



DOG MANAGEMENT POLICY

POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Risk & Regulatory Coordinator	Executive Manager	23 September 2024	September 2029
PURPOSE	<p>Council is committed to promoting responsible dog ownership.</p> <p>Dog ownership has many important benefits to the community through companionship, health promotion, general well-being as well as their use as working dogs.</p> <p>All dog owners have a legal and ethical responsibility to their dogs and to the wider community, as irresponsible dog ownership can affect the physical and social environment of other residents.</p> <p>This Dog Management Policy is provided to assist dog owners to minimise any negative impacts on the community.</p>			
SCOPE	<p>This policy is designed to provide information on responsible dog ownership, identify areas within the municipal area which are available for exercising dogs and which areas for dogs are restricted or prohibited.</p> <p>This policy will also outline Council's approach and responsibilities for dog management and control.</p>			
DEFINITIONS	<p>Attack: Includes bite, menace or harass.</p> <p>At Large: A dog is at large if it is -</p> <ol style="list-style-type: none"> a. In a public place and is not under 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. <p>Built-up Area: Means an area in which -</p> <ol style="list-style-type: none"> a. There are buildings on land next to the road; and b. There is street lighting at intervals not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres, for the whole road. <p>Complaint:</p> <ol style="list-style-type: none"> 1) A person may make a complaint to the general manager in respect of a dog that is a nuisance. 2) A complaint is to – <ol style="list-style-type: none"> a. Be in an approved form; and b. Be accompanied by any appropriate fee; and c. State the nature of the nuisance. <p>Effective Control:</p> <ol style="list-style-type: none"> 1. A dog, other than a greyhound, a dangerous dog or restricted breed dog, is under 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 of the *Dog Control Act 2000* to be an area where a dog must be on a lead, and the dog is secured and restrained by means of a lead no more than 2 metres long held by hand by a person able to control the dog.
2. In an area where a dog is not required to be on a lead a dog, other than a greyhound, a dangerous dog or restricted breed dog, is under 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.

Infringement Notice:

An authorised person may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence against the *Dog Control Act 2000*.

Lead:

A lead, leash, cord or chain of sufficient strength to restrain a dog.

Licence:

Means a licence to keep on premises-

- a. More than 2 dogs over the age of 6 months; or
- b. More than 4 dogs over the age of 6 months.

Dog Creating a Nuisance:

1. The owner or person in charge of a dog must not permit the dog to be, become or create a nuisance.
2. A dog is a nuisance if –
 - a. It behaves in a manner that is injurious or dangerous to the health of any person; or
 - b. It creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that is unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

Public Place:

- a. A public place as defined by the *Police Offences Act 1935*; and
- b. A road; and
- c. A road-related area

Road:

- a. An area that is developed for, or has as one of its main uses, the driving or riding of motor vehicles and is open to, or used by, the public; and
- b. A part of the kerb; and
- c. An unsealed part of a sealed road.

Road-related area:

	<ul style="list-style-type: none"> a. An area that divides a road; or b. A footpath or nature strip adjacent to a road; or c. A footpath or track that – d. Is not a road; and e. Is designed for use by cyclists or pedestrians; and f. Is open to the public. <p>Working Dog: Means a dog used principally for –</p> <ul style="list-style-type: none"> a. Droving or tending livestock; or b. Detecting illegal substances; or c. Searching, tracking or rescuing; or d. Working with police officers. <p>Contained Dog is a dog that is kept within a designated area, such as a yard or enclosure, and is not allowed to roam freely.</p>
POLICY	<p>1. Council's Responsibilities</p> <p>Under the <i>Dog Control Act 2000</i>, (the Act) Council provides authorised persons who are appropriately trained to enforce compliance of the Dog Management Policy and the Act.</p> <p>During normal business hours Council will:</p> <ul style="list-style-type: none"> • conduct regular patrols throughout the municipal area to ensure dogs are being properly controlled; and • respond as soon as practicable to complaints of dog nuisance, reports of a dog attack and reports of any contained dog found at large. <p>Outside of normal business hours Council will:</p> <ul style="list-style-type: none"> • Provide an emergency out-of-hours service to respond to reports of dog attacks and where dogs are at large that are likely to create a nuisance; and • Where a dog is at large but can be restrained within a property, Council will arrange for collection. <p>2. Dog Owners' Responsibilities</p> <ul style="list-style-type: none"> • Ensure that all dogs over the age of six months are registered with Council; • Ensure that a dog receives all necessary care and attention in accordance with good practice, and is supplied with adequate food, water and shelter; • Ensure that the dog is kept under effective control at all times; • When walking with a dog/s in a built-up area the dog is to be on a lead that does not exceed 2 metres; • Ensure that the dog wears a collar, registration tag and is micro-chipped; • Notify Council of any change of ownership details; • Ensure that the dog does not cause a nuisance to any other person by: <ul style="list-style-type: none"> ○ persistent or loud barking; ○ howling; ○ roaming at large; ○ threatening, harassing or attacking any other animal or person; ○ chasing vehicles, people or other animals. • Owner or responsible person must appropriately remove any faecal

matter if the dog defecates in a public place.

