



CUMBERLAND
CITY COUNCIL

Companion Animals Policy

AUTHORISATION & VERSION CONTROL

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PURPOSE

Cumberland City Council values pet ownership and is committed to encouraging responsible pet ownership to benefit the entire community, including the welfare of the pets within. Council appreciates that companion animals can promote the health and happiness of owners and of those who come in contact with the animals. While most pet owners are responsible, certain owners do not behave responsibly including the effective control of their animals. This can cause conflict within the community, particularly in open space areas where there may be competing uses.

SCOPE

This policy applies to dogs and cats only.

The Companion Animals Act 1998

The *Companion Animals Act 1998* ('the Act') addresses the rights and responsibilities of companion animal owners. The aim of the Act is to protect the rights and responsibilities of animals and their owners, in balance with the rights and responsibilities of others within the community.

Under the Act, there is a requirement for permanent pet identification and lifetime registration, to ensure that a pet can be returned home in the event that is injured, lost or stolen. Other matters covered by the legislation include Council's regulatory powers in relation to the control of cats and dogs, off leash areas in public open space, dangerous dogs, restricted breeds, seized animals and assistance animals for people with a disability.

DEFINITIONS

Authorised Officer - An employee of Cumberland City Council authorised to perform regulatory functions for the purposes of the *Companion Animals Act 1998 (NSW)*.

Cat – Means an animal of the species *Felis catus*

Companion animal – Means each of the following:

- a) A dog,
- b) A cat,
- c) Any other animal that is prescribed by the regulations as a companion animal

Council pound – Means each of the following:

- a) A public or private pound established by a Council under the *Impounding Act 1993*, or

- b) Any other place approved by a Council as a place for the holding of animals for the purposes of this Act (*Companion Animals Act, 1998*)

Dog - Means an animal (of either sex, or desexed, and whether or not domesticated) of a species with the scientific name *Canis familiaris*, *Canis lupus familiaris*, *Canis lupus dingo*, *Canis familiaris dingo* or *Canis dingo*, or a synonym of any of those names, and including a hybrid of any of those species.

Dangerous dog - a dog for the time being the subject of a declaration by an Authorised Officer of a council or a court under the *Companion Animals Act 1998 (NSW)* that the dog is a dangerous dog.

Dog attack - the act of a dog rushing at, attacking, biting, harassing or chasing any person or animal (not vermin), whether or not any injury is caused to the person or animal.

Menacing dog - a dog for the time being the subject of a declaration by an Authorised Officer of a council under section 34 (1A) or a court under section 45 (1A) of the *Companion Animals Act 1998 (NSW)* that the dog is a menacing dog.

Nuisance cat - a cat is a nuisance if the cat:

- (a) makes a noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
- (b) repeatedly damages anything outside the property on which it is ordinarily kept.

Nuisance dog - a dog is a nuisance if the dog:

- (a) is habitually at large, or
- (b) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
- (c) repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
- (d) repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
- (e) endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or
- (f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

Restricted dogs - The following dogs are restricted dogs for the purposes of the *Companion Animals Act 1998 (NSW)*:

- (a) American pit bull terrier or pit bull terrier,
- (b) Japanese Tosa,
- (c) Dogo Argentino,
- (c1) Perro de Presa Canario or Presa Canario,
- (d) Fila Brasileiro,
- (d1) any other dog of a breed, kind or description whose importation into Australia is

prohibited by or under the *Customs Act 1901 (Cth)*,

(e) any dog declared by an Authorised Officer of a Council under Division 6 of this Part to be a restricted dog,

(f) any other dog of a breed, kind or description prescribed by the *Companion Animals Regulation 2018 (NSW)*.

Off-Leash Area - A public place that is declared to be an off-leash area by order of council.

Veterinary practitioner – has the same meaning as in the *Veterinary Practice Act 2003*.

POLICY STATEMENT

Cumberland City Council recognises that effective management of domestic pets needs a balanced approach, due to the significant social and health benefits of pet ownership. The Cumberland City Council Companion Animals Policy intends to achieve this by:

- Implementing, wherever possible, a 'low kill' position and working in conjunction with the veterinary practitioners and animal holding facilities to achieve this.
- Promoting the importance of companion animals to the wellbeing of people living in an urban environment and encouraging responsible pet management.
- Promoting responsible pet ownership through education, information and encouraging pet owners to register, microchip and desex their cats and dogs.
- Reducing the number of lost and wandering cats and dogs by educating pet owners about the importance of identifying, registering and maintaining control of their animals
- Meeting the requirements of the *Companion Animals Act 1998 (NSW)* in relation to dogs which may be considered a nuisance, menacing, or dangerous, as well as restricted dogs.
- Identifying, promoting, and assessing the suitability and sufficiency of off-leash parks and open space areas for dog exercise relative to continuing changes in population demographics.
- Monitoring compliance with the *Companion Animals Act 1998 (NSW)* and *Companion Animals Regulation 2018 (NSW)*, and using enforcement sanctions where appropriate.

