

## Dog Management Policy

### POLICY STATEMENT

1.1. Council acknowledges the health, social and economic benefits of dog ownership within the Kingborough Municipal Area and will manage dogs in accordance with the provisions of the *Dog Control Act 2000* ([the Act](#)) and in a manner that is in the best interests of the community and the environment.

### DEFINITIONS

2.1 The [Dog Control Act 2000 Act](#) (State legislation) contains the following definitions:

- **Dog Under Effective Control**
  - (1) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person in a public place if the dog is:
    - (a) on a road or road-related area in a built-up area, or any other public place declared under Division 2 of Part 3 to be an area where a dog must be on a lead, and the dog is secured and restrained by means of a lead not more than 2 metres long held by hand by a person able to control the dog; or
    - (b) tethered to a fixed object by a lead not more than 2 metres long for a period not more than 30 minutes.
  - (2) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person while not on a lead if the dog is:
    - (a) a working dog engaged in working; or
    - (b) a hunting dog engaged in hunting; or
    - (c) engaged in racing or showing; or
    - (d) engaged in trialling; or
    - (e) engaged in training for any activity referred to above ; or
    - (f) engaged in training in a training area.
  - (3) In an area where a dog is not required to be on a lead, a dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person if:
    - (a) it is in close proximity to the person; and
    - (b) it is in sight of the person; and
    - (c) the person is able to demonstrate to the satisfaction of an authorised person that the dog is immediately responsive to the person's commands.
  - (4) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person on private premises if the dog is securely confined to those premises.
  - (5) A person, at any one time, must not have in his or her charge more than:
    - (a) 2 dogs, that are not greyhounds, dangerous dogs or restricted breed dogs, on a lead on a footpath; or
    - (b) 4 dogs, that are not greyhounds, dangerous dogs or restricted breed dogs, in a public place.
- **Dog at Large**  
 A dog is at large if it is:-
  - (a) in a public place and it is not under the effective control of a person; or
  - (b) without the consent of the occupier, in or on a public place that is occupied or private premises that are occupied.

	<ul style="list-style-type: none"> <li>• <b>Owner of Dog</b> The person who is the owner of a dog is:           <ul style="list-style-type: none"> <li>(a) in the case of a registered dog, the person in whose name the dog is registered; or</li> <li>(b) in the case of an unregistered dog, the person who ordinarily keeps the dog; or</li> <li>(c) in the case of a child's pet, the child's parent or guardian.</li> </ul> </li> </ul>
<b>OBJECTIVE</b>	<p>3.1 The objective of the Dog Management Policy is to promote the responsibilities of dog ownership so as to ensure the following:</p> <ul style="list-style-type: none"> <li>a) Appropriate exercise areas are provided that are as safe as possible for dogs, their owners, the environment and the general public;</li> <li>b) Sensitive areas, including areas of cultural significance, native flora and native fauna are protected;</li> <li>c) Any potential nuisance caused by dogs to the public is minimised;</li> <li>d) The requirements of dog ownership.</li> </ul>
<b>SCOPE</b>	<p>4.1 Council is responsible for the enforcement of State legislation in the form of the <a href="#">Act-Dog Control Act 2000 (the Act)</a>, within the Municipal Area.</p> <p>4.2 The Act requires Council to develop a Dog Management Policy, which as a minimum is to include:</p> <ul style="list-style-type: none"> <li>a) A code relating to the responsible ownership of dogs;</li> <li>b) The provision of declared areas;</li> <li>c) A fee structure; and</li> <li>d) Any other relevant matter.</li> </ul> <p>4.3 This policy applies to any owner or person who has control of a dog, either residing in or visiting Kingborough.</p> <p>4.4 This policy supersedes any other document relating to dog management within Kingborough.</p>
<b>PRINCIPLES:</b>	<p>5.1 The following principles underpin the development and implementation of this policy:</p> <ul style="list-style-type: none"> <li>a) Recognition – the contribution that dog ownership can provide to community health and wellbeing is acknowledged;</li> <li>b) Balance – the need for a balanced approach to achieve a compatible relationship between dogs, dog owners, neighbours, <a href="#">municipal land</a> and the general community is recognised;</li> <li>c) Compliance – there is a legislative requirement for both Council to enforce, and for dog owners to comply, with the <a href="#">Dog Control Act</a>.</li> </ul>
<b>PROCEDURE (POLICY DETAIL)</b>	<p><b>6.1 CODE OF RESPONSIBLE DOG OWNERSHIP</b></p> <p>Dog ownership has proven benefits to the community through better health, well-being, companionship and social interaction. Conversely, irresponsible dog ownership can have a negative impact on the health and well-being of those affected, and can result in on-going poor inter-community relationships.</p> <p>The following <i>Code of Responsible Ownership</i> (<del>The Code</del>) is provided to assist dog owners to enjoy the benefits of dog ownership whilst reducing <a href="#">any</a><del>the</del> negative impacts on others.</p> <p><b>The Code:</b></p> <p>As a responsible dog owner, it is expected that:</p>

