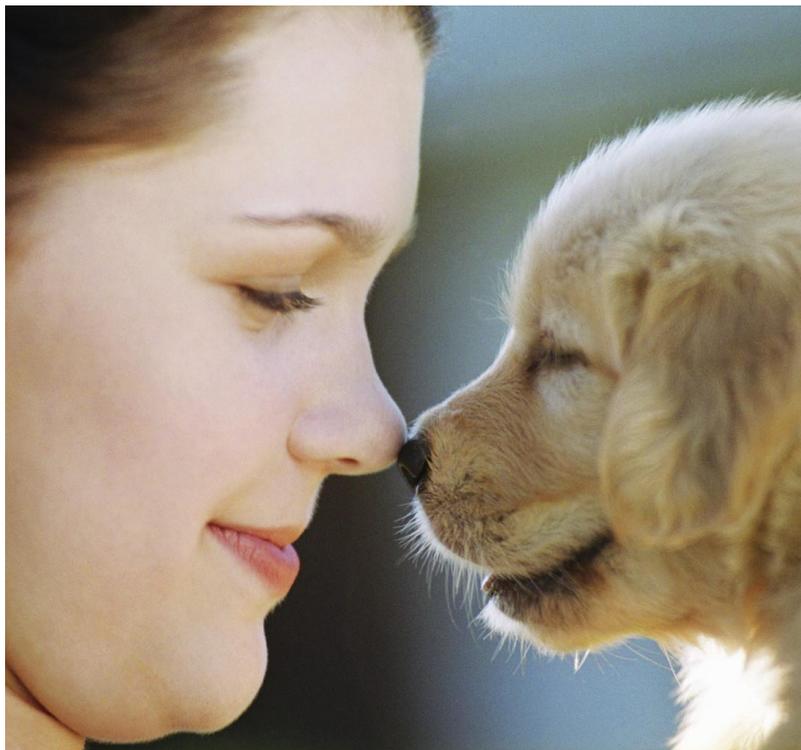


KEMPSEY SHIRE COUNCIL  
COMPANION ANIMALS  
MANAGEMENT PLAN



ADOPTED BY  
KEMPSEY SHIRE COUNCIL  
20 OCTOBER 2015

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## **Executive Summary**

Kempsey Shire Council implemented a Local Companion Animals Management Plan in May 1999 to deal with the responsible management of companion animals.

The Local Government Act 1993 requires Council's to develop Management Plans in consultation with community representatives. The Local Government reform program and subsequent audit of Councils procedures recommended a review of the current Local Companion Animal Plan with the objective to tailor the plan specifically to our local context.

The review has identified a number of areas which require updating and community input to address key issues unique to our shire. It is envisaged that future strategies would form part of Council overall Management Plan and be incorporated in to the plans of the parks reserves and beaches within our Shire.

The plan defines the key issues relevant to our Shire action plans. The Plan has been formulated to achieve the desired outcomes which principally revolve around Community Education and the promotion of Responsible PET Ownership.

The revised plan is divided into two (2) parts. Part 1 is the Strategic Frame work and is divided into (5) five sections i.e.

### Part 1

1. Introduction – which defines and outlines the structure of the Plan.
2. Companion Animals Management – Discusses the main issues arising from the Companion Animals Act 1998.
3. The Local Context – analyses the issues that are pertinent to the Kempsey Shire Council area.
4. Objectives and Aims
5. Community Consultation

### Part 2

The Key issues are contained in Part 2 and action plans accompany each of these issues.

- 1) Off Leash Free Areas and Signage
- 2) Feral Cat Wild Dog Management
- 3) Dog Faeces Management
- 4) Barking Dog issues
- 5) Funding and Grants
- 6) Domestic Animal Management other than Dogs and Cats
- 7) Problem Pet owners
- 8) Pound Procedures
- 9) Cat/Dog Registration/Micro-chipping
- 10) Dangerous Dogs and Restricted Breeds

The action plan establish priorities as well as defined outcomes to ensure the ongoing management of the Companion Animals in our Local Government area with continued community involvement, for the life of the Plan.

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## **PART 1: STRATEGIC FRAMEWORK**

### **1. INTRODUCTION**

#### **1.1 Local Companion Animal Management Plan**

The Companion Animals Act 1998 introduced changes to the way dogs were managed by local authorities and for the first time, introduced controls over domestic cats. The principal objective of this Act is to provide for effective and responsible care and management of companion animals.

The Companion Animal's Amendment Act 2013 – Commenced on the 18 November 2013. The Act Amendments work towards achieving key NSW and Local Government objectives to promote responsible pet ownership.

