



## NAMBUCCA SHIRE COUNCIL

### COMPANION ANIMALS ON-LEASH AND OFF-LEASH POLICY NO: DE 01

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#### *Our Vision*

Nambucca Valley ~ Living at its best

#### *Our Mission Statement*

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

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#### **1.0 Policy objective**

To maintain harmony between the owners of companion animals, other community members, the Council, Council's staff, RSPCA and rescue groups.

#### **2.0 Related legislation**

Local Government Act 1993  
Companion Animals Act 1998

#### **3.0 Definitions**

As defined in the above Acts.

#### **4.0 Policy statement**

This policy relates to all companion animals in accordance with the Companion Animals Act 1998 (the act) and associated Regulations. The act provides Council with a range of powers and responsibilities with regard to companion animals.

This policy is empowered by that Legislation to enable Council to ensure that companion animals and their owners coexist with other members of the community.

- 1 Dogs are prohibited in some public places (whether or not they are leashed or otherwise controlled). These are as follows:
  - a As per the Companion Animals Act 1998, Section 14 (1-8), dogs are prohibited in the following places:
    - (i) **Children's play areas** (meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children); and
    - (ii) **Food preparation/consumption areas** (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans); and

- (iii) **Recreation areas where dogs are prohibited** (meaning any public place, or part of a public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part); and
- (iv) **Public bathing areas where dogs are prohibited** (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place); and
- (v) **School grounds** (meaning any property occupied or used for a purpose connected with the conduct of a government school or non- government school under the [Education Act 1990](#), other than any property used for a residence or the curtilage of a residence); and
- (vi) **Child care centres** (meaning any property occupied or used for a purpose connected with the conduct of an approved education and care service within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#) or the [Children \(Education and Care Services\) Supplementary Provisions Act 2011](#), other than any property used for a residence or the curtilage of a residence); and
- (vii) **Shopping areas where dogs are prohibited** (meaning a shopping arcade or shopping complex, including any part of it that is used by the public for parking or access to shops, in which or part of which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited there). This paragraph does not apply to any shop or part of a shop; and
- (viii) **Wildlife protection areas** (meaning any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority has ordered that dogs are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).

In relation to points (iii) and (iv) above, Nambucca Shire Council has prohibited dogs in the following places. Please note that dogs are prohibited from **all** children's play areas (point (i) above), whether or not they are listed below:

McKay's Park - Bowraville  
 Bellwood Park and Reserve – Nambucca Heads  
 Shelly Beach – Nambucca Heads to the east of the western most beach access from the car park  
 V-Wall Beach – Nambucca Heads  
 V-Wall River Beach and Park – Nambucca Heads  
 Wellington Beach – Nambucca Heads  
 North Valla Beach – Valla Beach (except at times stated in section 3a)  
 South Valla Beach and Deep Creek Inlet, - Valla Beach  
 Deep Creek, North of the foot bridge to the creek outlet  
 Scotts Head Camping Reserve and Road to Headland Car Park  
 Forsters Beach (Main Beach) – Scotts Head, (except at times stated in section 3c)  
 Little Beach – Scotts Head

The only exceptions to the list above are noted below.

- 2 Dogs are permitted on certain beaches and reserves as follows **at all times**:

*Off-leash Areas*

- a Nambucca Heads - from Swimming Creek beach access northwards to the walk bridge access to the beach from the public reserve adjoining Valla Park Resort; and
- b North Valla Beach - from the access path off the car park on the northern end of Cockburn Street (4WD access) to the northern boundary of the Shire; and
- c Scotts Head - from the Christian Youth Centre beach access path on Banksia Crescent northwards. (Below the mean high water mark as defined and administered by National Parks and Wildlife); and
- d The northern end of Stuart Island as an off-leash area on the Crown Land Reserve - dogs are not permitted to chase the wildlife within the inter-tidal zone; and
- e Valla Beach Lions reserve (Lot 7001 DP 1113132). The off leash area commences 10m from the southern side of the amenities block and extends to the southern end of the reserve. Dogs are not permitted to be off leash in this area during organised public events.

*On-leash Areas*

- f Nambucca Heads - from the western most beach access from the Shelly Beach car park northward to the Swimming Creek beach access.
- g Boulton's Crossing Reserve – Gumma
- h Taylors Arm Reserve with the exception of the Playground and Sports Field.

- 3 Dogs are also permitted on the following beaches and reserves **before 9.00 am and after 6.00 pm**:

*On-Leash Only (certain times as above)*

- a North Valla Beach – from the timber walkway on the north side of the headland to the access path referred to in 2(b); and
- b Forsters Beach (Main beach) – Scotts Head from the Southern main beach car to Banksia Crescent.

- 4 Owners who take companion animals onto permitted beaches, reserves and designated off-leash area must have their animals under effective control at all times and remove and dispose of all faeces.

- 5 Under Section 14A (1-6) of the Companion Animals Act, dogs (other than a dangerous, menacing or restricted dog) are not prohibited from outdoor dining areas in the following circumstances:

- (a) the dog is under the effective control of some competent person and is restrained by means of an adequate chain, cord or leash that is attached to the dog, and
- (b) the person does not feed the dog or permit the dog to be fed, and
- (c) the dog is kept on the ground.

However, if the outdoor dining area is within a public place declared by a local authority to be an off-leash area:

- (a) it is not necessary for the dog to be restrained by means of a chain, cord or leash, and
  - (b) the dog can be fed while the dog is on the ground, but not using any apparatus provided for the consumption of food by humans, and
  - (c) the dog 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.
- 6 An authorised officer, who reasonably suspects a person of having committed an offence against the Companion Animals Act or the regulations, may require the person to state his or her full name and residential address. A person must not fail to comply with a requirement under this section or in purported compliance with such a requirement, furnish a name that is not his or her name or an address that is not his or her residential address.
- 7 The following are some of the on-the-spot fines (as at May 2018 and may vary from time to time) that may be imposed by authorised Council Officers for offences against the Companion Animals Act:

OFFENCE	ON-THE-SPOT FINE
Animal not permanently identified (microchipped)	\$165*
Animal not lifetime registered	\$275*
Owner of dog not under control in Public place	\$220*
Dog not identified with a collar & tag	\$165*
Sell animal not permanently identified	\$165*
Dog in prohibited place	\$330*
Fail to remove dog faeces	\$275
Not notify change in registration/identification	\$165*
Fail to state full name/residential address	\$165
Furnish false name/residential address	\$275*
Owner of Dangerous/restricted/menacing dog in Public place	\$1760

\*(Significantly higher penalties apply for a dangerous or restricted dog)

**Example:** A dog is walking with its owner on a beach prohibited to dogs, and faeces have not been removed. An on-the-spot fine \$605.00 applies.

- 8 In accordance with Section 64(2) of the act, feral and infant companion animals seized or surrendered to Council may be destroyed prior to the standard holding period as set out in Section 64(1) of the act. Council authorises the humane euthanasia of feral and infant animals that are unsuitable or unlikely to be rehomed, or it is in the best interest for the welfare of the animal following any advice provided by a veterinarian, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) or Councils Ranger, Pound Attendant, or Manager of Development & Environment.

The General Manager, Manager Development & Environment, Ranger or Pound Attendant may authorise such euthanasia.

## 5.0 History

<b>Department:</b>	Development & Environment	<b>Last Reviewed</b>	<b>Resolution Number</b>
<b>Policy Category</b>	Council	1 July 2004	
<b>Endorsed By:</b>	General Manager	20 Nov 2008	
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<b>Resolution No:</b>	?		
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