



5. COMPLIANCE

Policy 5.5

Companion Animal Policy

Version 4

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5.5 COMPANION ANIMAL POLICY

OBJECTIVE:

Council's objectives in relation to the management of companion animals are to:

- Manage companion animals in partnership with the community and in accordance with the *Companion Animals Act 1998* (the Act).
- Ensure a balanced approach to the effective management of domestic pets recognising the benefits, including improved health and quality of life, as well as the responsibilities of pet ownership.
- Use community education and behavioural change in preference to enforcement.
- Enforce the *Companion Animals Act 1998* when necessary.
- Encourage microchipping, registration, picking up of litter and community safety.
- Take proactive measures to ensure that owners of Restricted Breeds and Dangerous Dogs comply with all relevant provisions of the *Companion Animals Act 1998* and to strictly enforce sanctions when owners of Restricted Breeds and Dangerous Dogs allow dogs to enter prohibited areas such as playgrounds and childcare facilities or cause repeated damage to private property.
- Identify and promote suitable and sufficient off-leash parks and open space areas for dog exercise.
- Install and maintain clear signage and convenient dog-tidy stations in off-leash areas.
- Reduce the number of lost and wandering cats and dogs.
- Educate non-pet owners and children on animal behaviour and how to interact with other people's pets.

Background

Companion animals such as cats and dogs have significant social and health benefits for their owners. Pets teach responsibility to children, give love, comfort and companionship to their owners and provide security, particularly for older people and those who live alone.

Lithgow City 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 is consistent with the aims of The *Companion Animals Act 1998* (NSW), which contains regulations relating to pets that must be enforced by Council.

POLICY:

2.1 Community Education

Education and awareness are the keys to achieving responsible pet ownership and community harmony. There is growing recognition that enforcement of laws will not on its own result in lasting voluntary changes in human behaviour.

Council will undertake a number of key actions in relation to community education on responsible pet ownership including providing educative material, regularly monitoring parks and effectively promoting off-leash areas.

2.2 Legislation – Companion Animals Act

The *Companion Animals Act 1998* is designed to benefit pets, their owners and the wider community.

The permanent identification and lifetime registration system which came into effect on 1 July 1999 assists Council in returning lost and injured animals to their owners.

Since 1 July 1999 all dogs and cats in NSW must be microchipped at the point of sale, change of ownership or by 12 weeks of age, whichever occurs first. If a puppy, kitten, dog or cat is purchased in NSW, under the *Companion Animals Act 1998* it must be microchipped first.

Council's Key Regulatory Roles under the Act

	Cats
Section 31	The issuing of a nuisance notice or order - issued where a cat persistently makes a noise or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise or where a cat repeatedly damages anything outside the property on which it is ordinarily kept.
Sections 92; 30	Issuing of penalty infringement notices - Cats found in prohibited places such as food preparation / consumption areas and designated wildlife protection areas. Note: Roaming cats are not regulated under the Act other than in these areas. A notice can also be issued where a cat has not been microchipped, registered or is not properly identified while away from the property on which it is ordinarily kept. Council does not have regulatory powers under the Act to restrict roaming cats, unless clear evidence is available that shows the cat is causing a nuisance to neighbours and wildlife.
	Dogs
Section 34	Declaration of a dangerous dog – An Authorised Officer of Council can declare a dog as dangerous where it displays unreasonable aggression or is kept for hunting.
Section 32A	The issuing of a nuisance notice or order – Can be issued by an Authorised Officer where a dog is habitually at large, persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise; repeatedly defecates outside the property; repeatedly chases or runs at any person or vehicle; endangers the health of any person and / or repeatedly causes substantial damage to anything outside the property on which it is kept.