The Review of the Companion Animals Act 1998 by the Department of Local Government was completed February 2006.

A Local Companion Animals Management Plan (LCAMP) is a document, which provides a means for Council to fulfil its responsibilities under the Companion Animals Act 1998 by determining relevant objectives and priorities along with a clear program of implementation.

#### **1.2 The Outline of this Plan**

The LCAMP is divided into two parts:

Part 1 (Sections 1-5) is entitled *Strategic Framework*. It examines relevant issues and responsibilities in relation to companion animal management. It culminates in an objective and aims of the LCAMP.

Part 2 (Section 6) is entitled *Action Plans*. It outlines the actions necessary for Council to reach and achieve the *Plan's* objective and aims as outlined in the Strategic Framework.

#### **1.3 Scope of the Plan**

Whilst this plan deals mainly with dogs and the issues surrounding them, there are some significant developments in key areas such as the control of cats and other domestic animals.

The Companion Animals Act 1998 and Regulation and Companion Animal Amendment Act 2013 covers a broad range of management issues such as Public Safety, animal's welfare, removal of dog faeces, on and off leash areas and Barking Dogs issues.

Whilst the main objective of the Act is to provide effective and responsible care, and management of companion animals.

Council has the added responsibility of integrating this objective whilst balancing the needs of the Community as a whole.

The Companion Animals Act is prescriptive in its regulatory requirements and non compliance penalties but allows scope for the development of non-regulatory approaches such as public education.

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The following section examines Key issues pertinent to our Shire as outlined in the Companion Animals Act 1998.

## **2. COMPANION ANIMALS MANAGEMENT**

### **2.1 Registration and Identification of Companion Animals Update *(Companion Animals Act 1998, Section 8 & 9)***

Registration and identification are crucial components of animal's management because they provide:

- A Database for returning lost pets;
- A method of identifying offending animals/owner;
- An avenue to communicate with pet owners; and
- A source of funds for educations and enforcement.

Under the Companion Animals Act 1998, a companion animal must be microchipped from 12 weeks of age (Clause 8). The companion animal may need to be microchipped earlier if the animal is to be sold or rehomed. A companion Animal must be life time registered at 6 months of age.

## **2.2 Dogs**

### **2.2.1 Off-Leash Areas**

*(Companion Animals Act 1998, Section 13)*

Council can declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period of the day or to different periods of different days. However, under the Companion Animals Act 1998, there must at all times be at least one public place in any Local Government Area that is an off-leash area.

Leash free areas within the Shire:

- a. Grassy Head – more than 250m north of Grassy Head (Day Visitor area) to the northern boundary of the Shire.
  - b. Stuart Point – Stuarts Point Beach
  - c. South West Rocks – The wrecks on the waterline 650m south to Phillip Drive Beach access point
  - d. South West Rocks – Back Beach to river mouth.
  - e. Hat Head – Access No 6 to Les Dunford Road beach access
  - f. Crescent Head – South of Goolawah Beach Access to a point 5.1km along beach. Beaches between Racecourse Headland to Big Hill.
  - j. Kempsey – Western corner of South Kempsey Park between tennis courts and museum.
-

- k. Kempsey Riverside Park – western end.

### **2.2.2 Public Places where Dogs would be Excluded**

*(Companion Animals Act 1998, Section 14)*

Under the Companion Animals Act 1998, dogs are also prohibited in the following public places;

- In or within 10m of any children’s play areas;
- Food preparation and/or consumption areas (unless it is a public thoroughfare such as a road, footpath or pathway);
- Recreation areas where dogs are declared prohibited;
- Public bathing areas where dogs are declared prohibited;
- School ground (unless with the permission of the person controlling the ground);
- Child care centres (unless with the permission of the person controlling the centre);
- Shopping areas where dogs are prohibited (unless secured in a vehicle, with the permission of the person controlling the place or going to or from a vet or pet shop); and
- Wildlife protection areas.

Thus Council can prohibit dogs from particular recreation area, public bathing areas, shopping centres and wildlife protection areas.

#### **Beaches Where Dogs are Prohibited**

##### Crescent Head

1. From a point 1km north of Killick Creek, Crescent Head. This area is National Park and has significant bird breeding colonies.
2. From Racecourse headland north for a distance of 1km along Goolawah Beach. This area fronts the National Park camp ground.

##### South West Rocks

3. From the Phillip Drive each access point to Trial Bay Gaol
4. Horseshoe Beach South West Rocks

##### Hat Head

5. From a point north of beach access point 10 and south from access point 6.

##### Grassy Head

6. From a pont north of the Day Visitor access path.
7. Beach where Dogs can be Exercised on Leash

Crescent Head – Killick Beach – dogs are permitted on the beach from the creek entrance to a point 1km north. Dogs are permitted within this zone between April and October between

the hours of 7am to 8.30am and 4pm to 5.30pm. The dogs must be on a leash and under the control of a person above the age of 16 years.

