



**Burwood** Inc.1874  
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## COMPANION ANIMAL MANAGEMENT PLAN

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## Introduction

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A Local Animal Management Plan is a document which provides a means for Burwood Council ("Council") to fulfil its responsibilities under *The Companion Animals Act 1998* over the next three to five years, by determining relevant objectives and priorities along with a clear program of implementation.

## Purpose

Council developed a Local Animal Management Plan to improve outcomes in the area of Companion Animal Management. 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.

## Outline

This Local Animal Management Plan is divided into two parts:

Part 1 is entitled Legislative Requirements. It examines relevant issues and the obligations of Council to meet its responsibilities under *The Companion Animals Act 1998* ("the Act").

Part 2 is entitled Local Content. It provides a framework for the management of companion animal issues to ensure Council meets its obligations under the Act, and determines how Council will promote responsible pet ownership.

## Scope

This policy is applicable to Council and all companion animal pet owners living in, or using facilities within, the Burwood Local Government Area.

## Part 1 - Legislative Requirements

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The Act sets the framework for council to deal with issues relating to companion animals. The Act defines a companion animal as a dog, cat or any animal that is prescribed by the regulations as a companion animal.

### Registration and identification of companion animals

Registration and identification are crucial components of animal management as a source of funds for education and enforcement, as a database for returning lost pets and identifying offending animals and as a way of communicating with pet owners.

Under the Act a companion animal must be micro chipped from 12 weeks of age and must be registered from 6 months of age.

### Off-leash areas

Council can declare a public place to be an off-leash area. Such a declaration can be limited 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 space in any municipality that is an off-leash area.

Burwood Council has four off-leash areas at Henley Park, Burwood Park, Blair Park and Grant Park.

## Public places where dogs would be excluded

Under The Act, dogs are prohibited in the following public places:

- In or within 10m of any children's play areas
- Food preparation 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.
- Note: Part 6 of The Act does provide exemption provisions for Assistance Animals (Guide Dogs).
- Thus Council can elect to prohibit dogs from particular recreation areas, public bathing areas, shopping centres and wildlife protection areas.

## Dog faeces

Un-retrieved dog faeces are a problem for health, environmental and amenity reasons. Under the Act, owners are required to remove their dogs' faeces and properly dispose of them. In practice, this is extremely difficult to enforce and may need to be a priority for any public education activities.

Local authorities 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.

## Nuisance dogs

Under section 21 of the *Companion Animal 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.

Barking dog complaints are common in urban areas and complaints are often not easy to resolve and consume large amounts of a Council Officers' time.

On the face of it the Nuisance Dog Provisions seem straightforward, however in practice they could be difficult to enforce given nuisance problems are often difficult to define and measure. The words 'repeatedly' and 'habitually' will be important in determining if a nuisance exists.

## Dangerous dogs

Council can declare a dog kept in its area as dangerous. Once a dog is declared dangerous, the owner must comply with specified conditions including keeping the dog in a childproof enclosure.

## Restricted Dogs

Restricted dogs - the following are restricted dogs:

- Pit bull terriers
- American Pit Bull Terriers
- Japanese Tosas
- Argentinean 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.

## **Cat Management**

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 (see discussion below). Other options for protection of wildlife include:

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

## **Areas from where cats would be prohibited**

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

- Food preparation or consumption areas or 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 (no such areas have been declared in Burwood).

## **Nuisance cats**

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 complaints, 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.

## **Funding**

The Act provides an opportunity for Council to apply for a special Animal Management Levy to help fund animal management enforcement and education. These activities cannot be funded out of animal registrations and infringements alone. The levy could apply to all rateable properties within the municipality in recognition of the fact that all residents benefit from local animal management, not just pet owners. This is a matter Council could consider during budget sessions.

## **Part 2 – Local Content**

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Burwood Council is situated in the Inner Western Suburbs of Sydney. It is one of the smallest

Councils in NSW with an area of 7 square kilometres and a population of 39,000 people.

It is bordered to the south by the City of Canterbury Bankstown Council, to the north by Canada Bay Council, to the east by Inner West Council and the west by Strathfield Council.

Burwood is primarily a residential area with a strategic centre and a hierarchy of small centres and villages. Burwood Council has an under supply of open spaces in comparison to other Sydney Metropolitan Councils. There are 44 hectares of parklands and reserves which is 6.3% of the gross area of 700 hectares.

