

WILDLIFE PROTECTION AREAS PROCEDURE

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Responsible service: Environment Service

Contact position: Manager Environment

Procedure objective

This procedure establishes the grounds on which Blue Mountains City Council declares a public place a wildlife protection area and the process Council follows to adopt such a declaration.

The procedure aims to:

- 1) provide a transparent, community-inclusive process to enable the Council to declare a public place a wildlife protection area,
- 2) protect native Australian wildlife in Council-managed reserves,
- 3) reduce the amount of land affected by companion animals, and
- 4) further communicate the responsibilities of companion animal ownership in conjunction with Blue Mountains City Council's *Companion Animals Management Plan*.

Scope

This procedure applies to all Blue Mountains City Council employees and all Blue Mountains residents and visitors, particularly those who own companion animals and may visit wildlife protection areas in the local government area.

Roles and responsibilities

Positions	Responsibilities
Manager Environment	Present declaration proposals to Council to be endorsed for public exhibition. After a declaration proposal is exhibited, prepare a report seeking Council's adoption of the declaration.

Positions	Responsibilities
elected Council	Endorse declaration proposals for public exhibition. Adopt a declaration making Council-owned or -managed land a wildlife protection area.

Definitions

Term	Definition
declaration	A Council resolution declaring a public place (or part of one) a wildlife protection area.
declaration proposal	A report tabled at a Council meeting proposing that a public place (or part of one) be declared a wildlife protection area.
the Act	NSW's <i>Companion Animals Act 1998</i> .
wildlife protection area	A public place (or a part of one) that Council has set apart to protect wildlife.

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1. Background

The *NSW Companion Animals Act 1998* enables Council to prohibit dogs and/or cats from public places if Council has set those places apart for the protection of wildlife. The Act refers to these places as wildlife protection areas.

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 where the declaration may protect wildlife.

Although the preceding list outlines possible areas that can be declared a wildlife protection area, most wildlife protection areas in the Blue Mountains local government area are nature

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reserves and bushlands. Wildlife protection areas are determined under the categories at section 2 below.

2. Blue Mountains City Council protection area categories

Council has chosen to implement two categories of wildlife protection area to allow differing prohibitions depending on the place. These categories are:

- Category 1 – Public places where both cats and dogs are prohibited under sections 30 (1) (b) and 14 (1) (h) of the Act.
- Category 2 – Public places where cats only are prohibited under section 30 (1) (b) of the Act. Dogs on a leash will be permitted on formed tracks, pathways or roads in these places.

3. Declaration proposals

In order to declare a public place a wildlife protection area, the Manager Environment must submit a declaration proposal to the elected Council for consideration and endorsement.

The proposal for declaring a wildlife protection area must include the following details at a minimum:

- a map showing the area of land to be protected,
- the proposed monitoring and compliance regime to be applied, and
- the anticipated cost of implementing the declaration, including costs associated with public exhibition, education, monitoring, signage and ongoing compliance.

Upon endorsement by the Council, the proposal must be publicly exhibited for a minimum of 28 days.

4. Adoption

Following the public exhibition, the Manager Environment will prepare a report for Council on submissions received and provide a recommendation on whether to proceed with the declaration.

If the Council adopts the declaration, protections will not come into effect for 90 days from the date of adoption. Declared wildlife protection areas will be listed (along with a map of the area) on Council's website as 'pending' during those 90 days and as 'declared' following the 90-day period.

5. Signage

Council must install signage at 'reasonable intervals' (the public can be reasonably expected to see at least one sign at any point of the protection boundary) on each wildlife protection area's boundary notifying users that cats are prohibited in the area and that dogs are either prohibited or allowed only on a leash and on formed tracks, pathways or roads.

This signage must be located at prominent entry points to the area, with all signs including a map of the wildlife protection area.

6. Relevant legislation

This procedure relies upon provisions of the Act that permit the declaration of a wildlife protection area. Noteworthy sections of the Act include:

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).

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(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 (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).

32 Action to protect persons and animals against cats

(4) *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 (1) (b)) can lawfully injure or destroy the cat if there is no other reasonably practicable way of protecting the animal.*

Related documents

This document should be read in conjunction with:

Legislation

- *Companion Animals Act 1998 (NSW)*
- *Local Government Act 1993 (NSW)*

Other documentation

- *Blue Mountain City Council's Companion Animals Management Plan*
- *Blue Mountains City Council's Enforcement Policy*