

Kingston District Council
ANIMAL MANAGEMENT PLAN
2023-2028



KINGSTON DISTRICT COUNCIL



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Approved by Dog and Cat Management Board

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02/07/2027

1. INTRODUCTION

ANIMAL MANAGEMENT PLAN PURPOSE:

All Councils in South Australia are required to prepare an Animal Management Plan every 5 years under section 26 of the Act.

Kingston SE is located on the South East coast of South Australia and is approximately 300 km from Adelaide, South Australia's capital city.

Kingston SE offers superb safe beaches, tourist facilities, parks and gardens, extensive sporting and recreational facilities and national parks; including the world recognised Coorong. The Council area covers about 3,400 square kilometers with a population of approximately 2,300.

Kingston District Council's "Animal Management Plan" has been prepared in order to provide a planned approach to the responsibilities Council has under the Dog and Cat Management Act 1995. This Plan will guide domestic animal (dog and cat) management within the district over the next five years.

Council's core purpose in relation to the Animal Management Plan is to:

Recognise that pets are integral to the lives of many people and recognise the health and social benefits associated with pet ownership.

Inform and educate the community about the needs of companion animals and promote responsible pet ownership.

Ensure that the sentiment of the wider community is reflected through Council's Animal Management Plan.

Secure the safety and well-being of members of our community, including the animals.



2. BACKGROUND and COUNCIL RESPONSIBILITIES

The Dog and Cat Management Act provides the framework for the Council's animal management service. The following principles will guide Council's responsibilities and the Animal Management Plan 2023-2028:

- Dogs **must** be registered. Cats are not required to be registered; however, Council may consider the introduction of cat registration following a detailed service review and community consultation.
- Dogs and cats must be microchipped, and the microchip details entered into Dogs and Cats Online (DACO).
- All dogs and cats born after 1st July 2018 must be desexed and details entered into DACO.
- Breeders of dogs and cats must be registered in DACO.
- People selling dogs and cats must give the new owner a written notice setting out the identity of the seller, the identity of the breeder, details of vaccinations and other treatments, information relating to the microchip, desexing and other relevant medical information and in the case of dogs subject to control orders, details of the order.
- Dogs are not allowed to wander at large, attack a person or animal, cause a nuisance, defecate in a public place unless the owner immediately removes the faeces and disposes of it in a lawful and suitable manner.
- Dogs are required to be leashed when on streets and roads and be under effective control.
- Councils have the power to make a range of orders in relation to the keeping of dogs.
- Councils have the power to seize and detain dogs.
- There are specific requirements in relation to the detention/removal of cats from remote or fragile areas and in relation to unidentified cats in other areas.
- Councils have the power to make a range of by-laws in relation to the keeping of dogs and cats.

Well documented benefits, such as those outlined on Page 6 of this Plan supports pet ownership and it is essential that Council takes a strategic approach to managing domestic pets.

The Animal Management Plan will provide the Council with a sound basis and direction from which it can plan, coordinate, and make future decisions to meet the needs of the community over the next five years.

DOGS AND CATS ONLINE (DACO)

A state-wide system was introduced in July 2018, Dogs and Cats Online (DACO) and is facilitated by the Dog and Cat Management Board of South Australia. The system holds the details of all dogs and cats registered within South Australia and all registration renewals are issued via this system, not through Local Councils.

Owners of dogs and cats are required to access the system to:

- Renew current registrations.
- Register a new dog or cat, including recording microchip numbers.
- Update their details should they move, including changing contact numbers.
- Update the details of their dog or cat.

Information stored in the DACO system can be viewed by the animal's owner and/or by an authorised user, such as Councils, veterinarians, RSPCA, and the Animal Welfare League. Contact information obtained through DACO is used to reunite an owner with their pet should it become lost.

Council has access through DACO to:

- Obtain the microchip, desexing and registration details of dogs and cats listed on the system.
- Identify properties in the area which have more than two dogs and/or cats registered.
- View owner contact details to assist with reuniting lost pets.
- Record, view, and review control orders allocated to an animal.
- Record, view, and review general notes made on the system by authorised users.



