animal is under off leash effective control if it responds to the command of the person exercising the dog and it remains in the immediate vicinity of that person.

If your dog is involved in an incident in an off leash area, penalties may be applied.

Users are encouraged to consider local residents and the ongoing viability of off leash areas. In the case of ongoing ‘incidents’, off leash exercise areas may be relocated, and in some cases to less convenient locations. This is not a desirable situation. Ultimately the compatibility of these areas will be dependant upon responsible use by animal owners.

