

Cat Containment Area Policy

- Googong Township
 - Googong Sunset
 - Jumping Creek
- Elm Grove (North Elmslea)
 - Braidwood Ridge
- South Jerrabomberra (Tralee)
 - All future new greenfield developments

Date policy was adopted:	26 April 2023
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Strategic Pillar	Community
Responsible Branch	Customer and Communication

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1 OUTCOMES

- 1.1 To provide protection to native wildlife in close proximity to the identified cat containment areas by restricting the movement of domestic cats.
- 1.2 To apply restrictions to domestic cats in the identified cat containment areas to reduce customer complaints to Council regarding roaming cats.

2 POLICY

- 2.1 To identify cat containment areas in the Queanbeyan-Palerang Local Government Area where cats would be not be permitted to roam freely during the day or night, therefore improving safety for native wildlife.

3 SCOPE OF THE POLICY

- 3.1 The current Policy applies to domestic cats in the following areas:
 - Jumping Creek development
 - Googong Sunset development
 - Elmslea Grove (North Elmslea)
 - Braidwood Ridge
 - South Jerrabomberra (Tralee)
 - Googong Township – in particular the following neighbourhoods (see image in Appendix 1:
 - Neighbourhood 2 – stage 11, 12, 13, 14, 15, 16a, 16b, 16c, 16d
 - Neighbourhood 3 – stages 1-7
 - Neighbourhood 4 – stages 1-10
 - Neighbourhood 5 – stages 1-7
 - All future greenfield developments in Queanbeyan-Palerang

Note: the Policy, as adopted on 26 May 2021, does not apply to the following Googong neighbourhoods, however the Policy will become effective in those areas from five years following the date of adoption of the original Cat Containment Area Policy – 26 May 2026. These areas include:

- Neighbourhood 1A– stages 1-5
 - Neighbourhood 1B– stages 1-8
 - Neighbourhood 2– stages 1-10
- 3.2 Council may extend the policy to all areas of the LGA subject to further community consultation. This will be done through a separate engagement process that may also consider a phase-in period.

4 DEFINITIONS

Appropriately kept – the cat is kept within the boundary of properties listed in the schedule below 24 hours a day, seven days a week. Any structure used to keep a cat should be humane and not cause the animal distress.

Cat containment area – an area where cats are to be kept within the boundary of the property they are registered to.

Council official – includes Councillors, Council staff, administrators, Council committee members and delegates of Council.

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

5.1 The *NSW Companion Animal Act 1998* Section 29-32 provides the following general advice.

Companion Animals Act 1998 (Part 4 Section 29)

29 Cats must have form of identification

- (1) A cat must be identified by a form of identification that enables a local authority to ascertain the name of the cat and the address or telephone number of the owner of the cat.
- (2) The identification may take any of the following forms—
 - a) a collar worn around the cat’s neck with a tag or tags attached,
 - b) a microchip,
 - c) any other form of identification prescribed by the regulations.
- (3) The owner of the cat is guilty of an offence if this section is not complied with.

Infringements notices

Cat not wear identification	\$180
Owner/person in charge of cat found in a prohibited place	\$180
Owner not comply with nuisance cat order – 1st offence	\$165
Owner not comply with nuisance cat order – 2nd offence	\$165
Fail to comply with order 18 (keep birds/animals)	\$220

* Note – infringements are set by the NSW Government on an annual basis and are subject to change

Companion Animals Act 1998 No 87. (Part 4 Section 32)

32 Action to protect persons and animals against cats

- (4) *Any person may lawfully seize a cat if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death.*
- (5) (Repealed)
- (6) *If a cat that is not under the effective control of some competent person enters any inclosed lands within the meaning of the Inclosed Lands Protection Act 1901 and approaches any animal being farmed on the land, the occupier of the land or any person authorised by the occupier can lawfully injure or destroy the cat if he or she reasonably believes that the cat will molest, attack or cause injury to any of those animals.*

The *Companion Animals Act 1993* does not prohibit cats from roaming as it does for dogs. Section 124 of the *Local Government Act* does allow a Council to place an order on a premises for the keeping of animals. In regards to this, Council would apply this Policy to a group of premises within the Googong Township, Googong Sunset, Jumping Creek, Elm Grove, Braidwood Ridge and South Jerrabomberra residential developments, and any future greenfield residential developments in Queanbeyan-Palerang.

Section 124 states:

A Council may order a person(s) to do or to refrain from doing a thing specified in Column 1 of the following Table if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

Column 1	Column 2	Column 3
Do what?	In what circumstances?	To whom?
Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order.	Birds or animals kept on premises are--(a) in the case of any premises (whether or not in a catchment district)--of an inappropriate kind or number or are kept inappropriately, or(b) in the case of premises in a catchment district--birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs	Occupier of premises

In accordance with Section 124 of the Local Government Act, Council will enforce that cats within the following areas must be kept appropriately within the boundaries of the property they are registered to.

- Jumping Creek development
- Googong Sunset development
- Elmslea Grove (North Elmslea)
- Braidwood Ridge
- South Jerrabomberra (Tralee)
- Googong Township – in particular the following neighbourhoods (see image in Appendix 1:
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The owners of identified roaming cats within the cat containment area may be issued with an infringement notice for failing to comply with the order.

6 CONTENT

- 6.1 A cat containment area is enforced to protect fauna in the nearby environmentally sensitive areas
- 6.2 Residents are able to keep cats on their property within the listed cat containment areas, however should take necessary measures to ensure the animals are unable to roam outside of the property boundary at any time, unless under effective control
- 6.3 Cats are able to be exercised outside of a property, however they must be kept under effective control at all times, either by lead/harness, carry box etc
- 6.4 Residents should consider installing an appropriate enclosure within their property to assist with keeping their cat/s contained
- 6.5 It is the responsibility of the cat owner to ensure that any enclosure is humane and does not affect the health of the cat. Reports of animal cruelty will be reported to the RSPCA for investigation.
- 6.6 Enforcement action may be taken against the owner of cats found to be roaming within the cat containment area
- 6.7 Repeated reports of roaming cats within a cat containment area may result in the cat being declared a nuisance animal and subsequent infringements may apply.
- 6.8 Residents reporting roaming cats in cat containment areas will be encouraged to hire a cat trap from Council (refundable deposit). If a roaming cat is captured, the resident must take the cat to the Animal Management Facility so its microchip can be scanned and returned to its owner or placed for adoption.
- 6.9 Council's Animal Management Officers will patrol cat containment areas as required and roaming cats will be impounded, if possible, and taken to the Council Animal Management Facility.
- 6.10 The owner of a cat taken to the Animal Management Facility will be subject to relevant infringements and fees and charges.
- 6.11 The Policy does not apply to cats that are registered to properties outside the cat containment area, but are caught roaming within the area
- 6.12 Council's on call Animal Management Officer will not respond to calls of roaming cats in cat containment areas after hours. Customers will be advised to secure the cat if possible and that it will be collected on the next business day.
- 6.13 Council will include conditions on subdivision approvals in the areas that this Policy applies to identify the Cat Containment Area Policy requirements

7 REVIEW

- 7.1 This policy will be reviewed every four years or earlier as necessary if:
 - (1) legislation requires it, or
 - (2) Council's functions, structure or activities change

APPENDIX 1 – GOOGONG TOWNSHIP DEVELOPMENT

