

**TITLE:** [PR-CM] Animal Management Policy and Practices

**SUBMITTED BY:** Regulatory Services

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.1	Protect the environment and natural beauty of the Tweed
4.1.3	Manage and regulate the natural and built environments

### SUMMARY OF REPORT:

In response to a report on Council's animal management practices submitted to the meeting 12 December 2013, Council resolved the following:

- “1. Defers consideration of the report until the March 2014 meeting.
2. Adopts the changes to fees listed in the ‘The Companion Animals Amendment Act 2013’, and amend Item 77 of the Fees and Charges 2013/2014 Revenue Policy document accordingly and notes that these fees are set by legislation and do not require the 28 day advertising period”

This report followed up on matters presented to a Councillor Workshop held on 5 September 2013, which was organised in response to an earlier Notice of Motion for which Council resolved the following at its meeting of 16 May 2013:

**"RESOLVED** that a report be submitted to Council detailing Council's current Companion Animal Regulation functions, in order to determine the suitability of preparing a new Council Policy on animal management procedures, including a preferred process for handling barking dog complaints."

A copy of the report to the December 2013 Council meeting is provided as an attachment to this report.

Since the December Council meeting, a number of further animal management issues have arisen, and these are addressed in this supplementary report and include:

- Companion Animal Management - Changes to Legislation
- Operation of Council's Impounding Facility
- Dog off-leash Areas (including a request from Tyalgum Residents Association for a new off-leash area)
- Request for 'dog poo-bags'

This report seeks Council endorsement of a series of recommendations arising from investigations into each of the above matters.

**RECOMMENDATION:**

That Council:

1. Receives and notes the information presented in this supplementary report in terms of Council's current animal management practices; and
2. Endorses the following recommendations for each of the companion animal issues discussed in the supplementary and original reports:
  - a. **Companion Animal Management - Changes to Legislation**
    - Receives and notes the information presented in this report in terms of changes to the NSW Legislation, and Companion Animals Task Force recommendations.
  - b. **Operation of Council's Impounding Facility**
    - Receives and notes the information presented in this report in terms of the current operation of the Impounding facility;
    - A further report in relation to the operational needs of the Impounding Facility be submitted to Council; and
    - Discussions are held with neighbouring Council's in relation to 'resource sharing' of their animal management functions.
  - c. **Policy and/ or Guidelines for 'Dog off-leash' Areas**
    - 'in principle' support be granted to the creation of a new off-leash dog area at Tyalgum, as proposed by the Tyalgum Residents Group, subject to a further report being submitted to Council providing more details on the off-leash area design, location, cost and statutory process required; and
    - A new policy providing criteria for the future selection of off-leash areas in Tweed Shire be prepared and reported to Council.
  - d. **Dog 'Poo Bags'**
    - in-principle support be granted to a small scale trial for the provision of 'dog poo bags' (dispensers) and the provision of associated waste bins, and that a further report be brought back to Council providing further details of the costs and logistics for such a trial.
  - e. **Barking Dog Complaints Procedures**
    - No change to current practice

## REPORT

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Details on these further investigations are outlined below.

### 1. Companion Animal Management - Changes to Legislation

The NSW Companion Animals Taskforce (Report – October 2012) delivered 38 recommendations relating to the ongoing management and regulation of companion animals. Many key Taskforce recommendations have already been put in place through the *Companion Animals (Amendment) Act 2013*.

These include measures which strengthen the framework to control dangerous dogs, reduce dog attacks, and promote community safety.

- A new **'menacing dog' control category**, allowing councils to require owners to muzzle their dog in public, be on a leash, under the control of someone 18 years of age or older, and ensure that it is de-sexed.
- **Stronger penalties**, including maximum jail terms for owners whose dogs have been involved in an attack, increasing to a maximum five years for owners whose dogs have attacked after the owner has failed to comply with a menacing, dangerous, or restricted dog control requirement by council.

- Enabling councils to **immediately seize an un-microchipped dog** for which a notice of intention has been issued to declare the dog as menacing, dangerous or restricted.
- Require courts to order **destruction of dogs that cause serious injury** or death unless there are exceptional circumstances and enable courts to order owners to undertake responsible pet ownership courses

Most of the remaining recommendations will be rolled out through 2014-2015, including a redesign of the Companion Animals Register to better ensure responsible cat and dog ownership whilst minimising the regulatory burden to Council.

