



**Bayside Council**

Serving Our Community

# *Draft* Dog Off-Leash Policy

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Dog Off-Leash Policy

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# 1 Access to Public Open Space for Dogs

## 1.1 Policy Statement

Council recognises the physical and social benefits to our community and their dogs through the provision of dog exercise areas across Bayside Council. This policy will provide a strategic, structured, and integrated approach in planning and managing dog activities in our public open spaces and will align with the Bayside Keeping of Animals Policy 2020.

## 1.2 Definitions

The definitions of certain terms are:

### **Act**

Refers to the Companion Animals Act 1998, which sets out the requirements and penalties set down by the New South Wales Parliament with regard to all companion animals, but particularly to domestic dogs. There are four amendments to the Act:

- Companion Animals Amendment Act 2001
- Companion Animals Amendment Act 2005
- Companion Animals Amendment Act 2006
- Companion Animals Amendment Act 2013

### **Council**

Within this policy Council means Bayside Council

### **Dangerous Dog**

Section 33 of the Companion Animals Act 1998 (2013 Amendment) defines a dog is dangerous dog if it:

- (1a) has, without provocation, attacked or killed a person or animal (other than vermin), or
- (1b) has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or
- (1c) is kept or used for the purposes of hunting.

A dog is not, for the purposes of subsection (1) (d), to be regarded as being kept or used for the purposes of hunting if it is used only to locate, flush, point or retrieve birds or vermin. Vermin for the purposes of this subsection includes small pest animals only (such as rodents).

### **Dog prohibited Areas (on or off-leash)**

Dog prohibited Areas are areas where dogs are not permitted either on or off a leash.

### **LGA**

Local Government Area or the Bayside Council Area.

### **Menacing Dog**

Section 33A of the Companion Animals Act 1998 (2013 Amendment) defines a menacing dogs if it;

- (a) has displayed unreasonable aggression towards a person or animal (other than vermin), or

(b) has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death

The regulations may declare a breed or kind of dog to be a “menacing breed or kind of dog”.

***‘Off-Leash’ Dog Exercise Areas***

An area of land that is specifically set aside by Council for the use by the community to exercise their dog’s off-leash, but under the effective control a responsible person, in a safe and pleasant environment within the network of Council’s public open space.

***‘On-Leash’ Dog Exercise Areas***

‘On-leash’ dog exercise areas are areas that are not designated as ‘off-leash’ areas and/or exclusion zones. Dogs may be walked whilst being controlled by a leash handled by a responsible person. E.g. Footpath

***Responsible Person***

A person over the age of sixteen (16) years of age in charge of a dog, either on or off-leash, within a public place.

## **1.3 Background**

Nearly 40% of all households in Australia own dogs. Bayside Council values pet companionship and recognises the benefits in fostering a positive sense of community and how this supports mental and physical health. Research has also shown that dog companionship particularly benefits for older Australians in improving psychological wellbeing and mood.

Bayside contains a fast growing, diverse and an increasingly older population. As densities increase, Council has a requirement to ensure that the open space needs of residents and their dogs are met. In Bayside there are 14 off-leash exercise areas. A review of existing areas has identified that these are not easily accessible for large proportions of the community, and that additional areas must be provided to meet growing population and increasing densification.

Dog parks can also provide an outlet for natural dog behaviours with the result that exercising and socialising dogs in a controlled environment is shown to reduce aggressive and intimidating behaviour, stress related habits, and boredom.

Whilst there are many benefits to dog parks, it is also necessary to acknowledge that there sometimes negative impacts to the community. Bayside Council frequently receives complaints from the community regarding barking dogs, lost or stray dogs, intimidating dogs or dog attacks. Most of these complaints, particularly those for dog attacks, are not related to off-leash areas or parks. However, it is important that Council takes the appropriate precautions to limit risk of injury and promote equitable and enjoyable use of public space within the LGA.

This policy has been developed to outline the responsibilities and procedures of Bayside Council related to the provision of off-leash areas and any relevant services to the community. Additionally, the legal requirements and responsibilities for owners and handlers are outlined to inform the community of how to manage their dogs in public spaces to ensure that these areas continue to be enjoyed by the community.

## 1.4 Policy Purpose and Outcomes

This policy is consistent with the *Companion Animals Act 1998 (NSW) (the Act)*. The purpose of the Act is to protect the rights and responsibilities of animals and their owners in balance with those of others in the community.

