

### 1.0 AUTHORITY

*Domestic Animals Act 1994, section 26.*

### 2.0 INTENT

The purpose of this Policy is to support a strategic and consistent approach to leash free and dog prohibited areas on Mornington Peninsula Shire (Shire) managed land.

The objectives of this Policy are to provide:

- A consistent approach to assess the suitability and design of designated leash free and dog prohibited areas on Shire owned or managed land; and
- Clarity in the roles and responsibilities of Council, Shire staff and stakeholders in the assessment process.

### 3.0 SCOPE

This Policy applies to all Shire owned or managed land within the Shire boundaries.

All staff, contractors and volunteers employed or engaged by the Shire are obliged to comply with this Policy.

### 4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c) the transparency of Council decisions, actions and information is to be ensured.

### 5.0 POLICY STATEMENT

The Shire hosts an extensive coastline, indigenous vegetation, significant parks and reserves, playgrounds, and sports grounds.

Proactive patrols are undertaken, including increased patrols during the busy peak summer period, however the Shire relies on community education and voluntary observance of signage and regulations for animal management compliance.

The Shire has several designated foreshore and park areas where dog owners can exercise their dogs off leash. Some of these areas are season and time dependant. There are also a number of dog prohibited areas. We partner with the Department of Energy, Environment and Climate Action (DEECA) formerly known as Department of Land Water and Planning (DELWP) to provide a consistent approach to enforcement of regulations on beaches.

The effective management of dogs in public spaces and the promotion of responsible pet ownership is an important function in the protection of community amenity, safety and the local environment.

We recognise the value of pet ownership and its overall benefit for health and wellbeing. The Dogs in Public Places Policy (Policy) aims to help balance the needs of pet owners with the needs of the rest of our community.

### 5.1 Site management plans, policies, and strategies

Placement of leash free and dog prohibited areas must be consistent with relevant site-specific management plans, policies, and strategies.

### 5.2 Key considerations for identifying leash free and dog prohibited areas

The following considerations were applied to develop criteria that provide the framework for planning, design, and management of dogs in public open space:

- Community needs and demand.
- Land availability.
- Land suitability.
- Impacts of dogs on other open space uses and users.
- Impacts of dogs on the environment.
- Risk and safety.
- Leash free area design guidelines (please refer to Attachment 1).



#### Low impact

An area where dogs may have a minimal impact on the community or surrounding residents, community infrastructure, environment, access and amenity.



#### Medium impact

An area where dogs may have a moderate impact on the community or surrounding residents, community infrastructure, environment, access and amenity.



#### High impact

An area where dogs may have a significant impact on the community or surrounding residents, community infrastructure, environment, access and amenity.

### 5.3 Leash free areas – bushland areas, parks, reserves and sporting grounds

The following criteria will be used to assess and identify suitable locations for permitted leash free areas at bushland areas, parks, reserves and sporting grounds:

- a) Recommended minimum of 0.3 hectare in size.

- b) Ensure compatibility with activities and other users of the open space to minimise adverse impacts, damage to sites (including resources required to repair and maintain), and to ensure public safety.
- c) Include a 20-metre buffer to playgrounds, barbeque and picnic areas.
- d) There will be no leash free areas at sites with playgrounds, where there is no fencing in place, or a buffer zone, to provide separation.
- e) Be accessible by road but avoid locating leash free areas on busy roads unless the leash free area is fenced.
- f) Allow for adequate maintenance of the site including bin collection service.
- g) There will be no leash free areas adjoining dog prohibited areas unless fenced.
- h) Ensure an adequate buffer to conservation areas and threatened species habitat.
- i) Consideration may be given to the proximity of other leash free areas.

#### 5.4 Leash free areas – beaches and foreshore areas

The following criteria will be used to assess and identify suitable locations for permitted leash free areas at beaches and foreshores:

- a) Align leash free areas with formalised beach access tracks.
- b) Allow for adequate maintenance of the site including bin collection service.
- c) Ensure leash free areas include the sanded beach area only (i.e. from the edge of the dunes to the water), not in the dunes or vegetation.
- d) Ensure an adequate buffer to conservation areas, threatened species habitat and roosting and nesting habitat for migratory and resident shorebirds. Sites will be assessed individually by an area specialist to determine suitability.
- e) Consideration may be given to the proximity of other leash free areas.