### **2.2.3 Dog Faeces**

*(Companion Animals Act 1998, Section 20)*

Unretrieved dog faeces present problems for health, environmental and amenity reasons. Under the Companion Animals Act 1998, owners are required to remove their dogs' faeces immediately and properly dispose of them. In practice, this is extremely difficult to enforce on the street and remains a priority for Council's public education program.

Council must provide sufficient rubbish receptacles for owners to dispose of their dogs' faeces in areas that are commonly used for exercising dogs.

### **2.2.4 Nuisance Dogs**

*(Companion Animals Act 1998, Section 21)*

Under Section 21 of the Companion Animals Act 1998 a dog is a nuisance if it:

- Is habitually at large;
- Makes a noise by barking or otherwise, that persistently occurs continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises;
- Repeatedly defecates on another person's property;
- Repeatedly chases any person, animal or vehicle;
- Endangers the health of any person or animal;
- Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

In urban areas, no or low front fence requirements make it difficult for owners to confine their dogs to their property.

Complaints relating to barking problems are often not easy to resolve and consume large amounts of Council officers' time.

Since nuisance problems are often difficult to enforce. The words 'repeatedly' and 'habitually' are important in determining if a nuisance exists. However, this determination rests with an authorised officer of Council.

### **2.2.5 Menacing Dogs**

Under Section 33A of the Companion Animals Act 1948 a dog is menacing if it:

- 1a. has displayed unreasonable aggression towards a person or animal (other than vermin) or,
  - b. has without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.
-

2. The regulations may declare a breed or kind of dog to be a menacing breed or kind of dog.

Council can declare a dog kept in its area a menacing dog. Once a dog has been declared a menacing dog, the owner must comply with the specified conditions.

#### **2.2.6 Dangerous Dogs**

*(Companion Animals Act 1998, Section 24 and 51)*

Council can declare a dog kept in its area dangerous. Once a dog is declared dangerous, the owner must comply with specified conditions including keeping the dog in a childproof enclosure.

#### **2.2.7 Restricted Dogs**

*(Companion Animals Act 1998, Section 55 and 56)*

The Companion Animals Act 1998 states that the following are restricted dogs:

- Pit bull terriers
- American Pit Bull Terriers;
- Japanese Tosas
- Argentinian fighting dogs;
- Brazilian fighting dogs; and
- Any other dog of a breed, kind or description prescribed by the regulations are restricted for the purposes of this Division (e.g. dogs used as guard dogs by security personnel could be prescribed as restricted dogs).

The owner of a restricted dog must also comply with specified conditions including keeping the dog in a childproof enclosure.

#### **2.2.8 Working Dogs**

*(Companion Animals Act 1998, Section 17)*

A working dog (a dog used primarily for the purpose of droving, tending, working or protecting stock) that is ordinarily kept on land categorised as farm land for the purposes of Part 3 Chapter of the *Local Government Act 1993*.

#### **2.2.9 Dog to Wear Collar and Tag**

*(Companion Animals Act 1998, Section 12)*

- (1) A dog must have a collar around its neck and there must be attached to the collar:
  - (a) A name tag that shows the name of the dog and the address or telephone number of the owner of the dog,
- (2) The owner of the dog is guilty of an offence if this section is not complied with.

Maximum penalty:

- (a) 8 penalty units except in the case of a dangerous or restricted dog, or

- (b) 50 penalty units in the case of a dangerous or restricted dog.
- (3) The regulations may impose requirements in respect of the size, colour and material of a tag for use for the purposes of this section.
- (4) This section does not apply to a dog while it is on property of which the owner of the dog is the occupier or to a working dog.

### **2.2.10 Preventing Dog from Escaping**

*(Companion Animals Act 1998, Section 12A)*

- (1) The owner of a dog must take all reasonable precautions to prevent the dog from escaping from the property on which it is ordinarily kept.

Maximum penalty:

- (a) 8 penalty units except in the case of a dangerous or restricted dog, or
- (b) 50 penalty units in the case of a dangerous or restricted dog.
- (2) For the purposes of subsection (1), *owner* of a dog includes the person who is for the time being in charge of the dog.

