



# ANIMAL MANAGEMENT STRATEGY

*revised 2009*



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Rear 534 Mt Alexander Road  
 Ascot Vale Vic 3032  
 Ph: (03) 9326 1662  
 Fax: (03) 9326 0991  
 e-mail: [leisure@jeavons.com.au](mailto:leisure@jeavons.com.au)  
[www.atleisure.com.au](http://www.atleisure.com.au)

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# ANIMAL MANAGEMENT STRATEGY-

## ENFORCEMENT SUMMARY

Council's Local Laws are made under Part 5 Section 11 of the *Local Government Act 1989*. Clause 2 of Darebin's Local Laws outline goals, including "keeping and control of animals, on land and on Council property". Clause 12 of Council's General Local Law contains the powers and provisions that underpin this Strategy. Following is an outline of the enforcement aspects of the Animal Management Strategy to be integrated into Council's Local Law.

### COUNCIL RESPONSIBILITIES: ENFORCEMENT

- Failure of residents to obey the Local Laws outlined in Council's Animal Management Strategy will result in infringement notices being issued<sup>1</sup>.

### DOGS IN PUBLIC SPACE

- All areas of the municipality are dog on-lead, except those areas signed as no dog or dog off-lead areas.
- Dogs are required to be on-lead while on (and within 5m each side) all shared pathways, even if the pathway is within a designated off-lead area.
- Dogs are not permitted whether restrained or otherwise within five metres of playgrounds, public BBQ's and skate/ BMX parks.

### WASTE MANAGEMENT

- When walking off private property, dog owners must carry a plastic bag with them at ALL times (even if they have cleaned up and disposed of faeces).
- Dog owners are required to remove and dispose of (in a bin) faeces deposited by their dog in public spaces.
- Dog owners must not deposit dog faeces from their property into public space, or anywhere other than a designated waste receptacle.

<sup>1</sup> Where possible rewards and incentives will be used to change behaviour before fines.

### CAT MANAGEMENT

- It is an offence to feed stray or feral cats within the City of Darebin.

### UNREGISTERED ANIMALS

- *The Domestic (Feral and Nuisance) Animals Act 1994* states that unregistered and stray cats or dogs found wandering in no cat/ dog areas can/ should be caught by Council. This legislation will be enforced within Darebin.

### NUMBER OF PETS TO BE KEPT

- For people residing in a premises with no backyard, a permit is required to keep any pet. There are restrictions on the number of animals residents can keep on their premises within Darebin. If you wish to keep more than the number listed below then you will require a permit from Council:

■ Cats, dogs, reptiles	up to 2 of each
■ Poultry (excluding rooster)	5
■ Mice, rats, ferrets, guinea pigs, rabbits, hamsters	5
■ Birds (including budgerigars, canaries, finches and pigeons)	10
■ Fish	Unlimited

The keeping of the following animals is not permitted, except in exceptional circumstances where residents can contact Council for a permit and it can be shown the animal/ s can be adequately and responsibly cared for.

- Roosters
- Horses, donkeys
- Cattle, sheep, goats, pigs
- Bees
- All other animals

Keeping of any animals which have not been mentioned directly here must be done in accordance with any legislation enacted at the time and with permission of Council officers.

## PART 1

# Background

## 1.1 Introduction

Council's vision for Darebin is to create a vibrant, sustainable and harmonious City, creating community pride. Council has a responsibility to ensure the maintenance of a reasonable level of residential amenity and public health. In that light, Darebin's Local Laws, based on state and local government regulations, are designed to ensure a safe community for all members. This document is also prepared in response to Council's requirements as set out in Part 5A of the *Domestic (Feral and Nuisance) Animals Act*

According to a Council survey<sup>2</sup>, the majority of residents believed it was important for Council to have an Animal Management Strategy. However, only half those interviewed were aware of what it was, even though over a third were dog owners.

Recent amendments to the *Domestic (Feral and Nuisance) Animals Act 1994* (section 68A) also require that Council prepare an Animal Management Strategy which deals with a number of issues.

This Animal Management Strategy will guide Council and the community towards the goal of responsible animal ownership and management. To succeed, it will require active cooperation from the community, particularly pet owners and their representative groups.

Council acknowledges the benefits of pet ownership. Council want to ensure that animal welfare is paramount, that Council's powers are understood and respected, and that conflicts are minimised.

The *Domestic (Feral and Nuisance) Animals Act 1994* gives Council the power to control the way cats and dogs are managed. Its aim is to:

- promote animal welfare
- promote responsible pet ownership
- protect the environment from feral and nuisance cats and dogs.

Part 2 of the Act deals with registration and identification of cats and dogs, Part 3 deals with nuisance and abandonment, Parts 4 and 5 deal with animal-related businesses, Part 6 sets out payment schedules, Part 7 deals with enforcement and penalties, and Part 8 covers extensions to the Act.

<sup>2</sup> Darebin City Council – Animal Management Survey 2005

Other Acts of Parliament also give Council power to manage animals:

- *Food Act 1984*
- *Health Act 1958*
- *Impounding of Stock Act 1994*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Prevention of Cruelty to Animals Act 1986*
- *Wildlife Act 1975*

## 1.2 Aims of this Strategy

- To support and facilitate the benefits of animal ownership and companionship.
- Ensure accepted standards of animal welfare are maintained.
- Minimise local nuisance and maximise residential amenity.
- Ensure the keeping of animals does not compromise accepted standards of public health.
- To meet Council's planning requirements as set out in Part 5A of the *Domestic (Feral and Nuisance) Animals Act*.

## 1.3 Scope of the Strategy

The Strategy applies to any land within the City of Darebin where animals are proposed to be kept. The Strategy does not apply to the keeping of animals for business or commercial purposes where prior town planning approval is required from Council.

The Animal Management Strategy is made up of four main parts:

- Part 1- Background
- Part 2- Responsible Pet Ownership
- Part 3- Dogs in Public Spaces
- Part 4- Animals other than Cats and Dogs and
- Strategy Summary

It should be noted that where an inconsistency between the Animal Management Strategy and another ACT occur, the Animal Management Strategy will not be enforced for the extent of the inconsistency.

**PART 2**

# Responsible Pet Ownership

## 2.1 Introduction: Responsible Pet Ownership

There are social, health and companionship benefits to owning pets, but not all residents are pet owners. Those who are, have responsibilities to look after them, control them in public, and make sure they do not adversely impact on others.

The Victorian Law Foundation's publication "Dogs, cats, neighbours and you"<sup>3</sup> defines being a responsible pet owner as:

- choosing your cat or dog breed carefully
- taking your pet to the vet regularly
- desexing your cat or dog if you don't plan to breed from it
- providing your cat and dog with proper food, shelter and exercise
- not allowing your cat or dog to be a nuisance to other people
- making sure your cat or dog is looked after when you go away.