This policy aims to improve access to and use of public space, to reduce conflict, and to promote wellbeing and healthy lifestyles for all members of the community, including dogs.

The Bayside Dog Off-Leash Policy will achieve these objectives through the following strategies:

1. Clarify and define levels of dog access in public places.
2. Promote the benefits of off-leash areas for dogs and the community
3. Provide and maintain welcome, safe, accessible and functional places for the exercising and socialising of dogs
4. Install clear signage which identifies off-leash areas, communicates responsibilities, and includes relevant contact details for council or emergency services
5. Inform our community about responsibilities of Council and dog owners
6. Educate dog owners and non-owners on animal behaviour to identify signs of animal distress which may lead to conflict
7. Monitor compliance and support the community in the event that conflict occurs

## 1.5 Scope of policy

This policy addresses use of public open space for dog activity within the Bayside Local Government Area (LGA). It does not include other companion animals as specified in the Companion Animals Act 1998 (e.g. cat ownership).

# 2 Responsibilities of Council

In relation to this policy, Council is responsible for a range of matters, that must all be in accordance with the Companion Animals Act 1998;

- Providing public open space areas where feasible for dog activities. At least one (1) off-leash dog exercise area must be provided within the LGA.
- Maintain open space areas for dog activities to the required service standard
- Informing the community on the available facilities, the responsibilities of dog ownership, and the behaviours of dogs in off-leash areas.
- Promptly respond to customer requests and complaints about dogs and off-leash areas, and accurately record these for frequent analysis of the outcomes of this policy.

## **2.1 Provision of off-leash areas**

Council at its discretion can approve additional dog prohibited areas which are administered under Section 632 of the Local Government Act 1993.

There are 13 off-leash exercise areas in the Bayside LGA, which are outlined in Appendix 1. Some of these areas operate on a time-share basis, which means that the park is only designated to be off-leash for certain hours of the day, or when other activities or events are taking place. Additionally, Council provides both fenced and unfenced areas.

An analysis of population and projected growth within the LGA has identified that there are areas within the LGA which will experience a higher proportion of population growth in high density areas, with limited access to an off-leash area. To improve the mental and physical wellbeing of dogs and owners, additional off-leash areas must be provided for the community.

Council has the responsibility to provide off-leash areas that:

- promote active recreation and are valued and well-utilised by dogs and their owners.
- respond to community needs and aspirations
- do not negatively impact on our community or environment
- are maintained and regulated to an acceptable standard

In planning for new off leash areas, a number of factors must be considered to ensure best use of the space, protect the natural environment, and provide areas which can be easily maintained by both Council and the community.

### **2.1.1 Location**

Dog parks should be strategically located across the Bayside LGA, reflecting our community profile and dog ownership trends and therefore encouraging optimal usage and access. Where possible, dog parks should be connected to active transport networks and meet access standards. Where possible, the minimum area required for a fenced off-leash area is 400sq.m. Dog parks should also be located away from incompatible uses to reduce the risk of conflict.

### **2.1.2 Features and Maintenance**

If possible and appropriate, dog-off leash areas should provide water, shaded seating areas, lighting, waste bins and waste bag dispensers. Shading is also important and perimeter shade to 50% of boundary should be considered if appropriate. All off-leash areas must contain signage which identifies requirements of persons responsible for dogs to meet the relevant requirements under the Act.

### **2.1.3 Vegetation and Environmental Protection**

Features of the landscape must be considered, for example, drainage and erosion control. Terrain should be relatively level to reduce soil erosion and runoff. Planting can also be used to delineate boundaries, provide screening and buffer adjacent site

uses. A buffer zone should be established around sensitive areas, so that dog activity does not impact on the surrounding environment.

#### **2.1.4 Dog Park Boundaries**

Not all off-leash areas need to be fenced. Diversity can be achieved by combining linear walking trail opportunities with local fenced areas. For higher density areas, where space is limited, separate areas for small dogs vs large dogs should be considered. Shape and boundaries can be flexible to suit changing landscapes. Circulation is another aspect for consideration that can assist in guiding animal behaviour. A variety of looped, shaded walking circuits provides dispersed activity by encouraging owners and dogs to keep moving, helping to mitigate potential conflict.