## **3. The Local Context**

### **3.1 Kempsey Shire Local Government Area**

The Kempsey Shire covers a geographical area of 3,376km<sup>2</sup>, LAND USE BREAKDOWN IS AS FOLLOWS:-

60%	of this land is Rural Farming Land
10%	is State Forest
25%	is National Parks
0.25%	Residential Land
0.2%	Villages

The current population is 29,643 which are mainly distributed between Kempsey and South West Rocks.

The topography of the area ranges from tablelands to the west, flood plains to the east a coastal fringe characterised by dune field's estuaries and some elevated headlands.

There are over 150km<sup>2</sup> of wetlands. The Macleay River estuary waterway comprises 13km<sup>2</sup> in area.

### **3.2 Animal Management in the Kempsey Shire LGA**

The area comprises of 5,996 registered dogs within the Shire and 1,478 cats. It is envisaged that these populations would far exceed those that have been registered.

Within the Shire there are a number of acceptable open space locations for off-leash exercise and other open space areas which may be exercised on-leash only.

### 3.3 Relevant Policies and Plans

Council currently has a three-year master *Management Plan*, which is reviewed and reported quarterly to Council meetings, as prescribed by *The Local Government Act 1993*. Likewise, divisions within Council develop management plans in relation to specific tasks, property or issues requiring more detailed management. Again, some of these plans are mandatory under *The Local Government Act 1993* and/or other acts relating to specific legislation.

The table below lists the management plans which contain specific mention of companion animal's management in the Kempsey Shire. It is advised that these plans should be referred to in conjunction with LCAMP. In most instances the plans discuss allocation of dog walking areas, animal control management and public health issues.

#### Table 6: Management Plans

1. Community Strategic Plan – “Kempsey Shire Our 20 Year Vision”.
2. Horseshoe Bay Reserve – Draft Plan of Management.
3. Killick Creek Estuary Management Plan.
4. Kempsey Shire Council Management Plan 2007/2008.
5. Matty's Flat & New Entrance Draft Plan of Management.
6. Saltwater Creek Estuary Management Study and Plan.
7. State of the Environment Report 2006.

## 4. OBJECTIVE AND AIMS

### **The objective for the Kempsey Shire Council Local Companion Animals Management Plan is:**

To promote and facilitate responsible ownership of dogs and cats, animal welfare, the benefits of animal companionship and to co-ordinate responsible management strategies under the Companion Animals Act 1998.

The aims of the Plan are:

- To ensure Council meets its obligations under the Companion Animals Act 1998;
- To investigate the best mix of regulatory and non-regulatory approaches to achieving responsible pet ownership in the Kempsey Shire LGA; and
- To establish priorities for companion animals management for the next three years.

The Action Plans are practical actions that Council can undertake to ensure these aims materialise. These are set out in Part 2.

## **5. COMMUNITY CONSULTATION**

Community consultation plays an important role in the production of any management plan. It provides Council with a sound understanding of relevant local issues from people who have companion animals as well as those who do not. To a large degree, the direction for the future development of local companion animal management is based on the views expressed by the community.

Community involvement and consultation generates an understanding of Council's management aims, combats and fosters support for Council's programs and policies. The consent and co-operation of the community facilitates management and lends weight to the status for the management plan.

The Companion Animal Management Committee oversees the implementation of this Plan.

### **5.1 Writing a Submission**

Submissions give the community an opportunity to express their options provide information and suggest alternatives to Council's proposed management strategies for companion animal's issues in the Kempsey Shire LGA over the next three (3) years.

To ensure submissions are as effective as possible:

- List all points according to the section and page number in the management plan;
- Briefly describe each subject or issue you wish to discuss;
- State which strategies you agree or disagree with, and give reasons; and
- Suggest alternatives to deal with any issue which you disagree.

Written submissions should be addressed to:

The General Manager  
Kempsey Shire Council  
PO Box 78  
WEST KEMSPEY NSW 2440

Attention: John Robertson

Fax Number: 02 6566 3245

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## PART 6: ACTION PLANS

### 6.1 Key Issue Area

#### 6.1.1 Off Leash Free Areas and Signage

##### Summary of Issues

Dogs and their owners are significant users of public open space, however some dogs cause problems for other park users and the environment.

There may be a case to prohibit dogs from some public places. These issues need to be decided in consultation with the local community.

The provisions in the Companion Animals Act 1998 relating to dogs' access to public open space need to be disseminated widely to the community.

Off-leash areas need to be protected from conflicting uses or development. This is best done by integrating the provisions into relevant plans of management.

