REPORT TITLE: INITIATIVES FROM COUNCIL'S ANIMAL MANAGEMENT PLAN

DATE OF MEETING: 7 JULY 2008

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REPRESENTORS: NIL

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ATTACHMENTS: ATTACHMENT 1:
LIST OF PARKS IN THE MOUNT BARKER DISTRICT COUNCIL AREA
ATTACHMENT 2:
CRITERIA IN DESIGNATING PARKS AS POSSIBLE DOG LEASHED AREAS OR DOG PROHIBITED AREAS

DEPARTMENT: STRATEGY, DEVELOPMENT AND COMMUNITIES

DEPARTMENT MANAGER: GREG SARRE (ACTING GENERAL MANAGER)

PURPOSE
To inform Elected Members of proposed initiatives in relation to recommendations contained in Council's endorsed Animal Management Plan particularly as they relate to dog on leash areas and dog prohibited areas.

RECOMMENDATION
That Council:
1. Notes the Report
2. Supports public consultation in the designation of dog on leash areas and dog prohibited areas throughout our District
3. Notes that a follow-up Report will be presented to Council once the outcome of the community consultation is known

BACKGROUND
In April of 2007, Council endorsed an Animal Management Plan that allows for the management and control of dogs and cats throughout our District. The initial Animal Management Plan is for a five year period. Two of the recommendations contained in this current Plan include the declaration of parks where dogs will need to be under
effective control by the use of a physical restraint as well as those parks where dogs should be prohibited.

Under the provisions of the Dog and Cat Management Act, all dogs when in a park may be off leash and need only to be under effective voice control. Councils then have the ability under their By-Laws to declare that a park is to be a dog leashed area in which case the dog needs to be under effective control by the use of a physical restraint no longer than two metres. Councils can also declare dogs to be prohibited from designated parks under the provisions of their By-Laws. A breach of a Council By-Law may lead to an expiation notice of $100 being issued.

While many Councils have introduced dog leashed areas, dog prohibited areas and dog exercise areas, many Councils have also decided not to alter the status of their parks in relation to dogs having access. The approach by other Councils to these two matters varies considerably from Council to Council. Below, are details of the approaches taken by some Councils:

- at the City of Salisbury, the approach has been to have all parks as leashed areas during day light hours and then off leash at other times. To compensate dog owners and their animals, that Council has also established twelve dog exercise areas. The matter of possible dog exercise areas for this Council area will be the subject of a future Council report.
- the Onkaparinga Council has decided not to designated any of their parks as leashed parks or dog prohibited parks thereby allowing the status quo to remain.
- the Port Adelaide and Enfield Council have decided to designate only a few of their parks as dog leashed areas thereby allowing dog owners to exercise their animals off leash at most of that Council's parks. This does suggest that this Council is not strongly in favour of providing dog exercise areas due to the cost of establishing these facilities and given that many of their parks still remain off leash.
- at the Adelaide Hills Council, the approach has been to restrict dog activities at some parks but to leave sufficient parks as off leash to avoid the cost in establishing dog exercise areas. A recent investigation by that Council into establishing a dog exercise park raised many concerns including the cost of creating the park, land degradation from concentrated dog activities as well as noise issues for nearby neighbours.

Parts 2 and 3 of Council's By-Law No 5 provides Council with the ability to nominate those parks where dogs would be required to be under a physical restraint and those parks that may prohibit dogs.

This report provides some discussion on the various options available in terms of managing dogs in Council parks. The Report makes some recommendations as to the preferred options in Mount...
Barker and proposes a 60 day public consultation period be undertaken to measure the proposed response from the community.

DISCUSSION
Council's Animal Management Plan enforces the point that dog owners have the right to have areas where they can adequately exercise their dogs without the use of a physical restraint. It is only where dog owners and their dogs come in close contact with the general public and/or sensitive environmental and conservation areas where consideration should be given to restricting the dog's movements. It is a critical component of any discussions that due considerations be given to all parties affected by the proposal.

Council must give due regard for the safety and public health of its community and to minimise cases of dog harassments and dog attacks. Removing the potential for conflict between members of the public and dogs should be a critical Council strategy. In addition, there may be some public health issues where dogs are allowed to urinate or defecate around playground equipment and barbecue areas.

Of equal importance however, is the need of dog owners to be able to adequately exercise and socialise their animals. Exercising of a dog in public areas is an important activity for dog owners and their dogs. The provision of exercise and socialisation of dogs are important components to the health and well being of the animal as it relieves boredom and anxiety and reduces unruly and nuisance behaviour in the dog.

There must be a fair and equitable use of Council's parks for all members of the community. Consideration must be given to residents who do not own a dog or who are frightened or intimidated by dogs. The potential for conflict between the users of Council parks is high and many conflicts are the result of inappropriate behaviour.