- a) Your property, budget and lifestyle are suited to the specific needs of your breed of dog;
- b) Your dog is appropriately housed and contained within a secure yard;
- ~~c) You provide for your dog's welfare;~~
- ~~d) You ensure that your dog is not a nuisance to others;~~
- ~~e) You register and microchip your dog once it attains six months of age to assist with identification and returning of the animal if it becomes lost;~~
- ~~f) You ensure that your dog wears its Council identification tag;~~
- ~~g) When you are in public places, you ensure that your dog is under effective control by means of a lead (except in off-lead areas);~~
- ~~h) You will clean up after your dog.~~

### 6.2 DECLARED AREAS

The ~~Dog Control~~ Act enables Council to declare and regulate areas within the Municipality to be either:

- a) a Dog Exercise Area;
- b) a Dog Training Area;
- c) a Prohibited Area; or
- d) a Restricted Area. ~~The Dog Control Amendment Act 2017 enables Council to declare areas of land under its jurisdiction as being restricted to dogs on a permanent basis.~~

In acknowledgement that a well exercised dog is less likely to create a nuisance within the community, a combination of off-lead and on-lead areas have been provided throughout the Municipal Area. Some areas have been designated as prohibited to dogs due to their location or environmental significance, whilst there are some public places that are defined as prohibited to dogs by the Act.

### 6.3 EXERCISE AREAS

A *Dog Exercise Area* is an area that Council has declared where dogs may be exercised off-lead but under effective control, and subject to any specific conditions. The following areas have been declared as Dog Exercise Areas pursuant to Section 20 of the Act:

- Taroon Apex Park
- Taroon Beach (East of the Boat Ramp)
- Northern end of Kingston/Tyndall Beach (sand only)
- Flowerpot Point Reserve, Blackmans Bay
- Suncoast Dog Park
- Suncoast Walking Track
- Kingston View Drive (area above Mt Bike Park ~~—to be fenced~~)
- Kingston View Drive – greyhounds only
- Maranoa Heights Reserve
- Dru Point (within dog exercise fenced area)
- Snug Beach south (sand only)
- Clarks Beach Coningham
- Kettering Reserve (area below Kettering Oval ~~—to be fenced~~)
- Middleton Beach (south of stormwater pipe only)

### 6.4 TRAINING AREAS

A *Dog Training Area* is an area where dogs may be trained subject to any specified conditions ~~and under effective control~~. The following areas have been declared as Dog Training Areas pursuant to Section 21 of the Act:

- Southern Obedience Club (Gormley Drive)
- Country Dog Association (Lower Longley)

#### 6.5 PROHIBITED AREAS

A *Prohibited Area* is an area that contains sensitive habitat for native wildlife. Dogs must not be taken into a Prohibited Area (guide and hearing dogs exempt). The following areas have been declared as Prohibited Areas pursuant to Section 22 of the Act:

- Browns River Reserve (northern side river)
- Browns River Reserve (end Balmoral Road)
- Kingston Wetlands [\(excluding on-lead and contained to tracks and formed road\)](#)
- Boronia Beach Reserve
- Blackmans Bay Beach (rock platforms north)
- [Tinderbox Hills Reserve \(July to March – due to Wedge Tailed Eagles nesting\)](#)
- [Summerleas Rd / Scott Rd Reserve \(July to March – due to Wedge Tailed Eagles nesting\)](#)
- Stinkpot Bay Reserve
- Mt Louis Reserve (July to March – due to Wedge Tailed Eagles nesting)
- Sandfly Land for Wildlife Reserve
- Kettering Cemetery Bushland Reserve
- Adventure Bay Bushland Reserve (behind bowls club)
- Coningham [Beach](#) Rock Platforms (east main beach)

#### 6.6 RESTRICTED AREAS

A *Restricted Area* is an area where dogs, other than guide dogs or hearing dogs, are restricted from entering during specified times, days or seasons or restricted to being restrained on a lead, ~~(guide and hearing dogs are exempt)~~ or restricted from an area at all times. The following areas have been declared as Restricted Areas pursuant to Section 23 of the Dog Control Act:

- a) Beaches – the following beaches are licenced by Council from the Crown for the purpose of public recreation and are declared as restricted to dogs at all times:
  - Tarroona Beach (except the area east of the boat ramp)
  - Hinsby Beach
  - Kingston Beach (except the northern end)
  - Blackmans Bay Beach
  - Snug Beach [\(except the southern end\)](#)
  - Coningham Beach
  - Middleton Beach (except the southern end)

Council has no jurisdiction over any other beaches within the Kingborough Municipal Area (except Tyndall Beach and Clarks Beach). This includes beaches on Bruny Island, which are under the jurisdiction of the Crown. Unless otherwise specified, beaches that are not managed by Council are deemed to be a public place in which dogs are required to be on a lead at all times.

