

1.6 DOG CONTROL ORDER

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

1. *Notes that at its meeting of 29 November 2022 resolved to authorise officers to bring Council's decision regarding approved changes to off-leash areas by adopting an Order made under Section 26 of the Domestic Animals Act 1994 and publish the Order in the Government Gazette and in a newspaper circulating in the Monash municipal district (effective from 1 July 2023)*
2. *Revokes Dog Control Order – Number 5 adopted by Council on 28 May 2019 and adopts Dog Control Order – Number 6 under the provisions of Section 26 (2) of the Domestic Animals Act 1994 in the form described in Attachment One.*
3. *Notes that the commencement date for Dog Control Order – Number 6 is 1 July 2023.*
4. *Directs Council Officers to cause Dog Control Order – Number 6 to be published in the Victorian Government Gazette and in a newspaper circulating in the Monash municipal district.*

INTRODUCTION

This report presents Dog Control Order – Number 6 (Attachment One) to be made under the provisions of Section 26 (2) of the Domestic Animals Act 1994 for Councils consideration.

The purpose of this order is to implement the decision made by Council at its meeting held on 29 November 2022.

BACKGROUND

The proposed Dog Control Order - Number 6 includes several modifications resulting from the comprehensive review of off-leash areas and the adoption of the Dog Off-leash Policy, which was adopted by Council at its meeting in November 2022.

The proposed changes include designating new areas as off-leash areas, reducing the areas where dogs can be exercised off-leash at Damper Creek

Reserve, introducing a definition for Major Shared Trails, clarifying place names, and prohibiting the presence of dogs in specific areas.

The implementation of this Order fulfils the Monash Domestic Animal Management Plan 2021-2025 commitment to periodically review both off and on-leash areas and aligns with Objective 12 of the which aims to reduce dog-related complaints to the Council by promoting education and enforcing regulations.

DISCUSSION

Section 26 (2) of the Domestic Animals Act 1994 allows Council to make an Order by resolution which may do all or any of the following:

- prohibit the presence of dogs and cats in any public place of the municipal district
- impose all or any of the following conditions on the presence of dogs or cats in any public place of the municipal district:
 - conditions as to the means of restraint of dogs or cats;
 - conditions as to the times at which the presence of dogs or cats is or is not permitted;
 - any other conditions that are specified in the order.

Council initially established an Order under these provisions on 5 August 1997. Subsequently, the Order underwent modifications on 16 December 1997 and 14 July 2009, with the latter involving the addition of new reserves to the list of Designated Reserves for off-leash dog exercise.

On 25 August 2015, an updated version of the Order was introduced, which included a revised definition of a 'public place' and specific provisions prohibiting dogs' presence on the synthetic pitch at Jack Edwards Reserve at all times; as well as certain areas of the reserve at designated times.

In addition, on 28 May 2019, the Order underwent further modification to prohibit dogs from being present on the synthetic pitch at Gardiners Reserve, Burwood.

The proposed Dog Control Order - Number 6 includes several modifications resulting from the comprehensive review of off-leash areas and the adoption of the Dog Off-leash Policy, at Councils meeting of 29 November 2023. These changes include:

- 1) designating the following areas as new 'off-leash' areas:
 - a. Larpent Reserve, Glen Waverley
 - b. Highview Park, Glen Waverley
 - c. Jordan Reserve, Chadstone

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- d. Mayfield Park, Mount Waverley
 - e. Brandon Park, Glen Waverley
 - f. Jells Road Reserve (part), Wheelers Hill
 - g. Wellington Reserve, Mulgrave
 - h. Whitehaven Crescent Reserve, Mulgrave
 - i. Fregon Reserve (part), Clayton
 - j. Davies Reserve, Oakleigh South
 - k. Bowman Street Reserve, Mount Waverley
 - l. Finch Street Reserve, Notting Hill
 - m. F E Hunt Reserve, Oakleigh East
 - n. Powerlines Area – Legana Street to Toombah Street, Mount Waverley
- 2) reducing the areas dogs can be exercised off-leash at Damper Creek Reserve, Mount Waverley.
 - 3) introduction of a definition for Major Shared Trails and mandates that dogs be kept on a leash within 10 metres of either side of such trails.
 - 4) clarifying place names
 - 5) prohibiting the presence of dogs on:
 - a. the synthetic pitch at Ashwood Reserve
 - b. the turf pitch at Holmesglen Reserve
 - c. the southern-most turf pitch at Gardiners Reserve
 - d. the area surrounding the southern-most turf pitch at Gardiners Reserve between the period two hours prior to the start time of a National Premier League Victoria game and the conclusion of that game.
 - e. the baseball diamonds one and two at Napier Reserve
 - f. the Mulgrave Reserve Wetlands

POLICY IMPLICATIONS

The proposed Order implements a range of requirements and considerations associated with the recently adopted *Monash Dog Off-leash Policy*. Moreover, it aligns with Objective 12 of the *Monash Domestic Animal Management Plan 2021-2025*, which aims to reduce dog-related complaints to the Council by promoting education and enforcing regulations. Additionally, the implementation of this Order fulfils the plan's commitment to periodically review both off and on-leash areas.