Another factor that should be taken into account in deciding whether dog leashed areas or dog prohibited areas should be declared is the number of complaints that are generated by dog attacks or harassment each year. During the period 2005-6, 2006-07 and 2007-08 there has been a total of 44 completed cases involving dog attacks or dog harassments. Currently, there are 17 cases that are still being investigated. Unfortunately, the information gathered by Council during these financial years do not differentiate whether the attack or harassment was on public land, private land or in a park. More recently, there have also been unconfirmed cases of dog harassment at the Laratinga Wetlands.

A four person internal working group comprising of the Manager, Strategic Planning, the Community Development Officer, the Manager, Horticultural Projects and the Manager of Regulatory
Services have met on several occasions to discuss the various parks and reserves that might be subject to dog restrictions.

The first meeting established the criteria under which parks would be assessed as to whether they should be designated as one of the following:
- a dog leashed area
- a dog prohibited area, or
- remain as dog unleashed areas

The list of criteria included the following factors:
- whether the park incorporated a B.B.Q. area
- whether the park incorporated a picnic area
- whether the park incorporated a playground area
- whether the park incorporated sporting activities
- whether the park had significant conservation and environmental value
- whether the park had a strong interaction between the dog owners (and their dogs) and the general public

Initially, the internal working group attempted to categorise all of Council’s parks and reserves as to whether they should be declared as on leash or dog prohibited and those parks and reserves that should remain as unleashed. With approximately 435 reserves and parks throughout our District, the working group felt that attempting to place all of these parks into three categories could generate many problems including the following:
- criticism from members of the community in relation to the declaration of certain parks
- insufficient Council finance to erect signs to alert the community to the various categories
- insufficient staff resources to monitor the various parks

The internal working group then decided to look at only designating major/significant parks throughout our District as possible dog on leash areas based on the above set of criteria. Similarly, the internal working group then chose to highlight certain parks as dog free areas. The working group felt that by only listing certain parks as dog leashed areas or dog prohibited areas, meant that the remaining of the parks would remain as parks where dogs need only be under effective voice control. This approach was considered an acceptable compromise between persons who own a dog and want adequate exercise for their dog and persons who do not own a dog.

Below, is a list of those parks that the working group consider should be dog leashed areas and those parks where the working group consider that dogs should be prohibited. It can therefore be assumed that any park not included in these lists remain areas where dogs need only to be under effective voice control at all times by the person responsible for the dog.
Possible dog on leash parks:
- Mt Barker/Laratinga Linear Park
- Laratinga Wetlands
- Anembo Park
- Bythorne Park
- Keith Stephenson Park
- Davenport Square
- Mt Barker Recreational Grounds
- Nairne Recreational Grounds
- Alec Johnston Park
- All Council owned cemeteries (8)
- Hutton Reserve
- Harrogate Recreational Grounds
- Macclesfield Recreational Grounds
- Coppins Reserve
- Hahndorf Recreational Grounds
- Callington Recreational Grounds
- Meadows Recreational Grounds
- Echunga Recreational Grounds
- Mt Barker Summit Reserve

Possible dog prohibited parks:
- Keith Stephenson Park skate park and playground
- Echunga Golf course
- Nairne Golf course

From a total of approximately 435 parks, the internal working party has suggested that only approximately thirty be subject to dog restrictions and this accounts for less than 7% of the total number of parks. This then leaves another 400 parks where dog owners can legally still exercise their dogs off leash. This approach is considered a fair and equitable outcome.

It would then be intended to place this possible list of parks plus the procedure on public display for a 60 day period to allow the community to comment on the proposals. To gain as much public comment as possible on the above proposals, it is intended that the following steps be taken:
- advertisement to appear in 'The Courier'
- media release to be arranged via Council’s Communications Officer
- copy of the proposals to be made available at the Customer Service area at the Local Government Centre and the Library
- information on the proposals will also be available via Council’s web site
- copies of the proposal will be forwarded to the various oval management committees and golf course managements
• an information forum to be arranged of interested stakeholders at the Council Chambers on a date yet to be determined.

It should also be remembered that the number of parks with dog restrictions is likely to increase from the number listed above once the community consultation process has been completed.

On the completion of the consultation period, the internal working group would gather to review the comments coming back from the community regarding the proposed designated areas. At that point, a decision would be made as to whether a possible Council briefing should take place prior to the community feedback being incorporated into a future Report to Council.

It should also be remembered that the list of proposed parks to be designated as dog leashed areas or dog prohibited areas is not all inclusive and can be added to or deleted as circumstances and the community dictate. There is also the ability to include new parks from new housing estates into future submissions to Council on the matter. Also, other existing parks may be highlighted by the community as requiring dog access restrictions.

