

7.2.6 Torongo Park dog off leash area

Responsible GM: Michael Casey
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Recommendation(s)

It is recommended that:

Pursuant to section 26(2) of the *Domestic Animals Act 1994*, Council resolves to make the following order:

ORDER UNDER SECTION 26(2) OF THE *DOMESTIC ANIMALS ACT 1994*

1. Commencement

This order commences on the date it is published in the Victorian Government Gazette and remains in force until revoked.

2. Revocation

Upon the commencement of this order all previous orders made by Council under section 26 of the *Domestic Animals Act 1994* are revoked.

3. Dogs must be on leash

- (1) When any dog is in a public place in Council's municipal district, the person in apparent control of the dog must keep the dog restrained by means of a chain, cord or leash not greater than three metres in length and attached to the dog.
- (2) Sub-clause (1) does not apply to a dog being exercised in a designated off leash area in compliance with the conditions set out in clause 4.

4. Designated off leash areas

A dog may be exercised off a chain, cord or leash in a designated off leash area provided each of the following conditions are complied with:

- (a) at all times the person exercising the dog must remain in effective voice or hand control of the dog and within constant sight of the dog so as to be able to promptly place the dog on a chain, cord or leash if that becomes necessary;
- (b) the person exercising the dog must be 16 years of age or over;
- (c) any children under the age of 16 in the designated off leash area must be supervised at all times;
- (d) a person may be in control of no more than two dogs;
- (e) at all times the person exercising the dog must carry a chain, cord or leash not greater than three metres in length;
- (f) the dog must be on a chain, cord or leash when entering or exiting the designated off leash area;
- (g) a female dog must not be brought into the designated off leash area if the dog is on heat; and

- (h) the person exercising the dog must pick up and lawfully dispose of all excrement from the dog, including to use bins where provided by Council for that purpose.

5. Definitions

In this order -

Council means Cardinia Shire Council.

Designated off leash area means the part of each of the following reserves identified on maps published on the Council's website <www.cardinia.vic.gov.au> as being an off leash area and designated with off leash area signage at the reserve:

- (a) Don Jackson Reserve, far end of Ahern Road, Pakenham;
- (b) Toomuc Creek Linear Reserve, south of Princes Highway and east of Warwick Bayley Oval, Pakenham;
- (c) Alma Treloar Reserve, corner of Bailey and Pakenham Roads, Cockatoo;
- (d) Cochrane Park, Koo Wee Rup
- (e) Garfield Recreation Reserve, Fourteen Mile Road, Garfield;
- (f) Tantallon Boulevard Detention Basin Reserve, Beaconsfield;
- (g) Pepi's Land, Puffing Billy Walking Track, Kilvington Drive, Emerald;
- (h) Cockatoo Road Reserve, Pakenham;
- (i) Simon Drive Reserve, Pakenham;
- (j) Bob Burgess Reserve, Princes Highway, Beaconsfield;
- (k) Vantage Drive Reserve, Pakenham;
- (l) Ray Canobie Reserve, Duncan Drive, Pakenham;
- (m) Onyx Reserve, Onyx Crescent, Officer.
- (n) Torongo Park, Lansell Avenue, Officer.

Private land means land in private ownership but does not include land owned or managed by Council, Crown land or any land owned or managed by a public authority.

Public place has the same meaning as in the *Summary Offences Act 1966* but does not include any public place on private land.

Attachments

Nil

Executive Summary

The preferred name for Officer District Park has been determined by the community through the recent community engagement process to be "Torongo Park". Formal approval by Council of this name is being sought in a separate report being considered concurrently at the 19 August Council Meeting.

This report is to progress the formal endorsement of the dog off leash area located at this site prior to it's opening and use by the community later this year. In order to allow the lawful use of dog off leash areas within Cardinia Shire, all sites selected as off leash areas require an order to be made by Council endorsing them and subsequent gazetting of the order, prior to use by the community.

