



OBERON COUNCIL

OBERON LOCAL COMPANION ANIMALS MANAGEMENT PLAN



Prepared by

Oberon Council Development Department

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EXECUTIVE SUMMARY

Oberon Council has identified the need to develop a Local Animal Management Plan to improve outcomes in the area of companion animals management. New legislation and changing community expectations mean new approaches are now required. In addition, there is increasing recognition that enforcement approaches will not, on their own, result in lasting changes in human behaviour. They need to be supplemented by a range of other tools that focus on passive and voluntary approaches to achieving responsible pet ownership.

Investigations include a detailed examination of the issues (Section 2) and analysis of the existing situation in the Oberon Council area (Section 3). Part 1 culminates in a description of the Strategic Framework including the goal and aims. The Action Plans are contained in Part 2. They have been grouped into twelve key issue areas i.e.:

- Identification and registration;
- Dogs in public areas;
- Faeces management;
- Wandering dogs;
- Excessive barking;
- Dangerous dogs and restricted breeds;
- Cat management;
- Animal welfare and safety;
- Recognising the benefits of pet ownership;
- Enforcement
- Education and dissemination, and
- Funding and review

PART 1: STRATEGIC FRAMEWORK

1. INTRODUCTION

1.1 Local Companion Animals 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.

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

1.2 Outline of this Plan

The LCAMP is divided into two parts:

Part 1 (Sections 1-4) is entitled *Strategic Framework*. It examines relevant issues and responsibilities in relation to companion animal management. It culminates in a goal and aims of the LCAMP.

Part 2 (Section 5) is entitled *Action Plans*. It outlines the actions necessary for Council to reach and achieve the goal and aims as outlined in the Strategic Framework.

1.3 Scope of the Plan

This Plan integrates the developing of expertise in companion animal management around Australia, to produce a program of action to be undertaken by Council for the future.

Relevant issues include those prescribed under relevant legislation as well as the generally understood notion of socially responsible pet ownership. The study is confined to an examination of domestic dogs and cats.

2. COMPANION ANIMALS MANAGEMENT: A NEW AGENDA FOR LOCAL GOVERNMENT?

The *Companion Animals Act 1998 (the Act)* heralded a new era for Council's management of domestic cats and dogs. The days when animal control consisted largely of dog registrations and pound management have ceased. Today's management environment consists of both dogs and cats and includes a wider range of issues including the environment, animal welfare, removal of dog faeces, the question of on- and off-leash areas, and an apparently higher incidence of barking dog complaints. What was once a relatively straightforward part of Council activity is now highly emotive, attracting interest from both pet owners and non-pet owners alike.

Reliance on laws 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. The NSW State Government have developed Statewide education campaigns, however Council can develop its own education programs if it has different priorities or if it wishes to supplement the work of the State Government.

There is also a role for the use of design of both domestic dwellings and public open space to help people to be responsible pet owners and to reduce the incidence of conflict. This implies a role for Council in disseminating appropriate design guidelines but also in modifying the planning and design of public parks.

The following section examines key issues in greater depth:

2.1 Registration and Identification of Companion Animals (Companion Animals Act 1998, Sections 8 & 9)

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

- A database for returning lost pets;
- A method of identifying offending animals;
- A way to communicate with pet owners; and
- A source of funds for education and enforcement.

Under the *Act*, a companion animal must be microchipped from 12 weeks of age (Section 8). A companion animal must be registered from six months of age (Section 9). An early priority of the Plan should focus on raising the level of both dog and cat registrations.

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 or periods of the day or to different periods of different days. However, there must at all times be at least one public place in any Local Government Area that is an off-leash area.

Council has previously resolved that the whole of the Rural Zone (excluding the Rural Residential 1 (c) Zone) is an "off-leash" area. Dogs in these areas must, nevertheless, be under the effective control of its owner.

The popularity of dog ownership in Australia has resulted in the following issues:

- Dogs need to be socialised around other dogs and humans;
- Exercise and outings play a part in alleviating unwanted behaviours in the home such as excessive barking and some forms of aggression;
- There are benefits for humans – exercise, socialising with other dog owners (this is well documented) and the fact that for some people a dog is their main form of recreation;
- To avoid concentration of off-leash activity in one or a small number of areas; and
- As a compliance tool – by providing reasonable off-leash opportunities, Council can expect and appeal for compliance with leash requirements in other areas.

