



POLICY:	WILDLIFE PROTECTION AREAS
STATUS:	ADOPTED
ADOPTED:	23 November 2010
LAST REVISION:	NIL
TRIM REF.:	F03448
ISSUED BY:	Environmental Management Branch
INQUIRIES:	Biodiversity Conservation Officer

PURPOSE OF THIS POLICY

The purpose of this policy is to establish the grounds for the declaration of a public place, or part thereof, as a Wildlife Protection Area and the process by which the Council can make such a declaration.

OBJECTIVE

The Wildlife Protection Area Policy has the following objectives:

- 1) To provide a transparent, community supported process to enable the Council to declare a public place, or part thereof, as a Wildlife Protection Area;
- 2) To protect native wildlife in Council managed reserves;
- 3) To reduce the area of land subject to impacts associated with companion animals; and
- 4) To further communicate the responsibility of companion animal ownership.

BACKGROUND / DEFINITIONS

The *NSW Companion Animals Act 1998* enables the Council to prohibit dogs and / or cats from public places, or part thereof, where they have been set aside by the local authority (the Council) for the protection of wildlife. The Act refers to these lands as Wildlife Protection Areas.

The Council can declare a Wildlife Protection Area in any public place, which may include a pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach, garden or any other area declared by Council, where the declaration may protect wildlife. The Council has chosen to implement two categories of land declared a Wildlife Protection Area to allow differing prohibition depending on the reserve. These categories are detailed below.

PROCEDURES

Proposed Declarations

The General Manager will submit to the Council for consideration a proposal to declare land a Wildlife Protection Area.

Wildlife Protection Areas will be declared as one of two categories:

- Category 1 lands will 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 will 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.

The report to the Council will include the following details:

- A map showing the area of land to be declared;
- The proposed monitoring and compliance regime to be applied; and
- The anticipated cost of implementing the declaration, including those associated with exhibition, education, monitoring, signage and compliance.

Upon endorsement by the Council, the proposal should be publically 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, if formally adopted by the Council, will not come into effect for 90 days from the date of adoption.

Declared Wildlife Protection Areas will be listed, including a map, on the Council's website as pending and as declared following the 90 day period.

The Council is to produce and erect conspicuous signage at regular intervals on the boundary which provide notification of the Wildlife Protection Area. This should include at prominent entry points signs providing a map of the declared area.

Review

This policy should be reviewed periodically after its adoption

POLICY STATEMENT

Through the establishment of WPAs the Council further extends the appropriate control of companion animals within the City.

RELEVANT LEGISLATION

This policy relies upon provisions of the *NSW Companion Animals Act 1998* to permit the declaration of an area of the Council's owned or managed estate as a Wildlife Protection Area.

Extracts relating to Wildlife Protection Areas from the *NSW Companion Act 1998*

14 Dogs prohibited in some public places

(1) Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):

- (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 purpose 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).

22 Action to protect persons and property against dogs

(6) An authorised officer who finds a dog attacking or harassing an animal (other than vermin) within a wildlife protection area (as defined in section 14 c.1(h)) can lawfully injure or destroy the dog if there is no other reasonably practicable way of protecting the animal.

30 Cats prohibited in some public places

(1) Cats are prohibited in the following places:

- (b) **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 cats are prohibited for the purpose 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 cats are prohibited in or on that public place).

22 Action to protect persons and animals against cats

(6) An authorised officer who finds a cat attacking or harassing an animal (other than vermin) within a wildlife protection area (as defined in section 30 c.1(b)) can lawfully injure or destroy the cat if there is no other reasonably practicable way of protecting the animal.

OTHER RELEVANT COUNCIL DOCUMENTS

Council's *Companion Animals Management Plan (Cats and Dogs)* 2008-11