

## Procedure 4.04.6 Companion Animals Control Areas

<b>Department</b>	Community, Environment and Planning
<b>Responsible Officer</b>	Manager   Certification and Compliance

### Introduction

This Procedure describes Council's requirements for management of companion animals within the Bega Valley Shire. Leash free areas are identified as well as other areas where specific dog controls are in place. The Procedure includes general information on companion animal ownership and includes general owner responsibilities and outlines Council's enforcement procedures.

The Procedure is supported by information on Council's website which includes maps of all the control and leash free areas.

The objectives of this Procedure are listed below and are multi-faceted.

- To control and regulate dogs:
- To assist in wildlife protection:
- To set aside specific areas where dogs are permitted leash free:
- To specify conditions under which dogs are permitted on beaches and other areas in the Shire:
- To provide dog owners with adequate access to open space for the purpose of exercising their dogs:
- To restate owner responsibilities in respect to cats and dogs in the public place: and
- To provide a variety of access options to open space so as to provide dogs with the necessary stimulus to promote wellbeing.

### Definitions

Term	Definition
Effective Control	A dog is under effective control of a person if it is controlled by means of an adequate chain, leash, or cord held by the person.
Public Place (from the Act)	Any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden, and any other place that the public are entitled to use.
Leash Free Area	A park or reserve or part thereof or an identified area recognised as a dog leash free area within the time or access options set by Council but not to the exclusion of other recreational users.
Nuisance	A dog is considered to be a nuisance if the dog creates a noise by barking or otherwise, which persistently occurs to such an extent that it unreasonably interferes with the amenity of a person in any place.  The dog behaves in a manner which is injures or dangerous to the health of any person.
Competent person	A person that is properly qualified or capable of undertaking the task, or having

Term	Definition
	the necessary ability, knowledge, or skill to do something successfully. (Macquarie Dictionary 2006)

## Background

### General Responsibilities

Dog owners have an obligation to ensure that their dog does not adversely affect any other person.

- Dogs should be kept away, wherever possible, from adjacent private properties to prevent dogs in backyards from creating a nuisance.
- People with dogs in public places should be aware of other dogs and their owners, the general public and children in particular and should move to avoid conflict where it is anticipated.
- In natural areas such as reserves or beaches dog owners should be mindful of native flora and fauna and keep dogs on established tracks and away from fore-dunes and other sensitive areas.

### Legal Responsibilities

#### *Dog on Lead*

Throughout New South Wales, dogs are required to be on leash at all times in public places. The exceptions to this rule are:

- Dogs accompanied by a person within a Council declared Council leash free area.  
**Special note:** Companion Animal owners in a Council designated leash free area can still be guilty of an offence if their dog attacks, harasses or chases any person or animal.
- A dog participating in an organised obedience class or trial.
- A dog being exhibited in an organised show.
- A dog primarily for the purpose of droving, tending working or protecting stock and includes a dog being trained as a working dog
- A police dog.

#### *Collar and Name Tag*

A dog that is away from the premises and in a public place, the owner must ensure the dog is wearing a collar and tag. The tag must show the name of the dog and the address or telephone number of the owner whether the dog is microchipped or not.

#### *Microchip & Registration*

Dogs over the age of 12 weeks must have a microchip implant. Microchip details are kept up to date on the NSW Companion Animal Register. Dogs over 6 months of age must be lifetime registered.

#### *Cleaning up after your Dog*

If a dog defecates in a public place the dog owner or person in charge of the dog must immediately remove the faeces and dispose of it in a proper manner.

#### *No more than four*

Any one person can only have a maximum of four dogs under their control. This applies to dogs on a lead and dogs off leash in a leash free area.

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***Dog prohibited in some public places under the Companion Animals Act***

Section 14 of the Companion Animals Act states that dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):

- (a) **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).
- b) **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).
- (c) **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).
- (d) **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).
- (e) **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).
- (f) **Child care centres** (meaning any property occupied or used for a purpose connected with the conduct of a child care service as defined in the Children (Care and Protection) Act 1987, other than any property used for a residence or the curtilage of a residence).
- (g) **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.
- (h) **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).