- b) Sportsgrounds – all Council owned and managed sportsgrounds are declared as restricted to dogs at all times. This restriction applies to the playing field only. Dogs may be walked around the outer areas of a sportsground, provided they are on a lead.
- c) Parks – unless otherwise specified, dogs must be on a lead at all times in all Council owned or managed parks.
- d) Natural Area Reserves – unless otherwise specified, dogs must be on a lead at all times, with access limited to defined tracks in all natural area reserves.
- e) Tracks and Trails – dogs must be on a lead at all times on all tracks and trails managed by Council, with the exception of the Suncoast Walking Track on which dogs may be walked off-lead.
- f) Other Areas - any area surrounding any of the aforementioned areas, or any public place as defined by the *Police Offences Act 1935*, managed or controlled by Council, that are not listed in the above, are by virtue of their name or designation, deemed Restricted for the purposes of this document, and dogs must be on a lead at all times.

Further information regarding declared areas is contained within the appendix.

#### **6.7 PROHIBITED PUBLIC AREAS PLACES**

The [Dog Control Act 2000 Act](#) specifies that a person must not take a dog into the following areas:

- a) any grounds of a school, preschool, kindergarten, creche or other place for the reception of children without the permission of a person in charge of the place; or
- b) any shopping centre (defined under the Act as a collection of shops in an enclosed area covered by a roof or forming a courtyard or square) or any shop; or
- c) the grounds of a public swimming pool; or
- d) any playing area of a sportsground on which sport is being played; or
- e) any area within 10 metres of a children's playground.

This section does not apply to:

- (a) a guide dog that is accompanying a wholly or partially blind person or is in training for that purpose; or
- (b) a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose; or
- (c) a pet shop; or
- (d) the premises of a veterinary surgeon; or
- (e) a pet-grooming shop; or
- (f) any other premises related to the care and management of dogs.

NB: Under the provisions of the *Food Act 2003*, the proprietor of a food business may allow dogs in the outdoor dining area of that food business.

#### **6.8 REVIEW OF DECLARED AREAS**

Council may review current or declare additional areas of the municipality to be a declared area under the Act, pursuant to Section 24 of the Act. Council is not required to review the entire Dog Management Policy when considering declaring an area under the Act.

#### **6.9 DOG REGISTRATION FEE STRUCTURE**

The fee structure and all fees payable under the [Act Dog Control Act 2000](#) are set annually in line with Council's fees and charges.

#### **[6.10 SPECIAL DOGS](#)**

	<p><a href="#">Council acknowledges that some dogs play a significant part in our community and enhance the lives of others via their special skills. The Act and Council’s fees and chargers, identify special dogs which include Guide dogs, Hearing dogs, Assistance dogs etc. Guide and Hearing dogs benefit from certain access exemptions within the act.</a></p> <p><a href="#">If a registered special dog becomes separated from is owner, Council will undertake all reasonable action to reunite them as soon as possible.</a></p>
<b>COMMUNICATION</b>	<p>7.1 The following are identified as stakeholders regarding consultation:</p> <ul style="list-style-type: none"> <li>• Members of the public</li> <li>• Dog Walking Associations (in particular the <a href="#">KingboroughKingston</a> Dog Walking Association)</li> <li>• Local community groups and associations</li> <li>• Local landcare and coastcare groups</li> </ul>
<b>LEGISLATION</b>	<p>8.1 The following legislation is of relevance in regard to the management of dogs within Kingborough:</p> <ul style="list-style-type: none"> <li>• <i>Dog Control Act 2000</i></li> <li>• <i>Dog Control Regulations 202110</i></li> <li>• <i>Local Government Act 1993</i></li> <li>• <a href="#">Dog Control Amendment Act 2017</a></li> </ul>
<b>RELATED DOCUMENTS</b>	<p>9.1 The following are related documents:</p> <ul style="list-style-type: none"> <li>• <a href="#">KingboroughAppendix</a> - Council Declared Dog Areas</li> <li>• Kingborough Tracks and Trails Strategy</li> </ul>