#### 5.5 Dog prohibited areas

The following criteria are used to guide assessment of suitable locations for prohibited areas:

- a) Ensure compatibility with activities and other users of the open space to minimise adverse impacts, damage to sites (including resources required to repair and maintain), and to ensure public safety.
- b) Dogs will not be permitted in designated conservation sites or areas zoned or managed for environmental protection.
- c) Dogs will not be permitted in playgrounds.
- d) Deference will be given to areas of cultural heritage significance to minimise potential adverse impacts of dogs in these locations.

#### 5.6 On leash areas

Dogs are required to be on leash in all public open space areas not designated as leash free.

### 5.7 Consistent dog control regulations

A consistent, simplified, and easier to understand set of dog controls will be applied to sites across the Shire.

#### 5.7.1 Bushland areas, parks, reserves and sporting grounds

Bushland areas, parks, reserves and sporting grounds	
Dogs are required to be on leash in areas not designated as leash free.	
Year-round dog controls are applicable to bushland areas, parks, reserves and sporting grounds	
Leash free	At all times.
Dog prohibited	At all times.

#### 5.7.2 Beach and foreshore areas

Beach and foreshore areas (dog controls will apply to beaches within these parameters)	
Dogs are required to be on leash in areas not designated as leash free.	
Year-round dog controls are applicable to some beaches	
Leash free	At all times.
Dog prohibited	At all times.
Seasonal dog controls are applicable to some beaches	
Autumn, winter and spring (1 March to 30 November inclusive)	
Leash free	At all times.
Dog prohibited	At all times.
Summer (1 December to 28 February <sup>1</sup> inclusive)	
<i>Times when dogs may be allowed <u>leash free</u></i>	
Leash free	6pm to 10am.
Leash free	At all times.
<i>Times when dogs may be <u>prohibited</u></i>	
Dog prohibited	10am to 6pm.
Dog prohibited	At all times.

<sup>1</sup> During a leap year the applicable dates are 1 December to 29 February inclusive

### 5.8 Signage requirements

Signage will be consistent across all Shire owned and managed land. Signage will indicate whether dogs are permitted on leash, leash free or prohibited.

Signage should:

- Be highly visible and located at prominent locations within the area and at key entrance points.
- Clearly outline the users' responsibilities and reinforce expected behaviour.
- Signage design is to be consistent across all Shire owned and managed land.
- Other information may be provided including to identify conditions of use, interpretive or other regulatory information.
- Signage cannot be amended or installed without prior approval of the Dogs Policy Reference Group.
- If a public open space area is not signed, dogs must remain on leash.

### 5.9 Procedure

#### 5.9.1 Prescribing new or amending existing dog control regulations

The *Domestic Animals Act 1994* allows for Council to make Orders that prescribe Shire owned or managed land as leash free or dog prohibited.

To prescribe new or amend existing dog control regulations at a site, the Shire will:

- Review and assess community nominations for new or amended dog controls at Shire owned or managed sites on an annual basis.
- When new leash free or dog prohibited areas are to be implemented as per development plans or site master plans, assess these as required.
- Consult with all relevant Shire teams, external stakeholders, and the community.
- Work collaboratively to reach agreement on the prescribed leash free or dog prohibited area.
- Introduce and gazette relevant Council orders.

#### 5.9.2 Implementing new or amending existing dog control regulations

Once a new or amended dog control regulation has been prescribed at a site, the Shire will:

- Ensure appropriate communications to affected stakeholders and the public.
- Provide signage clearly identifying the area and regulations in place.
- Identify the prescribed area on the Shire's leash free and dog prohibited area maps.
- Provide other appropriate support, information, or resources.

#### 5.9.3 Enforcement

Once a new or amended dog control regulation has been prescribed at a site, the Shire will focus on educating and raising awareness, as well as undertaking regular patrols and enforcement activities.

### 5.10 Communication

The Shire's Communications Unit will regularly publicise the Policy among Shire employees via Around Our Shire and other available communication tools.

### 5.11 Transition period

The Shire will undertake specific well-considered, targeted community engagement activities on planned amendments to dog controls. Extent, methodology and approach is to be determined by site and will be in line with the Community Engagement Policy.

Additionally, the Shire will develop separate processes for longer term transition of regulations or capital improvement plans for each site.

### 5.12 Exemptions

#### 5.12.1 Dangerous, menacing and restricted breed dogs

Dogs that have been declared as dangerous, menacing or restricted breed must be muzzled and always remain on leash, even when present in leash free areas (as per provisions of the *Domestic Animals Act 1994*).

#### 5.12.2 Greyhounds

Greyhounds must always remain on leash, even when present in leash free areas (as per provisions of the *Domestic Animals Act 1994*).

#### 5.12.3 Assistance dogs

Assistance dogs are permitted to be present in dog prohibited areas but must always remain on leash.

#### 5.12.4 Dogs on the playing surface of sporting grounds while in programmed use

No dogs will be permitted on the playing surface of sporting grounds whilst organised sport or training is taking place.

## 6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

### 7.0 ASSOCIATED DOCUMENTS

- Our Peninsula Council Plan 2017-2021
- Domestic Animal Management Plan 2021-2025
- Victorian Government Gazette Orders
- *Domestic Animals Act 1994*
- Open Space Strategy
- Play Space Strategy 2015-2020
- Sports Capacity Plan 2019
- Community Engagement Policy

### 8.0 DEFINITIONS

Terms	Definitions
<b>Public Open Space</b>	Crown Land and Shire owned and managed land that includes but is not limited to bushland areas, foreshore areas, parks and sporting reserves, trails and footpaths.
<b>On leash area</b>	An area where dogs may be exercised on leash. Dogs must always be under the effective control of a chain, cord or leash.
<b>Leash free area</b>	An area where dogs may be exercised off leash. Dogs must always remain under effective control of the owner. Leash free activities may be restricted to specific dates and times.
<b>Dog prohibited area</b>	Dogs are prohibited from entering or remaining in any dog prohibited area in the Mornington Peninsula Shire. The prohibition applies in the specified prohibited areas whether on a leash or not.
<b>Owner</b>	The person responsible for bringing a dog into a public open space. This does not need to be the registered owner.
<b>Dog controls / regulations</b>	Regulations governing the conditions under which dogs may be exercised in public open space areas.
<b>Assistance dog</b>	An assistance dog is a dog that is: <ul style="list-style-type: none"> <li>a) Accredited under State law to assist a person with a disability to alleviate the effects of disability; or</li> <li>b) Accredited by an animal training organisation prescribed in the regulations, or</li> <li>c) Trained to assist a person with a disability to alleviate the effect of the disability and meets standards of hygiene and behaviour that are appropriate for an animal in a public place.</li> </ul>



Terms	Definitions
<b>Bushland area</b>	<p>Not all dogs are assistance dogs, even if they assist a person in some way. Companion, therapy and facility dogs are not considered assistance dogs.</p> <p>These are open space areas that have a primary function and priority of preserving the natural environment; and enhancing the quality of native bushland.</p> <p>These areas have a secondary priority relating to recreation use and access. These areas include waterways, wetlands and natural areas within parks and reserves.</p>
<b>Foreshore area</b>	<p>These are areas of coastline and associated beaches, bushland or dune landscape. They attract a range of uses by local residents and day to long term tourists, and will include such features as trails, camping facilities, high level of infrastructure that clearly defines activity areas/nodes, with associated vehicle parking and access carriage ways. May have commercial activity (e.g. boat hire/tourist attraction) or club facilities (e.g. sailing, lifesaving).</p> <p>Community infrastructure and amenities are also common in foreshore areas, e.g. playgrounds, skate facilities, picnic facilities, public toilets, parkland features, etc., or can also include conservation areas that have restricted access to preserve conservation values. The Shire's foreshore areas are also acknowledged for their cultural and heritage significance.</p>
<b>Parks</b>	<p>These are open space areas that cater for less structured recreation activities and include such amenities as playgrounds, skate facilities, picnic areas/facilities, seating, shade structures or treed shade areas, pathways/trails, with associated vehicle parking and access carriage ways.</p>
<b>Sporting reserves</b>	<p>These are reserves that provide for the needs of a range of outdoor sporting and recreation needs in the community. Reserves may be multi-purpose and cater for a range of activities including playing fields, courts, bowling greens, hockey pitches etc., or they may cater for only one activity as in the case of golf courses, equestrian facilities, with associated vehicle parking and access carriage ways.</p>
<b>Trails</b>	<p>These are linear or 'loop' linkages that connect, sites of social, cultural, or recreational significance, or they can exist on a smaller scale within parks. They play a</p>