PRINCIPLES

This policy has been developed with reference to the *Guideline on the Exercise of Functions under the Companion Animals Act* issued by the Department of Premier and Cabinet (NSW).

REQUIREMENTS

1. COMMUNITY EDUCATION STRATEGY

Education and awareness of pet and non-pet owners is the key to achieving responsible pet ownership and community harmony. Council will implement ongoing, effective, and community sensitive education strategies to encourage and reinforce responsible pet ownership.

Council Environmental Protection Officers are the 'front line' of this community education strategy. Council Environmental Protection Officers will raise awareness of the responsibilities including but not limited to legislative requirements, penalties and incentives of pet owners with regard to their pets, raise awareness of the importance and benefits of pet ownership, particularly to non-pet owners and inform non-pet owners (particularly children and their parents) about animal behaviour.

Council Environmental Protection Officers will educate and inform the community about responsible pet ownership through:

- Regularly monitoring parks and talking to pet owners, providing information about responsible pet ownership and their obligations under the Act;
- Effectively promoting park signage, particularly in off-leash areas;
- Providing information on Council's website and at community events;
- Providing information materials at Council's Customer Service Counter on responsible pet ownership.

2. REGISTRATION AND MICROCHIPPING OF DOGS AND CATS - NSW COMPANION ANIMALS REGISTER

Dogs must be registered by 6 months of age and cats must be registered by 4 months of age. Cats and dogs must both be microchipped by 12 weeks of age.

Compliance with the above requirements assists Cumberland City Council (and other councils) in returning pets to their owners in the instance of a pet becoming lost, hurt or stolen. It is therefore imperative that animal owners also update the Companion Animal Register should any registration details change.

- For more information on pet registration, including registration fees, refer to the **Microchipping & Registration page of the Office of Local Government website.**
- Change of Owner/Details and Change of Address Forms can be obtained from **Council's website** and the **Office of Local Government website.**

3. LOST, SEIZED AND SURRENDERED PETS

Council understands how distressing losing a pet can be and therefore attempts to locate owners for return of the animal as soon as possible. Under legislative obligations however, Council will provide owners 14 days to claim a registered pet, or 7 days to claim an unregistered pet before re-homing options are considered.

It is Council's preference to return all unaccompanied pets home safely to their owners rather than impound an animal, however this approach is only successful if the animal is micro-chipped and the registration details are up to date.

4. DE-SEXING

Desexing helps to reduce aggressive behaviour in animals, thereby assisting owners with control requirements. It is therefore preferable that pets be desexed, unless they are intended for breeding.

Desexing is also recognised to assist in reducing the number of abandoned companion animals and serves to prevent unnecessary suffering of unwanted animals.

The Office of Local Government has introduced from 1 July 2020, owners of cats that are not de-sexed by 4 months of age will be required to pay an annual permit fee in addition to the one-off lifetime pet registration fee. Exemptions will be in place for cats that are registered before 1 July 2020, and for cats kept for breeding purposes by members of recognised breeding associations.

5. NUISANCE ANIMALS

Residents may contact Council to report nuisance animal issues. Wherever possible, complaints will be followed up by Cumberland City Council Environmental Protection Officers within 24 hours.

Residents who lodge a nuisance animal complaint may also be asked to complete an Animal Nuisance Kit. This information assists Council in the collection of evidence, which may be required in the event that the owner of the nuisance animal fails to take steps to abate the nuisance (e.g. persistent noise from a barking dog).

Should a dog repeatedly make noise (e.g. barking), cause damage, or chase people/ animals/vehicles, Council can issue a Nuisance Order. A nuisance Order remains in force for six (6) months. If during this time the owner then fails to stop the animal causing a nuisance, they are in breach of the order and may incur a penalty.

In responding to community concerns, it is acknowledged that persistent dog barking can be a neighbourhood nuisance caused by boredom, lack of exercise and stimulation, or confinement to an inappropriately small space. To address dog barking, Council will pursue positive and proactive approaches such as providing off-leash areas for dogs to socialise, community education and training for dog owners.

A cat may also be declared a nuisance if it persistently makes noise that unreasonably interferes with the wellbeing of neighbours or if it repeatedly damages the property of others.

6. CONTROL OF DOGS

An unrestrained and/or unsupervised dog in a public space can be a danger to other people and animals. There are penalties for unleashed dogs and dogs that attack, bite, harass, chase or rush at a person or animals.

