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DOGS AND CATS IN MACEDON RANGES SHIRE

DOG ON AND OFF LEASH
AND
CAT CURFEW REVIEW REPORT



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TABLE OF CONTENTS

| | |
|--|----|
| EXECUTIVE SUMMARY | 2 |
| TERMS 4 | |
| 1 INTRODUCTION | 5 |
| 2 BACKGROUND | 6 |
| 2.1 A SNAPSHOT OF MACEDON RANGES SHIRE | 6 |
| 2.2 THE DOMESTIC ANIMALS ACT 1994 | 6 |
| 2.3 LOCAL LAWS | 8 |
| 2.4 THE STRATEGIC CONTEXT | 8 |
| 3 DOGS IN PUBLIC PLACES..... | 10 |
| 3.1 BACKGROUND | 10 |
| 3.2 INVESTIGATIONS | 14 |
| 3.3 RECOMMENDATIONS | 14 |
| 4 THE CASE FOR CAT CONTROLS..... | 18 |
| 4.1 BACKGROUND | 18 |
| 4.2 INVESTIGATIONS | 21 |
| 4.3 RECOMMENDATIONS | 24 |

EXECUTIVE SUMMARY

Macedon Ranges Shire Council's Domestic Animal Management Plan (DAMP) 2017-2021 commits to the following actions:

- + Investigate the feasibility of introducing an order that identifies dog on and off leash areas in the Shire, including regulatory requirements; and
- + Investigate the feasibility of introducing a cat curfew.

This followed community feedback revealing significant concern about the impacts of domestic pets on community members using public places, wildlife and the environment.

Any new requirements would be introduced as Orders made by Council under the *Domestic Animals Act 1994 (the DAA)*.

Council requested that both of these reviews be conducted simultaneously.

In 2018, Harlock Jackson Pty Ltd was engaged to assist Council with these reviews which were overseen by an Internal Reference Group comprising members of Council's local laws, recreation, environment and open space teams.

The following method was used in conducting the review:

- + Review of relevant data;
- + Review of relevant plans and strategies;
- + Review of the experience with comparable municipalities;
- + Consulting of the literature in relation to cat controls particularly cat curfews;
- + 2 tours of the municipality with Council staff; and
- + 3 workshops with the Internal Reference Group;

This report is the final report of the 2 reviews. It should be read in conjunction with the *Summary of Community Feedback* report, prepared in January 2019.

Based on feedback from previous consultations and discussions with the Internal Reference Group, it was determined that proposed orders were warranted in Macedon Ranges Shire. Earlier surveys in 2014 and 2017 showed strong support for introducing dog on leash requirements and a cat curfew.

The discussions with the Internal Reference Group also determined that additional controls such as prohibiting dogs and cats from designated reserves for environmental reasons should be considered and consulted on. The proposed bans were considered to be justified because the designated reserves are the most environmentally sensitive places within the Shire. Council's Biodiversity Strategy states that domestic dogs can impact on the behaviour, dispersal and survival of native animals through their scent which can discourage some native species from staying in an area, chasing and predation and further that dogs and cats are a particularly dangerous predator to birds and some smaller marsupials.

Draft orders were developed for the community to consider and provide comment on. The draft orders are contained in the *Summary of Community Feedback* report. In summary they included:

- + Introduction of a requirement that dogs be leashed except in designated areas where they are allowed off the leash or are prohibited. It was also proposed to introduce a requirement that dogs be kept under effective control in public places.
- + Introduction of a sunset to sunrise cat curfew and a requirement that prohibits cats from entering designated public places for environmental reasons.

Community and stakeholder engagement occurred in November 2018. Extensive feedback was received which showed generally strong support for the proposed orders (with refinements to the lists of off leash designated areas). A summary of the feedback is contained in the *Summary of Community Feedback* report.

REVIEW OF DOGS IN PUBLIC PLACES

The final recommendations for dogs as contained in this report are summarised as follows:

1. Introduce an order under Section 26 of the DAA that requires dogs to be under effective control of their owner or handler in public places.
2. Introduce an order under Section 26 of the DAA which requires dogs to be leashed in all public places except in designated off leash areas according to the requirements of the designated area. Some refinement to the designated off leash areas including naming of areas, consideration of additional areas and timed use of specific sites is required before the order is finalised.
3. Introduce an order under Section 26 of the DAA which prohibits dogs from entering designated public places for environmental reasons. Some refinement to the areas is required before the order is finalised.
4. An Implementation Plan is required that documents final wording for the orders, how the proposed orders would be implemented and resourcing requirements. The resourcing requirements are likely to include education, signage, stenciling and enforcement including staff resourcing.
5. Future consideration should be given to the development of a purpose built Dog Park in the Shire.
6. Off leash areas should be considered in the development of open space in the planning and development of new urban areas within the Shire.

It is proposed that the dog control orders become effective from 1st January 2020. The Internal Reference Group considers that it would be appropriate to focus on education over enforcement for the first 6 months after the order is introduced.

REVIEW OF CAT CURFEW

The final recommendations for cats as contained in this report are summarised as follows:

1. Introduce an order under Section 25 of the DAA that introduces a sunset to sunrise cat curfew.
2. Introduce an order under Section 26 of the DAA which prohibits cats from entering designated public places for environmental reasons. Additional community consultation is required to finalise the prohibited areas prior to introduction of the order.
3. An Implementation Plan is required that documents final wording for the orders, how the proposed orders would be implemented and resourcing requirements. The resourcing requirements are likely to include education, signage, and enforcement including staff resourcing.
4. Complementary cat management strategies should be introduced. These include the introduction of low cost desexing and microchipping schemes to coincide with the introduction of the curfew. These strategies are in line with actions included in the current DAMP.

It is proposed that the cat control orders be deferred to at least 1st July 2020 to allow the new shelter/pound contract to be implemented and reviewed, and to give people the opportunity to adjust to the new requirement.

The Internal Reference Group considers that it would be appropriate to focus on education over enforcement for the first 6 months after the order is introduced.

TERMS

EFFECTIVE CONTROL

Effective control is not clearly defined in the DAA. The term is broadly understood to mean that an owner or person in control of a dog is responsible for ensuring the dog does not interfere with or cause harm to other people or animals.

Effective control can be achieved by one of the following measures:

- + Restraint with a chain, cord, or leash;
- + Voice or hand signal control in a manner that ensures the dog will obey; and/or
- + Containment in a vehicle or other structure.

Dogs that are used for tending stock, or dogs that are participating in organised events are not considered to be wandering at large.

CAT CURFEW

Under the DAA, Councils have the power to introduce a cat curfew¹. Where such an order is introduced, cat owners must confine their cats to their property during the hours specified in the cat curfew (ie all or part of the day/night). Some Councils have introduced a 24 hour curfew whilst others have introduced them for only part of the day, usually from sunset to sunrise.

A curfew requirement would not apply to cats that are securely contained outside their owner's premises eg if they are kept in a car or cat cage or where they are kept on a leash.

It should be noted that confinement means confinement to an owner's premises so that it cannot escape or stray unrestrained from the property boundary. An Order cannot be introduced that requires cats to be kept indoors. There are a number ways to confine a cat to a property as listed in Section 4.1 of this report.

CAT POPULATIONS

The Australian Veterinary Association (AVA) provides the following definitions of the 3 distinct populations of cats in Australia:

Owned cats live in a domestic household. They are usually named, and are required to be registered and microchipped. Across Australia, 90% are desexed. Many already live indoors or spend a mix of time indoors and outdoors. The AVA says that whilst some may hunt birds and small mammals, they are mainly dependent on their owners for food.

Unowned cats are also known as semi-owned or semi-feral cats. These cats or their antecedents were once owned by people. Their origins are as abandoned or lost cats and they often live in larger colonies than feral cats. They are usually largely dependent on human society for food and shelter including being fed by well meaning humans. The AVA says this group could constitute the largest subgroup of cats in Australia.