PLANNING FOR PETS

In Australia, it is estimated that more than 69% of households own a pet:

- 48% own dogs.
- 33% own cats.

Successful pet ownership involves a long-term commitment to an animal both in time and money. Before purchasing a dog or cat potential owners should consider the dog breed (i.e. size, temperament, and susceptibility to health issues) and the home environment (i.e. children, enclosed yard, exercise area) where the dog or cat will be kept.

Council offers assistance to potential pet owners to ensure selection of a pet that will best suit the home, lifestyle, and circumstances of the owner.

Pets are good for general health and well-being of their owners and families:

- People with dogs and cats make fewer visits to medical practitioners.
- People with pets are at a lower risk of cardiovascular disease than non-pet owners.

Pets are good support for an aging population:

- Pets can increase the quality of life for older persons.
- Pets can reduce isolation and increase feelings of interest and social interaction.
- Pets can boost activity levels in older people, assisting their overall health.
- Pets can provide companionship for people living alone.

Pets are good for children:

- Children with pets are more likely to exercise.
- Children or adolescents with pets have shown to have higher self-esteem.





3. DOG AND CAT MANAGEMENT ACT

- THE LAW GUIDELINES

The Dog and Cat Management Act 1995 (the Act) and Dog and Cat Management Regulations 2017 provide the legislative framework to be adhered to in relation to the management of dogs and cats within the community.

The Council delegates powers under the Act to the Chief Executive Officer who in turn, with the approval of Council, sub-delegates these powers to the relevant officers within the organisation. Enforcement Provisions include:

- Council must enforce the provisions of the Act and Regulations in the area of the Council. The approach in the first instance will be to encourage people to become responsible pet owners and comply with the provisions of the Act voluntarily.
- The community has an expectation that public places are monitored to ensure that the provisions of the Act are complied with, and that appropriately trained and authorised persons are available to respond to concerns of the community and serious breaches of the Act and Council By-Laws.
- Council will provide appropriate resources for an after-hours service to meet the community's expectations; however, the after-hours service will be provided for emergency situations and/or for injured animals, at the discretion of the CEO.
- The Chief Executive Officer (CEO) has been appointed as the Registrar and Council has delegated a number of its employees as Authorised Officers. After-hours support is provided by these Authorised Officers and other Council officers as required.
- Council will respond to calls/complaints from members of the public regarding possible non-compliance with the provisions of the Act and/or Council By-Laws.





4. REVENUE and FEES

The Dog and Cat Management Act (S26(3)) requires that all money received by Council under the Act must be expended in the administration or enforcement of the provisions of the Act relating to dogs and cats.

Further, Section 26(6) of this Act enables Council to annually review and determine its proposed dog registration fees. The Act requires a mandatory rebate for a **'standard dog'** which is an animal that is both microchipped and desexed. Council may offer other discretionary rebates and exemptions.

The registration fee structure is available within Council's Fees and Charges Policy, which can be viewed at Council's Office and on Council's website: <http://www.kingstondc.sa.gov.au>.

The community benefits from dog registration through:

- The effective management and provision of a suitable environment for dogs within the community.
- Providing for the welfare and safety of dogs by maintaining a Dog Pound, located at the Council Depot, in accordance with the Board's policy and guidelines for detention facilities.
- Increased public safety through investigation of animal attacks and complaints.
- Provision of off-leash areas.

Expiations are issued to dog owners who breach the Act.

Expiations are most commonly issued to owners for breaching dog registration requirements, dogs wandering at large, dog harassment and/or attack of a person or animal.





5. COUNCIL'S MANAGEMENT OF DOGS

DOG REGISTRATION

Under the Act, is a mandatory requirement for dogs 3 months old and over to be registered. With the introduction of DACO, dog registrations are now managed by the Dog and Cat Management Board, which sends out annual registration reminders and tags.

Council is responsible for promoting and ensuring people register their dogs.

The main benefit of dog registrations and microchipped dogs/cats is identification of lost or stray animals. With a microchip, animals can be identified and reunited with their owner at the earliest possible time, reducing stress for both the owner and the pet.