#### **2.1.5 Prohibited Areas (No Dog Access)**

In accordance with the *Companion Animals Act 1998*, dogs are prohibited from the following areas at all times, whether on or off a leash:

- Within 10m of playgrounds or play equipment
- Within 10m of food preparation or consumption areas, except if the place is in a public thoroughfare (such as a road, footpath or pathway)
- Recreation areas (subject to Council determination)
- Public bathing areas such as tidal pools, beaches or foreshores (subject to Council determination)
- School grounds
- Childcare centres
- Shopping areas or shopping complexes, including parking areas or access to shops (subject to Council determination)
- Wildlife protection areas

### **2.2 Maintenance**

Council is responsible for maintaining open space areas to the required service standard. This may include the provision of water stations, waste bag dispensers and bins for waste disposal where appropriate. Lighting, if deemed appropriate, should be considered for parks which operate as off-leash areas outside of day-light hours for the safety of users.

### **2.3 Education and Communication**

Community education is key to improving behaviour of dogs and owners in Bayside. Ensuring that responsibilities of owners are clearly outlined will alleviate anxiety of non-dog owners in public places. Key information is to be included on signage within parks to alert all users to the presence and location of off-leash areas on a map of the park.

Additionally, online resources are provided through the Bayside Council website to inform the community on the existing off-leash areas, registration and identification of animals, how to make a complaint, and any relevant rules and requirements for owners and declared dogs. The website also contains the link to services provided by other organisations to assist and educate owners.



Council will continue to work with the community to better promote responsible pet ownership and education on animal behaviour.

### **Signage**

All designated off-leash areas must display appropriate signage to identify the location and requirements under the relevant legislation.

Within Bayside, information displayed on signage at each dog exercise area must include;

- The name of the declared off-leash area
- A map displaying boundaries for declared off-leash area
- Areas where dogs are permitted off-leash, required to be on-leash and where they are prohibited
- Specific conditions administered under the Companion Animals Act 1998 such as the responsibilities of handlers, the registration, identification and immunisation requirements, and that waste must be placed in the bins provided
- General conditions under Section 632 of the Local Government Act 1993 (NSW)
- The conditions for dogs declared dangerous or menacing, restricted dogs or greyhounds.
- Council Customer Service Contact details for the reporting of damage, vandalism or maintenance issues.

## **2.4 Customer Service and surveillance**

Council rangers regularly inspect Bayside Parks to ensure community compliance, in both on and off-leash areas. All off-leash areas include Council contact details for the reporting of incidents. Council officers will record complains and follow up within 24 hours.

## **3 Responsibilities of Dog Owners / Handlers**

### **3.1 Registration**

Under the Act, all dogs must be microchipped within 12 weeks and registered within 6 months, through the NSW Government's Pet Registry. Ensuring that your dog is registered and microchipped is not just a legal requirement, but an important step to keep them safe in the event that they are lost. The NSW Pet Registry must be updated when:

- Any change occurs in the registration information or animal identification information (within 14 days)
- A dog is declared (or a declaration is revoked) dangerous or menacing by a court (within 7 days)
- A dog has passed away (within 28 days)
- A dog has been missing for more than 72 hours (within 4 days)
- A dog has been found after having been reported missing (within 3 days)

All dogs must wear a collar must be worn around its neck which includes the name of the dog and a contact number for the owner.

### **3.2 Control of Dogs**

In accordance with the *Companion Animals Act 1998*, dogs must be on a leash and under the effective control of a responsible person in all other public areas; streets, wharves, jetties, parks and beaches, that are not otherwise designated off-leash or in areas where dogs are prohibited.

A dog that is in a public place must be under the effective control of some competent person 16yrs or older by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person. Additionally, a dog is not considered to be under the effective control if the person has more than four (4) dogs under their control.

### **3.3 Dog Attacks in Public Places**

There are legal consequences under the *Companion Animals Act 1998* for the dog, its owner and/or its handler if a dog rushes at, attack, bites, harasses or changes any person or animal (other than vermin), whether or not any injury is caused to the person or animal.

Just because a dog is not on a lead in an off-leash area, or is secured in a cage or vehicle or is tethered to a fixed object or structure, does not mean that a dog attack offence is not committed if the dog rushes at, attacks, bites, harasses or chases any person or animal, whether or not any injury is caused.