However, concerns have been expressed about risks from dog attacks and Council's exposure to an unreasonable level of public liability claims. It is important to understand the reason why dog's won't necessarily behave in the same way in the neutral territory of a public park. Attacks on private property frequently occur when a dominant, protective or injured dog is not adequately supervised with children and visitors. These triggers are not present in the neutral territory of a public park when a dog is with its owner. Most data collected on this issue suggests that dog attacks are more likely to occur in and around the family home or another home.

Preliminary advice from the Local Government and Shires Association suggests that:

- Providing proper consideration is paid to sitting issues (including signage), a Council which complies with a statutory requirement to provide a facility is less likely to be exposed to liability risk than a Council which provides such facilities of its own initiative;
- The Act places liability for such claims with the offending dog owner; and
- Section 731 of the Local Government Act gives protection to Councils and their officers for acts done in good faith for the purpose of executing that or any other Act.

The publication Public Open Space and Dogs makes suggestions for planning parks and dogs in mind. Water for swimming, earth mounds, hills and gullies are ideal for free running dogs and can be created artificially if not occurring naturally. Other design features could include ramps, hurdles, tyres, tipped logs, boulders and other agility equipment. Sandpits, while ideal for dogs, are not recommended because of their inevitable attraction to children. Some Council's in Australia have developed formal dog agility courses (i.e City of Nedlands in Western Australia).

The off-leash parks could be provided on a time-share arrangement (i.e dogs are allowed off-leash at certain times of the day – usually early morning and evening).

However Council must, at all times, provide at least one off-leash area within its Local Government Area. Time-share works well, however it is important to recognise its advantages, as follows:

- It concentrates potential problems into a restricted number of hours;
- Unremoved dog faeces may be a problem at other times; and
- Some dog 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.

2.2.2 Public Places where Dogs would be Excluded **(Companion Animals Act 1998, Section 14)**

Under the Act, 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 grounds (unless with the permission of the person controlling the grounds);
- 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 areas, public bathing areas, shopping centres and wildlife protection areas.

2.2.3 Dog Faeces **(Companion Animals Act 1998, Section 20)**

Unretrieved dog faeces present problems for health, environmental and amenity reasons. Under the Act, owners are required to remove their dogs' faeces immediately and properly dispose of them. In practice, this is extremely difficult to enforce and may need to be an early priority for any public education activities.

Council must provide sufficient rubbish receptacles for owners to dispose of their dogs' faeces in areas that are commonly used for exercising dogs. At a minimum, leash free areas would need to be provided with suitable rubbish receptacles, however this will be difficult in Oberon's case as the whole of the Rural area is an "off-leash" area.

2.2.4 Nuisance Dogs **(Companion Animals Act 1998, Section 21)**

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

- Is habitually at large;
- 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;
- Repeatedly defecates on another person's property;
- Repeatedly chases any person, animal or vehicle;
- Endangers the health of any person or animal; or
- Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

Inadequate fencing in rural and semi-rural areas makes it difficult for owners to responsibly confine their dogs. 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 define and measure, they can prove difficult to enforce. The words 'repeatedly' and 'habitually' are important in determining if a nuisance exists.

2.2.5 Dangerous Dogs **(Companion Animals Act 1998, Sections 34 and 51)**

An authorised officer of a Council may declare a dog kept in the area as dangerous. Once a dog is declared dangerous, the owner must comply with specified conditions including keeping the dog in a childproof enclosure.

2.2.6 Restricted Dogs **(Companion Animals Act 1998, Sections 55 and 56)**

The Act 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 as 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.

- Any other dog of a breed kind or description whose importation into Australia is prohibited by or under the Customs Act 1901.
- Any other dog declared by an authorised officer of a Council under Division 6 of Part 5 of the Act.

2.3 Cats

The issues of cat management relate predominantly to the impact of cats on wildlife. Cats can also be a nuisance to surrounding neighbours. A distinction needs to be made between feral cats and owned domestic cats.