### **Issuing of Dangerous Dog Declarations**

A dangerous dog declaration may be issued by Council under the following circumstances:

- a. If the attack involves serious medical treatment to another animal or
- b. If the attack involves an attack on a person resulting in medical treatment

The issuing of a Dangerous Dog Declaration will be issued only if a dog attack has occurred under the definition of dog attack in The Act.

### **Revoking Dangerous Dog Declarations**

Council may consider revoking a dangerous dog declaration however the behaviour of a dog must be determined by a qualified animal behaviourist to have changed to the extent that no further violent attacks would occur. The qualified animal behaviourist must provide a report highlighting such claims. Council will consider any such submissions however any decision will be based on future public safety and likelihood of reoffending. A dangerous dog declaration can only be revoked by a resolution of Council.

In the event that Council receives a representation to revoke a dangerous dog declaration when the dog was declared by another Council, further information will be required from the issuing Council including the original behaviour of the dog, and the circumstances surrounding the issuing of the declaration.

### **Restricted Breed Declaration**

If Council receives a change of restricted breed request from a dog owner, an authorised Council Officer will assess the dog to check the validity of the request. The breed of a dog that has been declared restricted as a result of a notice of intention cannot be changed.

The dog owner must obtain a breed assessment report from a registered breed assessor before Council will consider a request to change the breed of dog from restricted breed.

### **Dangerous and Restricted Dog Enclosures**

All declared dangerous or restricted dogs will be required to be housed in an approved dog enclosure. The Companion Animal Act provides provisions for such enclosures. Every new enclosure will be required to be inspected and a certificate of compliance issued by Council. A Development Application may be required pending the size of the enclosure.

### **Companion Animal Rehoming Approach**

Council has widely been recognised for its No Kill Approach to impounded dogs. For the purpose of the CAMP, the No Kill Approach is based on:

- All dogs impounded must be returned to the owner in the first instance
- In the event that an owner cannot be contacted or no owner known, Council will ensure all

avenues are under taken, including advertisements, to try to re-home the dog to a new home (after the legislative period)

- The maximum duration of care under the No Kill Approach is three months. Thereafter ownership will either be automatically transferred to another agency or euthanised if ownership cannot be transferred
- An exemption to the No Kill Approach pertains to the prevention to re-home under legislative provisions or when professional veterinary advice suggest that such dog is unsuitable due to illness, injury, disease or behavioural issues.

## Cat Management

The provisions for cats in general are limited, however, Council has realised the social implications caused by feral cats. To address these implications, Council may impound cats if the provisions of Section 32 of the Act are satisfied or if the cat is deemed feral by an authorised officer.

Council may impound cats caught by residents, however, the Council Officer must deem the cat feral and receive a signed statement from the person whom caught the cat to ensure liability risks have been reduced and the cat is not a domestic pet caught for the wrong reasons.

## Number of animals kept on a premise

Council will not provide restrictions on the number of dogs or cats kept on a premise. The owner of the companion animals must ensure compliance with various regulations to prevent social and health issues to the animals and neighbouring properties. Council will use relevant legislation to control, restrict or prevent the number of animals in the event strong controls are required.

## Key Issue Areas

The key issue areas in companion animal management 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

## Identification and Registration

Identification and registration are required under The Act, but are also important for reuniting lost pets with their owners and as a source of funding for animal management activities.

Boosting registrations should be a priority of the Companion Animal Management Plan.

Strategic action	Priority	Responsibility	Target/performance
Educate the community about the importance and need for micro chipping and registering dogs and cats	High	Group Manager Compliance	Continue to boost registrations through enforcement and other animal management activities/ Media campaign

## Dogs in Public Places

Dogs and their owners are significant users of public open spaces, 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. Once established, off-leash areas need to be protected from conflicting land uses (such as playground equipment) or development. This is best done by integrating the new provisions into relevant plans of management. Over time, improved planning and design can be used to reduce conflict between different public open space users and resources.

The provisions relating to dog's access to public open spaces need to be disseminated widely to the community and appropriate signage is essential. There may also be a case to prohibit dogs from some public places. These issues need to be decided in consultation with the local community.