Sections 18; 57	An Authorised Officer may secure or seize a dog that has attacked or bitten a person or animal at any time within 72 hours after the attack or bite. A restricted dog may be seized if the control requirements are not complied with.
Sections 10; 12A; 13; 14; 14A; 20; 57A; 92	Issuing of penalty infringement notices - Dogs found in prohibited places such as child care centres, children's play areas, food preparation and consumption areas (unless in a road reserve), public bathing areas and parks / recreational areas so indicated as prohibiting dogs; and designated wildlife protection areas. Dogs not being contained within a property and not on a leash whilst in a public place other than a designated off leash area; as well as fines for dogs defecating in public place; the sale of a restricted dog or proposed restricted dog; where a dog has not been microchipped and registered.

2.3 Control of Dogs

Under the *Companion Animals Act 1998* (NSW) 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.

Council will encourage all dog owners to enrol their dogs in a training course if they feel they are not able to effectively control their dog.

Council will also encourage education for non-pet owners (in particular children and their parents) on how to approach other people's dogs and in animal behaviour.

2.4 Off-Leash Areas

Dogs are required to be restrained while in a public place with the exception of prescribed dog exercise areas. These areas include the designated fenced areas of:

- Endeavour Park, Lithgow
- Montague St , Lithgow
- Lake Wallace, Wallerawang
- Williwa St, Portland

Dog owners need to have control over their dogs and it is required by law that dog droppings must be removed and disposed of correctly.

2.5 Prohibited Areas

Council considers that people should be able to move freely in the community without loss of amenity due to cats and dogs not being under effective control. Likewise, cats and dogs are important companions to their owners and the rights of owners to enter public places with their pets needs to be protected.

Under Section 14 of the *Companion Animals Act 1998* dogs are prohibited at all times in the following public places:

- food preparation or eating areas (unless it is a designated outdoor dining area with conditions, or the animal is an approved assistance animal);
- school or childcare grounds (unless prior permission from the Principal is granted);

- wildlife protection areas;
- recreation and public bathing areas where signage prohibits dogs;
- within 10 metres of children's play equipment;
- shopping arcades / complexes where animals are prohibited unless secured in a vehicle, or with the permission of the person controlling the place or going to or from a vet or pet shop.

Under the Act, cat owners must also ensure that their cat stays out of restricted areas including food preparation and wildlife protection areas.

2.6 Dog Litter

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

Uncollected faeces pose a potential health risk and can impact on creeks and waterways. This is particularly a problem in playgrounds, on sports fields, on neighbour's properties, and on public footpaths.

Lithgow City Council provides dog tidy stations (including dog litter bags) at all off-leash parks and other suitable locations. Council Rangers and Animal Shelter Officers work to ensure dog owners meet their social and legal responsibility to clean up after their dogs by promoting awareness of these responsibilities, including:

- to take a plastic bag with them when they take their dog for a walk, and
- that it is an offence not to put their dog litter in the bin.

Dog litter bags are also available at Council's Customer Service Centre 180-184 Mort Street, Lithgow.

2.7 De-Sexing

Lithgow City Council strongly recommends that pets be de-sexed unless they are intended for breeding purposes. Council receives hundreds of unwanted, abandoned, and stray cats and dogs each year. The majority of these animals are the result of uncontrolled breeding.

A desexed cat or dog is cheaper to register and can save more than two-thirds of the cost of registration.

2.8 Lifetime Registration and Microchipping

Under *The Companion Animals Act 1998* (NSW) cat and dog owners must take two steps to provide their pet with lifetime protection; permanent microchip identification and lifetime registration.

This two-step system greatly assists Lithgow City Council and other councils in returning pets to their owners in the event that it is lost, hurt or stolen. It also provides Council with a more effective means of keeping track of cats and dogs for the benefit of the wider community.

The Act requires cats and dogs to be identified by microchip by the age of 12 weeks and lifetime registered by the age of 6 months.