DETENTION ARRANGEMENTS FOR SEIZED DOGS

Council has a secure holding area (Dog Pound) for all dogs that are seized, which is located at the Council Works Depot on Adam Road, Kingston SE.

When a dog owner cannot be identified due to lack of dog identification (no registration disc or microchip) an Impounded Dog Notice is placed at the Council's Office and on Council's website and Facebook Page. This assists in reuniting the impounded pet with the owner as soon as possible.

When a dog is found wandering at large and is seized, the Authorised Officer will endeavor to identify the owner by checking for a registration disc, name tag, owner details and if these are not available, scan for a microchip.

In instances where the owner can be identified and contacted, the pet will be reunited with the owner as soon as practicable.

If an owner cannot be identified, the dog will be impounded at Council's Dog Pound for a minimum of 72 hours, as required by the Act. After this period dogs that are unable to be rehomed may be transported to South East Animal Welfare League at Mount Gambier for assessment and re-homing when appropriate.

If circumstances are such that the dog is unable to be re-homed or transported, Council will as a last resort use the services of a qualified veterinarian to euthanize the dog.

NUMBER OF DOGS TO BE KEPT AT ONE PROPERTY

The number of dogs allowed to be kept at a private premises is two (2). More dogs can be kept once approval from Council is granted.



DOG AND CAT BREEDERS

Anyone who breeds a dog or cat for sale will be required to register as a breeder on DACO. This includes a registration fee.

All advertisements to sell dogs or cats must include the following information for each breeder and person involved in the sale:

- Names and phone numbers.
- DACO breeder numbers.

All puppies and kittens must be microchipped and have the microchip details recorded in DACO.

The South Australian Standards and Guidelines for Breeding and Trading Companion Animals set out the acceptable housing, husbandry, veterinary care and living standards for breeding animals and their litters. You must follow these standards to avoid breaking state animal welfare laws.

Please visit: <https://dogandcatboard.com.au/breeders/standards-for-breeding>

DESEXING OF DOGS

Dog owners are required to **de-sex all new-generation** dogs born after 1 July 2018 by the age of six (6) months.

Owners will not be required to de-sex dogs born before 1 July 2018; however de-sexing of all dogs is encouraged.

Dog owners will also be required to **microchip all dogs** from 1 July 2018 including new pups by the age of three (3) months.

RESPONSIBLE DOG OWNERSHIP

Picking up after your dog

Council encourages responsible dog ownership to pick up after your dog and provides over 20 'poo-bag' dispensers throughout the Kingston and Cape Jaffa areas.

Effective Control Methods

The Act describes Effective Control as either:

- By means of physical restraint; or
- By command, the dog being in close proximity to the person and the person being able to see the dog at all times.

Other Dog Control Expectations

To maximise a positive experience for visitors to our beaches, dogs should NOT be allowed to:

- Jump up on or harass other beach users, especially young children, and the elderly.
- Act aggressively towards other dogs or animals.
- Run uncontrolled with the risk of colliding into people.
- Be exercised off-leash in sand dunes and areas where restrictions are in place to assist in the preservation of local native flora or fauna (i.e., where there are Hooded Plover nests, eggs, or chicks)

If you are not confident your dog meets the above criteria, do not exercise your dog off leash. We suggest you discuss with an animal instructor, training routines to solve this problem.

RESPONSIBLE DOG OWNERSHIP

Other Council Services Available

Council can, for a fee and related conditions, provide Anti-Bark Spray Collars which are designed to assist owners to manage barking dogs.

COUNCIL BY-LAW 5– DOGS

The Kingston District Council 'By-Law No. 5 - Dogs' provides further legal provisions in relation to the management and control of dogs within the Council area. By-Law 5 includes:

- Limits on dog numbers on private premises,
- Responsible Dog Owner Controls: dog exercise areas, dog on leash and off leash areas, dog prohibited areas, dog faeces control.
- Council Exemptions
- Council Orders and Enforcement

A copy of the By-Law is available at the Council Office and on Council's website:

<http://www.kingstondc.sa.gov.au>.