Feral cats are born outside human society and have no or minimal contact with people. They are not reliant on humans for survival and obtain food by hunting and scavenging. They tend to be solitary or live in small family groups. Their territory can be large and variable depending on resources.

¹ ALSO KNOWN AS CAT CONFINEMENT

1 INTRODUCTION

The DAA regulates dog and cat nuisances relating to noise, trespassing and wandering animals. Macedon Ranges Shire Council's Local Law also has provisions that control animal nuisances such as limiting the number of cats and dogs that can reside on any one property, how any additional animals must be housed and the requirement for dog walkers to pick up their dog's faeces when in public places.

Nuisance issues from dogs and cats are increasing as the Shire grows and urban areas spread into rural areas. Through the community consultation for the Domestic Animal Management Plan (DAMP 2017-2021), it was evident that issues relating to wandering dogs and cats are high on the list for residents with significant concern raised about the impacts of wandering domestic pets on community members using public places, wildlife and the environment.

The two highest priority issues identified regarding dogs were dogs off leash in public places and dog faeces not being picked up in public places.

The two highest priority issues identified regarding cats were cats injuring/killing native wildlife and unwanted cats on private property.

Currently, there are limited restrictions in place for dogs to be walked on leash in the Shire. Environmental Management Plans identify select Council reserves as being environmentally sensitive areas where dogs are recommended to be on leash. Some of these reserves have signs indicating dogs should be on leash, which owners are required to adhere to as per Local Law 10 (requirement to comply with signs on Council land). There is a broad level of support for Council to investigate the introduction of designated on and off leash areas in the Shire.

There is also some interest in the community for dogs to be prohibited from key highly sensitive environmental areas such as some bushland reserves.

Currently, Council does not require cats to be kept contained to the owner's property at any time of day. Officers rely upon State legislation to impound unidentified cats found wandering off the owner's property with fees imposed on the owner when reclaiming the cat from the pound. If an owned cat (even if it is identified) wanders onto another person's property more than once, it may be seized and Council may issue a no trespass notice on the owner.

There are also no restrictions on where cats can roam.

Section 2 of this report includes a summary of relevant sections of the DAA, Council's local law and relevant plans and strategies.

Section 3 deals with the question of dogs and public places. It recommends that an order be introduced under S26 of the DAA which requires dogs to be leashed except in designated areas where they are allowed to be exercised off the leash but under effective control. It also recommends select environmentally sensitive public places where dogs would be prohibited.

Section 4 deals with the proposed sunset to sunrise cat curfew and the proposed ban on cats entering designated public places within the Shire for environmental reasons.

It concludes that both Orders are warranted but that they require a clear plan for their implementation and enforcement.

2 BACKGROUND

2.1 A SNAPSHOT OF MACEDON RANGES SHIRE

The Shire is 1,747sq km in area. It is predominantly rural in character and includes established towns and villages. It is part of the extensive peri urban region surrounding the built up areas of Melbourne.

The Shire is planning for the population to reach 56,000 by 2036 (an increase of 16,000 residents) which is less than the *Victoria in Future (2012)* population projection of 61,000². Either way these are significant increases in population.

Recent urban growth has been the greatest in the south of the Shire in Gisborne, Romsey and Riddells Creek. More modest growth has occurred in Woodend, Kyneton, Malmsbury, Lancefield, Macedon and Mount Macedon. Gisborne and Kyneton continue to be the major population and employment centres.

Macedon Ranges is one of five key distinctive areas in Victoria (with the Mornington Peninsula, the Bellarine Peninsula, the Dandenong Ranges and the Yarra Valley). A localised planning statement is underway to protect its environmental, cultural heritage and tourism value. These are state policies for protecting and enhancing the valued attributes of state distinctive areas vital to the functioning of Melbourne and regional Victoria. The areas are nominated because they have significant geographic and physical features, biodiversity, natural resources, cultural and tourism values, productive rural land and regional and national infrastructure assets. Because of their attractiveness, accessibility and proximity to metropolitan Melbourne and regional cities, these areas are increasingly coming under pressure for growth and change.

Statement of Planning Policy No 8 also recognizes the national and state significance of the Macedon Ranges for its environmental and landscape significance.

Landuse zones outside the main towns include the Rural Conservation Zone, the Rural Living Zone, the Farming Zone and the Public Conservation and Resource Zone. The extensive conservation zones reflect the recognised environmental values of the Shire. Much of the municipality is covered by Vegetation Protection Overlays that recognize identified conservation values.

The Shire contains many parks, bushland reserves, vegetated roadsides and waterways which support a diverse range of threatened species, provide habitat for native wildlife and which enrich the region's biodiversity. Many of these locations are also valued recreation spaces for passive pursuits such as bushwalking and bird watching.

Dog and cat registrations are reasonably stable with 10,930 registered dogs and 3,160 registered cats in the Shire in 2018.

2.2 THE DOMESTIC ANIMALS ACT 1994

Relevant sections of the *Domestic Animals Act 1994* (DAA) are summarised below.

S23: DOGS AND CATS ON PRIVATE PROPERTY

Dogs and cats are not permitted on private property without the permission of the owner or occupier of the private property. However the trespass needs to occur more than once and if the trespassing dog or cat is identified, the Council must serve the owner with a notice of objection to the presence of that dog or cat on the private property. The owner can then be fined if the trespass happens again.

² MUNICIPAL STRATEGIC STATEMENT

Council provides cat traps for people experiencing cat trespass. Council lent out 358 cat traps in the 5 years to 2017 and the number increased steadily over that period.

S24: DOGS WANDERING AT LARGE

Dogs are not permitted to wander at large (ie without their owner).

S25: CATS WANDERING AT LARGE

A Council can make an order that requires a cat to be securely confined to the owner's premises for all or part of the day. The order can apply to all or part of the municipality. This is the provision under which a cat curfew would be introduced.

S26: DOGS AND CATS IN PUBLIC PLACES

A Council can make an order that:

- + Prohibits the presence of dogs and/or cats in any public place of the municipality; and/or
- + Imposes restrictions on the conditions of restraint of dogs and/or cats and the times at which their presence is or is not permitted in any public place; and/or
- + Imposes any other conditions with regard to their presence in any public place.

The order can apply to a public place that is on private land providing Council has the agreement of the owner or occupier.

There are several exemptions from an order under this section of the DAA including a dog being used or trained as a farm working dog, a dog being exhibited for show purposes at a fixture conducted by a recognized organization and a dog being trained or participating in obedience trials or classes conducted by a recognized organization.

A public place has the same meaning as it does under the *Summary Offences Act 1966*. It includes and applies to roads, footpaths and public reserves and includes amongst other places a school, a racecourse and a market.

There is no requirement that dogs be required to be retained under effective control of their owner or handler in public places. It would need to be included in an order made by Council under this section.

S31: DOGS OR CATS FOUND AT LARGE IN CERTAIN AREAS

An authorized officer can destroy a dog or cat found at large in any area which is designated as a control zone under a Management Plan made under an Act which is a relevant law within the meaning of the *Conservation, Forests and Lands Act 1987* or in any area classified as a conservation zone under a planning scheme under the provisions of the *Planning and Environment Act 1987*. This provision is available to authorized Council staff now.

S32: DOGS OR CATS CREATING A NUISANCE

Dogs and cats are not permitted to be a nuisance if the dog or cat injures or endangers the health of a any person³ or it creates an unreasonable noise.