Council can prohibit cats from entering public places. Other options for protection of wildlife include:

- Cat curfews
- Education to encourage people to keep their cat indoors;
- Cat proof fences and enclosures; and
- Use of housing design to help owners to responsibly confine their cat.

2.3.1 Areas Where Cats Would Be Prohibited **(Companion Animals Act 1998, Section 30)**

Under the Act, owned domestic cats are prohibited in the following public places:

- Food preparation or consumption areas; and
- Wildlife protection areas (unless it is a public thoroughfare such as a road, footpath or pathway)

A wildlife protection area is a public place that has been declared by Council for the protection of wildlife.

2.3.2 Nuisance Cats **(Companion Animals Act 1998, Section 31)**

A cat is a nuisance if it:

- Makes a persistent noise; or
- Repeatedly damages anything outside the property on which it is ordinarily kept.

This will be similar to handling nuisance dog complains, although cats are more difficult to confine to a property than dogs. It is envisaged that each complaint will need to be examined on a case by case basis.

2.4 Enforcement or Education

An ongoing debate in animal management is the relative merits of enforcement versus education. Laws will probably always be the backbone of the management task. However, the advantages of taking a legal approach should not blind us to its shortcomings. The legal approach is sometimes inefficient and apart from consuming resources in maintaining an enforcement presence it may only achieve compliance for a short period of time.

By contrast, voluntary compliance, if it can be achieved will just about always provide more meaningful, lasting changes in behaviour. It depends more on overcoming ignorance, indifference and incompetence than in prescribing concrete forms of acceptable behaviour. However education changes behaviour slowly, it can be expensive and is hard to evaluate.

Neither approach should be regarded as a panacea. A combination will just about always be appropriate. The secret is to understand the strengths and weaknesses of each and how they operate in different policy contexts.

The Act anticipates that the State Government will undertake community education from the money allocated to the Companion Animals Fund. Council may also wish to undertake its own education programs either to augment the message of the statewide campaign or where its priorities vary from those of the State Government.

2.5 Recognising the Benefits of Pet Ownership

The health and social benefits of owning pets are now well understood and have been documented in numerous scientific studies. At one level this means a balanced approach to managing domestic pets.

At another more implicit level, there is an emerging understanding that pets contribute to quality of life, a positive that could perhaps be fostered by Local Government.

At this stage, fostering the positives in an explicit way would still be something of a quantum leap, focused as local government is on handling complaints. However over time the Plan could be adjusted to integrate an explicit consideration of the benefits of owning pets.

Part of the challenge involves removing barriers to owning pets. The Petcare Information and Advisory Service has published brochures for landlords and tenants outlining rights and responsibilities of people wishing to own pets in rental accommodation. As an early initiative, Council could make these brochures available for the local community.

Another initiative that Council could explore is presently running in Melbourne. Known as the Port Phillip Pet Links project, it helps the frail and elderly to continue to own pets by organising volunteers to walk, bath, organise registration, take pets to the vet etc. It can be a win-win situation as volunteers are often animal lovers who cannot or choose not to own a pet.

Other initiatives could be explored in the development of local public health initiatives.

3. THE LOCAL CONTEXT

3.1 Oberon Council

The Oberon Local Government Area (LGA) covers 3,659 square kilometres. The boundary extends from the Fish River at O'Connell in the North to the Abercrombie River in the South, to just past Burruga in the West and to the Kanangra Boyd National Park in the East. The LGA has a population of approximately 5,500 with the village of Oberon having a population of 2,700. The primary land uses are Forestry and related industries, agriculture and tourism. National Parks are also popular tourist facilities.

3.2 Animal Management in the Oberon Council Area

The Development Department of Council implements animal management in the Oberon Council area.

Council operates an animal facility, including boarding kennels, off Fairfax Street, Oberon. Impounded dogs are either released to the owner, sold, destroyed or released to registered charities for re-homing. Council policy restricts the sale of large hunting or savage stray dogs from the pound.