COMMUNITY ORGANISATIONS with DOG AND CAT MANAGEMENT SERVICES:

- **South East Animal Welfare League**
Section 228 Penola Road, Mount Gambier
Phone: 08 8723 9133
- **Kingston Veterinary Clinic**
8 East Terrace, Kingston SE
Phone: 08 8767 2516







6. COUNCIL'S MANAGEMENT OF CATS

Kingston District Council has decided not to make cat registration mandatory, until such time as cat registration becomes legislated. However, cat owners are encouraged to register their animals in DACO with no annual registration fee. Council may decide to introduce compulsory cat registration and fee structures in the future.

Under the Act, it is a mandatory requirement from 1 July 2018 for cats 3 months or older to be microchipped.

Cat owners will be required to de-sex all new generations of cats born after 1 July 2018 by the age of six (6) months. Cats born before 1 July 2018 will not be required to be desexed; however, the desexing of all cats is highly encouraged and recommended.

Council enforces the mandatory desexing and microchipping requirements for cats which are important steps in addressing effective cat control and management.

CAT MANAGEMENT

- Council has a cat trap hire process whereby community members experiencing issues with feral or nuisance cats, can, for a fee and certain conditions, hire a cat trap to assist with the issue.
- The trap can be collected from the Council Office or in some circumstances arrangements can be made to have the trap delivered.
- All cats trapped are assessed to determine if they are an identified cat. Every effort will be made to find the owner of an identified cat. The Authorised Officer will contact the owner and arrange for the cat to be collected. The Authorised Officer will endeavor to promote to the cat's owner the importance of responsible pet ownership and of containing the cat within the boundaries of their property.
- If the owner is not located, council may try to rehome the cat or alternatively as a last resort use the services of Kingston Veterinary Clinic to dispose of the cat in a humane way.
- Council does not currently have impounding facilities for cats.
- Council deals with wandering cats as time and circumstances allow.



7. COUNCIL'S MANAGEMENT OF OTHER ANIMALS

The majority of animal complaints that the Council receives relate to dogs and cats, however other complaints received include birds, poultry, bees, animals, and pests. Nuisance complaints relating to other animals are covered under the Local Government Act and Council By-Laws.

Where the Council receives a complaint regarding an animal nuisance, this will be investigated. Animal Management Officers will liaise with the owner of the animal and work towards achieving a solution where the animal no longer poses a nuisance to neighbors or the public.

Where a solution cannot be negotiated an Order under the Local Government Act may be placed on the owner of the animal requiring that person to do or to refrain from doing certain things, to abate a nuisance or a hazard to health or safety associated the animal.

BEES

If bees are being kept and they are considered to be a nuisance and or hazard under the Local Nuisance and Litter Control Act, an Abatement Notice can be placed on the owner of the bees, to either remove the bees or to modify how or where the bees are kept.

Kingston Council is not able to deal with bees that are in their natural habitat, as this is exempt from the Local Nuisance and Litter Control Act.

WANDERING AND GRAZING STOCK

Wandering Stock can cause accidents to road traffic, as well as causing a biodiversity risk in cross contamination if the animals are diseased.

Please be reminded as a Stockowner your responsibilities are to reduce the risk of injury to road users and prevent any stock loss by checking that your fencing is adequate for the animals that are being held.

Council has no control over wandering stock on private land. If you have stock on your land that is not yours, please contact the stock owner directly if the owner can be identified.

Should you encounter wandering stock, are unable to identify an owner or the animals present a hazard contact the Council office on 08 87672033.

Grazing stock on council land requires a permit, Applicants issued with a permit, must have regard to all conditions listed in the approval, including, but not limited to:

- Provision of a plan indicating the proposed grazing area, length of time required.
- Provision of confirmation of public liability insurance to a minimum value of \$20,000,000



SNAKES

Kingston District Council Animal Management Officers are not trained to deal with snakes in the Council area.

It is recommended that residents contact a professional snake catching service and monitor where the snake travels while waiting for that professional service to respond so that the snake can be captured and relocated. It is very important to remain a safe distance from the snake.

RABBITS (FERAL PEST)

Under State legislation, Council has a responsibility to control wild rabbits on land that it owns or manages and where possible, to eradicate them.