- Apply for a kennel licence if there are more than two domestic dogs or four working dogs over the age of six months on a property (refer to page 4 for further information); and
- Comply with the requirements of the *Dog Control Act 2000* and the Dog Management Policy.

3. Complaints and Nuisance Provisions

The Council recognises the right for individuals to own and keep dogs; however, it also balances the rights with the community's right to seek assistance in dealing with nuisances created by dogs.

Any valid complaint will be investigated as quickly as is practical and in accordance with Council's Customer Service Charter.

Council staff will not deal with complaints of a frivolous or vexatious nature, and as such Council will not deal with anonymous complaints.

It is essential that Council has access to the complainant's name, address and contact details as well as the details of the complaint. This information is strictly confidential, unless the matter goes to Court, and is not passed on to any other member of the community without the permission of the complainant. The complainant must be prepared to lodge a formal complaint (if required) and/or appear as a witness in any court proceedings.

A formal complaint is made through completing the 'Notice of Complaint Nuisance Created by A Dog' form which can be found on the Council's website or at the Council Customer Service Centre. Upon confirmation that the complaint has been substantiated the Council prescribed fee will not be applicable.

3.1. Barking/Howling Complaints

Barking dogs can be a difficult issue to rectify as every situation is different. The *Dog Control Act 2000* defines a barking nuisance as a noise "that consistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place".

Residents are encouraged to attempt to resolve these matters by directly dealing with the owner before making contact with Council. If this is not possible or the problem persists then the complainant should contact Council.

If the issue persists then Council will require the complainant to complete a formal complaint form before an authorised person investigates. An authorised person will make a visit to the property in question to discuss with the owner their dog's behaviour and make suggestions as to how the owners can resolve the issue.

If the issue continues then Council may issue an Abatement Notice and/or fines. This type of complaint can take time to resolve as what works for one situation may not work for another.

3.2. Dog at Large/Chasing Vehicles

Any dog that wanders off its own property without being under effective control, even in front of its own house, is contravening the *Dog Control Act 2000*. This is referred to under the Act as being 'at large'. This is an offence, and the dog can be

impounded and infringement notices may be issued.

If a dog is found 'at large' or is causing a nuisance by chasing cars a member of the public can contact Council at any time and report it to Council's Customer Service or After-Hours staff.

3.3 Dog Attack on Person or Animal

If a dog attacks a person or animal whether it causes injury or not, it is an offence under the *Dog Control Act 2000*. Witnesses to the attack are encouraged to call Council's Customer Services or After-Hours staff giving them a brief description of the dog/s, the complaint and their contact details as soon as possible.

In these circumstances an investigation will be commenced. Those involved will be required to file a Statutory Declaration including such information as veterinary reports, medical reports, photos and any other relevant information.

4. Lost Dogs

Should a member of the public find a dog and they are unable to contact the dog owner, or if a dog becomes lost, they should contact Council's Customer Service Centre or Dogs' Homes of Tasmania – Devonport Dogs Home (Spreyton).

5. Infringement Process

Infringement Notices for breaches of the provisions of the Act are issued in compliance with the requirements of the *Monetary Penalties Enforcement Act 2005*.

6. Complaints

Complaints are handled as part of Council's Complaint Handling Policy.

7. Dog Waste Bag Dispensers

Council has provided dog waste bag dispensers at numerous popular reserves throughout Devonport. Refer Map 4.

8. Kennel Licences

Any person who wishes to keep more than two domestic dogs or four working dogs (as defined under the *Dog Control Act 2000*) on a property must apply to the General Manager for a Kennel Licence. The application is to be on the approved form.

Fees will be required to be paid following approval of the license.

All Kennel licences are to be renewed at the beginning of each financial year in line with the Schedule of Fees and Charges as determined by Council.

9. Dog Control Zones: Declared Areas

Council under the provisions of the *Dog Control Act 2000* has declared certain locations where dogs may be exercised, subject to conditions. Please refer to the attached maps for exact details. These areas include the following:

9.1. Exercise Areas – Dog Off Lead areas:

Council has declared several areas where dogs can be exercised off lead and although these areas have been created dogs must be:

- In close proximity of the owner or person in control;

- In sight of the owner or person in control; and
- Be immediately responsive to the handler's commands.