6.1 Off-leash areas

Off-leash exercise helps to relieve boredom in animals by allowing an outlet for pent up energy, particularly where an animal may be confined to indoor or small spaces. Regular off-leash exercise may also reduce incidences of unacceptable nuisance behaviour, such as uncontrolled barking.

The use of public parks must however be managed in partnership with other park users, including cyclists, children at play, recreational walkers, and picnickers. To maximise opportunities for off-leash exercising and the socialising of dogs, Council has designated off-leash park and open space areas.

Council's off-leash areas are:

- Hampden Road Reserve- 8 Hampden Road, South Wentworthville
- Dirrabari Reserve Pemulwuy
- Gardenia Parade Park, Greystanes
- Coleman Park - Lidcombe Nottinghill Road Berala
- Webbs Avenue Park - Auburn
- Wyatt Park Church Street, Lidcombe
- Little Duck Creek Reserve – Wolseley Street, Guildford
- Scout Memorial Park – Glen Street, Granville

Even though dogs are permitted off leash in these areas, owners are required by the Act to have effective control of their animals at all times (e.g. by using voice commands). This ensures the safety of the animal, other dogs and people. **Because of this requirement, Council does not provide fencing in all designated off-leash areas.**

In wishing to facilitate a positive experience for Cumberland residents, Council will aim in the first instance to provide education and information to dog owners regarding on-leash/off-leash areas and prohibited public spaces. Fines will however be issued for non-compliance with any direction given.

In order to respond to the changing needs of the Cumberland community, Council will regularly review the provision of off-leash / on-leash areas. Any changes to off-leash areas will involve community consultation and on-site notices. A current list of approved off-leash areas will also be maintained on Council's website.

The following criteria will be used as a guide for assessing potential off-leash areas:

- Scope for building community wellbeing and interaction, in addition to providing social opportunities for residents.
- Size - sufficient to exercise dogs and provide a safe environment for dogs to run freely.
- Accessibility
- Proximity to other off-leash areas
- Mix of uses prevalent in the area
- Unsuitable proximity to public places (such as childcare centres, playgrounds or sports fields) and the nature of any dividing fence or barrier between those areas

Effective, welcoming and positive signage will be used to identify off-leash parks and open spaces. Dog tidy stations will also be installed and maintained at all off-leash parks.

6.2 Prohibited areas

Under Section 14 of the Act, dogs are prohibited at all times in the following public places:

- Children's playgrounds, *including within 10 metres of the children's play area*
- Food preparation/consumption areas, including that is within 10 meters of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumptions of food by humans
- Recreation areas, such as sports fields, ovals, pitches and courts (subject to Council determination and signage)
- School grounds
- Childcare centres
- Shopping areas (subject to Council determination and signage)
- Wildlife protection areas.

6.3 Dogs in outdoor dining areas

Under the Act, café and restaurant operators are able to decide whether or not to allow dogs to enter their outdoor dining area. When allowed by café and restaurant owners, dogs are permitted in outdoor dining areas only, generally provided on public footways with temporary infrastructure to indicate the boundaries of the area.

Where café and restaurant operators decide to allow dogs in their outdoor dining area the following conditions must be complied with:

Council designated on-leash area:

- The outdoor dining area must not be enclosed and must be able to be entered by the public without passing through an enclosed area
- Dogs must be on a leash at all times
- Dogs must be on the ground at all times
- Dogs can be provided with drink but not food
- Dangerous and restricted dogs are prohibited.

Council designated off-leash area:

- Dogs must be under effective control
- Dogs can be provided with food as long as the food is on the ground and not provided using an apparatus that is used for human food consumption
- Dogs can sit on a person's lap, but must not be allowed to sit on any table or chairs or make contact with other apparatus provided for the consumption of food by humans

Dogs are not permitted in food preparation areas at any time.

Owners are responsible for the dog's behaviour and for ensuring that it does not impact on the welfare of other people, dogs and animals in outdoor dining areas. Operators of outdoor dining areas are responsible for informing their patrons of the conditions for having dogs in food consumption areas and should monitor compliance with these requirements.

6.4 Dog Faeces

Owners have a legal and social responsibility to pick up after their dogs. Uncollected faeces pose potential health risks, especially in playgrounds, on sports fields, on neighbouring properties, and on public footpaths.

Council will provide dog tidy stations (including dog litter bags) at all off-leash parks and other suitable locations.

It is an offence not to put dog litter in the bin. Fines will be issued for non-compliance.

6.5 Dog attacks

Council strongly encourages dog attack victims to report the incident to Council and NSW Police as soon as possible. Environmental Protection Officers will follow up all complaints and reports within 24 hours.