Landholders are responsible for the control of wild rabbits on their properties under the Landscape South Australia Act 2019. The primary methods for controlling wild rabbits are:

- Baiting
- Warren ripping, fumigation, and blasting
- Biological Control

Limestone Coast Landscape Board SA Officers help landholders control rabbits by providing information, advice, and integrated control services.

Landscape Board Officers can provide:

- Advice on pest control such as best control methods and timing of control
- Bait and equipment to assist with your rabbit control program.
- Publications and factsheets

If you need assistance with rabbit control, please contact your local Landscape Board Officer for advice through our Limestone Coast Landscape Board SA centre:

- Mount Gambier Office Phone: 08 8735 1204



8. OBJECTIVES, STRATEGIES AND MEASURES

- DOGS

	Objective - DOGS	Strategies	Action
1	Appropriately trained staff.	Staff undertake training, as required, relating to new legislative provisions under the Dog and Cat Management Act 1995.	All Authorised Officers complete training in dog management and handling. All Authorised Officers maintain their dog management and handling skills through refresher courses as and when required.
2	Good knowledge and understanding of the dog and cat legislative provisions.	Promotion of the need for breeders to be registered with the Dog and Cat Management Board.	Post on Council's website. Annual post on social media
		Promotion of legislation requiring all new generations of dogs and cats over six (6) months of age to be de-sexed.	Post on Council's website. Annual post on social media.
		Promotion of legislation requiring all dogs and cats three (3) months of age or older to be microchipped	Post on Council's website. Annual post on social media.
3	Proactive education of pet owners to ensure they are aware of their responsibilities.	Implement various campaigns, such as wandering dog and cat campaigns and the benefits of identification to highlight various issues relating to responsible pet ownership.	Post on Council's website. Annual post on social media.
		Provide educational material for display, and circulation to promote responsible pet ownership to Veterinary Clinics, Visitor Information Centre, Council's website, and Facebook page.	Maintain supply of educational material at promotional display locations.
4	Ensure up to date, promotional materials are available.	Regularly review and update promotional material to ensure it is accurate.	Keep educational material up to date as new promotional material becomes available.
5	High level of dog registrations achieved.	Promote dog registrations annually.	Annually display in strategic locations at town entrance points "dog registrations are now due" signage. The use of Burst SMS to remind owners registrations are due.
6	Increase awareness of the benefits of de-sexing.	Promote voluntary de-sexing for older dogs through the new mandatory rebate for 'standard dog' (dog that is de-sexed and microchipped).	Keep promotional material available at the distribution points. i.e. Veterinary Clinic.
		Distribute information on the benefits of de-sexing through the local Veterinary Clinic, Council Office, and Council website.	Keep promotional material up to date as new material becomes available.
7	Reduce the number of dogs wandering.	Respond to complaints regarding wandering dogs to ensure safety of the public.	Where possible, restrain wandering dog/s.
		Council Staff to maintain an awareness of public places and report dogs found to be wandering.	Where possible, wandering dogs to be picked up.
8	Return registered or identified dogs found wandering to their owners.	Use available resources to identify and return wandering dogs to their owners.	Use DACO to identify wandering and or impounded dog.
			Return dog to rightful owner.