Terms	Definitions
<b>Cultural heritage significance</b>	significant role in providing recreation opportunities, community access to facilities, and in the provision of vegetation and habitat corridors.  Means an area that has aesthetic, archaeological, architectural, cultural, historic, scientific or social significance. <i>Heritage Act 2017 (Victoria)</i> .

## 9.0 POLICY SPONSOR

The Community Safety and Compliance Unit is responsible for overseeing the review and application of this policy. The responsibility of the implementation of this Policy will be shared across Council as set out in Attachment 2.

## 10.0 DOCUMENT CONTROLS

The Policy will initially be reviewed twelve months from date of adoption, with subsequent reviews every four years.

### Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.

### Attachment 1

#### Leash free area design guidelines

In instances where we consider enhancing amenity and facilities, these leash free area design guidelines may assist in guiding our approach. We recognise that all sites are unique and will require individual consideration.

Attribute	Leash Free Area Type		
	Neighbourhood	District	Regional
	Neighbourhood leash free areas provide basic facilities, be centrally located to a township and service the local community.	District leash free areas will generally provide more advanced facilities, be centrally located to a township, and may attract users from neighbouring townships.	Regional leash free areas will generally provide higher order facilities, is larger in size, centrally located to a large township and will draw users from across the Shire.
Recommended minimum 0.3ha	✓		
Recommended minimum 0.5ha		✓	
Recommended minimum 1.0ha			✓
Signage to define boundaries and dog controls	✓	✓	✓
Waste bins	✓	✓	✓
Drinking water fountain for dogs		✓ (optional)	✓
Seating	✓ (optional)	✓	✓
Shelter		✓ (optional)	✓
Agility equipment			✓
Public toilets			✓
Perimeter fencing (depending on location)		✓ (optional)	✓

# Council Policy

## Dogs in Public Places

Attribute	Leash Free Area Type		
	Neighbourhood	District	Regional
Gated entry		✓ (optional)	✓
Fencing of off leash area within the site		✓ (optional)	✓
Internal pathways		✓ (optional)	✓
Landscaping		✓	✓
Natural shade		✓ (optional)	✓
Shade structures		✓ (optional)	✓
On street parking	✓ (optional)	✓ (optional)	
Designated accessible car park		✓ (optional)	✓
Access for regular maintenance	✓	✓	✓

### Attachment 2

#### Responsibility for implementation of Policy

Roles	Responsibilities
<b>Council (Councillors)</b>	To review and approve the Policy.
<b>Dogs Policy Reference Group (Internal Shire cross functional team)</b>	To facilitate a central coordination and support function on behalf of Council, including: <ul style="list-style-type: none"> <li>• Site assessments</li> <li>• Land type and impact classifications</li> <li>• To facilitate reports to Council,</li> <li>• To ensure Policy implementation, compliance, monitoring, evaluation, and review.</li> </ul>
<b>Shire Departments</b>	
Compliance and Safety	Education and enforcement
Communications	Promotion of key messaging
Customer Service	Support implementation and communication with the community.
Sport and Recreation	Support future planning. Support implementation and communication with sports groups and clubs.
Coastal Planning	Support future planning. Support implementation and communication with land users and committees of management.
Bushland Reserves and Natural Systems	Support future planning. Support implementation and communication with land users and environmental groups.
Foreshore Camping	Support implementation and communication with campers and visitors.
Infrastructure Services	Installation of bins, signage, and other infrastructure.