



## CITY OF CHARLES STURT

*By-law made under the Dog and Cat Management Act 1995  
and the Local Government Act 1999*

### DOGS AND CATS BY-LAW 2021

#### By-Law No. 5 of 2021

*For the management and control of dogs and cats within the Council's area.*

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Dogs and Cats By-law 2021*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this by-law unless the contrary intention is clearly indicated:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of dogs or cats on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **cat** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.5 **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;
- 3.6 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);

- 3.7 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.8 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.9 **effective control** means a person exercising effective control of a dog either:
- 3.9.1 by means of a physical restraint;
  - 3.9.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.10 **Hooded and Red Capped Plover breeding site** means any land within 100 metres of a sign installed by the Crown or Council on land that indicates a Hooded and/or Red Capped Plover breeding nest, eggs or chicks are or may be present on the land or in the vicinity;
- 3.11 **keep** includes the provision of food or shelter;
- 3.12 **public place** means a place to which the public has access (whether an admission fee is charged or not);
- 3.13 **small premises** means a premises comprising any self-contained dwelling where the property, or part thereof (ie flat, home unit etc), contains a secured unobstructed yard area of less than 100 square metres.

## Part 2 – Dog Management and Control

### 4. Limit on Dog Numbers

- 4.1 The limit on the number of dogs kept:
- 4.1.1 in a small premises shall be one dog;
  - 4.1.2 in premises other than a small premises, where a dog can be effectively contained, the limit shall be two dogs.
- 4.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless:
- 4.2.1 the premises is an approved kennel establishment; or
  - 4.2.2 the Council has exempted the premises from compliance with this subparagraph.

### 5. Dog Free Areas

A person must not in any local government land or public place, to which this paragraph applies, allow a dog in that person's control to be in, or remain in that place unless the dog is an assistance dog.

### 6. Dogs on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 6.1 on local government land or public place to which the Council has resolved that this subparagraph applies;
- 6.2 on any park or reserve during times when organised sport is being played;
- 6.3 within five metres of a children's playground;
- 6.4 in a Hooded or Red Capped Plover breeding site,

unless the dog is secured by a strong leash not exceeding two metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

## **7. Dog Exercise Areas**

- 7.1 A person may enter upon any part of local government land or a public place identified by the Council as a dog exercise area in accordance with paragraph 11 for the purpose of exercising a dog under his or her control.
- 7.2 Where a person enters upon such land for that purpose, he or she must ensure that the dog under his or her control remain under effective control whilst on that land.
- 7.3 The Council must erect a sign or signs to denote the local government land or public places to which this paragraph applies, and information will be provided, in a manner determined by the Chief Executive Officer of the Council, to inform the public about such public places.

## **8. Dog Faeces**

A person must not, on local government land or a public place, be in control of a dog, unless the person has, in his or her possession, a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

## **Part 3 – Cat Management and Control**

### **9. Limit on Cat Numbers**

- 9.1 The limit on the number of cats to be kept on any premises is two.
- 9.2 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the limit unless:
  - 9.2.1 the premises is a cattery; or
  - 9.2.2 the Council has exempted the premises from compliance with this subparagraph.

## Part 4 - Miscellaneous

### 10. Granting of Permits

Prior to the Council granting permission under subparagraph 4.2 or 9.2 the Council must consider whether:

- 10.1 an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
- 10.2 a nuisance is caused or has been caused to any neighbour as a result of the keeping of animals on the premises;
- 10.3 there exists sufficient space, shelter on the premises for the keeping of the animals;
- 10.4 the animals can be adequately contained to the premises;
- 10.5 any order pursuant to Section 30 of the *Local Nuisance and Litter Control Act 2016* has been issued in respect of the premises or the applicant for permission.

### 11. Application of Paragraphs

Any of paragraphs 5, 6.1 and 7.1 of this by-law will apply only in such portion or portions of local government land or a public place as the Council may, by resolution, direct, in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

### 12. Revocation

Council's *Dogs and Cats By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Charles Sturt held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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Mr Paul Sutton  
Chief Executive Officer