Some of the Taskforce recommendations which State Government supported, and which are likely to have an operational impact on Council include:

- Develop a model **behavioural assessment** for the use of councils and other impounding agencies.
- Develop a **Memorandum of Understanding** template for use by councils and NSW Police regarding enforcement.
- A new **discounted registration category** 'Desexed animal – purchased from a pound or shelter' should be established to further encourage the purchase of desexed cats and dogs.
- Comprehensive education material about the **importance of confining cats** to their owner's property should be developed.
- **Funding** should be provided for research into key cat and dog issues.
- Better practice guidelines should be issued to councils with a view to **standardising impounding practices**.

The total number of customer requests (CRM) handled by Council Rangers, for the 2013 calendar year, was 3985. Of those CRMs, 2297 were in relation to animals, and the majority of these were dog complaints which included 78 'dog attacks', 502 'barking dogs' and 637 'roaming dogs'. **It is estimated that a significant amount of ranger hours are spent in dealing with complaints about dogs.**

#### **Recommended Action:**

- That Council receives and notes the information presented in this report in terms of changes to the NSW Legislation, and Companion Animals Task Force recommendations.

## **2. Operation of Council's Impounding Facility**

As part of the NSW Companion Animals Taskforce Report (October 2012) a number of recommendations were made which are likely to have operational impacts on Council's Stott's Island Impounding Facility.

Recommendation 19 (adopted by State Government) stated that '*Better practice guidelines should be issued to Councils with a view to standardising impounding practices*'.

The recommendation goes on to say that the Division of Local Government should issue a better practice guideline to councils, in an effort to standardise council impounding practices. Such guidelines should highlight key practices including (but not limited to):

- **encouraging councils to enter into arrangements with animal welfare and rescue organisations** for the purposes of re-homing impounded cats and dogs.
- focussing on regional approaches to impounding through **partnerships with nearby councils** and animal welfare organisations.
- implementing **foster care programs**, where appropriate.
- the **humane euthanasia** of cats and dogs.
- assessing the suitability of cats and dogs for re-homing.
- advertising cats and dogs available for rehoming (including online advertising).
- utilising appropriately qualified volunteers.
- the importance of **regular training for staff and volunteers**.
- ensuring that **pounds are accessible to members of the public**, especially through appropriate opening hours.

To achieve some of the above, the Taskforce acknowledged that such guidelines be consistent with the requirements of the forthcoming *Animal Welfare Code of Practices for Pounds and Shelters*. The Taskforce made the following points:

- Under the Companion Animals Act, councils are obliged to seek alternatives to euthanasia for impounded cats and dogs. However, as councils are independent statutory bodies, it is a matter for each council to determine its approach to impounding in consultation with local communities. [**Note: The Taskforce did not support the idea of ‘getting to zero’ or ‘no euthanasia’**].
- It is also recognised that council cat and dog impounding and re-homing services are funded from a limited pool of resources and **councils have varying abilities to fund their impounding facilities in light of other resourcing demands**.
- The Division’s Promoting Better Practice program may be able to identify good practice examples of council impounding services, which should be passed on to councils in a consolidated format.
- The production of such material would be consistent with similar guidance to councils issued by the Division on other issues (e.g. council meeting practice).
- The **introduction of standardised impounding practices** may result in increased re-homing rates and better welfare outcomes for impounded cats and dogs, including a reduction in the number of cats and dogs euthanased in pounds.
- Practices such as **entering into partnership arrangements with animal welfare organisations** may free up council resources to be re-directed to

services such as the collection of stray and injured cats and dogs, which can sometimes fall to veterinarians and animal welfare organisations.

- **Encouraging regional approaches** to impounding may also allow councils to take advantage of cost-efficiencies.

### Current Impounding Operation

Council's impounding facility operates in accordance with much of what was proposed in Recommendation 19 of the Taskforce report. The impounding facility differs from nearby Councils, Byron, Ballina, Lismore, and Richmond Valley Council in that Tweed Council:

- Fully staff the Pound (each of the other nearby Councils use Rangers to attend on an 'as required' basis e.g. in response to a dog collection by a customer);
- Allow public access 10am – 4pm x 7 days (all other nearby Councils are public access 'by appointment' only); and
- Have a working partnership with an animal welfare organisation (none of the other regional Councils do this).