Registration Exemptions

The only allowable registration exemptions are provided for in Section 17 of the *Companion Animals Regulation 2018*:

There is an exemption from payment of a registration fee for the registration of the following:

- a) an animal that is ordinarily kept outside New South Wales, but not if the animal has been in New South Wales for a continuous period of at least 3 months,
- b) an animal in the custody of a rehoming organisation, but not if the animal has been in the custody of that organisation or any other rehoming organisation for more than 12 months,
- c) a dog that is ordinarily used by a police officer on official duty,
- d) a dog that is ordinarily used on official duty by a correctional officer (within the meaning of the *Crimes (Administration of Sentences) Act 1999*),
- e) a dog used by a Commonwealth officer on official duty,
- f) an animal in the custody of an accredited research establishment within the meaning of the *Animal Research Act 1985*, or the holder of an animal research authority or an animal supplier's licence within the meaning of that Act, for purposes in connection with animal research, as authorised under that Act,
- g) an animal kept at a licensed animal display establishment within the meaning of the *Exhibited Animals Protection Act 1986* and lawfully exhibited in accordance with that Act,
- h) a working dog that is ordinarily kept in a part of the Western Division of the State that is not within a local government area,
- i) a working dog that is ordinarily kept on land categorised as farmland for the purposes of Part 3 of Chapter 15 of the *Local Government Act 1993*.

Note: A working dog is defined in [the Act](#) as a dog used primarily for the purpose of droving, tending, working or protecting stock.

2.9 Lost, Seized and Surrendered Animals

Lithgow City Council will seek to return all unaccompanied pets safely home to their owners.

Where an animal is found straying, the animal will be taken to the Lithgow City Council Animal Shelter. Once at the shelter, Council will attempt to contact the owner to arrange for collection of the animal. The owner will be given 7 or 14 days (depending on whether the animal is identified) to claim a registered dog or cat or seven days to claim an unregistered animal, before the animal becomes the property of Council.

Animals will not be released from the shelter until all appropriate fees and charges are paid and the animal is microchipped and registered.

An animal can be surrendered to Council by filling in a Surrendered Animal form and submitting this to Council with the appropriate fee and evidence of ownership. Drop off cages are also available at the Lithgow City Council Animal Shelter, where stray animals or animals seized by the Police or other agencies, can be taken outside of the Council's normal business hours.

Under the Act, once an animal becomes the property of Council, Rangers or Animal Shelter Officers will conduct an assessment of the animal and offer it up for rehoming or passing onto a welfare agency. If an animal fails this assessment, the animal may be declared dangerous and euthanased by a Veterinarian.

Council will seek to rehome or foster animals to accredited animal welfare agencies where appropriate.

Rangers will only rehome animals when they can be assured that the applicant can adequately care and house the animal and that the animal won't impact on neighbourhood amenity.

The euthanising of animals held at the Lithgow City Council Animal Shelter is completed by a qualified Veterinarian, and this and all other activities at the shelter are completed in accordance with Council's Standard Working Procedure for the Animal Shelter.

2.10 Cat Management

Under the Act, cats are required to be identified in the form of a microchip and/or collar and tags that provides the name of the cat and the address and telephone number of the owner.

Cats are prohibited from wildlife protection areas and food preparation areas, and can 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 makes a distinction between domesticated pet cats and feral or stray cats (which don't have an owner). If there are feral cats in built areas, they may be trapped and removed by the Council or by residents with consent from the Council.

If a Council Ranger or Animal Shelter Officer believes a cat to be a feral or stray animal, and not a companion or domestic animal, the animal can be euthanased immediately.

2.11 Maximum Number of Companion Animals

Urban or Residential Areas

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 etc.

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, Authorised Officers will use as a guide a maximum of 3 companion animals per residential property with an average residential property being 800 square metres in area. 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.

To enforce this Council will utilise Order number 18 of section 124 of *the Local Government Act 1993* that stipulates that Council can issue an Order to:

Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order

Council can issue this Order to the occupier of the premises in the following circumstances:

- a) in the case of any premises (whether or not in a catchment district)—of an inappropriate kind or number or are kept inappropriately, or
- b) in the case of premises in a catchment district—birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs

Companion Animals Outside of Residential or Urban Areas

Kennels, catteries, breeding facilities or facilities for Animal Welfare Agencies all require development approval by Council.

