

COMPANION ANIMALS POLICY



Responsible Department: Development and Economic Growth
Responsible Section: Planning and Regulatory Services
Responsible Officer: Manager Planning and Regulatory Services

Objective

The objective of this policy is to encourage and reinforce the responsible management of pets for the benefit of the community through education and information, consistent with the Council's responsibilities under the *Companion Animals Act*.

Introduction

Council is responsible for administering the *Companion Animals Act 1998*, which contains regulations relating to pet ownership. Council values pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets. This policy provides a guide for council officers in exercising their delegated authority to regulate pet ownership in the local government area.

Policy

1. Definitions

For the purpose of this policy, the following definitions apply:

Term	Meaning
Companion animal	a dog, a cat, or any other animal that is prescribed by the Companion Animal Regulations (the Regulations) as a companion animal. As at the date of the implementation of this Policy, no other animals have been classified as companion animals.
Dangerous dog	a dog which has, without provocation, attacked or killed a person or animal, repeatedly threatened to attack or repeatedly chased a person or animal, or is kept or used for the purposes of hunting, and is the subject of a declaration by an authorised officer of a council or a court that the dog is a dangerous dog.
Dog attack	when a dog "rushes at, attacks, bites, harasses or chases any person or animal (not vermin), whether or not any injury is caused to the person or animal".
Menacing dog	a dog which has displayed unreasonable aggression towards a person or animal, or has, without provocation, attacked a person or animal (not vermin) but without

Attachment 14.5.c

	causing serious injury or death, and is the subject of a declaration by an authorised officer of a council or a court that the dog is a menacing dog.
Nuisance cat	A cat which a) makes persistent noise that 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	is a dog which a) is habitually at large, or b) makes persistent noise, by barking or otherwise that unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or c) repeatedly defecates on the property of others, or d) repeatedly runs at or chases any person, animal (not vermin) or vehicle, or e) endangers the health of any person or animal, or f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
Restricted breeds	Some dogs are considered to be restricted breeds. These currently include - a) Pit Bull Terriers; b) American Pit Bull Terriers; c) Japanese Tosas; d) Dogo Argentinos (Argentinean Fighting Dog); and e) Fila Brasileiro (Brazilian fighting dog).

2. Dogs

Dogs must always be under the effective control of their owners, including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control of a person if that person has more than four dogs under his or her control.

3. Off-leash Areas

Designated off-leash areas are provided within Narrabri Shire Local Government Area. The location of off-leash areas is available on Councils website.

Dogs must be on a leash unless the signs permit otherwise.

4. Prohibited areas

Dogs are prohibited from some public places at all times, which include:

- Children’s playgrounds.
- 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 (subject to Council determination and signage).

Attachment 14.5.c

- Food preparation and consumption areas, such as public barbeque facilities, although there are some exemptions to this as detailed below -
 - When in an on leash area, a dog may be in a food preparation and consumption area if it is under the effective control of a person, restrained, kept on the ground and not fed,
 - When in an off leash area, a dog may also be in a food preparation and consumption area. However, the dog does not need to be restrained, it can be fed provided it is on the ground, or it can sit on a person's lap.

A person with a disability is entitled to be accompanied by an assistance animal into or onto any building or place open to the public, including public transport.

5. Dog waste

Owners have a legal responsibility to pick up after their dogs.

6. Barking

Persistent barking can be a nuisance for the neighbourhood and a source of community complaints.

To address dog barking Council will pursue positive and proactive approaches such as:

- providing off-leash areas for dogs to socialise.
- providing community education.
- investigating reports of persistently barking dogs and taking appropriate action to remove any nuisance caused by barking.

7. Nuisance orders

If the City becomes aware of any dog behaviour that may be considered a nuisance, an investigation will be undertaken by Council staff.

8. Dog attacks

Dog attacks should be reported to the Council or the Police as soon as practicable so that they may be investigated.

When dog attacks occur outside business hours such as during nights and weekends. Due to resource and operational capability restraints on council, dog attacks outside business hours should be reported to the Police in the first instance.

9. Menacing or dangerous dogs

The Companion Animals Act details the requirements and actions which must be taken if the behaviour of a dog is considered to be menacing or dangerous.

10. Applications seeking to revoke a declaration that a dog is menacing or dangerous

Once a declaration has been in place for 12 months, the dog owner can apply to Council to revoke the declaration that their dog is menacing or dangerous.

11. Restricted breeds

Attachment 14.5.c

The owner of a restricted dog must comply with a number of control requirements:

- The dog must be de-sexed.
- The dog must not be in the sole charge of someone under 18 years of age.
- Signs must be displayed on the property showing the words “Warning Dangerous Dog”.
- The dog must wear a distinctive collar as prescribed by the Regulations.
- While the dog is on the property where it is normally kept, it must be kept in an enclosure that complies with the requirements prescribed by the Regulations.
- Whenever the dog is outside its enclosure it must be on a leash and must also be muzzled.

Restricted breeds may also include cross bred dogs.

A dog owner may request a review of the breed classification applied to their animal. If so, the owner will be asked to provide an independent breed assessment report. This report and any other submissions made by the owner will be considered by qualified personnel in determining whether a reclassification is required.

12. Maximum Number of Companion Animals

To maintain the amenity of residential and urban areas and the health and safety of neighbourhoods, Council may restrict the number of companion animals per residential property to reasonable levels when it is considered that companion animals are impacting on residential amenity, e.g. continual barking dogs, odour issues associated with poor hygiene, or poor management of animal wastes.

When this is demonstrated Council may restrict the number of companion animals over the age of six months per residential property. Whilst each situation will be assessed on its merits Council will use as a guide:

Animal	Maximum number per 1000m ²
Dog	2
Cat	2

Where there are continuing impacts on residential amenity from companion animals on a particular premise, Council may enforce a further reduction in the number of adult and juvenile companion animals.

All dogs and cats must be registered in accordance with the Companion Animals Act.

To enforce this Council will utilise Order number 18 of section 124 of the Local Government Act 1993.

13. Confidentiality of complainants

People who report allegations of irresponsible pet ownership including nuisance, menacing and dangerous dogs should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:

- the disclosure is necessary to investigate the matter;
- their identity has already been disclosed to the subject of their report directly or in a publicly available document;
- the individual was consulted following receipt of a Government Information (Public Access) Act 2009 application and did not object to the disclosure;
- the individual consents in writing to their identity being disclosed;
- the disclosure is required to comply with principles of procedural fairness;
- the matter proceeds to court.

Attachment 14.5.c

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit council's ability to investigate the matter.

References

- Local Government Act 1993
- Companion Animals Act 1998
- Companion Animals Regulations 2008
- Impounding Act 1993
- In writing this policy Council have referred to the policies and other materials of numerous councils and other bodies. We acknowledge the materials and assistance in writing this policy from the following:
- City of Sydney Companion Animals Policy 2014
- Lithgow City Council Companions Animals Policy Version 2
- NSW Ombudsman Model Compliance and Enforcement Model Policy December 2015

History

MINUTE NUMBER:	MEETING DATE:	DESCRIPTION OF CHANGE: