

4.04.6 Companion Animals Control Areas

Department	Community, Environment and Planning
Responsible Officer	Manager Certification and Compliance

Table of Contents

1	Introduction	3
2	Definitions	3
3	Legislation	4
4	Implementation	4
4.1	ImplementationGeneral Responsibilities	4
4.2	Legal Responsibilities	4
4.2.1	Dog on Lead	4
4.2.2	Collar and Name Tag	5
4.2.3	Microchip & Registration	5
4.2.4	Cleaning up after your Dog	5
4.2.5	No more than four	5
4.2.6	Dog prohibited in some public places under the Companion Animals Act	5
4.3	Requirements	6
4.3.1	Control areas	6
4.3.2	Wildlife protection areas (WPAs) - where dogs are prohibited at all times by order of the local authority:	6
4.3.3	Public bathing areas (PBAs):	7
4.3.4	Where dogs are prohibited at all times by order of the local authority:	7
4.3.5	Where dogs are prohibited seasonally by order of the local authority because these areas are considered public bathing areas during the swimming season.	7
4.3.6	Public recreation areas (PRAs) where dogs are prohibited at all times by order of the local authority:	7
4.3.7	Leash free areas	7
4.3.8	Provision of Facilities	8
4.3.9	Regulatory Function	8
5	Supporting Documents	10
5.1	Control area maps – Dog prohibited areas (DPAs)	10
5.1.1	Wildlife Protection Areas (DPA)	10
5.1.2	Control area maps – Dog prohibited areas (DPAs)	16

5.1.3	Public Bathing Areas (PBA)	16
5.1.4	Control area maps – Dog prohibited areas (DPAs)	19
5.1.5	Public Recreation Reserves (PRR)	19
5.1.6	Control area maps - Leash Free Areas (LFA)	21

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1 Introduction

This is a procedure under Council's Companion Animals Management Policy that 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, describes 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.

2 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 injurious or dangerous to the health of any person.

Competent person	A person that is properly qualified or capable of undertaking the task, or having the necessary ability, knowledge, or skill to do something successfully. (Macquarie Dictionary 2006)
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3 Legislation

Insert text here

4 Implementation

4.1 Implementation 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.

4.2 Legal Responsibilities

4.2.1 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 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; or
- A Police dog.

4.2.2 Collar and Name Tag

If a dog is away from its registered 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.

4.2.3 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.

4.2.4 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.

4.2.5 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.

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

Section 14 of the *Companion Animals Act 1998* 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).

4.3 Requirements

The following list outlines Council's declared dog leash free and dog prohibited areas. These descriptors take precedence over the maps provided in this procedure in the event of any discrepancy.

4.3.1 Control areas

Council identifies three different categories of **dog prohibited areas (DPAs)**:

- Wildlife protection areas (WPAs);
- Public bathing areas (PBAs); and
- Public recreation areas (PRAs).

4.3.2 Wildlife protection areas (WPAs) - 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 WPA 1).
2. **Bermagui Lagoon**, between Wallaga Lake Road and Moorhead 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 WPA 2).
3. **Murunna Point, Murunna Point sand spit and part of Wallaga Lake Estuary**. In a line from the southern junction of Lot 7015 DP 1052732 and Wallaga Lake Road to the mean high water mark adjacent to the northern point of the northern side of lake mouth, south to Camel Rock and all the Reserve, bounded by private land in the west, Camel Rock access road and car park to the South, and following the southern shore of the lake to the South and North following Wallaga Lake Road back to the Junction of Lot 7015 DP 1052732 (refer WPA 3).
4. **Barragoot Beach and the northern end of Cuttagee Beach and estuaries** excluding the road corridor and car parks on either side of the road, and the area between the road and LF13 (refer WPA 4).
5. **Mogareeka Inlet sand spits and islands** in the estuary East of Tathra Bermagui Road Bridge and south of the Bega River (refer WPA 5).
6. **Back Lake and Back Lagoon** (near Short Point) **Merimbula**. Bounded by Whipbird Way, Mirador (refer WPA 6).

4.3.3 Public bathing areas (PBAs):

4.3.4 Where dogs are prohibited at all times by order of the local authority:

1. **Bruce Steer Pool, Bermagui**, not including the rock groin path (refer PBA 1).
2. **The Blue Pools, Bermagui** (refer PBA 2).
3. **Bar Beach** – the foreshore area north of the beach below the Bar Beach kiosk, west of foreshore vegetation and south of Spencer Park from Dec 1-30 Apr between 10am and 4pm (PBA 3).

4.3.5 Where dogs are prohibited seasonally by order of the local authority because these areas are considered public bathing areas during the swimming season.

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

4.3.6 Public recreation areas (PRAs) where dogs are prohibited at all times by order of the local authority:

1. **Tathra Wharf** (refer PRR 1).
2. **Merimbula Wharf** (refer PRR 2).

4.3.7 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 LFA 1).
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 LFA 2).
3. **Beaes Beach, Bermagui** – The beach area south from the rock headland just south of Paraboon Drive to the rock headland at the southern end of Beaes Beach and including the beach area adjacent to Paraboon Drive Bermagui (refer LFA 3).

4. **Moorehead Beach, Bermagui** - two hundred (200) metres running south east (refer LFA 4).
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 LFA 5).
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 LFA 6).
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 LFA 7).
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 LFA 8).
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 Asling’s Beach Road, and the footpath adjacent to the beach and opposite the caravan park (refer LFA 9).
10. **Old Bega Racetrack, Bega (Accessible)** – area bounded the Bega River to the north of Lot 3200 DP 1036584 and by gravel pathway except when used for special events (refer LFA 10)
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 LFA 11).
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 LFA 12).
13. **Southern Cuttagee Beach** – from the carpark in the south to a line being the extension of northern boundary of Lot 3 DP 558636 and bounded by Tathra Bermagui Road, refer (LFA 13).
14. **Bar Beach** – the foreshore area north of the beach below the Bar Beach kiosk, west of foreshore vegetation and south of Spencer Park except for Dec 1-30 Apr between 10am and 4pm when it is a dog prohibited area (LFA14).
15. **Punt Landing, Mogareeka** – the sand spit area south of Bega River and west of Tathra-Bermagui Road (LFA15).

4.3.8 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.

4.3.9 Regulatory Function

‘Dog leash free area’ and ‘Dog prohibited area’ will be clearly sign posted and a map and this Procedure will be available on the 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.

5 Supporting Documents

5.1 Control area maps – Dog prohibited areas (DPAs)

5.1.1 Wildlife Protection Areas (DPA)

WPA1 - Bermagui Flora and Fauna Reserve (Long Swamp)



WPA2 - Bermagui Lagoon



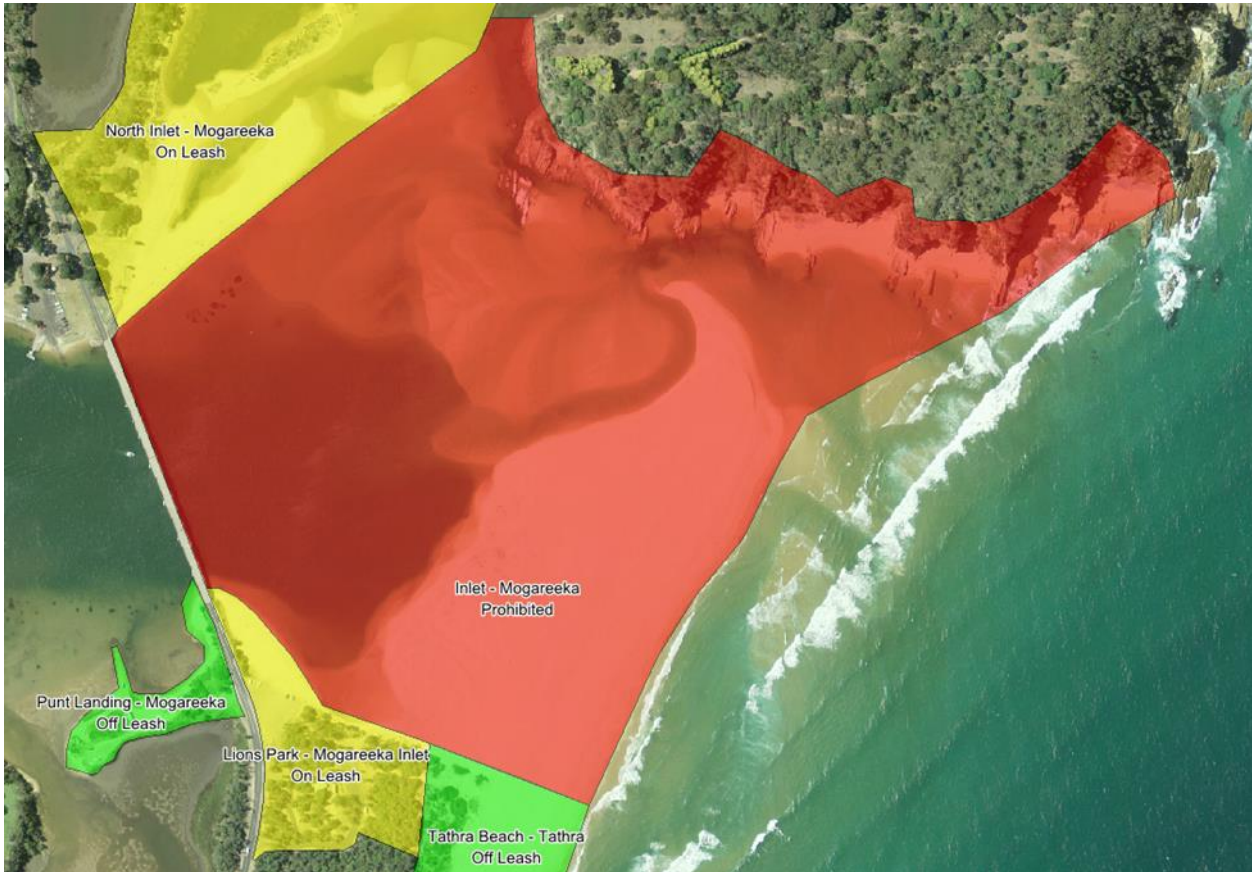
WPA3 - Murunna Point and Murunna Point sand pit, Wallaga Lake



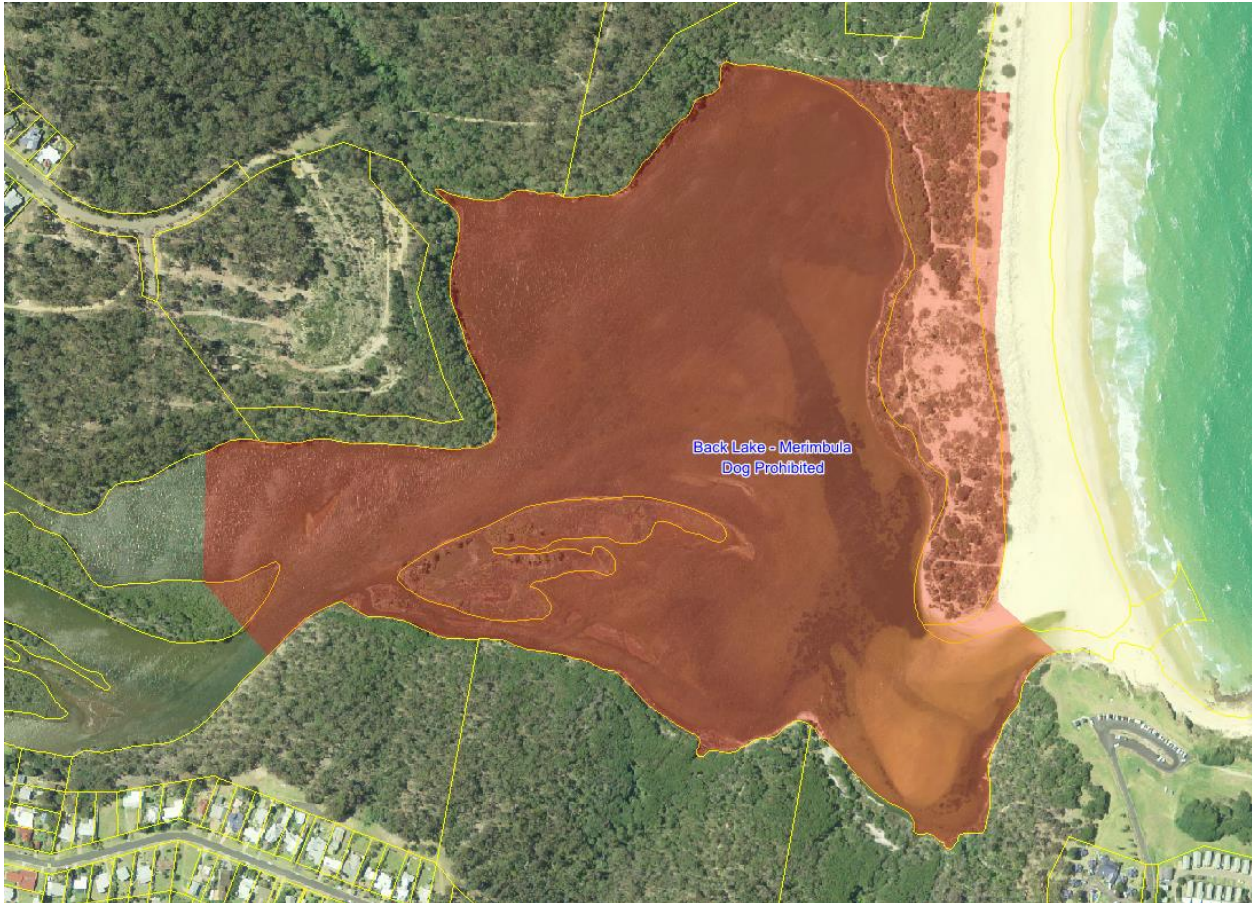
WPA4 - Barragoot and Cuttagee beaches and estuaries



WPA5 - Mogareeka Inlet sand spits and islands



WPA6 - Back Lake and Back Lagoon Merimbula



5.1.2 Control area maps – Dog prohibited areas (DPAs)

5.1.3 Public Bathing Areas (PBA)

PBA1 - Bruce Steer Pool, Bermagui



PBA2 - The Blue Pools, Bermagui



PBA3 - Bar Beach, Merimbula



5.1.4 Control area maps – Dog prohibited areas (DPAs)

5.1.5 Public Recreation Reserves (PRR)

PRR1 - Tathra Wharf

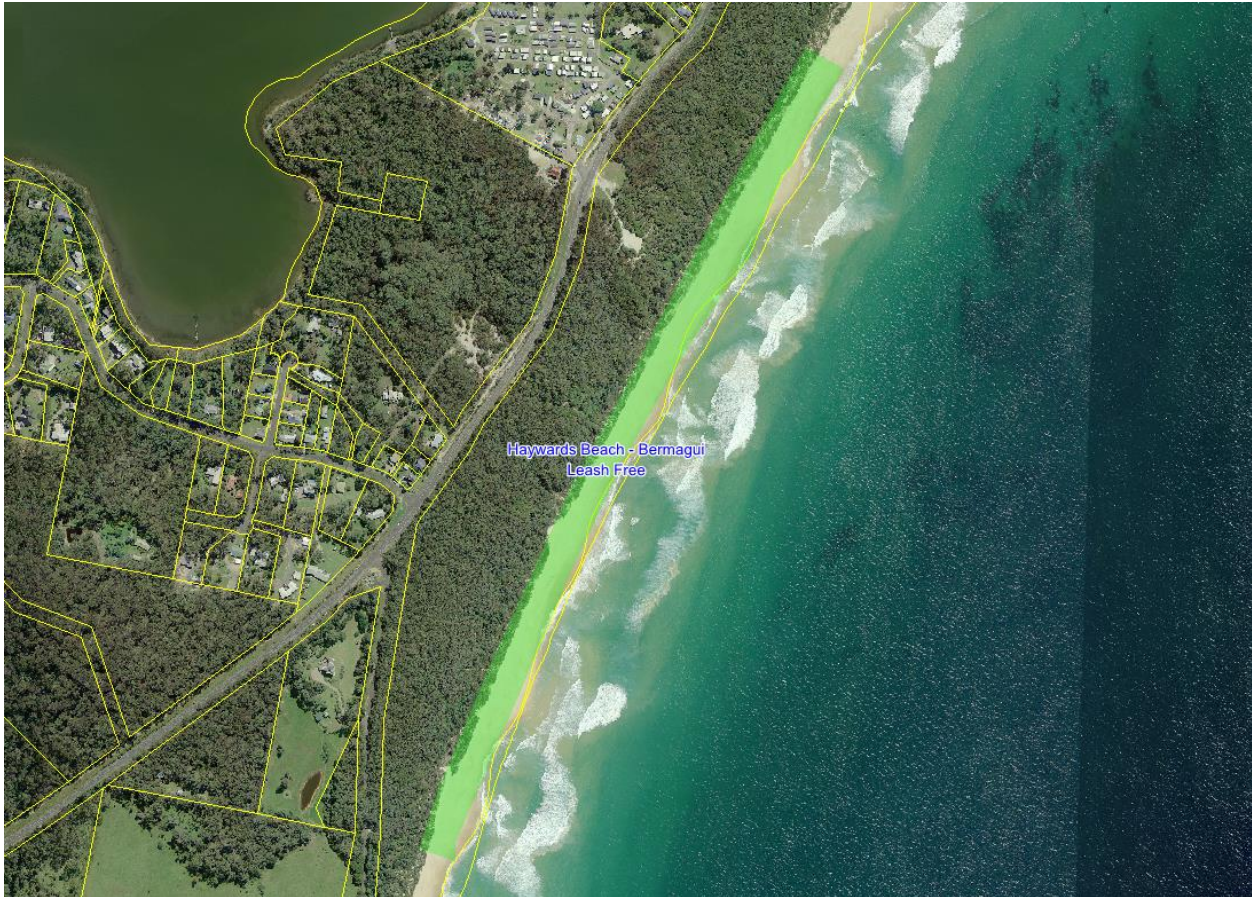


PRR2 - Merimbula Wharf



5.1.6 Control area maps - Leash Free Areas (LFA)

LFA1 - Hayward's Beach, Bermagui



LFA2 - Bermagui Headland Reserve



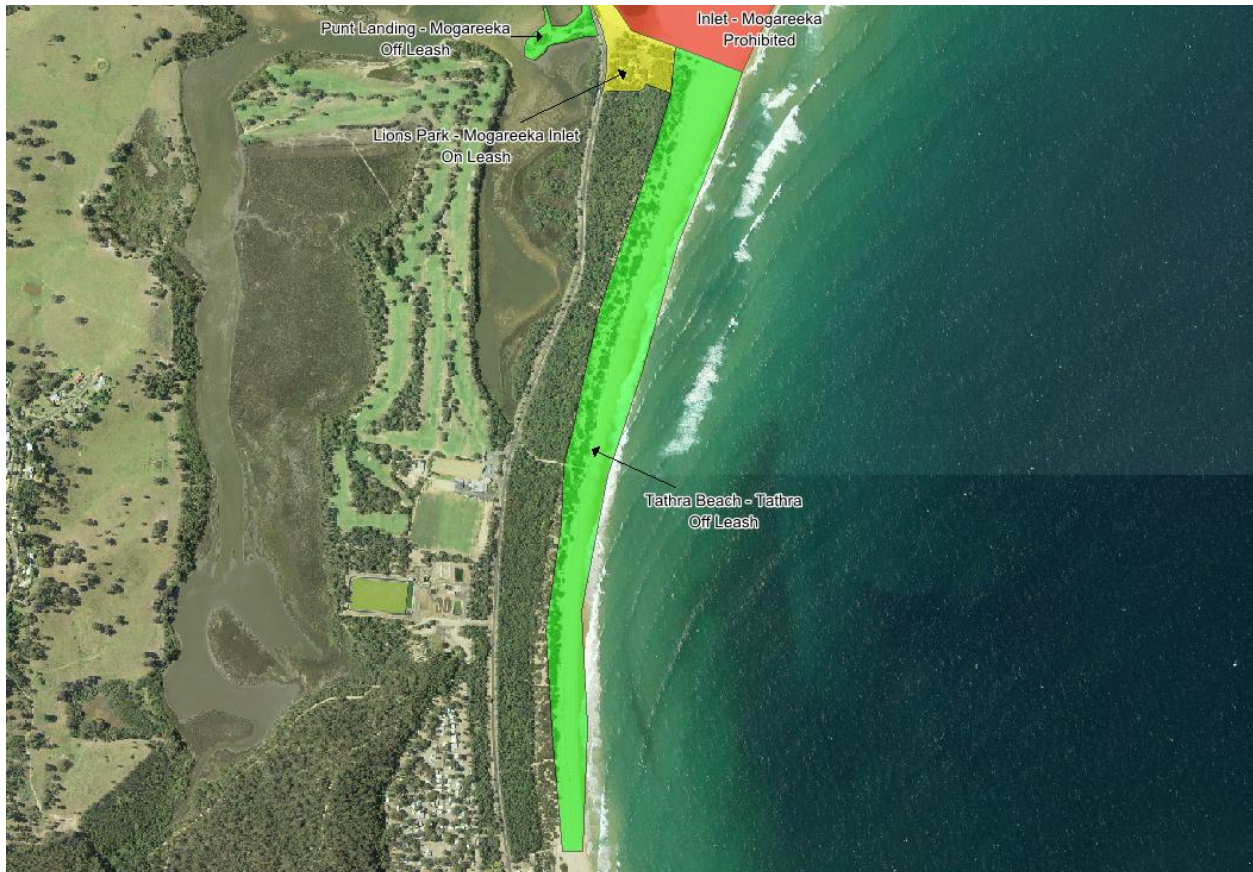
LFA3 - Beares Beach, Bermagui



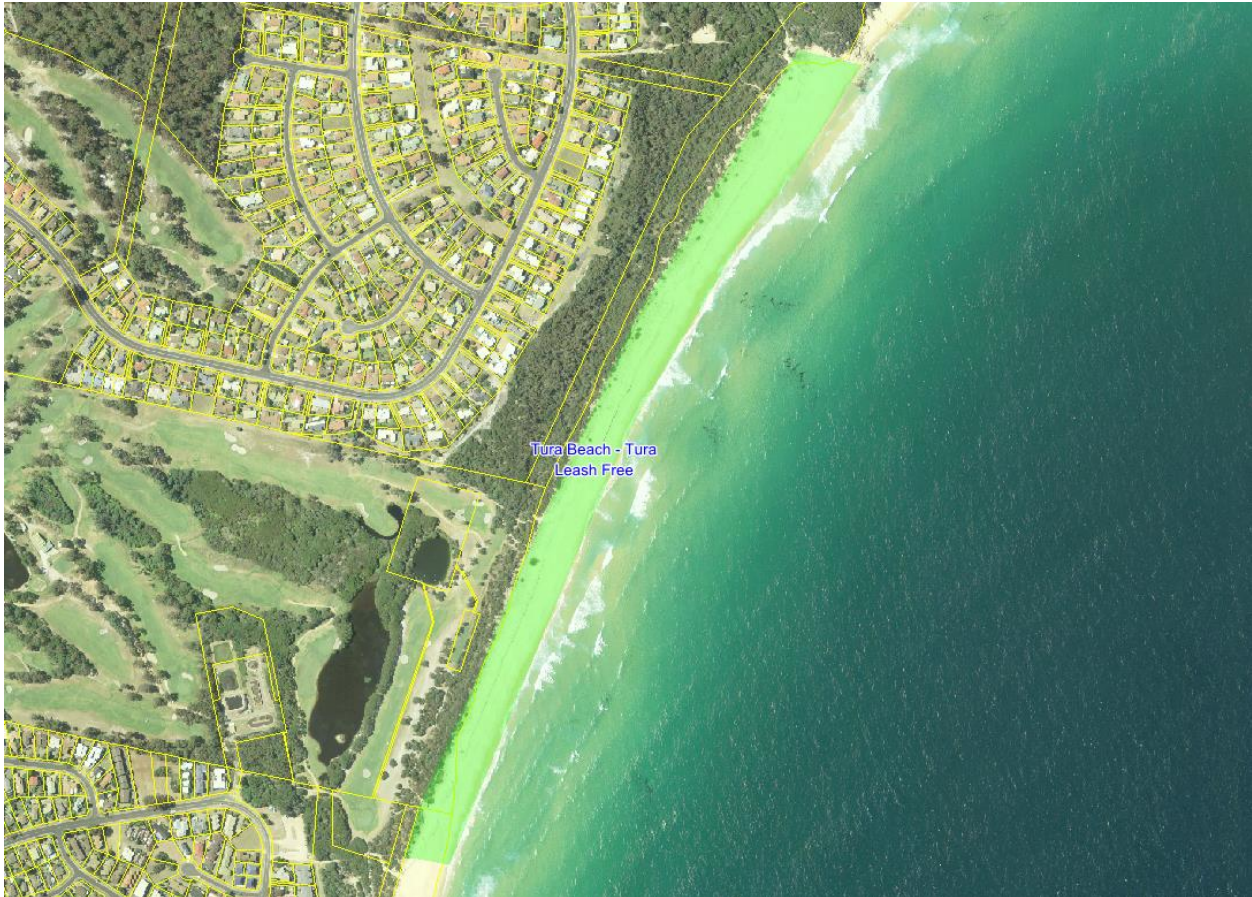
LFA4 - Moorehead Beach, Bermagui



LFA5 - Tathra Beach, Tathra



LFA6 - Tura Beach



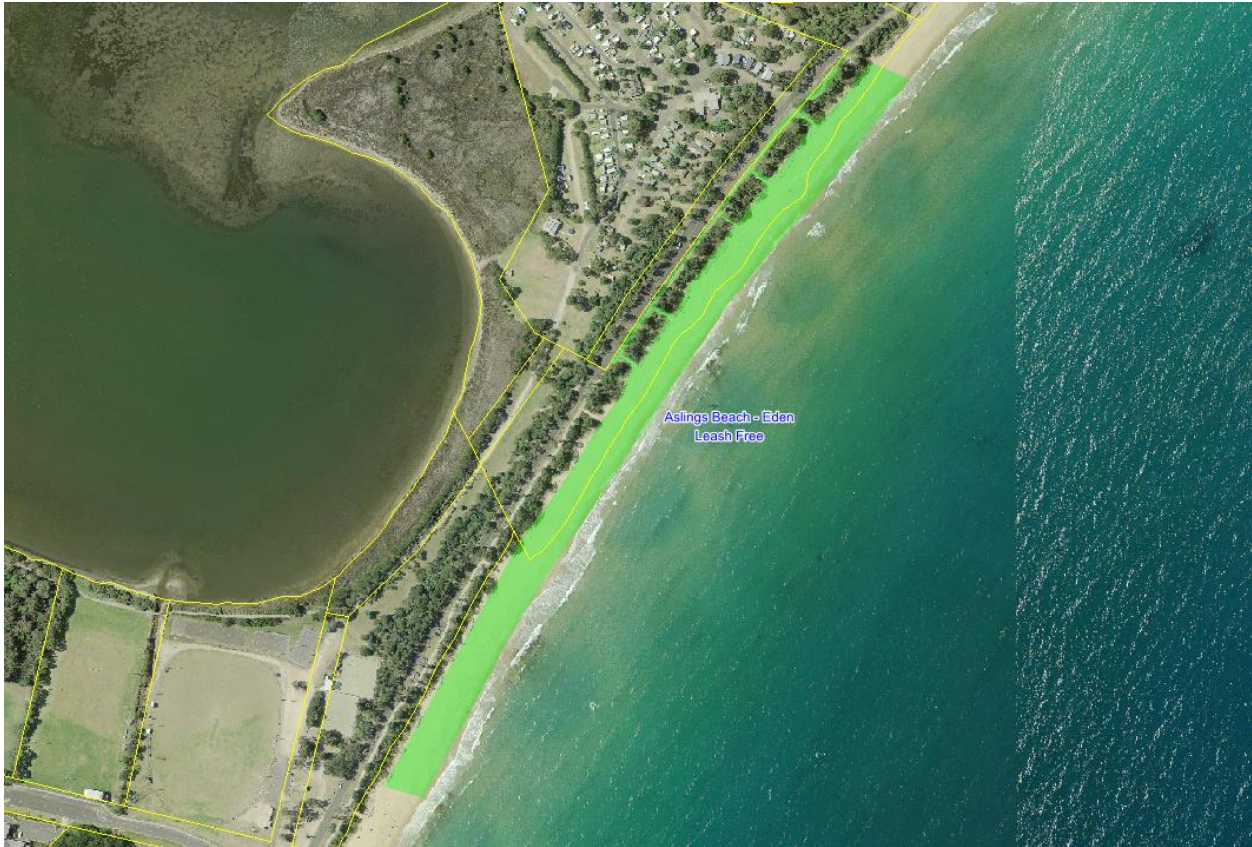
LFA7 - Main Beach, Merimbula



LFA8 - Lions Park, Pambula Beach



LFA9 - Asling's Beach, Eden



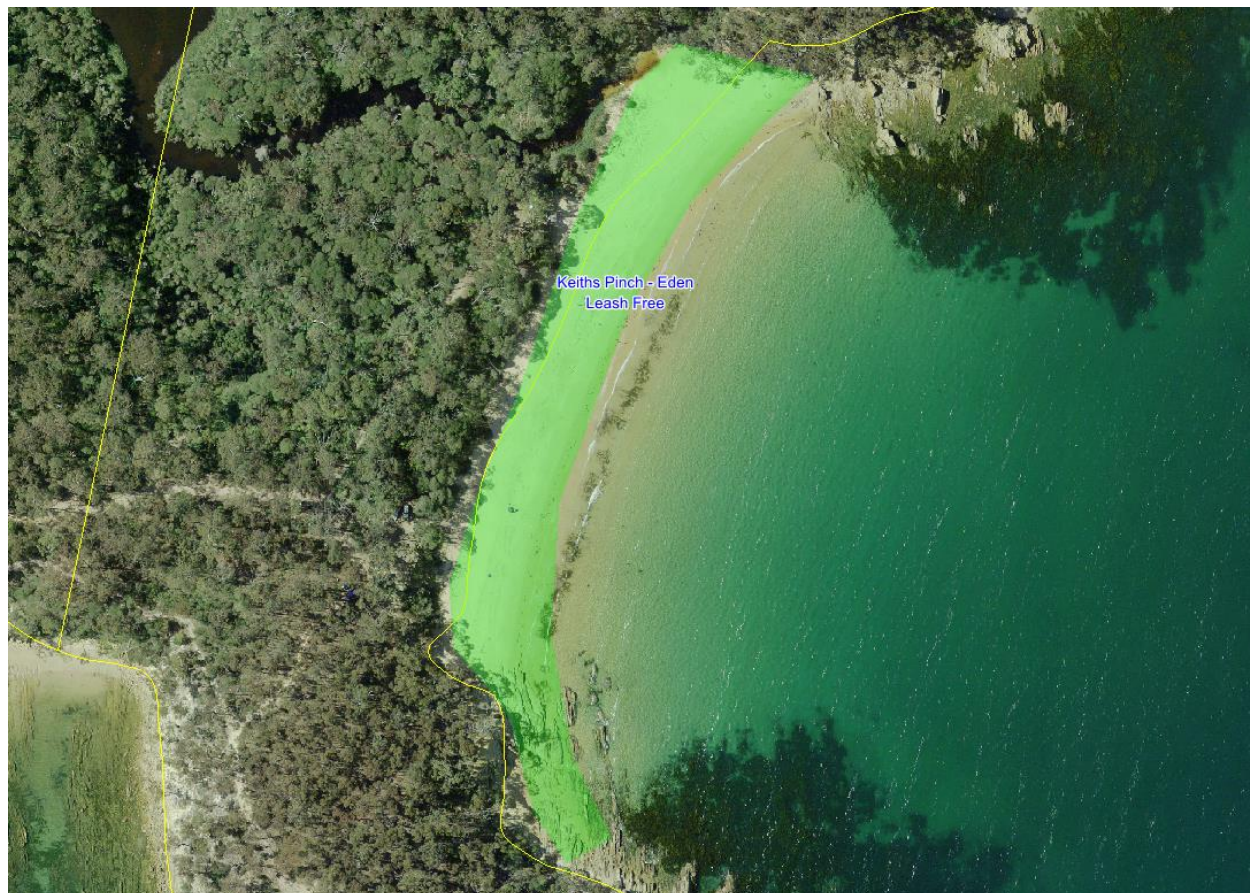
LFA10 - Old Bega Racetrack, Bega



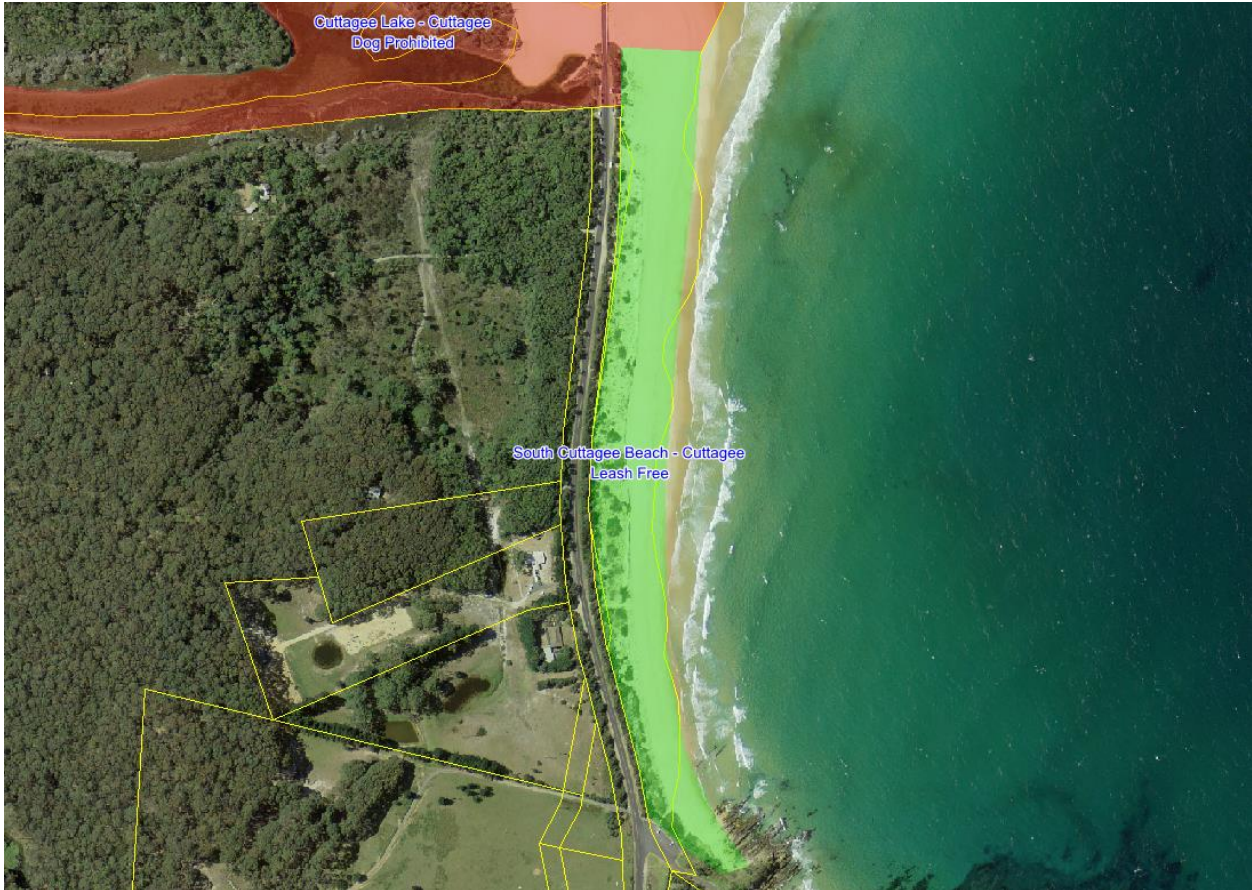
LFA11 - Short Point Headland, Merimbula



LFA12 - Keith's Pinch, Eden



LFA13 - South Cuttagee Beach



LFA14 - Bar Beach, Merimbula



LFA15 - Punt Landing, Mogareeka