An additional key principle that underpins this strategy is that all cats and dogs should be under effective control at all times in public space. A cat or dog is said to be under effective control if it is on-lead, or if it is in close proximity/ in line of sight of the pet owner and under voice command.

Council supports all of these aspects.

For the purpose of this strategy, the Responsible Pet Ownership section will include five key sections:

- Number of animals kept
- Pet registration, identification and vaccination
- Barking dogs
- Wandering animals
- Aggressive dogs and dog attacks

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<sup>3</sup> Available from Council

## 2.2 Number of Animals Kept

Residents of the City of Darebin can own up to two cats and/ or two dogs. Keeping more than this number requires a permit from Council. For people residing in a dwelling that has no backyard, a permit must be obtained to keep any cat or dog.

While there is not necessarily any problem with people keeping more than two cats and/ or dogs, each application needs to be considered on its merits to ensure the health and welfare of the animals concerned is considered, and to ensure there is no detrimental effect on the amenity of adjoining and nearby properties. In particular, the applicant should be able to demonstrate that such animals can be effectively confined to the owner's property.

Other matters that will be taken into consideration include:

- the size and dimensions of the property
- the dwelling type where the animal will be kept
- the proximity of the area in which the animal would be kept to adjoining properties
- the likely effects on and views of adjoining and nearby neighbours
- the adequacy of shelter provided for the animal
- the adequacy of fencing to prevent the escape of the animal
- the amenity of the area (i.e. noise, smell, drainage, vermin, etc)
- the type and number of additional animals to be kept
- the owner's competency of keeping the animal (eg membership of a relevant recognised association would be an advantage)
- any relevant legislation, regulations or code of practice, and
- any other matter relevant to the circumstances associated with the application.

# Responsible Pet Ownership Cont...

An owner or occupier (with written consent from the owner) of any land within the municipality must not, without a permit, keep or allow to be kept any more of each type of animal than is set out in the following table.

**Table 1: Numbers of animals permitted without a permit**

<b>TYPE OF ANIMAL</b>	<b>MAXIMUM NUMBER</b>
<b>Cats and dogs</b>	Up to 2 of each*
<b>OTHER ANIMALS: (For a review on each refer to Part Four.)</b>	
<b>Fish</b>	Unlimited
<b>Mice, rats, ferrets, guinea pigs, rabbits, hamsters</b>	5
<b>Reptiles</b>	2
<b>Birds (Budgerigars, canaries, finches, pigeons and all other birds)</b>	10
<b>Poultry (not including a rooster)</b>	5
<b>Rooster</b>	nil **
<b>Horses/ donkeys</b>	nil **
<b>Cattle</b>	nil **
<b>Sheep</b>	nil **
<b>Goats</b>	nil **
<b>Pigs</b>	nil **
<b>Other animals</b>	nil **

\* For information on restricted breed dogs, refer to section 2.6.

+Permits to keep addition birds will only be considered where the owner is a member of a registered club (i.e. Melbourne Pigeon Society, Preston Homing Club or an appropriate caged birds club).

\*\* Not permitted, but exceptional circumstances may receive consideration by Council.

Please note: All Animals must be kept in accordance with State and Federal Legislation.

## ■ Applying for a permit

A person who wishes to apply for a permit to keep an animal should do so by contacting Council's Animal Management Unit. Applications may require at least 75% approval from neighbours before being assessed.

## ■ Fees

The Council will from time to time by resolution determine fees for the purpose of this Policy.

## ■ Issue of permits

The Council may:

- issue a permit with or without conditions
- refuse to issue a permit.

## ■ Duration of permits

A permit expires on 30 June next after the day on which it is issued.

## ■ Appeal against refusal to issue a permit

If an authorised officer refuses to grant a permit under this Policy, the applicant may request that the City of Darebin review the decision. The result of the appeal will be communicated to the appellant in writing.

## ■ Cancellation of a permit

The Council may cancel a permit if it considers that:

- There has been a serious or ongoing breach of the conditions or a provision of this Policy.
- A notice of compliance has been issued but not complied with within the specified time.
- There was a significant error or misrepresentation in the application for the permit.

Before it cancels a permit, Council will provide the permit holder with an opportunity to make comment on the proposed cancellation.

# Responsible Pet Ownership Cont...

## ■ Conditions in which animals must be kept

The owner/ occupier of any land where animals are kept must ensure:

- The animal/ bird is kept in a secure place/ enclosure within the confines of the property (properly fenced and secure on all boundaries).
- The ground surrounding the shelter is drained to the satisfaction of an authorised officer.
- All manure and other waste is removed/ treated often so it does not cause a nuisance or become offensive.
- The area of land within the vicinity of the shelter is kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin.
- All food, grain or chaff is kept in vermin proof receptacles.
- The area where the animal is kept is thoroughly cleaned and maintained at all time in a clean and sanitary manner to the satisfaction of an authorised officer.
- The area where the animal is kept and any fencing or structures are designed and maintained so as to not cause injury to the animal.
- Animals have appropriate food and water to keep them in good health and body condition.

## ■ Specific conditions in relation to keeping birds, poultry, rodents and reptiles

An owner/ occupier of land must not house any bird, poultry, rodent or reptile unless it is kept within a pen/ enclosure, which is:

- Not exceeding 2 metres in height.
- At least 1.5 metres from the boundary of any adjoining premises.
- At least 6 metres from any dwelling (whether on the same or adjoining premises).
- Consistent with any guidelines or code of practice, which exists in Victoria relating to the breed or type of animal being kept.

The Planning and Environment Act (1987) requirements will override any requirements of Council's Animal Management Strategy.

Variations to these requirements may be considered where proper management of nuisance issues can be shown and/ or by consent with neighbours.

## ■ Noise and smell

The owner/ occupier of land on which any animal is kept or permitted to remain, must not allow any noise or smell to emanate from the animal that interferes with the reasonable comfort or convenience or persons who occupy adjacent/ nearby land.

## ■ Dispensations

An authorised officer may, from time to time, allow a departure from the requirements of any of the matters contained in this section where he or she is satisfied that (1) the objectives of this Policy are met, and (2) the grant of a permit would not adversely affect the health, safety or amenity of any person or animal.