CONSULTATION

Under Section 26 of the Domestic Animals Act, Council is not obligated to provide notice of its intention to make an Order. Although it is generally best practice to consult with the community regarding significant changes to an Order, in this instance, the Order has been formulated after extensive consultation with the community over several months. This included gathering hundreds of feedback pieces via the Shape Monash online consultation hub, formal submissions, and petitions, which informed the policy and off-leash area review.

GENDER IMPACT ASSESSMENT

The report reviewed by Council before accepting the recommendations from the Dog Off-leash Area Review and adopting the Monash Dog Off-leash policy identified a lack of data regarding how gender affects dog ownership and the usage of off-leash areas by women, men, and non-binary individuals. As a result, it is recommended that a Gender Impact Assessment be conducted while preparing the next Domestic Animal Management Plan.

CONCLUSION

This report presents Dog Control Order - Number 6, which is proposed to be made under the provisions of Section 26 (2) of the Domestic Animals Act 1994. The purpose of this order is to implement decisions made by Council after a comprehensive review of dog off-leash areas and extensive community consultation.

The proposed Order includes several modifications, such as designating new off-leash areas, reducing areas dogs can be exercised off-leash, and prohibiting dogs from certain areas at designated times.

This Order aligns with the Monash Dog Off-leash Policy and fulfils the commitment of the Monash Domestic Animal Management Plan to review on and off-leash areas periodically.

MONASH CITY COUNCIL
Dog Control Order No. 6

At its meeting on 28 March 2023, Monash City Council resolved to make Order Number 6 pursuant to section 26(2) of the *Domestic Animals Act 1994*.

Domestic Animals Act 1994

1. Revocation

- (1) On 1 July 2023, all previous Orders made by Council pursuant to section 26 of the *Domestic Animals Act 1994* are revoked.

2. Commencement

- (1) This Order commences on 1 July 2023.

3. Dogs must be under effective control

- (1) The Owner of any dog must keep the dog under effective control by means of a chain, cord, or leash (not exceeding 1.5 metres in length) held by the Owner and attached to the dog while the dog is in a Public Place except where that Public Place is a Designated Reserve.
- (2) Sub-clause (1) does not apply where a chain, cord or leash attached to the dog is securely fastened to a post or other fixture and the dog remains under sight or voice control by the owner.

4. Prohibited Areas

- (1) A dog must not enter or remain in any Prohibited Area.
- (2) The prohibition under sub-clause (1) applies in a Prohibited Area regardless of whether or not the dog is on a chain, cord or leash.

5. Owner's obligations in a Designated Reserve

- (1) A dog may be exercised without a chain, cord or leash attached to the dog in a Designated Reserve if the Owner:
 - (a) carries a chain, cord or leash not exceeding 1.5 metres in length;
 - (b) brings the dog under effective control by means of a chain, cord, or leash (not exceeding 1.5 metres in length) held by the Owner and attached to the dog if the dog behaves in a manner which threatens any person or animal;
 - (c) remains in effective voice or hand control of the dog and within constant sight of the dog to be able to prevent the dog wandering out of effective control, any threatening behaviour, any attack or bite by the dog; and
 - (d) does not allow the dog to worry, threaten, bite or attack any person or animal.
- (2) If a dog is off a chain, cord or leash in a Designated Reserve it must be brought under effective control by means of a chain, cord or leash (not exceeding 1.5 metres in length) held by the Owner and attached to the dog, if the dog is within twenty metres of:
 - (a) an arena or ground whilst being used for an organised sporting or practice event;

- (b) a children's play equipment area that is being used;
- (c) the location of an organised public meeting; and
- (d) a barbeque or picnic area that is being used.

(3) If a dog is being exercised without a chain, cord or leash attached to the dog in a Designated Reserve, the dog must be brought under effective control by means of a chain, cord or leash (not exceeding 1.5 metres in length) held by the Owner and attached to the dog if the dog is within ten metres either side of a Major Shared Trail.

6. Owners must be equipped to remove dog faeces

(1) If a dog is in a Public Place, the Owner of the dog must carry a bag, receptacle or other means of picking up and removing from the Public Place the dog's faeces.

7. Meaning of words

In this Order:

Designated Reserve means any reserve specified in the Schedule of this Order.

Owner has the same meaning as in the *Domestic Animals Act 1994*.

Major Shared Trail means sealed trails commonly used for walking, running, recreational and commuter cycling and includes trails identified by Transport Victoria as being part of a primary and main Strategic Cycling Corridor (SCC) route.