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## Requirements

The following list outlines Council declared dog leash free and dog prohibited areas.

### Control areas

The following sites are **prohibited dog areas**:

***Wildlife protection areas - where dogs are prohibited at all times by order of the local authority:***

1. **Bermagui Flora and Fauna Reserve (Long Swamp)** – the public area between the road closure at southern end of the reserve from Old Tilba Road to the road closure which includes the dune area, but does not extend to the beach (refer PDA1).
2. **Bermagui Lagoon**, Wallaga Lake Road between Moorehead Beach. The North boundary in direct line East end of Willis Street and South boundary East end of George Street, including timber foot bridges over lagoon (refer PDA2).
3. **Murunna Point and Murunna Point sand spit, Wallaga Lake** from the lake mouth south to Camel Rock and all the reserve, bounded by the lake in the north, private land in the west and Camel Rock access road and car park to the South, and North of the inlet including all areas between the ocean and Wallaga Lake and up to the northern boundary of the Bega Valley Shire (refer PDA3).
4. **Barragoot and Cuttagee beaches and estuaries** (refer PDA4).
5. **Spencer Park Beach and tidal flats, Merimbula**. Includes East Bar Beach, all tidal and sand flats between the Marine Rescue Wharf to the eastern end of Bar Beach and south of the retaining wall at Spencer Park (refer PDA5).
6. **Mogareeka Inlet sand spits and islands** in the estuary East of Tathra Bermagui Road Bridge and the rocks at the Headland south to Lions Park (refer PDA6).
7. **Back Lake and Back Lagoon** (near Short Point) **Merimbula**. Bounded by Whipbird Way, Mirador (refer PDA7).

***Public bathing areas:***

**A. Where dogs are prohibited at all times by order of the local authority:**

1. **Bar Beach, Merimbula** (refer PBA1)
2. **Pambula River Mouth** includes the beach and foreshore areas south and east of the rock headland at the northern side of the Pambula River mouth to a line drawn south as a continuation of the western boundary of parcel 6393 (refer PBA2).
3. **Bruce Steer Pool, Bermagui**, not including the rock groin path (refer PBA3).
4. **The Blue Pools, Bermagui** (refer PBA4).

**B. Where dogs are prohibited seasonally by order of the local authority:**

All lifeguard patrolled beaches within 100m of the patrolled areas indicated by the flags between the dunes and the outer edge of the surf zone. These beaches are:

1. Camel Rock, Bermagui
2. Horseshoe Bay, Bermagui
3. Tathra Beach

4. Short Point, Merimbula
5. Main Beach, Merimbula
6. Pambula Beach
7. Asling's Beach, Eden

***Public recreation areas where dogs are prohibited at all times by order of the local authority:***

1. **Tathra Wharf** (refer PRA1).
2. **Merimbula Wharf** (refer PRA2).
3. **Lions Park, Mogareeka** – including the access road and associated car park (refer PRA3).
4. **Spencer Park, Merimbula** and associated car park (refer PRA4).
5. **Kianniny Reserve, Tathra** includes the parkland narrow jetty boat ramp and associated car park (refer PRA5).
6. **Pambula River Mouth Reserve** (refer PRA6).
7. **Bar Beach, Merimbula** includes the boardwalk/viewing platform on the rocks, and BBQ area (refer PRA7).

***Leash free areas***

The following sites provide dog owners to exercise dogs in open, controlled and safe public areas. Dogs must be under the control of a competent person. Dog owners or carers must immediately remove and properly dispose of dog faeces. Dog off leash areas do not extend to dunes (beach areas) where there can negative impacts on dune stabilisation and to protect native flora and fauna.