## ▶ To address these issues Council will:

- ☑ **Ensure residents in dwellings without backyards apply for a permit to keep any cat or dog.**
- ☑ **Widely promote the number of animals residents of Darebin can keep on their property without obtaining a permit.**
- ☑ **Promote the guidelines that Council refer to when assessing a permit application.**
- ☑ **Ensure residents are aware that large animals (horse, donkey, cattle, sheep, goats and pigs) are generally not be kept within the municipality.**

# Responsible Pet Ownership Cont...

## 2.3 Pet Registration, Identification and Vaccination

Cats and dogs over three months old must be registered annually. Registration provides Council with statistics to inform planning, so that animals (and their owners) can benefit from having outdoor space to exercise and enjoy activities. Returning lost animals to their owners quickly is only possible if they are registered. It also allows lost or found animals and their owners to be traced.

If an animal is unregistered and/ or is not wearing its identification tag when off its owner's premises a fine may be issued. The cost of registration is not high and the revenue helps Council to provide the infrastructure needed for animal management, including tags. Part of the fee is returned to the state government to fund education and support programs.

Part 3A of the *Domestic (Feral and Nuisance) Animals Act* contains provisions for permanent identification systems for cats and dogs. New requirements came into effect in Victoria in December 2005 regulating microchips and scanners, including their sale and distribution, implantation of microchips, and the operation of registries.

Council currently runs micro-chipping days on a regular basis. It is anticipated that these days will be held at least bi-annually. Local advertisements will be made as to their time and location.

Vaccinating both cats and dogs is important for their well being; and as such Council supports and encourages de-sexing and vaccination of domestic animals. Cats can be vaccinated (primarily against Feline Enteritis) from six to eight weeks of age and require booster vaccinations by a veterinary surgeon. Dogs can be vaccinated against Canine Distemper, Kennel Cough, Viral Hepatitis and Parvo Virus. Puppies can receive their first vaccination between six to eight weeks of age, their second at 12 to 16 weeks old and then a booster vaccination every 12 months<sup>4</sup>.

<sup>4</sup> Victorian Canine Association- [www.vca.org.au](http://www.vca.org.au)

### ▶ To address these issues Council will:

- ☑ **Provide incentives to ensure that owners comply with registration requirements, eg discounts (or no charge) for pre 1<sup>st</sup> birthday registrations, early bird discounts, etc.**
- ☑ **Promote how, where and who to contact at Council for information about pet registration, eg use online facility.**
- ☑ **Organise and promote micro-chipping days to be held at least bi-annually throughout the municipality.**
- ☑ **Provide incentives for residents to keep vaccinations up-to-date.**
- ☑ **Establish partnerships with community organisations, particularly dog activity groups, as an effective way to disseminate accurate information about Council's pet registration, identification and vaccination requirements.**

# Responsible Pet Ownership Cont...

## 2.4 Barking Dogs

Many people purchase dogs to deter potential intruders. However, dogs that are habitual barkers are a nuisance to owners and neighbours. As well, they also lose their effectiveness as a guard dog.

Dogs bark for a reason, and the problems are easier to rectify if approached as soon as they eventuate. Common reasons for dogs barking are:

- lack of exercise
- boredom, loneliness and frustration
- feeling under threat/ fear (of thunder, fireworks)
- poor living conditions (shelter/ no water/ security lights impinging)
- ill-health

Dogs that bark usually benefit from more exercise, socialisation or a more interesting environment. Dogs barking at passers-by may need to have their access to views obstructed (eg solid fencing or a hedge). If the problem persists, dogs may benefit from attending obedience clubs.

Residents concerned about a barking dog should make contact with the owner(s) in the first instance as it is the most effective way to cure the problem. More often than not, a dog owner may not be aware that their dog is barking (it may bark when the owner leaves the premises) or may not be aware that the barking is a nuisance to their neighbours.

If not successful, the complainant can then contact Council who will contact the dog owner to advise that a complaint has been made, and offer advice on how to rectify the problem. If unable to reach the dog owner, an information sheet will be left at the premises. The complainant, will also be given a diary for them to complete when the dog barks. After seven days Council will contact the dog owner and the complainant to determine if the problem has been rectified. If the problem persists the dog owner will be advised that further complaints have been made and of the possible actions that can be taken.

If the barking continues after the dog has been declared a nuisance and the owner can be fined. Consulting with neighbours and taking action to curb the dog's likelihood to bark are the best ways to manage these issues. While court action is available and penalties are possible, this does not directly improve the situation and stop the dog from barking.

Residents need to note that the penalties which relevant acts offer Council, do not directly remedy the problem (by removing or otherwise affecting the dog). The most effective solution is discussion of the issue and management of the animal, also prosecution often takes many months to resolve. Owners who allow a nuisance to remain will however be prosecuted to the extent of the law.

### ▶ To address these issues Council will:

- ☑ **Encourage residents concerned by a neighbour's barking dog to politely approach the owner to let them know that it is a problem.**
- ☑ **Encourage dog owners to undertake obedience training early in a dog's life, especially if barking is likely to be an issue.**
- ☑ **Promote to pet owners the benefits of socialising, walking, playing and generally spending time with their pets.**
- ☑ **Investigate sources of readily available information on barking dogs (eg peak animal welfare bodies, Victorian Government sites, community legal advice bodies etc) and make available to dog owners and concerned residents.**

# Responsible Pet Ownership Cont...

## 2.5 Wandering Animals

### ■ Wandering dogs

A dog wandering at large, usually within the vicinity of the owner's home, is one of Council's main dog management issues.

Wandering dogs are a public health and safety issue. In terms of animal welfare, an uncared-for dog is likely to be a disease risk, and scavenging dogs are likely to result in a litter nuisance. Uncontrolled dogs are also an issue for responsible pet owners: it is particularly distressing when a wandering animal worries dogs on-lead, or causes injuries - and even death – to loved household pets.

### ■ Wandering cats

As with dogs, cats must be under effective control of their owners at all times. A growing stray cat population creates a serious public nuisance, particularly in terms of the spread of disease by cats if they are not cared for, de-sexed or vaccinated.

Feeding and harbouring stray and feral cats can cause over population, with diseased or aggressive animals becoming a nuisance for neighbouring properties. Therefore, feeding any stray cats is prohibited. In a seven-year period, an unspayed cat and her offspring can produce 430,700 cats<sup>5</sup>. Stray cats and dogs should be reported to Council's Animal Management Unit.

### ■ Keeping cats in at night

A cat out at night can roam a long way, it is also more likely to be hit by a car and is more likely to be injured in a fight with another cat. A recent three week study conducted by the Cat Protection Society found that 94% of car accidents or fights involving cats occurred at night. Diseases such as toxoplasmosis (which can effect humans), feline enteritis and feline AIDS (which does not effect humans) can be contracted during cat fights.

<sup>5</sup> Animals Australia - National Federation of Animal Welfare and Rights Groups

Confining a cat at night is an animal welfare issue, there are no ill-effects when a cat is home-based. In fact, research indicates that it may live up to three times longer<sup>6</sup>.