In these circumstances a dog may be deemed dangerous or menacing resulting in a number of conditions being placed on the dog and its owner. Dangerous or menacing dogs may be prohibited from designated off-leash areas. In addition, owners of dogs of dogs declared to be dangerous, or of a restricted breed, will be required to pay an annual permit fee in addition to the registration fee.

### **3.4 Collection of waste**

Owners and handlers are required to pick up after their dogs under the Act, to mitigate health risks and nuisance to other park users. Bayside Council will support the community by providing waste bag dispensers and bins.

## **4 Policy implementation**

### **4.1 Policy responsibilities**

This Policy is to be reviewed in accordance with Council's guidelines for policy reviews and/or as otherwise determined by Council.

The implementation of the policy is the collective responsibility of various Business Units within Council.

## **4.2 Procedures**

Council Officers will ensure that the areas are appropriately designed, with supporting infrastructure and maintained and regulated to the required service standard to comply with the *Companion Animals Act 1998* and principles set out this Policy.

### **4.2.1 Process for sourcing new off-leash areas**

Council staff will develop and implement a community engagement strategy when proposing significant changes to existing and/or creating new off-leash areas. As a minimum, the strategy will include consulting relevant staff, briefing Council and engaging with affected residents and interested parties (e.g. dog clubs, dog walkers and dog owners).

Any new and/or upgraded dog exercise areas may also subject to an environmental risk assessment as required under the Environment Planning and Assessment Act 1979.

Council will update Appendix 1 this policy when significant changes and/or new 'off-leash' areas are approved.

Whether an area is fenced or unfenced is determined by;

- Its proximity to a potential hazard e.g., a busy road,
- Whether there is more than one use in the area and hence the need to differentiate and/or segregate the uses
- Need to mitigate any potential risk or conflict of use e.g., a shared pathway, neighbouring environmental sensitive areas.

### **4.2.2 Process for recording dog-related complaints**

Council often receives complaints in relations to dogs for a range of reasons, such as barking, lost dogs, attacks.

To ensure that complaint data accurately represents the incidents that occur within the LGA, the below information must be recorded by the Bayside Customer Service team:

- The location of the incident:
  - Within private property
  - Within a public space (street, park, foreshore etc)
  - Within a designated off-leash area
- The type of incident:
  - Barking dog
  - Lost or stray dog
  - Intimidating dog (this can be on or off-leash)
  - Dog attack (to other animal or human)

This data is to be reviewed quarterly and provided to the Office of Local Government for Pound and Dog Attack Statistics.

### **4.3 Breaches**

Fines may apply for breach in conditions in accordance with the Companion Animals Act 1998 and Section 632 of the Local Government Act 1993.

## **5 Document control**

### **5.1 Review**

This policy is reviewed at least every four years and when relevant legislation changes.

A Director or Manager Executive Services may approve non-significant and/or minor editorial amendments that do not change the policy substance.

### **5.2 Related documents**

Relevant legislation, council policies and procedures relevant to this policy include:

- the Companion Animals Act 1998;
- the Local Government Act 1993;
- the Environmental Planning and Assessment Act 1979
- the Bayside Keeping of Animals Policy 2020

### **5.3 Version history**

Version 1.0 is the initial adopted/approved version.

<b>Version</b>	<b>Release Date</b>	<b>Author</b>	<b>Reason for Change</b>
1.0			New document

## Appendix 1 – Off-leash Areas in Bayside

Park	Suburb	Conditions
Astrolabe Park	Daceyville	Unfenced
Bona Park	Sans Souci	Fenced
Cahill Park (Levey St Reserve)	Wolli Creek	Fenced
Civic Avenue Reserve (Scarborough Park)	Kogarah	Fenced
Firmstone Reserve	Pagewood	Fenced
Frys Reserve	Kogarah	Fenced
Gaiarine Gardens	Pagewood	Fenced
Hayden Place (Sir Joseph Banks Park)	Botany	Fenced
High Street Reserve	Mascot	Fenced
Kingsgrove Avenue Reserve	Kingsgrove	Fenced
Mutch Park	Pagewood	Unfenced, 4pm-10am
Shepherd Parade Reserve	Bardwell Valley	Unfenced
Sparks Reserve	Mascot	Fenced
Lady Robinsons Beach	Kyeemagh	Unfenced, between gates 60 and 61