1. **Hayward's Beach, Bermagui** – the beach area south of a line drawn east from the intersection of the Camel Rock access road and Wallaga Lake Road for one (1) kilometre and ending at the junction of the un-named creek and the ocean beach near the Wallaga Lake Road/ Old Tilba Road intersection (refer LFA1).
2. **Bermagui Headland Reserve** – the reserve area north of Scenic Drive, the eastern boundary formed by the rock cliff and its intersection with a line drawn north east as a continuation of Young Street. The western boundary formed by the eastern edge of the paved road area at the War Memorial in Lamont Street (refer LFA2).
3. **Beares Beach, Bermagui** – The beach area south from the rock headland just south of Paraboon Drive to the rock headland at the southern end of Beares Beach, not including the beach area adjacent to Paraboon Drive Bermagui (refer LFA3).
4. **Moorehead Beach, Bermagui** - two hundred (200) metres running south east (refer LFA4).
5. **Tathra Beach, Tathra** – the beach area south of a line drawn east from the Tathra Country Club entrance and north of a line drawn east from the northern end of the Holiday Park at parcel 34830 (refer LFA5).
6. **Tura Beach** – the beach area south of a line drawn east from the northern boundary of property at parcel 8024.(162 Pacific Way) and north of a line drawn east from the boundary of property at parcel 37028.(Surf Circle address) and not including the carparks and beach access tracks (refer LFA6).
7. **Main Beach, Merimbula** – the beach area south from a line drawn east as a continuation of Dunns Lane to a point where the access track running east from the Merimbula Airport meets the ocean beach (refer LFA7).

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8. **Lions Park (Jiguma Beach), Pambula Beach** – the beach area north from the Lions Beach carpark pedestrian entry to the rocks and not including any area south of the pedestrian entry, car park or access tracks (refer LFA8).
  9. **Asling's Beach, Eden** – the ocean beach area south from the Curalo Lagoon entrance to a line drawn east from the northern end of the Skate Park at Aslings Beach Road (refer LFA9).
  10. **Old Bega Racetrack, Bega (Accessible)** - area bounded by gravel pathway except when used for special events (refer LFA10)
  11. **Short Point Headland, Merimbula (Accessible)** – the reserve area west of the Short Point Beach paved car park, north of the property boundary of the Holiday Park at parcel 21592 and a line drawn east as a continuation of the northern boundary of parcel 21592 and south and west of the cliff edge (refer LFA11).
  12. **Keith's Pinch, Eden** – the beach area north of the headland at Oman Point and south of the next headland towards Cocora Point in the area known as Keith's Pinch Beach (refer LFA12).

### Provision of Facilities

Council will provide waste disposal bins and dispensers in all dog leash free areas. Where no bins or bags are available, dog owners must immediately remove dog faeces.

### Regulatory Function

Dog Leash Free areas and Dog Prohibition will be clearly sign posted and available on Bega Valley Shire Council website. Council Rangers will continue to regulate public places and issue Penalty Notices for offences under the Companion Animals Act 1998 which include;

- Dogs not under effective control (other than a designated dog off leash area) in a public place.
- Failure to immediately clean up dog faeces in a public place.
- Issue of a Dangerous, Menacing declaration or Nuisance dog order.
- Failure to register dog or cat with Council.