3.3 Relevant Policies and Plans

The Oberon Council's Local Companion Animal Management Plan (L.C.A.M.P) outlines the actions required by Council to fulfill and implement the requirements of the Companion Animals Act 1998. Part 2 of the L.C.A.M.P. details the actions required to fulfill the aims of the plan. All actions are prioritised and responsibility for their implementation are assigned. It also recognises that it is a continuing process and the plan allows for amendment through reviews by Council and the community. Other relevant policies and plans in the Oberon Council area are:

- Local Environment Plan 1998
- Development Control Plan 2001
- Oberon Council Management Plan
- Social/Community Plan 2006-2011

4. GOAL AND AIMS

The goal for the Oberon *Local Companion Animals Management Plan* is:

- To promote and facilitate responsible ownership of dogs and cats, animal welfare, and the benefits of animal companionship.

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 Oberon LGA;
- To establish priorities for companion animals management for the next three to five years; and
- To consider ways Council could harness the benefits of owning pets.

The Action Plans are practical actions that Council can undertake to ensure these aims materialise. These are set out in Part 2 and have been grouped into twelve key issue areas.

PART 2: ACTION PLANS

5. KEY ISSUE AREAS

The key issue areas include:

- Identification and registration;
- Dogs in public places;
- Faeces management;
- Wandering dogs;
- Excessive barking;
- Dangerous dogs and restricted breeds;
- Cat management;
- Animal welfare and safety;
- Recognising the benefits of pet ownership
- Enforcement
- Education and dissemination; and
- Funding and review.

5.1 Identification and Registration

Identification and registration is important for reunion of lost pets with their owners and as a source of funding for animal management programs. It also provides a database for Council to communicate with its pet owning population.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|---|-----------------|-----------------------|--|
| Educate the community about the importance and need for micro chipping and registering dogs and cats. | High | Oberon Council | Continue to boost registrations through enforcement and other animal management activities |

5.2 Dogs in Public Places

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

Council needs to decide if additional off leash areas should be provided and if so, how many and where. 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 relating to dogs' access to public open space need to be disseminated widely to the community. Appropriate signage is essential.

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 |
|--|-------------|----------------|---|
| Undertake a review of on-and off -leash provisions and areas from which dogs (and cats) might be prohibited. | Low | Oberon Council | Review completed following consultation with the community. Appropriate declarations and orders made under S13 (6) and S 14 (1) of the Companion Animals Act, 1998. |
| Seek advice on appropriate risk management strategies in public places. | Low | Oberon Council | Relevant advice received. |
| Disseminate leash provisions and publish prohibited areas. | Medium | Oberon Council | Strategy for dissemination is developed and implemented. |
| In order to optimise the dissemination and enforcement effort, hold a training seminar to brief relevant staff | Medium/High | Oberon Council | Seminar held. |
| Advise relevant Council departments, adjacent Council's and other relevant stakeholders of the leash provisions. | Medium/High | Oberon Council | Advice forwarded. |
| Consider leash provisions in the development of Plans of Management for public open space. | Medium | Oberon Council | Draft Plans of Management to be referred for comment to Authorised Officer. |

5.3 Faeces Management

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 could be an early priority for public education.

Although 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), the current situation with "off-leash" areas in the Oberon Local Government Area does not permit this to occur, unless specific areas in the villages are declared by Council to be "off-leash" areas.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|--|-----------------|-----------------------|--|
| Install sufficient rubbish receptacles for the disposal of dog faeces should any Village areas be declared as “off-leash” areas. | Medium-High | Oberon Council | Options for disposal of dog faeces reviewed |
| Decide on procedures for enforcing the requirement for people to remove and dispose of their dog’s faeces. | Medium-High | Oberon Council | Enforcement procedures decided on. |
| Educate the community about the importance of removing and disposing of dog faeces and options available. | High | Oberon Council | Input into the public education campaign as an early priority. |

5.4 Wandering Dogs

Dogs wandering at large contribute significantly to the dog management task,

Identification and registration are central to management of wandering dogs.

Housing and boundary design may also have a role to play in helping owners to properly confine their dogs on their property.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|--|-----------------|-----------------------|---|
| Educate the community about the importance of properly confining their dogs. | High | Oberon Council | Input into the education campaign as an early priority. Promote and enforce identification and state registration of dogs (and cats) to enable safe return of companion animals. |

5.5 Excessive Barking

Barking complaints are problematic due to their inherent subjectivity and the fact that they are not easily resolved.