³ NOTE THIS DOES NOT APPLY TO ANIMALS

2.3 LOCAL LAWS

MACEDON RANGES LOCAL LAW NO 10

Local Law No 10 has the following requirements relating to animals:

- + Section 7 requires a person using Council land or a road to comply with any conditions of use applied to that land or road by the Council and notified by way of signs, conditions of entry or conditions of membership. This has been used to regulate the presence of dogs in some public places within the Shire.
- + Section 41 relates to land on which people keep animals. It requires an owner to:
 - + Ensure their animals do not i) cause a nuisance ii) damage any flora or fauna on the land, iii) pollute any drain, gutter, watercourse or water catchment on or through that land and/or iv) cause the invasion or spread of noxious or environmental weeds on or from that land.
 - + Comply with requirements relating to animal housing, the keeping of animal food and keeping land free of materials, refuse or vegetation that may attract or harbor vermin.
 - + Not feed or encourage the presence of feral, stray or pest animals or allow such animals access to food on the land on which animals are kept.
- + Section 42 sets limits on the numbers of animals that can be kept without a permit:
 - + On land up to 4,000sqm – 2 dogs and 2 cats
 - + On land greater than 4,000sqm – 4 dogs⁴ and 4 cats.
- + Section 43 requires people to remove their animal's excrement from public places and to carry sufficient devices to collect and dispose of animal excrement.

2.4 THE STRATEGIC CONTEXT

DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021

Every Victorian Council is required to prepare a 5 year plan for the management of domestic animals. The current plan provides the context for this review:

Objective 1 of the DAMP seeks to reduce the impact of cats on wildlife and the environment. It includes a range of initiatives including to investigate the feasibility of introducing a cat curfew.

Objective 2 of the DAMP seeks to balance the needs of dog owners and the community to ensure community wellbeing, amenity and safety are enhanced. It includes a range of initiatives including to investigate the feasibility of introducing an Order that identifies dog on and off leash areas in the Shire.

These objectives followed community consultation for the plan which found that the two highest priority issues for dogs and cats were:

- + For dogs: dogs off leash in public places and dog poo not being picked up in public places; and
- + For cats: cats injuring wildlife and unwanted cats on private property.

MACEDON RANGES SHIRE COUNCIL OPEN SPACE STRATEGY 2013

This strategy foreshadows a review of dogs in public places and suggests dog off leash areas be provided for the main towns. It also suggests criteria for off leash areas.

⁴ THE LIMIT DOES NOT APPLY TO WORKING DOGS KEPT ON LAND EXCEEDING 40 HECTARES

MACEDON RANGES SHIRE COUNCIL WALKING AND CYCLING STRATEGY 2014

This strategy seeks to ensure dog off leash areas are not provided near shared trails.

MACEDON RANGES SHIRE COUNCIL WEED AND PEST ANIMAL STRATEGY 2014

This strategy seeks to manage pest animals which include feral cats. It seeks integrated management of public and private land.

MACEDON RANGES SHIRE COUNCIL BIODIVERSITY STRATEGY 2018

This Strategy identifies the following 4 threats facing biodiversity:

- + Human uses and activities – including the impact of domestic dogs and cats.
- + Pest plant and animals – including the impact of wild dogs and feral cats.
- + Fire and biodiversity.
- + Climate change.

It argues that domestic cats can stray widely, especially at night and that research has shown that on average one domestic cat predated on approximately 32 native animals each year. With around 3,000 domestic cats registered in the Shire, it says there is potential to see the demise of more than 96,000 native animals in the Macdeon Ranges every year.

It argues that domestic dogs can impact on the behaviour, dispersal and survival of native animals through their scent which can discourage some native species from staying in an area, chasing and predation.

It argues that domestic, stray and feral cats are a particularly dangerous predator to birds and smaller marsupials such as Sugar Gliders. It notes that Department of Environment Land Water and Planning's (DELWP) Strategic Management Prospects output for the Macedon Ranges predicts that controlling foxes and cats will have the biggest impact on native birds, mammals and reptiles compared to any other management technique.

The strategy provides for the following actions:

- + In partnership with the Local Laws unit, increase public awareness about the impact of outdoor cats and domestic dogs on native wildlife and the environment.
- + Provide support for initiatives outlined in the Domestic Animal Management Plan and the 2018 investigation which reduce the impact of cats on native wildlife and the environment.
- + Create awareness and education about the impacts of dogs in sensitive bushland environments and support initiatives that help to reduce these impacts.

3 DOGS IN PUBLIC PLACES

This section contains the review of dogs in public places within Macedon Ranges Shire.

Section 3.1 provides the background.

Section 3.2 describes the investigations undertaken.

Section 3.3 provides the final conclusions and recommendations.

3.1 BACKGROUND

The Shire is considering 3 orders on access of dogs and their owners to public places within the Shire.

- + An order that would require dogs to be under the effective control of their owner in all public places (under S26 of the DAA);
- + An order that would require dogs be leashed in all public places within the Shire except in designated public places where they are allowed to be exercised off the leash (under S26 of the DAA); and
- + An order that would prohibit dogs from entering designated public places for environmental reasons (under S25 of the DAA).

These orders would not apply to dogs that are wandering at large which is a separate issue and is prohibited under Section 24 of the DAA.

The orders are being considered because it is an action listed in the current DAMP. This in turn arose from issues raised in 2 earlier Council surveys (discussed below).

The proposed orders including the proposed off leash areas and areas from which dogs would be prohibited were released for community engagement and comment in November 2018. The proposed orders released for public comment are included in Appendix 1 of the *Summary of Community Feedback* report.

In developing the list of proposed off-leash areas, the Internal Reference Group sought to provide as many and as diverse a range of places as possible for people to exercise their dogs across the Shire.

WHY IS COUNCIL CONSIDERING THESE ORDERS?

The reasons Councils have introduced such restrictions include:

- + Public risk – the risk of dogs attacking or rushing other dogs and people when in public places. Whilst the number of reports and incidents are not high, there is still a risk;
- + Public nuisance - dogs adversely affect people's enjoyment of public places. Some people are fearful of dogs and/or don't like free running dogs coming near them;
- + Protection of environmental values – risks from attacks on native fauna, the degrading of native vegetation and/or water bodies, the presence of dog urine/excrement that some believe may discourage the presence of native fauna; and
- + Clarity for all users of public places regarding the presence of dogs in public places in the Shire.

A snapshot of the approaches taken by other Councils is provided in Section 3.2.

Other Councils have responded in different ways and for different reasons. There is no single approach or right way. It is something every municipality decides for itself depending on its geographic and strategic context and the views of its community. For example, some Councils prohibit dogs in the immediate vicinity of playgrounds for public risk or from environmentally sensitive areas for protection of environmental values, others allow them on leash or off leash. Some Councils prohibit dogs from busy public places for nuisance or risk, whilst others allow them on or off the leash. Some Councils have a large number of off leash areas, whilst others have a smaller number of off leash areas.

However virtually all Councils include a requirement that dogs be kept under the effective control of their owner in their Section 26 order.

WHAT ARE THE OPTIONS?

Council has the option of leaving things as they are now or may introduce orders under the DAA.

An order can provide requirements and restrictions for dogs' access to public places in the following ways:

- + Dogs allowed off leash – and with a condition that they are kept under the *effective control* of their owner or handler;
- + Dogs allowed on leash; and
- + Dogs prohibited.

The requirements can vary:

- + Across the day/week/year, during specified times of the day, or when particular events are on; and/or
- + Within one reserve.

Public places can be defined generically (eg a playground or sportsground) or as named places.

Some Councils across Australia have established purpose designed Dog Parks in addition to one or more off leash areas, but in most cases off leash areas are integrated into the existing framework of public open space.

There is no one size fits all approach. It is important that any restrictions are customised for the municipality concerned with community consultation taken into consideration. However, it is recommended that any order should be based on a default requirement. This will ensure all public places in the Shire are captured by the Order.

WHY HAVE OFF LEASH AREAS AT ALL?