## Control area maps

### Dog Prohibited Areas (DPA)

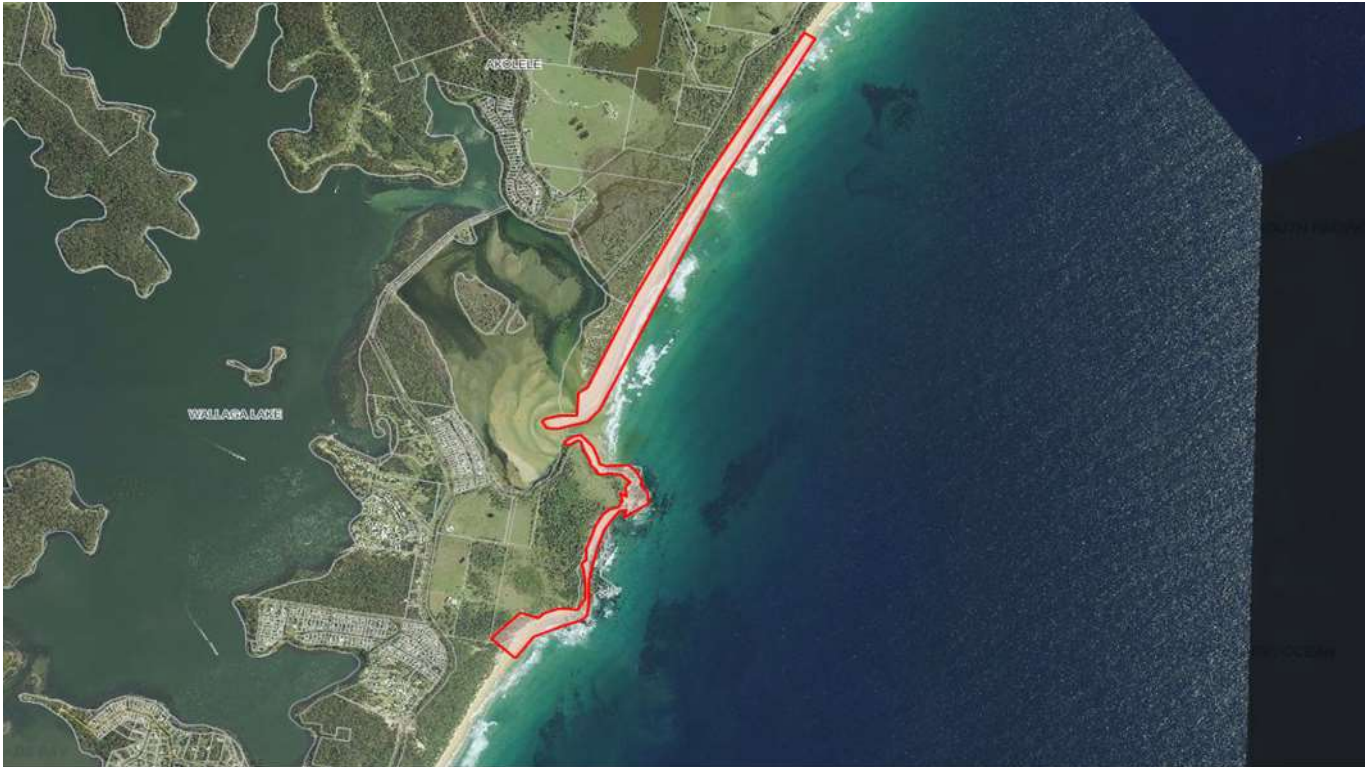
DPA1 - Bermagui Flora and Fauna Reserve (Long Swamp)