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	Medium	Manager Parks	Every three years
Advise relevant Council departments, adjacent Councils and other relevant stakeholders of the new leash provisions	Medium	Group Manager Compliance	Advice forwarded when applicable
Consider Off-leash provisions in the development of Plans of Management for open spaces	High	Senior Landscape Architect and Manager Parks	Draft Plans of Management to be referred for comment to Authorised Officer

## Dangerous Dogs and Restricted Breeds

The Act provides special provisions for dealing with dangerous dogs and restricted dog breeds. Council needs to ensure it is satisfied with procedures for dealing with such dogs. Both types of dog are required to be kept in a child-proof enclosure. Council needs to determine appropriate specifications and a development application maybe required.

Strategic action	Priority	Responsibility	Target/performance
Review procedures for dealing with dangerous dogs and restricted breeds	High	Group Manager Compliance	Review annually
Inspect and certify suitable child-proof enclosure	High	Group Manager Compliance Group Manager Building and Development	Design guidelines approved in regulation

## Wandering Dogs

Dogs wandering at large contribute significantly to the Council's animal management tasks. Identification and registration are central to the management of wandering dogs. Housing design may also have a role to play in helping owners to properly confine their dog.



Strategic action	Priority	Responsibility	Target/performance
Educate the community about the importance of properly confining their dogs	Medium	Group Manager Compliance	Media campaign and Council's Webpage

### Excessive Barking

Barking dog complaints are problematic due to their inherent subjectivity and the fact that they are not easily resolved. Options for improvement include the use of a diary system by complainants, staff training in negotiations and the introduction of a referral system to a specialist animal behaviourist.

Improved housing design could also be used to reduce the incidence of barking complaints in new developments.

Strategic action	Priority	Responsibility	Target/performance
Review procedures for dealing with barking dog complaints	High	Group Manager Compliance	Review annually

### Faeces Management

Removal and disposal of dog faeces by dog owners is required under *Section 20 of the Companion Animals Act*. 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 dogs' faeces could be a priority for public education. It is Council's duty to provide sufficient rubbish receptacles for the disposal of dog faeces.

Strategic action	Priority	Responsibility	Target/performance
Install sufficient rubbish receptacles for the disposal of dog faeces	High	Manager Parks and Senior Landscape Architect	Appropriate receptacle locations chosen in consultation with Parks Team
Educate the community about the importance of removing and disposing of dog faeces and options available	High	Group Manager Compliance	Media campaign and Council's Webpage

### Recognising the Benefits of Pet Ownership

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

Strategic action	Priority	Responsibility	Target/performance
Consider the health benefits of owning pets	Low	Group Manager Environment & Health	Make available information about public health benefits to owning pets
Assist tenants and landlords with queries about owning pets in rental accommodation.	Low	Group Manager Compliance	Brochures on keeping pets at Council

## Cat Management

Cats are required to be identified and registered under the Act. 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 (e.g. cat bans, cat curfews etc.) are expensive and difficult to enforce. Public education is required to increase awareness of the need to identify and register cats and about responsible cat ownership. Improved housing design could be used to assist owners to responsibly confine their cats.

Strategic action	Priority	Responsibility	Target/performance
Incorporate consideration of cat prohibitions in the review of on and off-leash areas and areas from which dogs would be prohibited	Medium	Manager Parks/Senior Landscape Architect	Annual review
Establish procedures for dealing with nuisance cats	Medium	Group Manager Compliance	Procedures established. To be reviewed annually
Educate the community about responsible pet ownership and the need to identify and register their cats.	Medium	Group Manager Compliance	Media campaign and Council's Webpage

## Animal Welfare and Safety

Animal Management procedures need to ensure appropriate animal welfare and safety. Of particular importance is promoting the de-sexing of non-breeding pets.

Strategic action	Priority	Responsibility	Target/performance
Promote de-sexing of companion animals	Medium	Group Manager Compliance	Media campaign and Council's Webpage
Promote and enforce identification and registration to enable safe return of companion animals	Medium	Group Manager Compliance	Media campaign
Review existing holding facility arrangements for compatibility with responsibilities	Medium	Group Manager Compliance	Review current pound facilities annually

## 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	High	Group Manager Compliance	Annual review

## Education and Dissemination

Education is the key to lasting 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.

The education campaign needs to consider both formal education (brochures, communication in the media etc.) and informal education. The latter may require staff training in dealing with the community in their day-to-day patrols.

## Related Information/Glossary

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- *Companion Animals Act 1998* and regulations

## Contact

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Group Manager Compliance – 9911 9892