Once the final proposal for designated dog on leash and dog prohibited parks is endorsed by Council a series of educational initiatives will be commenced. These initiatives will include the following:
• media release from Council’s Communications Officer
• erection of signs at strategic locations at the parks affected by dog restrictions
• preparation of an information brochure highlighting those parks that are subject to dog restrictions
• distribution of this brochure to local post offices/general stores
• distribution of this brochure at the customer service areas at the Local Government Centre and the Library
• distribution of this brochure when dog owners come to Council to register their dog

More details of this educational programme will be provided as part of the subsequent report to Council.

It is also important for Council as well as the community that a period of review occurs after the establishment of dog leashed areas and dog prohibited areas. To this end, an assessment of this initiative by Council will take place after the first twelve months of the introduction of the restrictions.

POLICY IMPLICATIONS
1. Financial/budget

During the financial year 2007-08 a total of $264,887 has been allocated in the budget for Dog Management Services.
Expected income from dog registrations and dog infringements during the same period is expected to be $215,000. An amount of $10,000 has been allocated in the 2008-09 budget for the implementation of initiatives including the erection of signs coming from Council’s Animal Management Plan.

2. Legal

Under Section 26A of the Dog and Cat Management Act, Council has prepared an Animal Management Plan that will control and manage dogs and cats over the next five years. Council is obligated to enact the recommendations contained in this Plan.

3. Staffing/Work Plans

All matters in relation to community consultation, erection of appropriate signs and the enforcement of the By-Law will be achieved within current Council staff resources.

4. Environmental

The ownership of a dog is an important life-style component for many people. The proper management and control of dogs will ensure a smooth interaction between the general community and the protection and maintenance of the environment.

5. Social

Dogs have been an integral part of societies for centuries. It is a well documented fact that dog ownership can enhance the health, fitness and social well-being of the dog owner as well as other family members. It is also necessary that the rights of non-dog owners are also acknowledged.

6. Strategic Plans

The following provision of the Community Strategic Plan 2004-07 is considered the most relevant – LIFESTYLE: Section 1.11 ‘Ensure...animal management practices comply with legislation enhancing community safety and harmony.’

COMMUNITY CONSULTATION

1. Customer Needs Analysis

N/A

2. Promotion/Communications
Details of this proposal would be publicised in 'The Courier' and on Council's web site. A media release will also be prepared by Council's Communications Officer. Copies of the proposal would also be available at our Customer Service Centre at the Local Government Centre and the Library. A public meeting will also take place to gain further comments from key stakeholders on the proposals.
ATTACHMENT 1

LIST OF PARKS IN THE MOUNT BARKER DISTRICT COUNCIL AREA

BRUKUNGA:
Brukunga Hall Reserve Area (including the Playground)
Brukunga and District CFS Reserve (Whibley Reserve)

CALLINGTON:
Callington Main Oval
Associated Oval Complex (including the Playground)
Murray Street Reserve

DAWESLEY:
Water Reserve (McIntyre Road)

ECHUNGA:
Echung Golf Course
Echung Cemetery
CFS Reserve
Echung Recreational Ground (including the Playground)
RSL Gardens of Remembrance
Echung Scout Club
Woodgate Reserve

FLAXLEY:
Cemetery

HAHNDORF:
Carl Nitschke Park
Pioneer Park
Hahndorf Academy
Hahndorf Institute
Alec Johnson Park (including Playground)
CFS Reserve
Hahndorf Bus Park
Spring Court Reserve
Hahndorf Community Recreational Ground (not including Playing Fields)
Hahndorf Community Recreational Ground Playing Fields
Hahndorf Bowling Club
Hahndorf 'Old Quarry'

HARROGATE:
Harrogate Cemetery
Recreation Grounds and Tennis Courts

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KANMANTOO:
Hutton Reserve
Drainage Reserve

LITTLEHAMPTON:
Coppins Reserve
Junction Road Reserve
Miles Park Area (including the Playground)
Anembo Park (not including Playing Fields)
Anembo Park Playing Fields
Turner’s Bush Reserve
Giebe Paddocks
Fulford Terrace Reserve

MACCLESFIELD:
Crystal Lake
Parklands Reserve
Cemetery
Night Paddock
Macclesfield Recreational Ground (not including the Playing Field)
Macclesfield Recreational Ground Playing Field
Davenport Square Reserve
Stone Reserve

MEADOWS:
Battunga Park
Meadows Memorial Hall
Meadows Recreational Ground (not including Playing Fields and Playground)
Meadows Recreational Ground Playing Fields
Meadows Recreational Ground Playground
Meadows Cemetery
Mill Street Reserve
CFS Fire Station