The reasons Councils provide off leash areas are that:

- + Dogs need exercise for their own health but exercise has also been linked to reductions in nuisance behaviours including excessive barking and some instances of dog aggression – off leash exercise is part of the exercise equation.
- + Dogs benefit from socialisation – around other dogs, animals and humans.
- + Dog owners are a significant sized group within the community. Many dog owners want to exercise their dog off the leash.
- + For many people, walking a dog is their main form of recreation or exercise.
- + There are recognised social capital benefits from off leash areas.

It is further considered that dog owners need a variety of choice in places to exercise their dogs. If there are too few off leash areas or they are not well chosen, they won't adequately serve the needs of the population. They also run the risk of being overused by dogs and their owners. Planning for the needs of new residents in the growth areas will also need to be considered.

EARLIER COMMUNITY FEEDBACK - 2017 & 2014

Two surveys of Macedon Ranges Shire residents conducted in 2017 and 2014 suggest there is community support for controls over dogs in public places.

DAMP survey 2017

A survey of residents conducted ahead of preparation of the current DAMP (2017-2021) provided clear support for introducing an order in Macedon Ranges Shire.

The survey included 477 respondents of whom 361 (75%) were dog owners:

- + When asked for their concerns with dogs:
 - + 41% nominated dogs walked in public places.
 - + 21% nominated dog attacks on wildlife
 - + 15% nominated impacts on biodiversity eg native wildlife movement and habitat.
- + When asked which were their top 2 issues with dogs:
 - + 41% nominated dogs walked in public places.
 - + 21% nominated dog attacks on wildlife
 - + 15% nominated impacts on biodiversity eg native wildlife movement and habitat.
- + When asked if Council should designate on and off leash areas for dogs in public places:
 - + 65% said yes.
 - + 11% said no
 - + 23% said maybe.
- + When asked what places should be on-leash:
 - + 48% nominated public parks.
 - + 82% nominated playgrounds
 - + 49% nominated bushland reserves
 - + 84% said in strip shopping centres
 - + 82% nominated outside schools
 - + 52% nominated walking/cycling tracks in Council reserves or on Council land.
 - + 5% said dogs should not have to be on a leash when out in public
- + When asked if Council should prohibit dogs from some public places:
 - + 50% said dogs should not be prohibited in any areas.
 - + 28% nominated playgrounds
 - + 20% nominated bushland reserves
 - + 13% said outside schools
 - + 6% said walking/cycling tracks in Council reserves or on Council land.

2014 community survey

An earlier survey of residents in 2014 for Council's previous DAMP also provided clear support for introducing on and off leash areas in the Shire:

The survey included 798 respondents of whom 80% were dog owners.

There was a very high level of support for on leash requirements on roads/footpaths, schools, playgrounds, bbq areas, sportsgrounds during active support, environmentally sensitive areas (support in the 70-90s%).

There was a lower level of support for on leash requirements on rivers/footpaths/lakes (36%), recreation reserves (33%) and sportsgrounds when not in use (26%),

STRATEGIC CONTEXT

The relevant strategic context supports the introduction of a S26(2) order. This includes the recognised environmental significance of the Shire and the recommendations of the relevant plans and strategies considered in Section 2.4.

RELEVANT DATA

Each year the Shire experiences a number of dog attacks and threatening behaviour reports (an average of 166 per annum over the last 5 years). These occur in a variety of circumstances including when dogs are at home, when they are wandering at large and when they are with their owner in a public place but not kept under effective control.

WHAT HAPPENS IN COMPARABLE COUNCILS?

Comparable peri urban Councils have or are considering a S26(2) order. The various requirements are summarised below (with 'OLAs' being off leash areas).

| MUNICIPALITY | S26(2) ORDER? | COMMENT |
|-----------------|---------------|---|
| Baw Baw | Yes | On leash with 7 OLAs, working on 3 more OLAs |
| Hepburn | Yes | On leash where signed in main towns. Review foreshadowed in current DAMP |
| Mitchell | No | Review foreshadowed in current DAMP |
| Mount Alexander | Yes | Off leash with 2 parks prohibited, 2 parks on leash and 2 CBDs on leash |
| Moorabool | No | On leash with 10 OLAs and 5 timeshare OLAs (off leash when not in use for sport or other organized event), |
| Nillumbik | Yes | On leash with 12 OLAs, some areas prohibited, 5m of shared paths, prohibited from some sportsgrounds due to dog faeces and wear and tear on grounds. Review foreshadowed in current DAMP to provide more OLAs. |
| Yarra Ranges | Yes | On leash with 23 OLAs, prohibited on sportsgrounds and within 20m of playgrounds, picnic and bbq areas, fixed fitness equipment and 9 other reserves. The order applies to cats as well. The order says it does not apply to DEPI land. |

It is noted that most metropolitan Councils (Melbourne) have an Order in place with a default requiring dogs to be leashed in all public places with areas where dogs are allowed off leash or are prohibited.

In New South Wales, the statewide *Companion Animals Act 1998* requires dogs to be leashed in all public places except designated off leash areas.

3.2 INVESTIGATIONS

COMMUNITY FEEDBACK 2018

In November 2018, community feedback was sought on the proposed Section 26 order.

The *Summary of Community Feedback* report prepared in January 2018, reveals support for the introduction of the proposed controls, which are contained as appendices to that report. That report includes the proposed requirements applying to different public places. The proposed requirements were generated by the Internal Reference Group.

Key findings from the community survey were:

- + 60.3% of survey respondents support a requirement that dogs must be on a leash except in designated off leash areas (24.6% opposed, 7.4% were undecided and 7.7% did not respond)
- + 80.4% of survey respondents support a requirement for dogs to be kept under effective control in public place (6.3% opposed, 4.7% were undecided and 8.7% did not respond).
- + 69.9% of survey respondents support a requirement to prohibit dogs from designated public places for environmental reasons (10.4% opposed, 9.9% were undecided and 9.8% did not respond).

It is noteworthy that 61.08% of the respondents to the community survey were dog owners.

Key findings from the stakeholder surveys (it is noted that only 12 were received) were:

- + 8 respondents support a requirement that dogs must be on a leash except in designated off leash areas (1 opposed, 2 were undecided and 1 did not respond)
- + 8 respondents support a requirement for dogs to be kept under effective control in public place (1 opposed, 1 were undecided and 2 did not respond)
- + 4 respondents support a requirement to prohibit dogs from designated public places for environmental reasons (1 opposed, 4 were undecided and 2 did not respond).

Similar breakdowns of support were received in the written submissions and facebook discussion.

The feedback from the pozzi maps method provided detailed feedback about specific reserves.

The community forum was attended by 6 members of the community and provided for face to face discussions with the following specific suggestions:

- + Could particular public places allow off leash exercise for some of the day as occurs on some beaches
- + Could consideration be given to a dog park
- + Could rural areas allow off leash exercise by default.

3.3 RECOMMENDATIONS

It is considered that there is community support for introducing the 3 proposed requirements:

- + That dogs be kept under the effective control of their owner or handler in all public places;
- + That dogs be leashed in public places except in designated off leash areas; and
- + That dogs be prohibited from entering designated public places for environmental reasons.

Each of these requirements is considered below.