Protection of wildlife is a priority in Darebin. Cats tend to do most of their hunting at night and one pet cat can kill an estimated 30 native animals a year<sup>7</sup>.

For their own safety, and the safety of native animals and bio-diversity, cats should be kept inside during non-daylight hours. However, it is important to promote the benefits of keeping cats indoors at night as opposed to the penalties associated with a cat curfew. The City of Greater Bendigo, Frankston City and the Shire of Yarra Rangers have introduced a law to keep cats in at night.

Cat trapping is an effective (and safe for the animal) way to monitor cat behaviour at night, it is also an effective way to monitor the feral cat population. If a registered cat is trapped wandering, it can be identified through its registration/ identification tag, and returned to its owner.

### ▶ To address these issues Council will:

- Promote the need for residents to keep cats and dogs under effective control.**
- Promote the benefits of cats being kept in at night.**
- Initiate a cat-trapping campaign on Council land (particularly in sensitive areas) after community education about its benefits.**
- Widely disseminate information about how residents should report wandering animals.**
- Promote to residents that the feeding of any stray cat in the municipality is illegal.**

<sup>6</sup> Department of Primary Industries – Cat Management Manual

<sup>7</sup> NSW National Parks and Wildlife Service

# Responsible Pet Ownership Cont...

## 2.6 Aggressive Dogs and Dog Attacks

### ■ Menacing dogs

Dogs can be declared menacing if they have rushed/ chased a person, or have been declared menacing by another Council.

Owners of a menacing dog:

- must notify Council if it has rushed/ chased a person, has gone missing, or has a new owner
  - may be required to muzzle the dog whenever it is off private premises
  - may be required to leave the dog on-lead even in off-lead area
- A full list of these requirements is provided in Part 3 of the *Domestic (Feral and Nuisance) Animals Act 1994*.

### ■ Dangerous dogs

Dogs can be declared dangerous if they have:

- caused serious injury to a person/ animal by biting or attacking
- been a menacing dog and the owner has been fined twice for not muzzling or leashing when required
- been declared dangerous by another Council
- have/ are being used as a guard dog on a non-residential premises

Owners of a dangerous dog must:

- notify Council if it has gone missing or has a new owner
- muzzle the dog and leave it on-lead whenever it is off private premises
- construct an enclosure on the premises
- display a dangerous dog sign at all entrances to the premises
- place a red and yellow striped collar on the dog when off private premises

A full list of these requirements is provided in Part 3 of the *Domestic (Feral and Nuisance) Animals Act 1994*.

### ■ Dog attacks

The likelihood of dog attacks will decrease if the principles of responsible pet ownership are followed, ie ensuring a dog is on-lead when it leaves its owners premises.

The majority of dog attacks in public places occur on a footpath/ road joining the premises of the dog owner. Moreover, the majority of dog attacks on children occur in their own home or another person's home. Most injuries are to the face or head, usually caused by children putting their face close to a dog's mouth or hugging the dog tightly around its neck. Parents should closely supervise their children around dogs.

Bites from dogs cause approximately 260 admissions to public hospitals in Victoria per year, including about 100 children aged from one to four.

### ■ Penalties for menacing/ dangerous dogs

Dog owners are responsible for any damage caused by:

- a dog bite
- their dog rushing and knocking over a person
- the trauma caused by being chased by a dog

Furthermore, penalties for not abiding by the menacing/ dangerous dog laws include:

- prosecution from Council or the Police
- being fined more than \$400 for not complying with muzzling and leashing requirements
- a maximum first offence of \$500 and more than \$1,000 for the second

# Responsible Pet Ownership Cont...

## ■ Restricted dog breeds

When registering a dog, an owner must declare whether the dog is a restricted breed. Animal management officers also have the power to declare a dog a restricted breed. An owner who challenges the decision must do so in accordance to the *Domestic (Feral and Nuisance) Animals Act* to ensure a considered response.

Restricted dog breeds are ones that are prohibited from being imported by the Commonwealth Customs (Prohibited Imports) Regulations 1956. The breeds include:

- Dogo Argentina
- Japanese Toso
- Fila Brasilia
- American Pit Bull Terrier
- Perro de Pres Canario

Under the *Domestic (Feral and Nuisance) Animals Act* it is an offence to acquire a restricted dog breed. Council cannot register a restricted breed dog unless it was registered in Victoria prior to 2 November 2005<sup>8</sup>.

Requirements for restricted breed dogs registered prior to 2 November 2005 are as follows:

- the premises where the dog is kept requires a child and escape-proof fenced enclosure
- the animal must have permanent identification using microchip technology
- owners are required to notify Council if the dog escapes, dies or if a change of ownership takes place
- it is compulsory for the owner to notify a prospective owner that the dog is a restricted breed dog
- owners are required to leash and muzzle the dog while in public

<sup>8</sup> Department of Primary Industries- [www.dpi.vic.gov.au](http://www.dpi.vic.gov.au)

- owners are required to place approved 'Beware-restricted dog' signs on property access points where the animal is kept
- minors are not allowed to own a restricted breed or be in charge of a restricted breed in public.

## ■ Power to destroy

Council may destroy or cause any animal to be destroyed which:

- threatens the safety of any person
- has apparently been abandoned
- is suffering from a disease or serious injury

If an animal is offered for sale but not sold, Council may:

- destroy the animal or cause it to be destroyed; or
- give the animal away.

## ▶ To address these issues Council will:

- ☑ **Apply consistent responses if someone has been attacked, witnessed a dog attack or have seen an aggravated dog in public.**
- ☑ **Provide information (from available sources) to identify ways people (especially children) should approach an unfamiliar dog.**
- ☑ **Promote to residents that Council does not allow registration of any new restricted breed dog unless they were registered in Victoria prior to 2 November 2005.**
- ☑ **Identify and manage in accordance with the Domestic (Feral and Nuisance) Animals Act restricted breed dogs within the municipality.**

## PART 3

# Pets in Public Spaces

### 3.1 Introduction: Pets in Public Spaces

Dog ownership is increasing, which is reflected with 33.7% of respondents<sup>9</sup> owning one or more dogs in 2005, an increase of 8.8% on the same figure for 2004.

For the purpose of this strategy, the Dogs in Public Spaces section will include four key sections:

- On-lead policy
- Dog faeces
- Dog parks and programs
- Working dogs

Responsible owners know that walking the dog is important, it provides opportunities for exercise and social interaction. Lack of exercise is detrimental to the health and behaviour of a dog. While dog owners need to exercise their dogs, this activity must be balanced against environmental considerations, and the rights and safety of others.

