



**TWEED**  
SHIRE COUNCIL

# Policy

## Wildlife Protection Areas

Version 1

Adopted by at its meeting on

Minute No:

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# Wildlife Protection Areas

## Policy Objective

Through the declaration of Wildlife Protection Areas, Council will improve the conservation of public land by reducing threats to wildlife by prohibiting domestic dogs and cats.

The policy applies to public land with high nature conservation value that are considered at risk from the impacts of domestic dog and cats.

## Definitions

**Companion/ Domestic animals** - animals, specifically dogs and cats for the purpose of this policy that are cared for and live with humans. This relates both to animals that are confined on an owner's property or those that are allowed to roam outside of an owner's property.

**High conservation value areas** - have ecological significance at the global, national, regional or local levels.

**Wildlife Protection Area** - Wildlife Protection Areas are public places set apart for the protection of native animals and their habitats under the NSW *Companion Animals Act 1998*.

## Policy Background

There are 122 scheduled threatened fauna species in Tweed Shire, many of which are susceptible to the impacts of domestic dogs and cats. Wildlife Protection Areas are an effective and useful option for councils to help protect native fauna from domestic animals on public land.

Council manage significant areas of public land including habitat for threatened species that are impacted by domestic animals. Specifically, Council manage more than 2000 hectares of bushland reserve whose primary use is nature conservation. Other areas of public land including headlands, coastal, estuarine or riparian areas managed by Council may also be appropriate for consideration.

Under the NSW *Threatened Species Act 1995* public authorities, including local government, “are to take any appropriate action available to them to implement those measures included in a (threatened species) recovery plan for which they are responsible and must not make decisions that are inconsistent with the provisions of a recovery plan”.

Declaration of Wildlife Protection Areas is consistent with Council’s Community Strategic Plan objectives in relation to protection and management of the natural environment and the core objectives identified in Section 36E of the NSW *Local Government Act 1993* for community land categorised as natural area:

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

A key theme of the Tweed Coast Comprehensive Koala Plan of Management adopted by Council in 2015 is reducing the impact of dogs on koalas. Declarations of Wildlife Protection Areas consistent with the criteria identified herein address relevant provisions of this plan.

Council Rangers require clear legislative boundaries for issuing infringements to domestic animal owners and are familiar with the mechanisms of the *NSW Companion Animals Act 1998*.

## Policy

Wildlife Protection Areas are public places set apart for the protection of native animals and their habitats under the *NSW Companion Animals Act 1998*. Council can prohibit cats and dogs from public lands for the purpose of wildlife protection.

Under the *NSW Companion Animals Act 1998*, Wildlife Protection Areas can be declared as one of two categories:

- Category 1 lands prohibit both cats and dogs as per S.30 c.1(b) and S.14 c. 1(h) of the *NSW Companion Animals Act 1998*.
- Category 2 lands prohibit cats as per S.30 c.1(b) of the *NSW Companion Animals Act 1998*. Dogs that are on a leash will be permitted on formed tracks, pathways or roads in Category 2 lands.

Council will identify suitable areas of public land for consideration as Wildlife Protection Areas. Criteria for the identification of candidate areas will include:

- Known records of relevant species or their habitat
- Evidence of the occurrence of domestic dogs or cats
- Ability to identify and signpost the declaration area in accordance with legislative provisions

Proposed declaration areas will be put forward to Council for consideration with relevant supporting information including:

- Detail of how the proposed declaration areas address the policy criteria

- A map identifying the proposed declaration areas
- Type of declaration proposed (Category 1 or Category 2)
- A cost estimate for the implementation of the proposed declaration

Upon endorsement by the Council, proposals will be publicly exhibited for a minimum of 28 days.

## **Declaration**

Following completion of the public exhibition, a report on submissions received and a recommendation to proceed with a declaration or otherwise will be prepared for Council's consideration.

A Wildlife Protection Area, subject to formal adoption by Council, will not come into effect for 30 days from the date of adoption.

Declared Wildlife Protection Areas will be listed, including a map, on Council's website as pending and as declared following the 30 day period.

Part of the legislative requirements of implementing Wildlife Protection Areas is the installation of signage at entrances, track heads, informal tracks and at regular intervals on the boundary. Signs must identify the place as a Wildlife Protection Area and include the relevant restrictions, name of the Act, cost of fines and where possible, a map of the declared area.

## **Related Legislation**

- *NSW Local Government Act 1993*
- *NSW Companion Animals Act 1998*
- *NSW Threatened Species Act 1995*
- *Commonwealth Environment Protection Biodiversity Conservation Act 1999*
- *NSW National Parks and Wildlife Act 1974*
- *NSW Biodiversity Conservation Act 2016*

## **Compliance**

Sections 30 and 14 of the *NSW Companion Animals Act 1998* give Council the authority to impose fines to non-compliant companion animal owners in Wildlife Protection Areas.

Compliance will be monitored by Compliance Services in accordance with the priorities and resources identified in Council's Delivery Program and Operational Plan.

## **Forms**

Not applicable.

## **Review Period**

This policy will be reviewed every 5 years or more frequently in the event of any legislative changes or change in circumstances.

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**Version Control:**

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
<i>01</i>	<i>Draft for consideration by Council</i>	<i>19 April 2017</i>