9	Publicise events where fireworks or weather could impact on the number of dogs wandering.	Proactively promote events as a reminder to pet owners to take the necessary steps to secure their pets.	Advertise events through, Council Website and social media.
10	Dog owners to remove all faeces from public places when exercising their pets.	Provide doggie bag dispensers and bins and promote use of bags to facilitate collection of faeces in public spaces by dog owners.	Place dispensers in strategic places for ease of access.
			Maintain regular inspection of the dispensers and refill as required.
11	Reduction in the number of barking dog complaints.	Provide information to owners where a complaint has been received regarding their dog barking and highlight various methods to help control barking.	Verify nuisance barking dog/s by use of bark counter collars.
		Provide educational information through the Council website to the reasons why dogs bark and how to address the issues.	Recommend the use of Anti bark spray collars in dealing with nuisance barking dog/s.
12	Decrease in dog attacks.	Promote the consequences of dog attacks and prevention strategies.	Promote and provide access to dog attack prevention information on Council's Website and social media.
		Promote and encourage the reporting of all dog attacks and harassment whether in a public place or on private property. All reported dog incidents to be lodged onto the Dog and Cat Management Board (DCMB) Dog Incident System.	Report all verified dog attacks to DCMB.
13	Provide effective management and a suitable environment for dogs within the community.	Education of the community of the importance of exercise and enrichment, and things they can do for their pets.	Promote and provide information on the benefits of exercising your dog on Council's Website and social media.
14	Continue to re-home suitable dogs (a suitable dog for re-homing should have no aggressive or behavioral traits and will be assessed on a case-by-case basis).	Advertise any impounded dogs that are not claimed and are suitable for re-homing.	Work with other organisations and animal welfare groups to rehome unclaimed or unwanted dog/s.
15	To build a fenced dog park for dogs to exercise off leads.	To encourage animal exercise to hopefully lower the number of barking complaints.	Within 5 years of this plan
		Provide a public space for dogs to mingle and run free.	Within 5 years of this plan.
		Health and wellbeing of owners.	Within 5 years of this plan.

9. OBJECTIVES, STRATEGIES AND MEASURES - CATS

	Objective - CATS	Strategies	Action
1	Increase awareness in the benefits of desexing and microchipping.	Distribute information on the benefits of de-sexing through the local Veterinary Clinic, Council Office, and Council website.	<p>Post on Council's website.</p> <p>Annual post on social media.</p>
2	Proactively manage feral and unowned cats within the Kingston District.	<p>Cat traps are available for hire as required.</p> <p>Cat traps made available at the discretion of the Authorised Officer/s where feral cat numbers are high.</p>	<p>Promote availability of cat traps through Council's website and social media.</p> <p>Maintain cat traps in good working condition and or replace when warranted.</p> <p>Maintain cat traps in good order and ready for use.</p>
3	Appropriate management of wandering cats.	Council will endeavor to identify the cat/s and return, re-home or as a last resort euthanise the animal as determined on a case-by-case basis.	<p>Use DACO to identify cat's owner.</p> <p>Work with other organisations, animal welfare groups, to rehome unclaimed cat/s.</p>





10. DOG ON-LEASH, OFF-LEASH AND PROHIBITED AREAS

EFFECTIVE CONTROL OF DOGS

All dog owners are required to have their dog under effective control at all times as prescribed under the Dog and Cat Management Act. This also refers to when dogs are in dog off-leash areas.

For dogs off-leash, effective control refers to the dog owner having their dog under voice command, and the dog being in close proximity at all times, so the owner can see the dog and recall the dog when needed.

Having your dog under effective control in a public place is not only a statutory requirement, but also respects the rights and safety of other users in the shared space.

Other users in the space include those that like dogs and those people who don't like dogs and there is a need to respect all users. It is not appropriate to allow a dog to rush up to children, adults, and other animals in a public place unless you have permission for your dog to approach.

Dog owners who cannot demonstrate effective control should keep their dogs on a leash.

It is also a legal requirement to have dogs on leash when walking along streets and verges.

This priority supports the objectives of the Act. It addresses the common issue of some owners having poor control over their dogs as not everyone appreciates uninvited attention from dogs.

The Act states that a dog can be in a public place, provided that it is under the effective control of a person. Effective control can be by command of a person that is in close proximity to the dog, and able to see the dog at all times. However, there are circumstances where the community has an expectation that tighter controls are required.

This tighter control identifies circumstances when and or where the dogs will have to be on-leash'. The dogs must be on-leash in the following circumstances (but not limited to):

- Where there is a congregation of people and traffic movement.
- Where there is a congregation of children.
- Where there is a congregation of families in a recreational setting.
- Where there is an expectation in the community that certain public and recreational areas are free from domestic animals.
- Playing of sport.

It is a key responsibility of all dog owners to manage their dogs while out in public places. Dogs must be under effective control at all times to ensure the safety of others including children, adults, and other animals. Having a dog under effective control is a sign of respect to others that may be sharing the same space.