Approximately 20% of respondents to Council's Animal Management Survey (2005) stated that they would be less likely to visit a park with an off-lead area for dogs. This signifies that some adults and children are afraid of dogs, others are not sure if a dog is friendly or not, while some dog owners may wish to be free of interference from other dogs.

The issue is more than one of formal complaints, although injury prevention should always be Council's main focus. The answer is to provide choice for the community and ensure that off-lead areas are clearly signed. Designating areas as having different levels of dog access is a reality of the current open space planning environment. The challenge is to provide good free running and socialising opportunities for owners and their dogs.

<sup>9</sup> Animal Management Survey- Darebin City Council, 2005

There are four main policy options for municipalities to approach the issue of dogs in open space:

- a) **make all public places, dog off-lead**
- b) **make all public places dog off-lead with designated areas where dogs are excluded and/or required to be on-lead**
- c) **make all public places dog on-lead**
- d) **make all public places dog on-lead with designated areas where dogs are excluded**

The majority of Victorian municipalities choose **Option D** when approaching this on/off-lead strategy. This option has also attracted the support of the RSPCA and the Lost Dogs Home.

The preferred position of the City of Darebin is to make all public places on-lead and have designated off-lead areas and no cat/ dog areas.

Within Option D there are three different areas to explore:

- on-lead policy
- off-lead areas
- no cat/ dog areas

A Cat Management Plan will be developed to monitor and deal with the feral and pest cat population within the municipality.

# Pets in Public Spaces Cont...

## 3.2 On-lead Policy

In broad terms, any dog that leaves its owner's private property must be on-lead. Thus, dogs must be on-lead:

- in all streets, roads and public car parks
- in public open space, except where designated otherwise.

### ■ Shared pathways

Cats and dogs are a potential hazard in shared pathway environments, given their relative unpredictability and the greater potential for injury to other path users (eg cyclists, runners, etc). Shared pathways – and five metres either side - are dog on-lead at all times, even if the pathway runs through an off-lead area.

Shared pathways in the municipality have been identified in the Parks and Services For Cats and Dogs Map in Appendix 1.

### ■ Off-lead areas

Throughout the City of Darebin all dogs should be on-lead except in areas that are signposted as off-lead.

In designated off-lead areas, a cat or dog must still be under the effective control of its owner, ie it will return to its owner on command and/ or remains in the clear and unobstructed view of its owner at all times.

For a list of off-lead areas, refer to the Parks and Services For Cats and Dogs Map in Appendix 1.

### ■ No cat/ dog areas

Cats and dogs can damage environmentally sensitive areas by traumatising, injuring or killing small birds and animals, trampling flora, and disturbing or causing erosion on the banks/ edges of water bodies. Cats and dogs are not permitted, whether restrained or otherwise:

- in areas specified in the Animal Management Strategy
- within five metres of any children's playground, public BBQ's or skatepark/ BMX facility
- on sporting ovals during times of organised play

For a list of no cat/ dog areas, refer to the Parks and Services For Cats and Dogs Map in Appendix 1.

Sporting ovals are valuable resource for dog owners to exercise their pets. However to ensure there can be a harmonious relationship between sporting clubs and dog owners, additional management in and around sporting oval areas will be provided by:

- patrols from Animal Management Officers to notify animal owners of their responsibilities
- bins to dispose of waste appropriately
- signage to ensure owners respect sporting groups when training and playing, and to ensure they are generally aware of their responsibilities.

The use and potential conflict between sport and dogs may need to be reviewed again in the future.

# Pets in Public Spaces Cont...

## ▶ To address these issues Council will:

- Require dogs to be on-lead in all public places except in designated areas where dogs are excluded and where signed as off-lead.**
- Extensively promote the municipality-wide on-lead policy.**
- Ensure that signs advertise all off-lead and no cat/ dog areas at all entrances to these areas.**
- Conduct additional patrols, and provide additional bins and signage at sporting ovals to ensure dog owners are aware of their responsibilities.**
- Widely advise shared pathways as dog on-lead, including five metres either side.**
- Consider stencilling signs on shared pathways informing owners to have their dog on-lead.**
- Widely advise that cats and dogs must not be within five metres of playgrounds, public barbecues and skate park/ BMX tracks.**
- Promote the location of no cat/ dog areas and the reasons for their designation.**
- Continue to update the map of Parks and Services for Cats and Dogs.**
- Ensure map is easy to read, easy to duplicate (therefore cheap and effective to distribute) and are available in service centres, clubs and online.**

# Pets in Public Spaces Cont...

## 3.3 Dog Parks and Programs

Some pet owners seek confined spaces to exercise their pets. There is an increased interest in providing fenced dog parks, agility areas, specialised animal play equipment and cafes where pets are welcome. This is a reflection of the interest pet owners take in the welfare of their animals. Similarly, where children and animals play together, there is concern to protect both from the dangers of escaping or absconding, particularly in terms of conflict with traffic.

It is desirable therefore that Council provide some enclosed spaces – using fences, barriers or planting – for dog off-lead activities, thus allowing a choice for owners. Fenced dog parks can be a good use for areas not suitable for other public facilities.

### ■ Dog programs/ sports

A range of dog activity programs (eg puppy school, dog obedience, dog sports) are conducted by clubs and other dog interest groups in the municipality. The two major dog sports are flyball and agility.

Dog clubs and interest groups provide valuable role models and distribution channels for information about responsible pet ownership.

While Council acknowledges the social benefits of exercise and play for animals and their owners, their role (as with other sports) is to allocate parkland for use, and to promote clubs, their activities, and the benefits they provide. Council is not in the business of providing dog exercising equipment (eg doggy playgrounds, agility equipment, etc) or conducting dog sports competitions and events.

### ■ Dog off-lead park hierarchy

A three level hierarchy of off-lead dog parks will assist Council to provide facilities, equitably and cost efficiency across the municipality, in line with community expectations. Details of the hierarchy are provided in Appendix 2. The top tier of the hierarchy is Primary Off-lead Parks, there are four Primary parks in the municipality. The hierarchy's second tier is Secondary Off-lead Parks, while the lowest tier is Local Off-lead Parks.

Appendix 2 outlines what residents should expect to find at off-lead parks depending on the hierarchy of the park.

Parks that have been designated Primary, will be Council's initial priority for development. Facilities will be replaced or provided incrementally in accordance with those standard facilities proposed for each hierarchy. Tether poles, bag dispensers and specialised dog faeces bins will be phased out.