MT Barker:
Laratinga Wetlands
Mountain Glen Reserve (Big Green)
Mt Barker Recreational Ground (not including the Playing Field)
Mt Barker Recreational Ground Playing Field
Mt Barker/Laratinga Linear Reserve
Keith Stephenson Park (not including the Playground or the Skate Park)
Keith Stephenson Park Playground and Skate Park
Flaxley Road reserve
Dunn Park
Mt Barker Caravan Park
Mountain Pool Reserve
Old Tannery Site
Waterford Estate Reserves
Martindale Estate (Burnbank Way Reserves – South)
Martindale Estate (Bessie May park)
Martindale Estate (Alan Bell Reserve)
Yaktanga Way Reserve
Weld Park
Gallasch Reserve
Downing Street Reserve
Mt Barker Heights Reserve
Patersen reserve
Zanker Drive Reserve
Donaghue Road Reserve
Alexander Drive Reserve
Albert Road Reserve
Separation Avenue Reserve
Willow Close Reserve – Leashed area
Mt Barker Community Child Care Centre
Charles Street Reserve
Edward Street Reserve
Jubilee Crescent Reserve
Hawthorn Farm Reserve
Dumas Street Reserve
Mann Street Reserve
Dutton Road Reserve
Bernhardt Close Reserve
Manor Crescent Reserve

Nairne:
Nairne Golf Club
Nairne Oval (not including Playground Ground)
Nairne Oval Playground
Nairne Cemetery
Mathew Smillie Reserve
Mick Murphy Park (not including the Playground)
Mick Murphy Park Playground
Bythorne Park
Market Place Reserve
Hay Crescent Reserve
North Road Reserve
Mathew Road Reserve
Webber Road Reserve
Parr Street Reserve
Mt Barker Summit Reserve

Prospect Hill:
Memorial Hall and Associated Park
Prospect Hill Cemetery
Morris Road Reserve
Summit Hill Reserve
Prospect Hill Playground
ATTACHMENT 2

CRITERIA FOR ASSESSING PARKS AS POSSIBLE DOG LEASHED AREAS AND DOG PROHIBITED AREAS

Definition:
For the purposes of this proposal, a park means a park, garden, reserve or other similar public open space area within the Council’s District.

Introduction:
Under the provisions of the Dog and Cat Management Act, a dog when in a park needs only to be under effective control by voice command. There is no need for the dog to be under effective control by means of a physical restraint. By-Law No. 5 – Dogs, however gives Council the ability to designate parks where dogs would be required to be on a leash or parks where dogs may be prohibited.

In the establishment of this procedure, it was imperative to ensure that the rights of the dog owners as well as the rights of members of the general community who do not own dogs were not discriminated against. It is important that dog owners have the ability to fully exercise their dogs in a park without the restrictions of the dog being controlled by means of a physical restraint. The need of dog owners to be able to adequately exercise and socialise their animals cannot be over emphasised. Exercising of a dog in public areas is an important activity for dog owners and their dogs. The provision of exercise and socialisation of dogs are important components to the health and well being of the animal as it relieves boredom and anxiety and reduces unruly and nuisance behaviour in the dog.

Similarly, it is just as important that members of the community and their families can visit our parks without the fear of being harassed or bothered by dogs. There must be a fair and equitable use of Council’s parks for all members of the community. Consideration must be given to residents who do not own a dog or who are frightened or intimidated by dogs. The potential for conflict between the users of Council parks is high and many conflicts are the result of inappropriate behaviour.

It is re-emphasised that any park not designated as a dog leashed area or a dog prohibited area will remain as a park where a dog may be off leash provided that the dog is under effective voice command by the person responsible for the dog.

Criteria:
A Council internal working group made up of a staff member from Regulatory and Community Services, Horticulture Department, Community Development and Environmental Strategy will assess applications for the designation of a park as a dog leashed area or a dog prohibited area. This working group will assess any application based on the following criteria:

- Does the park incorporate a B.B.Q area?
- Does the park incorporate a picnic area?
- Does the park incorporate a playground area?
• Does the park incorporate sporting activities?
• Does the park have significant conservation and environmental value?
• Does the park have a strong interaction between the dog owners (and their dogs) and the general public?

Once a park has initially been assessed as a possible dog leashed or dog prohibited park, a Council Report will be prepared recommending endorsement of the proposal. If the Report is endorsed, the general community will then have twenty eight days to provide written comment.

At the expiration of the twenty eight days, any written comments coming back from the community will be assessed by the staff task force who presented the original proposal. A decision will then be made as to whether the proposal should be further developed. If sufficient community comments disagree with the park being designated as a dog leashed or dog free area, the proposal will not proceed.

If comments from the community support the designation of the park as a dog leashed or dog prohibited area, a second Council Report will be prepared recommending the endorsement of the proposal.

It should be remembered that any Council list of parks where dogs need to be on a leash or are prohibited can be added to or deleted as the community dictates. Any new parks that are developed as a part of new housing estates can also be put through the same assessment.
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