9.1.1 Unfenced off-lead area:

9.1.2 (Beaches)

- Back Beach** - This is the beach located to the west of Bluff Beach on Coles Beach Road. There is a bin containing dog waste bags and a receptacle for used bags at the top of the concrete stairway leading from the car park to the beach. Refer Map 1.
- East Devonport Foreshore** - The beach area starting from Wright Street and heading east towards Pardoe and Moorlands Beach and the grassed area from Wright Street to Tarleton Street north of the footpath. There is a bin containing dog waste bags and for used bags in the car park just to the west of the Wright Street and Melrose Street intersection and another further to the west near the corner of Melrose and Tarleton Streets. The East Devonport walking track is an on-lead area only. Refer Map 2.
- Shipwreck Beach** - This beach is at the end of Wheeler Street through to the breakwater. Refer Map 2.

9.1.3 Fenced off-lead area:

- Don Reserve Off-Lead Dog Area** - Council has designated a specific fenced off-lead area at 260 Steele Street, Devonport (near Splash Devonport Aquatic & Leisure Centre). Refer Map 3.

9.2. Prohibited Public areas:

The *Dog Control Act 2000* specifies certain areas and also enables Council to declare additional areas where a person must not take a dog at any time other than a guide dog or assistance dog, these are:

- Sporting grounds** – All sporting grounds throughout the municipal area.

For example:

- Meercroft Park
- Byard Park
- Devonport Oval


- Mersey Bluff Precinct and Bluff Beach** – This contains Bluff Beach below the walkway and the grassed area including the playground and skate park. The walkway connecting these areas is all on lead and is marked in blue on Map 1.

9.3. Restricted areas:

The *Dog Control Act 2000* also enables Council to declare an area where dogs; other than guide dogs or assistance dogs, can only enter at certain times of the day and/or year and require dogs to be kept on a lead. Devonport City Council has declared several areas as restricted areas, these are:

- Coles Beach** – This beach is the far western end on Coles Beach Road. This beach is signed with the restrictions at the

	<p>major entrance pathways to the beach. Dogs must be on a lead at all times of the year. Dogs are not permitted on the beach between 9:00am and 8:00pm from 1 November until 31 March. Dogs are permitted on beach on lead from 1 April – 31 October. Refer Map 1.</p> <p>b) East Devonport Beach - This beach is to the left side at the end of Wright Street. This beach is signed with the restrictions at the major entrance pathways to the beach. Dogs must be on a lead at all times of the year. Dogs are not permitted on the beach between 9:00am and 8:00pm from 1 November until 31 March. Dogs are permitted on beach on lead from 1 April – 31 October. Refer Map 2.</p> <p>c) Parks and Reserves – In all the other Council parks and reserves dogs are required to be on a lead and under effective control at all times.</p> <p>10. Fee Structure Council utilises the <i>Schedule of Fees and Charges</i> to establish the current fees payable. The following principles have been developed to underpin the fee structure for all dog control charges:</p> <p>a) All dogs over the age of 6 months are to be registered with Council; b) Registration fees are payable annually in order to ensure accuracy and currency of the Dog Register; c) Fees are reviewed annually and will be set in conjunction with the adoption of Councils budget process; d) Discounts are to apply for sterilised dogs to encourage responsible dog ownership; e) Owners who choose to keep entire dogs (i.e. not sterilised) will be charged a higher fee; f) Pensioners and concession card holders will be provided with an opportunity to register their first dog at a discounted rate; g) Registration fees are not applicable for assistance dogs, such as guide dogs; and h) Council will provide a lifetime registration option.</p> <p>11. Policy Review Every 5 years.</p>
LEGISLATION AND RELATED DOCUMENTS	<p><i>Dog Control Act 2000</i> <i>Dog Control Regulations 2021</i> <i>Local Government Act 1993</i> <i>Parks and Reserves By-Law No. 1 of 2017</i> Customer Services Charter Complaint Handling Policy Schedule of Fees and Charges</p>
ATTACHMENT/S (IF APPLICABLE)	<p>Dog Management Zone West Dog Management Zone East Dog Management Zone New Dog Waste Bag Dispenser Map</p>
STRATEGIC REFERENCE	<p>5.3 Council looks to employ best practice governance, risk and financial management</p>
MINUTE REFERENCE	<p>24/181</p>

OFFICE USE ONLY	Update Register Y	Training/Communication Y
	Advise Document Controller Y	Advise HR / MCO Y
	Management Sign Off:  Date: 23 September 2024	



Dog Control Zones (West)

Map 1



Dog Control Zones (East)

Map 2





Dog Control Zone (New)
260 Steele Street

Map 3