### ▶ To address these issues Council will:

- ☑ **Assign a hierarchy to each dog off-lead park.**
- ☑ **Upgrade facilities in line with the hierarchy assigned with the off-lead park, commencing with Primary Off-lead Parks.**
- ☑ **Support dog clubs/ groups in finding suitable sites for dog agility programs, sports or equipment where there is demand.**
- ☑ **Maintain ongoing dialogue with dog activity groups about issues facing pet owners and in terms of dog parks and programs.**
- ☑ **Phase out any tethers, specialised dog faeces bins or bag dispensers in dog parks.**

# Pets in Public Spaces Cont...

## 3.4 Dog Faeces

This is a continuing problem – on streets and in open space particularly. According to the Victorian Litter Action Alliance<sup>10</sup> around 900,000 dogs in Victoria produce 90 tonnes of dog faeces each day. Droppings contain harmful bacteria and nutrients. Whether washed into creeks and drains or left to contaminate soil where adults and children play, dog faeces are a health issue.

A national survey<sup>11</sup> revealed that less than half of dog owners ‘always’ or ‘sometimes’ picked up their dog’s faeces. They appear to believe that there is a low likelihood of being caught and/ or fined. However, they are more likely to collect faeces if they see others doing so, if the area is already fairly clean and bins are nearby.

To overcome the issue of faeces management, all dog owners should carry a plastic bag whenever they leave home. Bags should be used to clean up faeces left by their dog in a public space. Dog owners should carry more than one bag as fines may be issued for not having a bag on them.

Once introduced, the provision of bag dispensers should be phased out to overcome the likely dog owner excuse for not carrying a bag (“I was planning on getting a bag once I got to the dispenser”).

Peer group and community pressure shaming dog owners into being responsible can be achieved through education, incentives and communication, for a relatively small cost. The provision of incentives and rewards is an effective way to encourage appropriate behaviour on the issue of faeces management. Incentives could include for example a reduction in registration fees or a gift voucher.

There are a number of localities (‘hot spots’) throughout the municipality where residents have been observed dumping dog faeces from their property into public space. An initial brochure drop to offenders educating them on what damage is being caused is encouraged. If unsuccessful a letter drop should follow, then a compliance check and if the issue persists a fine should be issued.

<sup>10</sup> [www.litter.vic.gov.au](http://www.litter.vic.gov.au)

<sup>11</sup> The National People and Pets Survey (McHarg et al) 1995

### ▶ To address these issues Council will:

- ☑ **Introduce a new local law requiring dog owners to carry a plastic bag (at all times) for faeces disposal when in a public space.**
- ☑ **Respond to demonstrated demand for bins in off-lead areas.**
- ☑ **Phase out the use of bag dispensers and specialised dog faeces bins within the municipality.**
- ☑ **Undertake cyclical education and awareness campaigns about “picking up”, via community groups, schools, or through phone on-hold messages and displays in Council libraries and other community centres.**
- ☑ **Consider introducing incentives to reward owners for good behaviour in favour of issuing fines.**
- ☑ **Address ‘hot spots’ quickly by educating and warning offenders once and issuing a fine if the problem reoccurs.**
- ☑ **Utilise available information resources on dog faeces management (eg kits, tips, mock fines) from advisory and peak bodies such as the RSPCA, Victorian Litter Action Alliance and the Victorian Law Foundation.**
- ☑ **Encourage relevant groups to seek funding for education and awareness campaigns.**

# Pets in Public Spaces Cont...

## 3.5 Working Dogs

Although the majority of dogs are kept as pets there are a large number of ways in which dogs can assist humans. A working dog is one that performs any task on a regular basis to assist people<sup>12</sup>. These include guide dogs, police dogs, therapy dogs and guard dogs. A summary of the different types of working dogs and their uses is as follows:

- *Service dogs* include guide dogs for people with a vision impairment and hearing dogs for people with a hearing impairment.
- *Therapy dogs* are for people who are confined indoors or have restricted movement; these dogs also provide cheer and entertainment for people in retirement facilities and in hospitals.
- *Tracking dogs* help find lost people and track down possible criminals.
- *Cadaver dogs* use their sense of smell to discover bodies at the scenes of disasters or crimes.
- *Rescue dogs* assist with rescuing people in accidents or natural disasters.
- *Detection dogs* of a wide variety help to detect termites in homes, illegal substances in luggage, and many other uses.
- *Police dogs* usually are trained to immobilise offenders and assist officers in making arrests or investigating the scene of a crime.
- *Guard dogs* and watch dogs help to protect private property.
- *Sled dogs*, although today primarily used in sporting events, still can assist in transporting people and supplies in rugged, snowy terrain.

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<sup>12</sup> [www.digintodogs.com](http://www.digintodogs.com)

According to Women with Disabilities Australia<sup>13</sup>, dogs can be trained to fetch and carry, open and close doors, pull wheelchairs, lift immobilised limbs and go for help. Dogs in community settings assist people with their disabilities, give them more confidence and help them achieve a greater level of independence and therefore make a dramatic difference in the quality of life for individuals.

Companion dogs not only assist physically, but also relieve loneliness and social isolation, helping their owners integrate more with their local communities. This increase in independence allows people with disabilities to get on with their lives, often undertaking studies, getting employment and mixing socially.

For a blind person, a guide dog is often essential in enabling them to be independent and active within the community. Raised and trained to be a guide and friend, all dogs go through an extensive training process.

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<sup>13</sup> [www.wda.org.au](http://www.wda.org.au)

# Pets in Public Spaces Cont...

## ■ Responding to the needs of working dogs

Many people do not know how to respond to working dogs in public places. Generally speaking, if they are in harness or wearing a coat they are working and should not be patted, played with, or distracted.

Dogs of this nature are not required to be registered with Council.

Guide Dogs Victoria indicate that both Section 7 of the *Domestic Animals Act 1994* and Section 9 (1) of the *Disability Discrimination Act 1992* override the *Health Act* which prohibits dogs from entering food premises.

In Victoria, police dogs and their handlers can enter any public property, but require a warrant to enter private premises. Section 12A of the *Australian Federal Police and other Legislation Amendment Act 2003* provides immunity from state and territory laws for police dogs, including explosive detection canines (EDC) when on a premises with their police dog handlers.

## ▶ To address these issues Council will:

- ☑ **Promote the role of working dogs, their needs, and the rights of their owners to residents and businesses.**
- ☑ **Provide information to businesses concerning working dogs and relevant laws and particularly the *Disability Discrimination Act*.**
- ☑ **Promote existing codes of practise relating to contact with working dogs and ways to support their role.**
- ☑ **Promote opportunities for dog owners to get involved in therapy dog programs.**

## PART 4

# Animals Other than Cats and Dogs

### 4.1 Introduction: Animals Other than Cats and Dogs

In Darebin, there is demand for people to keep a range of animals other than cats and dogs. Council is mindful of the range of issues associated with keeping such animals in urban areas. In the past, Council has dealt with applications on an individual basis. However, a Strategy on keeping such animals will ensure a consistent approach to their management within the municipality.