RECOMMENDATION 1: DOGS REQUIRED TO BE UNDER EFFECTIVE CONTROL IN ALL PUBLIC PLACES (S26 ORDER UNDER THE DAA)

It is proposed that dogs be required to be kept under effective control in public place. The proposed order would read as follows:

*The owner/person in control of a dog must restrain the dog on a leash when the dog is in any public place or Council reserve that is not designated as an off leash area. When a dog is in a public **on leash area**, it must also be under the effective control of a person at all times under the following conditions:*

- + *Dogs must be restrained using a leash, chain or cord attached to an appropriately fitted collar, harness, or halter, all of which must be in good condition; and*
- + *A current Council registration tag must be worn by the dog; and*
- + *Dogs must not be allowed to harass, interfere with, or behave in an anti-social manner toward another person or animal; and*
- + *Dogs must not be left unattended.*

*The owner / person in control of a dog may exercise the dog off the leash in a designated off leash area according to the requirements for the area. When a dog is in a designated public **off leash area**, it must be under the effective control of a person at all times under the following conditions:*

- + *The owner / person in control must carry a leash, chain or cord that is in good condition and is able to be placed on the dog when necessary; and*
- + *Dogs must wear an appropriately fitted collar, harness, or halter with a current Council registration tag attached; and*
- + *The owner / person in control must actively supervise the dog and maintain a clear and unobstructed view of the dog at all times; and*
- + *The dog remains within 50 metres of the owner / person in control so that it is in visual and audible range to allow for effective recall at any time; and*
- + *Dogs must respond to recall commands and return to the owner / person in charge upon verbal command or hand signal;*
- + *Dogs must not be allowed to harass, intimidate, worry, or behave anti-socially toward another person or animal; and*
- + *Dogs that attack or behave aggressively toward another person or animal must be immediately placed on a leash and removed from the off leash area; and*
- + *Dogs must be restrained by leash when leaving the designated off leash area.*

It is considered that the requirement for dogs to be under effective control in public places is warranted. Without it, officers have limited power to control or manage the behaviour of dogs and their owners in public places until a dog rush or attack actually occurs.

It should be noted that it includes a requirement that dogs are not left unattended ie tethered in a public place without a person present.

Recommendation: Introduce an order under Section 26 of the DAA that requires dogs to be under effective control of their owner or handler in public places .

It is proposed that the dog control orders become effective from 1st January 2020. The Internal Reference Group considers that it would be appropriate to focus on education over enforcement for the first 6 months after the order is introduced.

RECOMMENDATION 2: DOGS ON LEASH EXCEPT IN DESIGNATED OFF LEASH AREAS (S26 ORDER UNDER THE DAA)

It is considered that this proposed order is warranted given:

- + There is community support for the proposed order;
- + It is consistent with the strategic context outlined in Section 2.4;
- + It provides for an orderly sharing of public places by all members of the community; and
- + Comparable and neighbouring Councils have a similar order in place or are considering one during the life of their current DAMP. Only Moorabool Shire has no proposal to introduce an order.

It is considered that the proposed order includes a generous number and diversity of places across the Shire for people to exercise their dogs.

The Internal Reference Group considered the feedback received and considered that some refinement to the proposed on and off leash designations may be warranted. Additional specific areas are also being reviewed for inclusion as off leash areas:

- + Lancefield Recreation Reserve – specifically the main oval except during times of sporting event (dependant on approval from DELWP and the Committee of Management for Lancefield Park);
- + Romsey Five Mile Creek – West Walk where a timeshare arrangements is proposed that permits off leash dog walking at particular time; and
- + Kyneton River Walk where a timeshare arrangement is proposed that permits off leash dog walking at particular times.

Recommendation: Introduce an order under Section 26 of the DAA which requires dogs to be leashed in all public places except in designated off leash areas according to the requirements of the designated area. Some refinement to the designated off leash areas including naming of areas, consideration of additional areas and timed use of specific sites is required before the order is finalised.

Rural areas of the Shire are not proposed to be excluded from the requirements.

It is proposed that the dog control orders become effective from 1st January 2020. The Internal Reference Group considers that it would be appropriate to focus on education over enforcement for the first 6 months after the order is introduced.

RECOMMENDATION 3: DOGS PROHIBITED FROM ENTERING DESIGNATED PUBLIC PLACES FOR ENVIRONMENTAL REASONS (S26 ORDER UNDER THE DAA)

It is considered that this proposed order is justified.

A number of requests were made to extend the dog bans to all of Council's bushland reserves. This was considered by the Internal Reference Group which is of the view that this is not required providing dogs are kept on the leash in bushland reserves. The Internal Reference Group recognises that in most bushland reserves, dog walkers are a significant user group and that restricting their use would significantly reduce community use and appreciation of these natural assets. In most bushland reserves, it is considered that dogs have minimal impact on wildlife and biodiversity when they are walked on designated paths on the leash.

Recommendation: Introduce an order under 26 of the DAA which prohibits dogs from entering designated public places for environmental reasons. Some refinement to the areas is required before the order is finalised.

RECOMMENDATION 4: IMPLEMENTATION OF THE PROPOSED DOG MANAGEMENT ORDERS

Council would need to consider how the proposed orders would be implemented and resourced:

The resourcing requirements are expected to include:

- + Significant community education before and as the orders are introduced and on an ongoing basis.



- + Signage – the Internal Reference Group considers that a benchmark of at least 2 signs per designated area with additional signage in larger and/or key public places. This would require funding.
- + Stenciling on key pathways.
- + Enforcement and to what level.

The Internal Reference Group considers that it would be appropriate to focus on education over enforcement for the first 6 months after the order is introduced.

Recommendation: An Implementation Plan is required that documents final wording for the orders, how the proposed orders would be implemented and resourcing requirements.

RECOMMENDATION 5: CONSIDERATION OF A PURPOSE BUILT DOG PARK

There were several requests made for a purpose built Dog Park. The Internal Reference Group considered this to be a positive suggestion.

It is recommended that a feasibility study be undertaken to:

- + Consider the merits of establishing a purpose built Dog Park in Macedon Ranges Shire;
- + Review candidate sites; and
- + Develop a design brief should Council decide to proceed with establishing a purpose built Dog Park.

This could be referred to the development of the next DAMP.

Recommendation: Future consideration should be given to the development of a purpose built Dog Park in the Shire.

RECOMMENDATION 6: OFF LEASH AREAS IN NEW SUBDIVISIONS

As the Shire continues to grow, it is important that off-leash areas are considered as part of the planning process in the development of new public open space, particularly in new subdivisions. It is harder to establish off leash areas once a subdivision is planned and developed.

Recommendation: Off leash areas should be considered in the development of open space in the planning and development of new urban areas within the Shire.

4 THE CASE FOR CAT CONTROLS

This section contains the review of cats in public places within Macedon Ranges Shire.

Section 4.1 provides the background.

Section 4.2 describes the investigations undertaken.

Section 4.3 provides the final recommendations.

4.1 BACKGROUND

The two cat controls being considered for Macedon Ranges Shire are:

- + A curfew that would require cats to be confined to their owners' premises from sunset to sunrise⁵. This would be enacted by an Order under Section 25 of the DAA; and
- + Prohibition of cats from entering select environmentally sensitive areas in public places. This would be enacted by an Order under Section 26 of the DAA.

The cat curfew is being considered because it is an action listed in the current DAMP. This in turn arose from community support for a cat curfew in 2 earlier Council surveys (discussed below).

The proposed Section 26 order prohibiting cats from select environmentally sensitive areas arose during early investigations in the current review.

EARLIER COMMUNITY FEEDBACK - 2017 & 2014

Two surveys of Macedon Ranges Shire residents conducted in 2017 and 2014 show that there is community support for a cat curfew.

DAMP survey 2017

A survey of residents conducted ahead of preparation of the current DAMP (2017-2021) provided clear support for introducing a cat curfew in Macedon Ranges Shire.

The survey included 477 respondents of whom 151 (31%) were cat owners (63 did not nominate whether they owned a cat or dog):

- + When asked for their concerns with cats:
 - + 67% nominated wandering cats in my neighbourhood.
 - + 59% nominated unwanted cats on my property
 - + 42% nominated unowned/unidentified cats
 - + 39% nominated overpopulation/overbreeding
 - + 82% nominated injuring or killing wildlife
 - + 22% nominated fighting or noise from cats
- + When asked which were their top 2 issues with cats:
 - + 28% nominated wandering cats in my neighbourhood.
 - + 38% nominated unwanted cats on my property
 - + 17% nominated unowned/unidentified cats

⁵ A CURFEW WOULD NOT APPLY TO CATS THAT ARE SECURELY RESTRAINED OUTSIDE THE OWNERS PREMISES (EG. IF THEY ARE KEPT SECURELY IN A CAR OR CAT CAGE OR IF THEY ARE RESTRAINED ON A LEASH).

- + 24% nominated overpopulation/overbreeding
- + 78% nominated injuring or killing wildlife
- + 4% nominated fighting or noise from cats
- + When asked if Council should introduce a cat curfew:
 - + 44% said yes at night between sunset and sunrise.
 - + 37% said yes at all times
 - + 17% said no.

2014 community survey

An earlier survey of residents in 2014 provided similar support for introducing a cat curfew with 50% supporting a curfew, 30% supporting 24 hour confinement and 20% saying there should be no confinement requirement. The survey included 798 respondents of whom 37% were cat owners.

STRATEGIC CONTEXT

The relevant strategic context supports the introduction of both of the proposed cat controls. This includes the recognised environmental significance of the Shire and the recommendations of the relevant plans and strategies considered in Section 2.4.

WHAT ARE THE REASONS OTHER COUNCILS HAVE INTRODUCED CAT CONTROLS?

The reasons other Councils have introduced cat controls are:

- + In response to complaints about cats straying on to private property – the complaints range from cats defecating on private property, cats bothering or attacking complainants' cat/s and cats attacking wildlife on private property;
- + For the protection of wildlife (see discussion in Section 4.2);
- + To allow for easier distinction of unowned and semi owned cats from owned cats;
- + To assist with reducing the number of unwanted and unowned cats arising from indiscriminate breeding; and
- + To assist with reducing the very high number of cats that are euthanased in Council pounds/shelters. The high numbers are largely due to the large number of unowned and unwanted cats that cannot be rehomed however the Getting to Zero Australian Cat Action Plan says that many cat owners do not check if their cat is at a pound or shelter because they assume it will come home eventually.

It is also known that cats benefit from confinement (they suffer less disease, they are less likely to become lost and experience fewer injuries/deaths,) although this is not a reason in itself that other Councils have introduced a cat curfew.

HOW CAN A CAT BE CONFINED TO THE OWNER'S PREMISES?

Confinement can be achieved by the following means:

- + Indoors;
- + To a shed;
- + To a cat run or specially designed enclosure;
- + By enclosing part of the property eg a verandah; and/or
- + With cat proof fencing.

It is recognised that it is easier to confine new generations of cats. However cats can be trained to come home at night – usually by adjusting their feed times.

A cat curfew cannot require cats to be kept indoors although in practice this is what many people do to confine their cat.

WHAT DOES THE LITERATURE SAY ABOUT THE IMPACTS OF CATS ON WILDLIFE?

The primary cause of cat predation on wildlife is thought to be from feral and unowned cats. They are considered to be a major contributor to the extinction of 22 Australian mammals (Woinarski et al 2015) and they are believed to be a major threat to at least 142 species of mammals, reptiles, frogs and birds in Australia (Australian Government 2014). Stomach content analysis has revealed that a feral cat can eat up to 30 animals in one night.

It is important to understand that neither of the proposed cat controls will reduce predation on wildlife by these cat populations.

The Australian Veterinary Association says that owned cats are mainly dependent on their owners for food. Nevertheless, hunting and killing is a strong natural instinct and owned cats will kill and injure native wildlife if given the opportunity (Barratt 1997, Meeks 1998, Lillith 2006, Hutchins 2013, Kitts-Morgan 2015, MacDonald et al 2015). In addition, peri urban habitats, including people's gardens serve as important habitat for birds and other native animals (Angold et al 2006, Tratalos et al 2007, Pennington et al 2008, Seewagen and Slayton 2008, Longcore et al 2009).

WHAT EFFECT WOULD A CURFEW HAVE ON CAT WELFARE?

It was mentioned above that cats that are confined to their home property are less likely to become injured, lost, involved in cat fights or catch diseases such as Feline Immunodeficiency Virus. Entire female cats that are allowed to roam or who have access to male cats are at high risk of pregnancy. This includes cats as young as 4 months, which is before the traditional age of desexing. Unplanned pregnancy puts owned cats at risk of being surrendered and adds to cat overpopulation and euthanasia rates.

There are some concerns however about the impact of long term indoor confinement of cats including risks of feline diabetes.

The RSPCA says that the stress of sudden confinement may compromise a cat's health and welfare. It recommends gradual reduction in time spent beyond the property for those cats used to this.

The Australian Veterinary Association says that confined cats require appropriate environmental enrichment to minimise stress.

WHAT IS THE LIKELY IMPACT OF A CAT CURFEW ON THE NUMBER OF UNOWNED AND UNWANTED CATS?

This issue is important because of the very large number of unowned and unwanted cats that need to be euthanased each year.

Key stakeholders generally agree that a cat curfew would not appreciably affect the number of unowned and unwanted cats. This includes direct feedback received from the Lost Dogs Home in relation to this review.

The Australian *Getting to Zero* model aims to achieve zero euthanasia of all healthy treatable cats and dogs. It focuses on a range of measures to reduce unwanted cats including compulsory desexing. It recognises that roaming cats are part of the problem and recommends that people be encouraged to contain their cats to their property but it does not recommend that Councils introduce cat curfews as a solution to cat overpopulation.

RSPCA'S REPORT ON CAT MANAGEMENT

The RSPCA's *Identifying Best Practice Cat Management in Australia (May 2018)* advocates the following propositions:

- + Preventing cats from roaming has the potential not only to prevent reproduction (especially of young cats that are sexually mature but not yet desexed) but also to prevent wildlife predation, minimise community nuisance and reduce the risk of disease and injury.
- + Domestic cats have been found to have larger home ranges at night than during the day thus potentially exposing them to more risk during the night if allowed to roam and also expanding their range for potential predation on wildlife.
- + Cat containment regulations should mandate 24-hour confinement rather than night time curfews, if they are to significantly reduce wildlife predation, breeding of unwanted cats and cat nuisance.
- + The greatest benefit from cat containment would come from combining it with mandatory desexing, identification and strategies to manage unowned cats.
- + An alternative to mandatory desexing is to provide assistance with desexing. One of the main contributing factors to the continued high cat intakes into shelters is thought to be the failure to increase the desexing rate of pets living in low-income households and semi-owned and unowned cats. A 2007 study in the USA found that only 51.4% of cats living in low income households were desexed compared with more than 90% of cats living in households with higher incomes. This situation is thought to be similar in Australia as cat surrender is associated with lower socio-economic status.
- + Targeted and low cost desexing programs have been shown to have significant potential to reduce unwanted cat breeding, animal shelter/pound cat admissions and euthanasia. These initiatives also generally receive strong community support.
- + Education strategies should focus on increasing cat owner understanding of the benefits of cat management such as containment, identification and desexing of their cat, and for decreasing euthanasia of kittens and cats in shelters and pounds.
- + However education alone may not be sufficient to achieve the behaviour change required for owners to regard containment as 'normal' practice.
- + Any program to trap feral cats must recognise that they are sentient animals capable of experiencing pain, suffering and distress and provide protection from cruelty.

4.2 INVESTIGATIONS

COMMUNITY FEEDBACK

In November 2018, community feedback was sought on both the cat curfew and the ban on cats from select environmentally sensitive public places.

The *Summary of Community Feedback* report prepared in January 2019, reveals strong support for the introduction of both controls.