Over time, improved planning and design can be used to reduce conflicts between different public open space users and resources.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Review existing leash free areas, determine whether the current areas are adequate or could additional be provided.	1	Shire Services/ Sustainable Development Services	Review completed by target date	December 2007
Ensure appropriate signage is displayed for on-leash, off leash.	1			

### 6.1.2 Faeces Management

#### Summary of Issues:

Removal and disposal of dog faeces by dog owners is required under Section 20 of the *Companion Animals Act 1998*. It is important for environmental, health and amenity reasons. However it is recognised that this requirement is difficult to enforce. Encouraging owners to pick up and remove their dog's faeces is a priority for public education.

It is Council's duty to provide sufficient rubbish receptacles for the disposal of dog faeces in areas commonly used for exercising dogs (pursuant to Section 20).

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Maintain sufficient rubbish receptacles for the disposal of dog faeces	1	Shire Services/ Sustainable Development Services	Options for disposal of dog faeces reviewed	Ongoing
Enforce the requirement for people to remove and dispose of their dog's faeces	1	Manager Ranger Services	Enforcement action taken when appropriate in accordance with standard operating procedure	Ongoing
Educate the community about the importance of removing/ disposing of dog faeces and options available	1	Manager Ranger Services/ Customer Service Manager	Input into the public education program	Ongoing

### 6.1.3 Feral Cat/Wild Dog Management

#### Summary of Issues:

This is an issue which stems from the neglect or abandonment of animals adjacent to rural areas. The problem places burden upon rural land holders and affects the wellbeing of domesticated animals through attacks.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Feral Cat/Wild dog Management	3	Sustainable Development Services/Rural Lands Board	Look at methods to decrease the number of wild dogs/cats on the interface of urban/rural areas	3 years

### 6.1.4 Excessive Barking

#### Summary of Issues:

Barking complaints are problematic due to their inherent subjectivity and are not easily resolved. They make up the bulk of Rangers callouts.

Options for improvement include use of a diary system by complainants and staff training. An information kit is to be developed covering general information as to why dogs bark and how to control this behaviour.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Implement procedures for dealing with barking complaints	1	Manager Ranger Services	All barking dog complaints dealt with in accordance with standard operating procedures	December 2007

### 6.1.5 Funding and Grants

#### Summary of Issues:

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Contact Agencies to determine what funding or programmes may be available	1	Manager Ranger Services	To obtain assistance from the agencies	December 2007

### 6.1.6 Keeping of Domestic Animals other than Dogs and Cats

#### Summary of Issues:

Local Government can have a role in promoting responsible pet ownership of other domestic animals as well as establishing and enforcing policies which will assist in managing nuisance animals and promoting the welfare of such animals in an urban environment.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Develop a policy to achieve a harmonious co-existence between residents and animals	2	Manager Ranger Services	Policy provides a legal framework to manage other domestic animals in the Kempsey Council areas	June 2008

### 6.1.7 Pound Procedures

#### Summary of Issues:

The pound may be operated by different Council employee's at different times. There is a need for a standard operating procedure to be formulated which will cover such items as cleaning, feeding and ensuring that the well being of the animals is maintained.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Formulate a Standard operating procedure for the pound	2	Manager Ranger Services	Nil	June 2008

### 6.1.8 Problem Pet Owners

#### Summary of Issues:

A minority of Pet owners can be responsible for the burden of Council resources.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Education & Enforcement	2	Manager Ranger Services	Reduce callouts to the same animal owners	June 2008

### 6.1.9 Cat/Dog Registered/Micro chipping

#### Summary of Issues:

The caring for and return of Companion Animals is a costly function of Ranger Services. There is a need to promote de-sexing of non-breeding pets so as to reduce the occurrence of animals wandering and unwanted animal births.

STRATEGIC ACTION	PRIORITY	RESPONSIBILITY	TARGET/PERFORMANCE	EXPECTED COMPLETION DATE
Promote de-sexing of companion animals	1	Management Ranger Services/Customer Service Manager	Input into education program	Ongoing
Promote and enforce identification and registration of dogs and cats to enable safe return of companion animals	1	Manager Ranger Services	Input into education program	Ongoing
Review Council Procedures and records when dealing with lost dog issues	1	Manager Ranger Services	Input into education program	Ongoing

### 6.1.10 Dangerous Dogs and Restricted Breeds

#### Summary of Issues:

The *Companion Animals Act 1998* provides special procedures for dealing with dangerous dogs and restricted breeds.

Both categories of dog are required to be kept in a child-proof enclosure. This is defined within the Act.

<b>STRATEGIC ACTION</b>	<b>PRIORITY</b>	<b>RESPONSIBILITY</b>	<b>TARGET/PERFORMANCE</b>	<b>EXPECTED COMPLETION DATE</b>
Implement procedures for dealing with dangerous dogs and restricted breeds	1	Manager Ranger Services	In accordance with standard operating procedures	Ongoing

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