A dog that has attacked may be declared to be a Dangerous Dog by Council.

6.6 Restricted and Dangerous Dogs

Some breeds of dog are “restricted”. It is illegal to sell, give away, acquire or breed with a restricted dog. It is also prohibited to import a restricted breed into Australia.

The following dogs are "restricted dogs" under the Act:

- American pit bull terrier or pit bull terrier,
- Japanese Tosa,
- Dogo Argentino,
- Fila Brasileiro,
- Any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the *Customs Act 1901 (Commonwealth)*
- Any dog declared to be a restricted dog by an authorised Council officer
- Any other dog of a breed, kind or description prescribed by the *Companion Animals Regulation 2018 (NSW)*.

A current list of restricted breed dogs can also be found in the definition section of the Act.

A Dangerous Dog is a dog that threatens or attacks members of the public or animals and has been declared as “dangerous” by a Council or a court under the Act.

Once a dog has been declared dangerous, owners must keep their dog in compliance with requirements outlined in the Act. Severe penalties may be imposed and/or the dog may be seized and destroyed if the requirements are not met.

Additional information on the rules and regulations that relate to restricted and dangerous dogs can be found in the *Restricted and Dangerous Dogs in NSW Brochure* on the Companion Animals page of the Office of Local Government website.

7. CAT MANAGEMENT

7.1 Registration / Identification

Cats must have identification (e.g. a collar, tag and microchip) that enables the Council to find the name of the cat and the address or telephone number of the owner.

For residents who became the owner of a cat before 1 July 1999, the cat must have a microchip or collar and ID tag. The cat does not have to be registered on the Companion Animals Register, unless there has been a breach of the Act (e.g. a nuisance order placed or it is taken to an animal pound).

Residents who become the owner of a cat after 1 July 1999, must ensure that the cat is microchipped by 12 weeks of age and lifetime registered on the Companion Animals Register by 6 months of age.

For more information on the registration of cats, refer to the Companion Animals – Cats page on the NSW Office of Local Government website.

7.2 Community Education

There are a number of simple steps that can be undertaken by the community to decrease the number of stray cats. These include:

- Not feeding a cat unless you are planning to adopt it. By “adoption”, Council requires the cat to be micro chipped, registered and provided with a collar with name tags. Desexing of the cat is strongly recommended.
- Minimising places where cats can breed and where a mother cat can have her kittens. For example areas such as under the house should be kept closed off.

7.3 Use of Council's Cat Traps

Cumberland residents are able to borrow cat traps to humanely catch stray cats on private property. When using the traps, it is important to check that a domesticated cat is not caught by mistake, as even a domesticated cat may seem 'feral' when under the stress of being trapped in a cage. Any person who catches what they know to be a domesticated cat, must immediately release it so it can return home.

To assist the community with reducing the number of stray cats, Cumberland City Council owns cat traps which may be borrowed (subject to a returnable deposit) in accordance with Councils Fees and Charges under the terms of Councils cat trap agreement and the following provisions:

- The cat trap can be borrowed for up to a maximum of 7 days, after which time it must be returned;
- Residents can arrange to borrow cat traps at Cumberland City Council Customer Service Centres located at 1 Susan Street, Auburn or 16 Memorial Avenue, Merrylands. An Environmental Protection Officer will deliver the cat trap to the nominated property and provide instructions on how to use it correctly so as to minimise any potential distress to a captured animal. Residents will be required to

provide fresh food for the trap.

7.4 Cat Capture and Transportation to the Pound

Once a cat is captured the following provisions will be undertaken when transporting to an animal holding facility or a local veterinary clinic:

- When a cat is caught, the resident is to notify Council immediately. An Environmental Protection Officer will then pick up the cat from the resident and determine whether it should be taken to an animal holding facility or a local veterinary clinic.
- If a captured cat is clearly domesticated it must be released immediately to the owner.
- If the cat is deemed to be feral and undomesticated by the animal holding facility or a local veterinary clinic, Cumberland City Council will pay for the cost of euthanising the cat.
- The resident (for legal purposes), will be required to sign a statement stating that they do not own the cat and to the best of their knowledge, their neighbours do not own a cat.

7.5 General Requirements

Cats are prohibited from wildlife protection areas and food preparation areas. Cats can also be declared nuisance cats if they persistently make noise that unreasonably interferes with the wellbeing of neighbours or if they repeatedly damage the property of others.

Council recommends that cat owners take steps to ensure that their animals are confined indoors after dark to prevent injury to the animal, protect wildlife and to reduce instances of nuisance.

RELATED LEGISLATION

Companion Animal Act 1998 and associated Regulation;

Local Government Act 1993 and associated Regulation;

Impounding Act 1993 and associated Regulation;