In particular, the community survey (with 728 respondents) yielded 78.2% support for a cat curfew and 74.54% support for prohibiting cats from designated environmentally sensitive areas.

Some of those respondents supporting a cat curfew volunteered the following further qualitative comment:

- + 49 or 8.67% said they would prefer a 24 hour curfew; and
- + 2 or 0.3% said they did not support a 24 hour curfew.

The most common reasons for supporting a cat curfew were to protect wildlife and reduce cat trespass on private land. The most common reasons for not supporting a cat curfew were that it would be difficult to comply with, it would be impossible to enforce, it is a waste of resources, it is not justified and that Council should educate the community instead.

The most common reasons for supporting a prohibition on cats from entering designated public places were that the impact of cats on wildlife is unquestionable and they should not be present in environments

of native flora and fauna. The most common reasons for not supporting the bans were that it is not needed in Macedon Ranges Shire, it is impossible to teach roaming cats to ignore certain boundaries and that cat proof fences should be considered instead.

Only 8 industry stakeholders responded to the industry survey however all supported the proposed cat curfew including the Lost Dogs Home and the RSPCA. Whilst the Lost Dogs' Home agreed in principle with a cat curfew, it said it noted that it would be unlikely to affect the numbers of semi-owned and unowned cats.

Five (5) industry stakeholders supported the proposed ban on cats from designated public places (1 was opposed, 1 was undecided and 1 did not respond to the question).

RELEVANT DATA

The Shire's cat management data that is relevant to whether a cat curfew might be warranted in Macedon Ranges Shire relate to:

- + The numbers of cats found or reported lost;
- + The number of requests made by residents for cat trap hire; and
- + The numbers of cats entering Council's pounds/shelters.

The data for recent years is summarised below. There are upward trends on most of the measures.

The number of cats found in the Shire has increased in the 5 years to 2017.

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|------|
| 121 | 106 | 105 | 137 | 186 |

The number of reports of lost cats in the Shire has been more stable.

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|------|
| 94 | 116 | 92 | 85 | 86 |

Requests for cat trap hire have increased significantly in the 5 years to 2017.

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|------|
| 47 | 53 | 64 | 80 | 114 |

The number of cats entering Council's pounds/shelters increased significantly in the 5 years to 2017.

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|------|
| 152 | 149 | 179 | 247 | 294 |



WHAT HAPPENS IN OTHER COUNCILS?

Statwide, the following Councils have sunset to sunrise or 24 hour cat curfews. Others are known to be considering curfews.

| CURFEW TYPE | VICTORIA COUNCILS |
|--------------------------|--|
| Sunset to sunrise curfew | Whitehorse, Greater Bendigo, Ballarat, Greater Geelong, Pyrenees, Nillumbik, Frankston, Queenscliffe, Wyndham, Surf Coast (no restriction on rural zones) Bass Coast, Latrobe, Kingston, Horsham, Wodonga, Hindmarsh |
| 24 hour curfew | Casey, Moira, Mornington Peninsula, East Gippsland, Greater Shepparton, Cardinia, Yarra Ranges, Baw Baw |

Comparable peri-urban Councils have or are considering a S25 order. The various requirements are detailed below.

| MUNICIPALITY | SUNSET TO SUNRISE CURFEW | 24 HOUR CURFEW | NO RESTRICTION | COMMENT |
|-----------------|--------------------------|----------------|----------------|--|
| Baw Baw | | * | | |
| Hepburn | | | * | A curfew review is foreshadowed in current DAMP |
| Mitchell | | | * | A sunset to sunrise curfew is foreshadowed in current DAMP |
| Mount Alexander | | | * | A curfew review is foreshadowed in current DAMP |
| Moorabool | | | * | None proposed. |
| Nillumbik | * | | | Curfew is from 7.30pm to 6.00am. |
| Yarra Ranges | | * | | The 24 hour curfew was introduced to address impacts on wildlife, complaints from neighbours about cats wandering onto property and the need to better understand the extent and location of semi owned and stray cat populations. |



| MUNICIPALITY | SUNSET TO SUNRISE CURFEW | 24 HOUR CURFEW | NO RESTRICTION | COMMENT |
|--------------|--------------------------|----------------|----------------|---|
| | | | | The current DAMP notes a 143% increase in complaints about cats between 2012/2013 and 2016/2017 (to 576 complaints) and attributes the likely cause to the introduction of the 24 hour confinement requirement in 2014. |

Anecdotal feedback from officers of the Lost Dogs Home, the RSPCA and Animal Aid suggests that a cat curfew is unlikely to have an appreciable impact on the number of cats entering pounds/shelters.

Of greater likelihood is the potential for an increase in the number of cat related complaints. Whilst the Yarra Ranges DAMP attributes the significant increase in cat complaints over the period to the cat curfew, Macedon Ranges Shire has received a comparable increase in cat related complaints over the same period. Nevertheless some increase in cat complaints would need to be factored into the implementation and resourcing plan.

Councils contacted do not as a rule proactively enforce the confinement requirements. They rely on residents to do the right thing and provide for residents to trap trespassing cats less onerously than is possible under S23 of the DAA. This is consistent with research undertaken by the RSPCA.

4.3 RECOMMENDATIONS

RECOMMENDATION 1: SUNSET TO SUNRISE CAT CURFEW (S25 ORDER UNDER THE DAA)

There is community support for introducing a sunset to sunrise cat curfew in Macecon Ranges Shire. This is evident from the feedback undertaken for this review and from the surveys undertaken in 2014 and 2017. The primary reasons the community supports a curfew are for the protection of wildlife and to reduce cat trespass on neighbouring properties.

It is noteworthy that there was a 242% increase in the number of requests for cat trap hire in the 5 years to 2017. It is also known that the the current process for dealing with cat trespass complaints is onerous for the complainant and ascribes no responsibility on the owner of the cat to stop it from trespassing until such time as a no trespass notice has been issued.

The primary cause of cats preying on wildlife is thought to be from feral and unowned cats. It is important to recognise that a cat curfew will not reduce predation from these populations. If Council wishes to address feral cat predation, separate measures (eg trapping) would need to be introduced to reduce the number of feral cats in the Shire.

Owned cats are mostly dependent on their owners for food. Nevertheless hunting is a strong natural instinct and cats will kill and injure native wildlife if given the opportunity. People’s gardens serve as important habitats for birds and other native animals. This is part of the reason why people complain about cat trespass.

Less evident from the community feedback but important nonetheless is the potential for a curfew to reduce the euthanasia of large numbers of cats entering Council’s pounds/shelters. Council had a 93% increase in the number of cats entering its pounds/shelters in the 5 years to 2017. These are mostly unowned and semi-owned cats that overbreed amongst themselves. However many owned cats are not



returned to their owner either because the owner can't be found (they are not microchipped) and/or because their owner does not look for them⁶. A curfew could help to reduce the number of lost cats because cats are confined at least overnight and because knowledge that a curfew exists could result in people looking for their cat earlier than many are known to do at present. However if owned cats were all microchipped as the DAA requires them to be, this problem would not exist.

A curfew could help to reduce breeding between owned cats and the unowned and semi-owned cat populations, although it is acknowledged that desexing of owned cats would be more effective than a curfew.

Council would need to consider how a curfew would be enforced:

- + Proactive enforcement means evening patrols and trapping of cats.
- + Reactive enforcement means responding to customer service requests and complaints.

The expense of enforcement could potentially be prohibitive especially if the community has unrealistic expectations in regard to how a curfew will be enforced.

Of those Councils spoken to with a curfew, most do little to no enforcement. They rely on voluntary compliance – responding only to complaints and customer service requests. This is consistent with RSPCA's national research on the way cat curfews are enforced. If Council introduces a cat curfew, there will need to be a clear plan for the level of enforcement expected/proposed and how it will be resourced.