DPA2 - Bermagui Lagoon



DPA3 - Murunna Point and Murunna Point sand pit, Wallaga Lake



DPA4 - Barragoot and Cuttagee beaches and estuaries





DPA5 - Spencer Park Beach and tidal flats, Merimbula



DPA6 - Mogareeka Inlet sand spits and islands



DPA7 - Back Lake and Back Lagoon Merimbula





## Control area maps

### Public Bathing Areas (PBA)

#### PBA1 - Bar Beach, Merimbula



#### PBA2 - Pambula River Mouth





PBA3 - Bruce Steer Pool, Bermagui



PBA4 - The Blue Pools, Bermagui





## Control area maps

### Public Recreation Reserves (PRR)

#### PRR1 - Tathra Wharf



#### PRR2 - Merimbula Wharf



PRR3 - Lions Park, Mogareeka



PRR4 - Spencer Park, Merimbula





PRR5 - Kianniny Reserve, Tathra



PRR6 - Pambula River Mouth Reserve



PRR7 - Bar Beach, Merimbula





## Control area maps

### Leash Free Areas (LFA)

LFA1 - Hayward's Beach, Bermagui



LFA2 - Bermagui Headland Reserve



LFA3 - Beares Beach, Bermagui

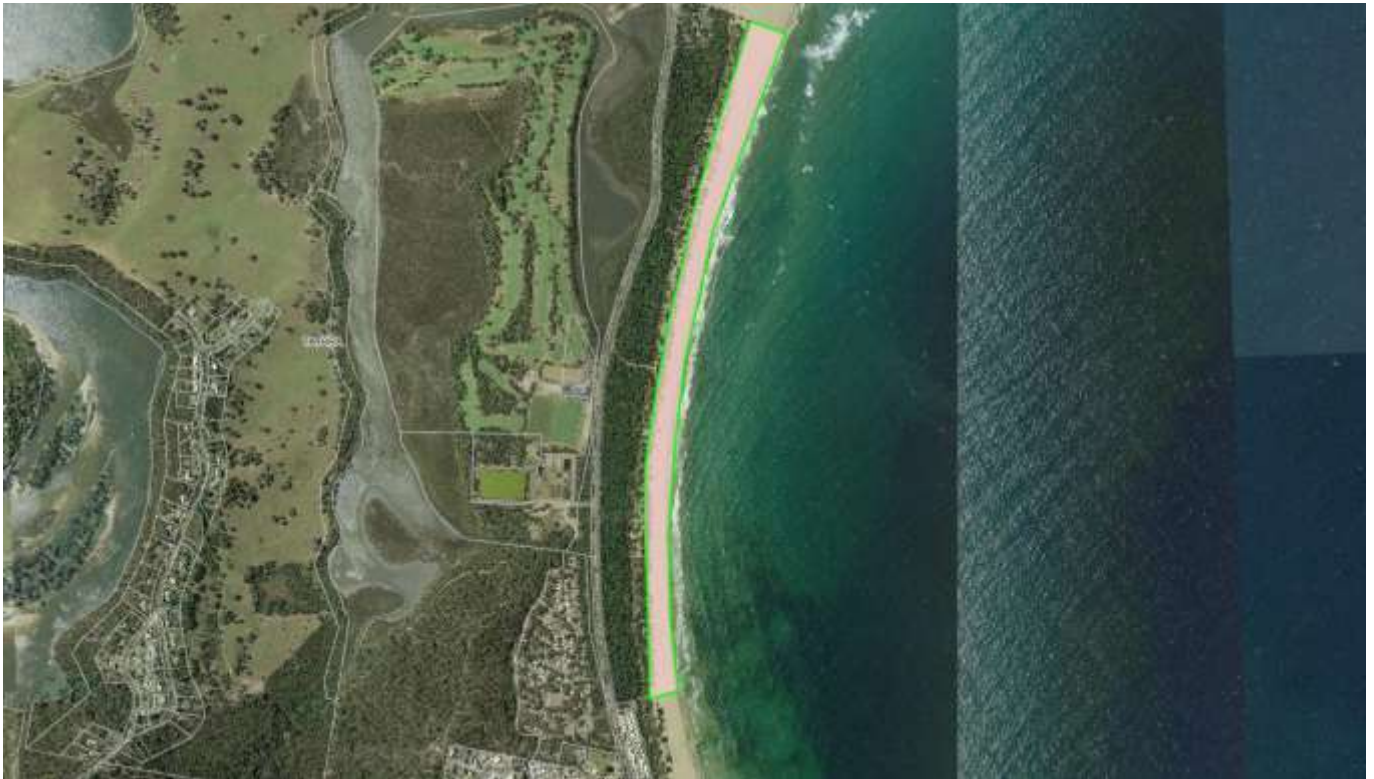


LFA4 - Moorehead Beach, Bermagui

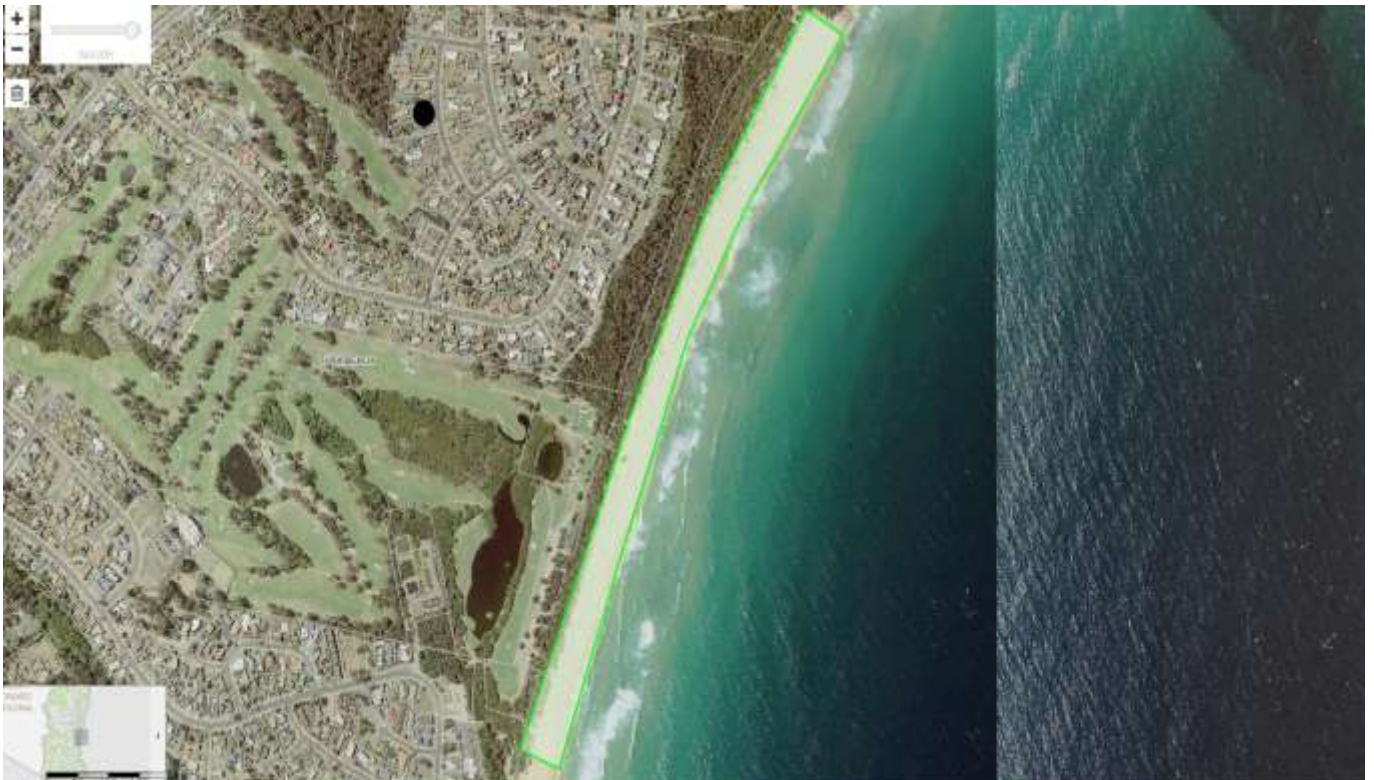




LFA5 - Tathra Beach, Tathra



LFA6 - Tura Beach





LFA7 - Main Beach, Merimbula



LFA8 - Lions Park, Pambula Beach





LFA9 - Asling's Beach, Eden



LFA10 - Old Bega Racetrack, Bega





LFA11 - Short Point Headland, Merimbula



LFA12 - Keith's Pinch, Eden