### 4.2 Large Animals

Large animals include cows, horses, sheep, pigs, goats, donkeys, deer, emus, kangaroos and ostriches. The keeping of large animals in the City of Darebin, a well-established urban area, is not permitted given the size of allotments (although Council may consider exceptional circumstances). Proper physical exercise may not be possible and animal excrement may be less easily disposed of. If feed is not properly stored, there is an increased possibility of vermin being attracted onto a property. This is particularly the case for larger animals, where the quantity of feed required is substantial. Also, the noise and smell of large animals can be of concern to neighbours.

Adequate fencing and gates are essential to ensure animals cannot stray into surrounding streets and private land. For this reason, Council needs to consider regulations concerning the impounding of wandering animals.

### 4.3 Poultry and Other Birds

Birds require specialist care. It is useful to distinguish between types of birds, as they have varying purposes and requirements, eg as outdoor pets, as indoor companions, as food producers. Some protected species require their owners to be licensed.

Only in exceptional circumstances will residents be permitted to keep more than ten birds on a property. People wanting to keep more than ten birds must apply for a permit from Council.

### 4.4 Reptiles, Rodents and Rabbits

The breeding habits of rodents and rabbits can cause excessive numbers and an increasing likelihood of escape. Therefore the keeping of more than one of these animals is discouraged by Council.

The keeping of some reptiles may cause concern to neighbours, although small tortoises, frogs and lizards are innocuous if properly confined. Various snakes and reptiles are protected and as such, keeping of these animals must be in accordance with all relevant Acts and regulations.

### 4.5 Native Animals

Most native animals are protected and require a permit from the Department of Sustainability and Environment (DSE) to be kept as pets. Without appropriate approval, these animals are not to be kept in Darebin.

### 4.6 Bees

No beehives are to be kept in residential areas. All beekeepers that keep one or more hives within Victoria are required to be registered with DSE in accordance with the *Livestock Disease Control Act (1/1994)*. The *Apiaries Code of Practice (May 1997)* is a set of guidelines developed by the Department of Infrastructure with the apiary industry and DSE following discussion with Victorian municipalities. It is implemented as an incorporated document in the State Section of all planning schemes.

Under the Code, a town planning permit is not required for the use of land for an apiary in any zone provided the use complies with the management and planning requirements of the Code. If the requirements of the Code cannot be met, a planning permit is required to undertake beekeeping on the property concerned.

### 4.7 Fish

There are few issues in relation to keeping fish. Outdoor fish ponds however need to comply with relevant pool safety requirements.

A person must not release fish into any public waterways or waterbodies.