Effective control is a statutory requirement under the Act. This means the person responsible for the dog must:

- Have the dog under voice control e.g. being able to have a reliable recall so the dog comes back.
- Have the dog close at all times so the owner/handler can see the dog and recall the dog when needed.

Dog owners who cannot demonstrate effective control should keep their dogs on a leash. Good dog etiquette in public places also includes owners picking up after their pets and ensuring their dog causes no damage to the open space.

COUNCIL BY-LAWS: BY LAW 5 DOGS

Council 's By-Law No. 5 – Dogs aims to promote and encourage community compliance with Council's policy for on-leash and off-leash areas as per table attached below:

Table of dog on-leash and off -leash areas

DOG ON-LEASH AREAS	
Kingston and Cape Jaffa.	On all Local Government Land including all ovals, sport arenas and parks.

DOG OFF-LEASH AREAS	
Kingston and Cape Jaffa.	<ul style="list-style-type: none">· On the beach and foreshore reserve between Thredgolds Beach access point and Pinks Beach access point:<ul style="list-style-type: none">à At all times when Daylight savings is not in force.à Before 9am and after 8pm during Daylight Saving.· On the beach and the foreshore reserve:<ul style="list-style-type: none">à North of the Kingston Jetty.à South of Pinks Beach access point.à Maria Creek Reserve (north of Maria Creek).à Old School Oval during such times as there are no organised sporting or community events taking place.



11. APPENDICES AND RELATED DOCUMENTS

RELATED DOCUMENTS AND LEGISLATION

- Dog and Cat Management Act 1995
- Dog and Cat Management Regulations 2017
- Council By-Law No.5, Dogs

APPENDICES

- **Appendix 1** By-Law 5: Dogs
- **Appendix 2** By-Law 5: Dogs (town map)





KINGSTON DISTRICT COUNCIL

DOGS BY-LAW 2023

By-law No. 5 of 2023

This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Dogs By-law 2023* and is By-law No. 5 of the Kingston District Council.

2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objects of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 5 – Dogs 2016.*²

4.2 This By-law will expire on 1 January 2031.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2023*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Clauses 9 and 10, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 *Act* means the *Local Government Act 1999*;

- 6.2 **approved kennel establishment** means a building, structure, premises or area approved by a relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **Council** means the Kingston District Council;
- 6.5 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.6 **effective control** means a person exercising effective control of a dog either:
- 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.7 **foreshore** means land extending:
- 6.7.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary; or
- 6.7.2 for a distance of 50 metres from the high water mark.
- (whichever is the lesser) and to avoid doubt, includes the foreshore with the Harbor of Cape Jaffa and the Harbor of Kingston (SE).
- 6.8 **Harbor of Cape Jaffa** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.9 **Harbor of Kingston (SE)** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.10 **keep** includes the provision of food or shelter;
- 6.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.12 **premises** includes land and part of any land whether used or occupied for domestic or non-domestic purposes;
- 6.13 **township** has the same meaning as in the Act; and
- 6.14 **working livestock dog** means a dog:
- 6.14.1 usually kept, proposed to be kept or worked on rural land by a person who is:
- 6.14.1.1 a primary producer; or
- 6.14.1.2 engaged or employed by a primary producer; and

- 6.14.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
- 6.15 For the purposes of clause 9 of the By-law, a dog is *under effective control by means of a leash* if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
 - 6.15.1 the leash, chain or cord is either tethered securely to a fixed object; or
 - 6.15.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on Dog Numbers in Private Premises**

- 7.1 Subject to subclauses 7.2 and 7.4 a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
 - 7.1.1 more than two (2) dogs on any premises in a township; or
 - 7.1.2 more than three (3) dogs (other than a working livestock dog) on any premises outside a township.
- 7.2 For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
 - 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where an authorised person reasonably believes that there is no secure or appropriate area where a dog may be effectively confined.

PART 5 – ENFORCEMENT

13. Orders

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
 - 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order of an authorised person under section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised officer, the authorised person may take the action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the Kingston District Council held on **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Nat Traeger
Chief Executive Officer

APPENDIX 2 BY LAW 5- DOGS TOWN MAP

By-law 5 - Dogs - Kingston SE





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