In addition to this, Council's Pound staff assess (with veterinary input) the suitability of cats and dogs for re-homing, and work with our partner animal welfare organisation (Friends of the Pound) to implement a **foster care program**. Council **advertises** (for sale) all cats and dogs which are available for re-homing (including online advertising), and arrange for the humane euthanasia of cats and dogs when no other alternative can be found. Staff at the Stott's Island Pound provide a high level of care to the animals at the facility, and also provide a high level of customer service.

### Resourcing Issues

The resources required to support the impounding facility are continually being stretched in an attempt to balance the growing demands of a changing and challenging regulatory environment with the day to day provision of animal welfare, and varying community expectations for a wider range of services.

Currently the three Pound staff work a 'two on' roster seven days a week, with volunteer support provided by Friends of the Pound. Holidays, sick leave, long-service leave, and leave for other purposes (e.g. training) is accommodated within the current roster by employing agency resources (>100 agency days in 2013), and administrative support from staff at the Murwillumbah Civic Centre.

Preliminary discussions have been held with Pound staff, Friends of the Pound, senior management, and Union representatives, to consider what operational changes might enable an improved and more flexible response to business needs. It was generally agreed that the hours 'open to the public' are too long, and that a reduction in hours would not negatively impact the community if adequate notice/ education was given. Friends of the Pound were also keen to ensure that any reduction in Council staff would not impact upon the level of care for the Pound animals, and have offered to provide additional volunteers to support the Pound operation.

## Security

The Pound is remotely located to the Civic Centre, and despite the close proximity to Council's landfill facility, staff feel at risk. This is partly due to the location but also because staff often deal with angry/aggressive customers. A number of serious incidents, where staff have been physically and verbally threatened, have occurred during the past 12 months, resulting in calls for assistance from police or Civic Centre staff.

Discussions have commenced, between Regulatory Services and Waste Services, to explore the possibility of closing the existing access to the Pound, and instead establishing access via the landfill entrance and weighbridge.

## Maintenance

The impounding facility is a mix of old and new buildings, which are in constant need of repair and improvement.

It is expected that there will be considerable expense associated with ongoing maintenance of the facility. Maintenance needs, over the next 12 - 24 months, include items such as partial re-roofing to exercise areas; concrete drain replacement (to the landfill leach pond); upgrade or major repair to the onsite sewage management system; and replacement of smaller items (screens, doors, security lighting, fencing, gates). The cost is likely to be in the range \$30,000 - \$40,000. It is worth noting that Friends of the Pound have regularly made financial contributions towards the maintenance costs relating to the Pound, and make regular requests for ongoing maintenance or upgrades to the facility.

## Community Partnership

The operation of the Impounding Facility is a non-core function of Council. The NSW Companion Animals Taskforce Report recommended that Councils:

*“focus on regional approaches to impounding through **partnerships with nearby councils and animal welfare organisations**”.*

Council has previously (2003) explored the option of engaging an animal welfare organisation, such as Friends of the Pound, to take over the non-regulatory functions of the impounding facility i.e. to provide a fee for service to Council for the day to care of impounded animals. This would have allowed Council to focus on core regulatory duties rather than animal management, but no contract was awarded even though three animal welfare organisations submitted tenders.

Given that NSW State Government is encouraging local partnerships, it might be timely to reconsider whether the impounding facility could be better managed by a third party (such as Friend of the Pound or RSPCA). In considering future options it may be beneficial to commence a dialogue with neighbouring Councils.

## Recommended Action:

- That Council receives and notes the information presented in this report in terms of the operation of the Impounding facility;
- That Council receive a further report in relation to the operational needs of the Impounding Facility; and

- That Council support discussion with neighbouring Council's in relation to 'resource sharing' of their animal management functions.

### 3. Policy and/ or Guidelines for 'Dog off-leash' Areas

Council receives frequent enquiries about dog off-leash areas, including requests for the provision of additional off-leash areas.

The *Companion Animals Act* 1998 requires Council to provide at least one off-leash area for the Tweed LGA. The form of an off-leash area is broad as indicated in section 13(6).