**PART 5**

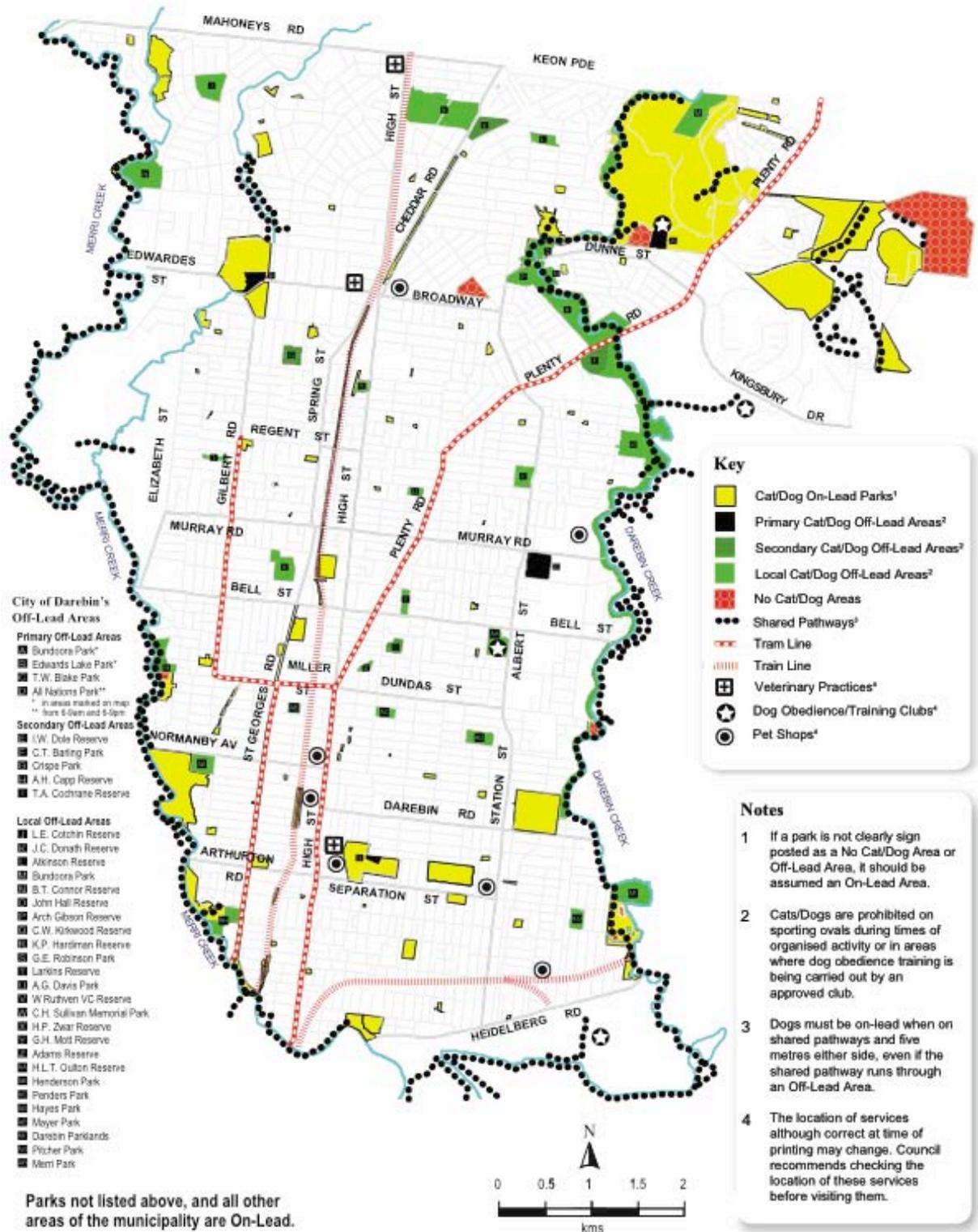
# Strategy Summary

SECTION:	TO ADDRESS THESE ISSUES COUNCIL WILL:	TIMELINE
<b>Number of Animals Kept</b>	Ensure residents in dwellings without backyards apply for a permit to keep any cat or dog.	
	Widely promote the number of animals residents of Darebin can keep on their property without obtaining a permit.	
	Promote the guidelines that Council refer to when assessing a permit application.	
	Ensure residents are aware that large animals (horse, donkey, cattle, sheep, goats and pigs) cannot be kept within the municipality.	
<b>Pet Registration, Identification and Vaccination</b>	Provide incentives to ensure that owners comply with registration requirements, eg discounts (or no charge) for pre 1st birthday registrations, early bird discounts., etc	
	Promote how, where and who to contact at Council for information about pet registration, eg use online facility.	
	Organise and promote micro-chipping days to be held at least bi-annually throughout the municipality.	
	Provide incentives for residents to keep vaccinations up-to-date.	
	Establish partnerships with community organisations, particularly dog activity groups, as an effective way to disseminate accurate information about Council's pet registration, identification and vaccination requirements.	
<b>Barking Dogs</b>	Encourage residents concerned by a neighbours barking dog to politely approach the owner to let them know that it is a problem.	
	Encourage dog owners to undertake obedience training early in a dog's life, especially if barking is likely to be an issue.	
	Promote to pet owners the benefits of socialising, walking, playing and generally spending time with their pets.	
	Investigate sources of readily available information on barking dogs (eg peak animal welfare bodies, Victorian Government sites, community legal advice bodies etc) and make available to dog owners and concerned residents.	
<b>Wandering Animals</b>	Promote the need for residents to keep cats and dogs under effective control.	
	Promote the benefits of cats being kept in at night.	
	Initiate a cat-trapping campaign on Council land (particularly in sensitive areas) after community education about its benefits.	
	Widely disseminate information about how residents should report wandering animals.	
<b>Aggressive Dogs and Dog Attacks</b>	Promote to residents that the feeding of any stray cat in the municipality is illegal.	
	Advertise the processes to follow if someone has been attacked, witnessed a dog attack or have seen an aggravated dog in public.	
	Provide information (from available sources) to identify ways people (especially children) should approach an unfamiliar dog.	
	Promote to residents that Council does not allow registration of any new restricted breed dog unless they were registered in Victoria prior to 2 November 2005.	
	Promote the guidelines associated with restricted breed dogs to the community..	

# Strategy Summary Cont...

SECTION:	COUNCIL WILL ADDRESS THESE ISSUES BY:	TIMELINE
<b>On-lead Policy</b>	Require dogs to be on-lead in all public places except in areas where dogs are excluded and where signed as off-lead.	
	Extensively promote the municipality-wide on-lead policy.	
	Ensure signs advertise all off-lead and no cat/ dog areas at all entrances to these areas.	
	Conduct additional patrols, and provide additional bins and signage at sporting ovals to ensure dog owners are aware of their responsibilities.	
	Widely advise shared pathways as dog on-lead, including five metres either side.	
	Consider stencilling signs on shared pathways informing owners to have their dog on-lead.	
	Widely advise that cats and dogs must not be within five metres of playgrounds, public barbecues and skate park/ BMX tracks.	
	Promote the location of no cat/ dog areas and the reasons for their designation.	
	Continue to update map of Parks and Services for Cats and Dogs.	
<b>Dog Parks and Programs</b>	Ensure map is easy to read, easy to duplicate (therefore cheap and effective to distribute) and are available in service centres, clubs and online.	
	Assign a hierarchy to each dog off-lead park.	
	Upgrade facilities in line with the hierarchy assigned with the off-lead park, commencing with Primary Off-lead Parks.	
	Support dog clubs/ groups in finding suitable sites for dog agility programs, sports or equipment where there is demand.	
	Maintain ongoing dialogue with dog activity groups about issues facing pet owners and in terms of dog parks and programs.	
<b>Dog Faeces</b>	Phase out any tethers, specialised dog faeces bins or bag dispensers in dog parks.	
	Promote the new local law requiring dog owners to carry a plastic bag (at all times) for faeces disposal when in a public space.	
	Respond to demonstrated demand for bins in off-lead areas.	
	Phase out the use of bag dispensers and specialised dog faeces bins within the municipality.	
	Undertake cyclical education and awareness campaigns about "picking up", via community groups, schools, or through phone on-hold messages and displays in Council libraries and other community centres.	
	Consider introducing incentives to reward owners for good behaviour in favour of issuing fines.	
	Address 'hot spots' quickly by educating and warning offenders and issuing a fine if the problem reoccurs.	
	Utilise available information resources on dog faeces management (eg kits, tips, mock fines) from advisory and peak bodies such as the RSPCA, Victorian Litter Action Alliance and the Victorian Law Foundation.	
Encourage relevant groups to seek funding for education and awareness campaigns.		
<b>Working Dogs</b>	Promote the role of working dogs, their needs, and the rights of their owners to residents and businesses.	
	Provide information to businesses concerning working dogs and relevant laws and particularly the <i>Disability Discrimination Act</i> .	
	Promote existing codes of practise relating to contact with working dogs and ways to support their role.	
	Promote opportunities for dog owners to get involved in therapy dog programs.	

**APPENDIX 1**



**The City of Darebin:  
Parks and Services for Cats and Dogs**



## APPENDIX 2

# Dog Off-Lead Park Hierarchy

The following table illustrates the nature of facilities/ Characteristics Council will work towards and residents can expect to find at each level of hierarchy.

Hierarchy:	Characteristics
<b>Primary</b>	Fence to fully enclose the area enabling pets to roam freely
	Double gate entrance to the park (effectively creating an interim holding pen) to keep dogs from escaping whilst facilitating wheelchair access
	Prominent and accessible location
	Frequent maintenance
	Large open area for running
	An area and outdoor furniture that is accessible for people with a disability
	Likely co-location with other social/ family recreation facilities such as BBQ, Picnic, sport or play areas
	Potential co-location with dog obedience club, dog agility equipment and café
	Signs at all entrances outlining that it is an off-lead area, and the park rules
	Park bins in close proximity to the entrance for the correct disposal of dog droppings
	Drinking fountains with fitted dog bowls at its base in close proximity to the entrance
	A public toilet in close proximity
	Off-street car parking should be in close proximity
Seating and shade	
Future access by shared pathway	
<b>Secondary</b>	Signs at all entrances outlining that it is an off-lead area, and the park rules
	Frequent maintenance
	Large open area for running
	Park bins in close proximity to the entrance for the correct disposal of dog droppings
	Drinking fountains with fitted dog bowls at its base in close proximity to the entrance
Seating and shade	
<b>Local</b>	Signs at all entrances outlining that it is an off-lead area, and the park rules
	Park bins in close proximity to the entrance for the correct disposal of dog droppings