Prohibited Area means:

- (a) the turf pitch and the area surrounding the turf pitch at Jack Edwards Reserve between the period two hours prior to the start time of a National Premier League Victoria game and the conclusion of that game;
- (b) the turf pitch at Jack Edwards Reserve when the pitch is being used for scheduled training or during a game that is not a National Premier League Victoria game;
- (c) the synthetic pitch at Jack Edwards Reserve;
- (d) the area surrounding the synthetic pitch at Jack Edwards Reserve (designated by the low level fence) when the pitch is being used for scheduled games or training;
- (e) the synthetic pitch at Ashwood Reserve;
- (f) the turf pitch at Holmesglen Reserve;
- (g) the baseball diamonds 1 & 2 at Napier Reserve;

- (h) the synthetic pitch at Gardiners Reserve;
- (i) the southern-most turf pitch at Gardiners Reserve;
- (j) the area surrounding the southern-most turf pitch at Gardiners Reserve between the period two hours prior to the start time of a National Premier League Victoria game and the conclusion of that game; and
- (k) Mulgrave Reserve Wetlands.

Public Place

has the same meaning given to it in the *Summary Offences Act 1966*.

SCHEDULE

Designated Reserves

1. Electra Reserve, Ashwood
2. Federal Reserve, Mount Waverley
3. Tally Ho Reserve, Mount Waverley
4. Glen Waverley North Reserve, Glen Waverley
5. Capital Reserve, Glen Waverley
6. Hinkler Reserve, Glen Waverley
7. Bogong Reserve, Glen Waverley
8. Mount Waverley Linear Reserve (Heany Street & Beverley Grove Reserves), Mount Waverley
9. Scotchmans Run Reserve, Oakleigh
10. Powerlines Area, being the public open space between Pamela Street to Smyth Street and the public open space east of Smyth Street, Mount Waverley (Not including Smyth Street)
11. Powerlines Area, Bristol Court to Ivanhoe Street, Glen Waverley
12. Whites Lane Retarding Basin (the area west of tennis courts in Whites Lane Reserve), Glen Waverley
13. Hertford Crescent Reserve, Wheelers Hill
14. Gladeswood Reserve, Mulgrave
15. Freeway Reserve, Mulgrave
16. Columbia Park Reserve, Wheelers Hill
17. Carlson Reserve, Clayton
18. Princes Highway Reserve, Oakleigh East
19. Jack Edwards Reserve (other than the areas designated as a Prohibited Area), Oakleigh
20. Argyle Reserve, Hughesdale
21. Southern Reserve, Mulgrave
22. a. Damper Creek Conservation Reserve (Part), Mount Waverley – being the area west of walking track that runs north to south from Warren Court to level with a line extending east from Quaintance Street and the boundary of Damper Creek Conservation Reserve. See Figure 1.
b. Damper Creek Conservation Reserve (Part), Mount Waverley – being the area to the north being a line extending west from the northern-most point of Norman Court to Park Road, to the west being Park Road, to the east being Norman Court and to the south being the intersection of Norman Court and Park Road. See Figure 1.
23. Lum Reserve (excluding the bushland area), Wheelers Hill
24. Holmesglen/Ashwood/Jingella Reserves (part - turf fields other than the areas designated as Prohibited Areas), Ashwood
25. Caloola Reserve (sportsgrounds), Oakleigh
26. Mulgrave Reserve (part - west and central sportsgrounds other than the areas designated as Prohibited Areas), Wheelers Hill
27. Dick Mason Reserve (southern field at Napier Reserve other than the areas designated as Prohibited Areas), Glen Waverley
28. Gardiners Reserve (other than the areas designated as Prohibited Areas), Burwood

29. Mount Waverley Reserve, Mount Waverley
30. Batesford Reserve, Chadstone
31. Glen Waverley Sport Hub South (part – south of car park adjacent golf course), Glen Waverley
32. Larpent Reserve, Glen Waverley
33. Highview Park, Glen Waverley
34. Jordan Reserve, Chadstone
35. Mayfield Park, Mount Waverley
36. Brandon Park Reserve, Glen Waverley
37. Jells Road Reserve (area East of tennis courts & West of Jells Road aka Sunnybrook Drive Reserve East), Wheelers Hill
38. Wellington Reserve, Mulgrave
39. Whitehaven Crescent Reserve, Mulgrave
40. Fregon Reserve (part - turf pitch), Clayton
41. Davies Reserve, Oakleigh South
42. Bowman Street Reserve, Mount Waverley
43. Finch Street Reserve, Notting Hill
44. F E Hunt Reserve, Oakleigh East
45. Powerlines Area – Legana Street to Toombah Street, Mount Waverley

Figure 1.