Options for improvement include use of a diary system by complainants, staff training in negotiations and the introduction of a referral system to a specialist animal behaviourist.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|--|-------------|----------------|---|
| Review procedures for dealing with barking complaints. | Medium-High | Oberon Council | All barking dog complaints dealt with in accordance with standard operating procedure |

5.6 Dangerous Dogs and Restricted Breeds

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. Council needs to determine appropriate specifications for a child-proof enclosure. A suggested definition is an enclosure which is sufficient to restrain the dog and will prevent a child from having access to the dog.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|--|-------------|----------------|--|
| Review procedures for dealing with dangerous dogs and restricted breeds. | Medium-High | Oberon Council | In accordance with standard operating procedures. |
| Facilitate the design of a suitable child-proof enclosure. | Medium-High | Oberon Council | Prototype design approved and develop pamphlet to disseminate to public. |

5.7 Cat Management

Newborn cats are now required to be identified and registered under the *Companion Animals Act 1998*.

Council can prohibit cats from entering specified public places. There are also procedures for dealing with nuisance cats.

Some of the options proposed in other areas (eg, cat bans, cat curfews, etc.) are extremely difficult and expensive to enforce. Public education is required to increase awareness of the need to identify and register cats and about responsible cat ownership.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|--|-------------|----------------|--|
| Establish procedures for dealing with nuisance cats and where applicable for dealing with cats entering wildlife protection areas. | Medium-High | Oberon Council | Procedures established in accordance with standard operating procedures. |
| Educate the community about responsible pet ownership and the need to identify and register their cats. | High | Oberon Council | Input into education program as an early priority |

5.8 Animal Welfare and Safety

Animal management needs to ensure appropriate animal welfare and safety.

Of particular importance is to promote de-sexing of non-breeding pets.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|---|-----------------|-----------------------|-----------------------------------|
| Promote de-sexing of companion animals. | High | Oberon Council | Input into education program |
| Promote and enforce identification and registration of dogs and cats to enable safe return of companion animals | High | Oberon Council | Input into education program |
| Review existing holding facility arrangements for compatibility with new responsibilities. | Medium-High | Oberon Council | Animal facility review completed. |

5.9 Recognising the Benefits of Pet Ownership

Local government could have a role to play in promoting the health and social benefits of owning domestic pets.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|---|-----------------|-----------------------|--|
| Consider the health benefits of owning pets in the local community | Low | Oberon Council | Health benefits of pet ownership included in brochures to the local community. |
| Assist tenants and landlords with queries about owning pets in rental accommodation | Low | Oberon Council | Distribute literature on keeping pets in rental accommodation to the local community |

5.10 Enforcement

While Council already has enforcement procedures in place, these should be subject to ongoing review as circumstances change and better approaches become evident.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|--|-----------------|-----------------------|--------------------------------|
| Review all enforcement procedures and protocols for operational improvements and gaps. | Medium | Oberon Council | Annual Review |

5.11 Education and Dissemination

Education is the key to voluntary changes in human behaviour. It involves education of animals, their owners and prospective owners. It also involves showing non-pet owners, especially children how to behave around animals. To be effective, education needs to be designed and implemented with great care, taking into account identified priorities and programs being implemented by the State Government. Developing a comprehensive education program should be an early priority.

The education program should consider educational courses, brochures, communication in media, etc and may require staff training in dealing with the community in their day to day patrols.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|---|----------|----------------|---------------------------------|
| Plan a comprehensive campaign involving all stakeholders to identify education priorities and appropriate action. | High | Oberon Council | Education campaign implemented. |

5.12 Funding and Review

Once adopted, the Plan needs to be subject to ongoing review as new issues and priorities emerge.

A detailed record system is important to ensure Council can accurately track trends in registrations, complaints, infringements and orders and pound activity.

Animal management activities will not be funded from registrations and fines alone. Council needs to consider other possible sources of revenue to help fund animal management. The Plan should be completely reviewed within three to five years.

| STRATEGIC ACTION | PRIORITY | RESPONSIBILITY | TARGET/ PERFORMANCE |
|---|-------------|----------------|--|
| Ensure the LCAMP is implemented and reviewed. | Medium-high | Oberon Council | LCAMP completely reviewed within three to five years. |
| Review records system. | Medium-High | Oberon Council | Audit record system to ensure detailed records are kept on all animal management activities. |