Section 13(6) states

*"A local authority can by order 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 the area of a local authority that is an off-leash area".*

Council currently provides fourteen off-leash areas, including four beach access areas and ten parks/reserves. One off-leash areas was permanently removed at the beginning of March 2014 (Arkinstall Park) due to the construction of a children's playground adjacent the (previous) off-leash area.

#### Future Off-leash Requests

Council currently has no policy or guideline document that might better inform staff and Council when considering the need for, and the selection of, dog off-leash areas. Consideration would need to include such things as:

- Beaches/ parks that can withstand free-running by dogs;
- Beaches/ parks that have natural boundaries;
- Beaches/ parks that are not associated with established recreation interests;
- Community support.
- Potential for Conflict (problems often attributed to dogs and their owners whilst in public places include defecation, aggression to humans and other animals, non-compliance with leash laws and other nuisance behaviour).
- Prohibited areas under the *Companion Animals Act* 1998;
- Areas with high concentrations of visitors (e.g. popular beaches/ parks/ foreshores);
- Environmental protection areas (e.g. Koala Beach);
- Establishment costs (internal and external consultation, fencing, signage, regulation).

In the absence of such a guiding document, it is difficult for staff to explain how existing off-leash areas were selected as suitable, or what future consideration might be given to the selection of proposed off-leash areas.

#### Tyalgum Off-leash Request

Council is currently in receipt of a request, from Tyalgum Residents Group, for a new dog off-leash area to be established behind the tennis courts at Coolman Street – on land currently owned by the NSW Department of Primary Industries.



Councillors explored this issue during the workshop 29 August 2013. At that time it was decided that there were “adequate off leash” areas in the Shire generally and that granting permission for a similar area at Tyalgum would not be considered. Since then a further Councillor workshop was held on 13 February 2014 with the Tyalgum Residents Group, providing an opportunity to explain their proposal to the Councillors. On the basis of this presentation, there was generally positive feedback for this proposal to be advanced. A copy of an aerial map indicating the proposed location of the new off-leash areas provided as an attachment to this report.

This concept will need to further investigation and details presented back to Council.

**Recommended Action:**

- Council give ‘in principle’ support to the creation of a new off-leash area at Tyalgum, subject to a further report being submitted to Council providing more details on the off-leash area design, location, cost and statutory process required; and
- A new policy providing criteria for the future selection of off-leash areas in Tweed Shire be prepared and reported to Council.

**4. Dog ‘Poo Bags’**

A previous trial by Council for the provision of, and disposal facilities for, ‘dog poo bags’ was conducted along certain coastal locations over a decade ago, and was generally considered unsuccessful at the time given the extent of associated littering in and around the facilities, it was decided to abandon the service. In recent years, Council has received various requests for this service to be re-instated. Given the growing popularity for dog walking in our coastal parks, reserves and beaches, it consider timely to undertake another small scale trial of the disposal facilities along more popular coastal locations.

**Recommended Action:**

- Council give in-principle support to a small scale trial for the provision of ‘dog poo bags’ (dispensers) and the provision of associated waste bins, and that a further report be brought back to Council providing further details of the costs and logistics for such a trial.

**5. Barking Dog Complaints Procedures**

The issue relating to Council's current procedures in dealing with barking dog complaints was addressed in the report submitted to the Council meeting of 12 December 2013.

**Recommended Action:**

- No change to current practice

**OPTIONS:**

That Council:

1. supports the officers' recommendations; or
2. does not support the officers' recommendations.

Option 1 is recommended.

**CONCLUSION:**

Increasing levels of interest and community expectations in respect of animal management issues are placing great pressure on Council's resources. This report is considered to be a good opportunity to raise the awareness and seek Council direction on a number of the more prominent emerging issues.

**COUNCIL IMPLICATIONS:****a. Policy:**

- Propose new policy for dog 'off'-leash' areas.
- Review Council's existing companion animal policy.

**b. Budget/Long Term Financial Plan:**

- Potential costs arising from any new Pound facilities or the development of any new 'off-leash' facilities.

**c. Legal:**

- N/A

**d. Communication/Engagement:**

- Community consultation will be required for each proposed 'off-leash' area; and

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1: Copy of report to Council's Meeting of 12 December 2013 (ECM 3306488)
- Attachment 2: Copy of aerial concept plan of proposed new off leash dog area at Tyalgum (ECM 3306490)