One consideration in considering a curfew is the fate of owned cats trapped at night that cannot be returned to their owner because they are not microchipped and/or claimed by their owner. This could lead to a new group of cats entering Council's pounds/shelters. These cats are likely to be euthanased if they cannot be rehomed. Additional effort and resourcing would be warranted i) to ensure more cats are microchipped overall ii) to reunite more cats with their owner and iii) to rehome those cats that cannot be returned to their owner.

Another potential concern is whether a curfew will lead to people surrendering their cat because a curfew is too onerous for them to comply with. This has not been the experience of municipalities that have introduced a cat curfew.

The resourcing requirements are expected to include:

- + Significant community education before and as the curfew is introduced and on an ongoing basis;
- + Enforcement – whether it is proactive and/or reactive and to what level for each. It is noteworthy that the Yarra Ranges Council experienced a 143% increase in the number of cat complaints after it introduced its cat curfew;
- + Additional shelter capacity to accommodate a potential increase in the number of detained cats; and
- + Additional effort to return/rehome cats picked up as a result of the curfew and to increase the microchipping of cats overall. Without this, the curfew could lead to more cats being euthanased.

Three alternatives to a sunset to sunrise curfew were considered. These are discussed in the following table:

| Alternative option | Discussion |
|--|---|
| <u>No curfew</u> Continue to rely of S23 of DAA | Section 23 of the DAA is onerous for people experiencing cat trespass and ascribes no responsibility to the owner of the cat to stop it from trespassing until a trespass notice has been issued. |

⁶ THEY ASSUME IT WILL COME HOME EVENTUALLY, BUT OFTEN THIS IS TOO LATE

| Alternative option | Discussion |
|---|---|
| <p>Increase community education</p> <p>Undertake trapping of feral and unowned cats</p> | <p>Section 23 of the DAA only controls cat trespass on private property. It cannot be extended to public places and it does not address the impact of owned cats on wildlife in other areas of the Shire.</p> <p>Whilst education efforts can be increased, it is considered that education on its own will not achieve the desired outcomes. Furthermore the educative role of a cat curfew in encouraging people to confine their cats voluntarily should be recognized (eg as compared with other public policy objectives such as the introduction of seat belt laws in 1970).</p> <p>It would be difficult to undertake trapping of feral and unowned cats without a curfew as many owned cats would likely be caught. They would need to be distinguished from the other populations and then released.</p> |
| <p><u>Introduce a 24 hour cat curfew</u></p> | <p>There was much less support for a 24 hour curfew than a sunset to sunrise curfew in the 2018 community engagement. There was also more support for partial confinement in the 2014 and 2017 surveys of residents.</p> <p>It is considered that a 24 hour curfew would be a very large step, at least initially.</p> <p>It is considered that the sunset to sunrise curfew is an appropriate balance that considers the impact of cats, their welfare and the fact that industry stakeholders mostly recommend a gradual transition to confinement of cats.</p> |
| <p><u>Apply a curfew to some parts of the Shire</u></p> | <p>It is considered that applying a curfew to part of the Shire is not appropriate. The whole Shire has environmental significance. In addition, it is known that some cats travel very long distances outside their owner's premises.</p> |

Council is currently reviewing its pound arrangements for cats as the current provider will no longer perform this service on Council's behalf. Until new arrangements are in place, there is no capacity to accommodate an increase in the number of detained cats.

Recommendation: Introduce an order under Section 25 of the DAA that introduces a sunset to sunrise cat curfew.

It is recommended that the cat control order be deferred to at least 1st July 2020 to allow the new shelter/pound contract to be implemented and reviewed and to give people the opportunity to adjust to the new requirement.

RECOMMENDATION 2: CATS IN ENVIRONMENTALLY SENSITIVE AREAS (S26 ORDER UNDER THE DAA)

There is community support for introducing an order that prohibits cats from designated public places for environmental reasons.

The primary reasons the community supports this requirement is to help protect wildlife and to provide a safe haven for wildlife.

The bans would make it easier for Council to undertake trapping of feral and unowned cats in these reserves.

Some survey respondents said it would be difficult for people living near the designated reserves to keep their cats from entering them. It is acknowledged that extra effort would be required by some cat owners.



It is considered that the proposed bans are justified because the designated reserves are the most environmentally sensitive places within the Shire. The Management Committees for these reserves generally support the bans.

There is a question about whether the proposed bans should be extended to all bushland reserves and other environmental reserves that Council manages. There was support for this in the community consultation and from Council’s Internal Reference Group. In reviewing the community feedback, and through further discussion, officers are of the opinion that additional reserves should be included as prohibited areas. It is acknowledged that the community has not had an opportunity to consider additional reserves from which cats would be banned and therefore it is recommended additional community consultation is undertaken prior to finalising the order.

Three alternatives to introducing a Section 26 order were considered and are discussed below:

| Alternative option | Discussion |
|---|---|
| <p><u>No cat bans from designated reserves</u></p> <p>Increase community education</p> <p>Undertake trapping of feral and unowned cats (available under S31 of the DAA)</p> | <p>Whilst education efforts can be increased, it is considered that education will not on its own achieve the desired outcomes.</p> <p>Trapping of feral and unowned cats will be easier if owned cats are not present in the reserves.</p> |
| <p><u>Construct cat proof fences around designated reserves</u></p> | <p>This is not considered practicable. Extensive purpose designed fencing with floppy tops would be required. Whilst it could be part of the solution, the efficacy of cat proof fences is not proven. Their effect on landscape and visual qualities would also need to be considered.</p> |
| <p><u>Apply a 24 hour curfew to areas around the designated reserves</u></p> | <p>It is not considered that applying a curfew to parts of the Shire is appropriate. It is known that some cats travel very long distances outside their owner’s premises.</p> |

Recommendation: introduce an order under 26 of the DAA which prohibits cats from entering designated public places for environmental reasons. Additional community consultation is required to finalise the prohibited areas prior to introduction of the order.

Like the proposed cat curfew, it is recommended the commencement be deferred to at least 1st July 2020 to allow the new shelter/pound contract to be implemented and reviewed. Deferring its introduction will also allow people time to adjust to the forthcoming bans.

RECOMMENDATION 3: IMPLEMENTATION OF THE PROPOSED CAT MANAGEMENT ORDERS

Council would need to consider how the proposed orders would be implemented and resourced. An implementation plan should be developed which considers the following:

- + Significant community education before and as the orders are introduced and on an ongoing basis. Community education should focus on ensuring the community knows about the curfew, the benefits of cat confinement, ways to confine a cat, how to provide environmental enrichment for indoor cats, ways to train a cat to return home at sunset and what to do if their cat does not come home. Community education should commence well before the curfew commences.
- + Signage – the Internal Reference Group considers that a benchmark of at least 2 signs per public place where cats are banned. This would require funding.
- + Enforcement and to what level. There will need to be a clear plan for how the bans will be implemented and enforced. The plan might include a cat trapping program within the reserves. The Council's expectations in relation to enforcement will need to be clear.
- + Staff resourcing - additional officer time involved in educating the community and enforcing the curfew. It is considered that at a minimum, it is likely to require a 1 additional full time animal management officer.

Recommendation: An Implementation Plan is required that documents final wording for the orders, how the proposed orders would be implemented and resourcing requirements.

The Internal Reference Group considers that it would be appropriate to focus on education over enforcement for the first 6 months after the order is introduced.

RECOMMENDATION 4: COMPLEMENTARY CAT MANAGEMENT MEASURES

The RSPCA believes that a cat curfew will have the greatest impact when introduced in conjunction with efforts to increase the rates of microchipping and desexing.

Recommendation: In line with Council's current DAMP, introduce a low cost desexing and microchipping scheme to co-incide with the introduction of a cat curfew.