In considering development applications for kennels, catteries etc, Council will give consideration to the "Animal Welfare Code of Practice – Breeding Dogs and Cats" produced by the NSW Department of Primary Industries.

Where companion animals are impacting on rural amenity Council will use all necessary powers under the *Local Government Act 1993* and the *Companion Animals Act 1998* to address this.

2.12 Barking Dogs

Persistent dog barking can be a neighbourhood nuisance and a major source of community complaint. Persistent barking may be 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
- Providing community education and training for dog owners'
- Providing a citronella collar for residents to hire

Council Rangers may issue a Nuisance Dog Order where persistent barking is considered to be nuisance behaviour. In serious cases, dog owners may be liable to prosecution. A 'Barking Dog Diary' will be provided to all complainants in the first instance prior to Rangers conducting an investigation. Once a complaint has been substantiated, an investigation will commence.

2.13 Dog Attacks

Dog attacks have been shown to have serious consequences.

Lithgow City Council together with the Office of Local Government and the RSPCA will work with residents to educate them about animal behaviour and how to avoid attacks. Council Rangers and Animal Shelter Officers will work with school children in particular to teach them how to safely interact with pets, especially dogs.

Council will also continue to enforce its responsibilities in regard to, dangerous dogs and restricted breeds.

Council Rangers will follow up all serious complaints of dog attacks immediately.

2.14 Restricted Breeds

It is an offence in New South Wales to sell, acquire or breed dogs on the restricted dog list including the offspring of restricted dogs:

- (a) American Pitbull terrier or Pitbull Terrier
- (b) Japanese tosa
- (c) Dogo Argentino (Argentinean fighting dog)
- (d) Fila Brasileiro (Brazilian fighting dog)
- (e) Any dog declared by a Council under Division 6 of the *Companion Animals Act 1998* Act to be a restricted dog*
- (f) Any other dog of a breed, kind or description, whose importation into Australia is prohibited by, or under, the Customs Act 1901 of the Commonwealth (Perro de Presa Canario or Presa Canario)

*This means any dog where the Council is of the opinion that a dog is of a breed or kind of dog on the restricted dog list or a cross-breed of any such breed or kind of dog.

Owners of restricted breeds (and dogs declared 'dangerous') must ensure:

- The dog is desexed.
- The dog is kept in a child proof enclosure.
- A 'dangerous dog' warning sign is clearly displayed on their property.
- The dog at all times wears a distinctive collar and tag.
- The dog is always leashed and muzzled when in public and under the control of a person over the age of 18 years.
- The dog's registration details are up to date.
- If you own a restricted dog and it attacks or injures a person or an animal (other than vermin) without being provoked, you must report it to Council within 24 hours of the attack or injury.

2.15 Dangerous Dogs

A dog is "dangerous" if it has, without provocation, attacked or killed a person or animal, or, repeatedly threatened to attack or repeatedly chased a person or animal. "Dangerous dogs" in NSW are dogs that are the subject of a declaration under the *Companion Animals Act 1998* by a Council or a court that the dog is considered dangerous. Council must give notice to the owner of a dog of the Council's intention to declare the dog to be dangerous.

Police and Council Rangers are empowered to impound dogs declared as dangerous. Owners of dogs declared dangerous must comply with all the conditions for restricted breeds listed above and must not be sold to a person under the age of 18 years.

Maintained by Department:	Environment	Approved by:	Council		
Reference:	Policy Register	Council Policy No:	5.5	Effective Date:	14 August 2017
Min No:	V1 - 10-142 V2 - 14-202 V3 – 17-238 V4 –A/GM Approved 8/05/23	Version No:	4	Reviewed Date:	October 2013 May 2014 June 2017 August 2020 February 2022 May 2023
Attachments:					