Background

Section 26 of the Domestic Animals Act empowers Councils to prohibit the presence of domestic animals in public places, and to impose conditions on the presence of dogs and cats in public places. The Council has previously made orders under this section to require dogs to be "on leash" when in public, except as signed in designated off leash areas. This has occurred most recently at the July 15th 2024 Council meeting, in concert with the making of the Cardinia Shire Council Community Local Law 2024.

Upon the commencement of this park as an "off leash" park, it is appropriate to re-make this order, with the additional park added. It is preferable to do this to commence as close as possible to the actual opening of the park (though not on the day of the official opening events).

In 2007, Council developed criteria for establishing Off Leash Dog Areas, and adopted a number of locations for off leash dog areas. In 2015, Council reviewed the criteria for establishing Off Leash Dog Areas, and adopted 7 of locations for them. The criteria was reviewed again in 2018 with a view to strengthen the assessment by applying a quantifiable measure. The following locations were officially endorsed by Council at the 18 November 2019 Council meeting and subsequently gazetted for use as dog off leash areas:

Regional Dog Off Leash Areas

- Toomuc Creek Linear Reserve, Pakenham.
- Alma Treloar Reserve, Cockatoo.
- Don Jackson Reserve, Pakenham
- Cochrane Park, Koo Wee Rup.

District Dog Off Leash Areas

- Pepi's Land, Emerald.
- Cockatoo Road Reserve, Pakenham.
- Garfield Recreation Reserve, Garfield.
- Tantallon Bvd Detention Basin Reserve, Beaconsfield

Neighbourhood Dog Off Leash Areas

- Bob Burgess Reserve, Beaconsfield.
- Vantage Drive Reserve, Pakenham.
- Simon Drive Reserve, Pakenham.
- Ray Canobie Reserve, Pakenham.
- Harris Reserve, Upper Beaconsfield.
- Onyx Reserve, Officer.

Officer District Park was identified through the 2018 process as a suitable site for a dog off leash area (and also depicted in the masterplan, adopted in November 2018) although not yet constructed. It was noted in the 18 November 2019 Council report that *District Park, Officer has been removed from the list until such time that the reserve is constructed.*

Policy Implications

Section 26 part 3 of the Domestic Animal Act states that:

"An order made by the Council under this section must be published in the Government Gazette and in a newspaper circulating in the municipal district of the Council making the order."

This means that a site selected as an Off Leash Dog Area requires an order made by Council and subsequent gazetting of the order, as well as publication in local newspapers.

For the new dog off leash area at Torongo Park to be lawfully used by the community as such, an order must be made by Council endorsing it for use as a designated off leash park. The order is expressed to commence upon "publication in the Victorian Government Gazette", and the intention is for the order to be Gazetted at the earliest opportunity after the opening of the park. This will allow the park to commence use as an "Off leash park", irrespective of the timing of Council meetings after November 2024.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes.

4.1 We support our productive land and employment land to grow local industries

4.1.5 Strengthen and promote our shire's unique identity and visitor attractions.

Climate Emergency Consideration

N/A

Consultation/Communication

Community consultation has been undertaken on numerous occasions in relation to the suitability of this site for inclusion of a dog off leash area. This has been both through the process of refining Council's criteria for identifying suitable locations for dog off leash areas and through the development of the Officer District Park masterplan and detailed design process.

There was a component of the 2020 consultation on Officer district Park which specifically focused on the dog off leash area. The top five most important features identified by the community to be considered in the designing of the dog off-leash area were:

1. That the space remains natural and shaded
2. Fenced
3. Clear signage
4. Separate areas for small and large dogs
5. Drinking taps

All of these features have been accommodated for in the final design. Community support for the inclusion of a dog off leash area at this site has remained strong throughout the design and construction process.

Financial and Resource Implications

There are no significant resource implications associated with endorsing the site for use as a dog off leash area. There will be a small cost associated with publicising the order in the Government Gazette and a local newspaper which will be accommodated within the associated project budget.

Conclusion

Council is being asked to formally endorse, in the form of an Order under Section 26 of the *Domestic Animals Act*, the dog off leash area at Torongo Park to allow lawful use by the community for this purpose. The order is proposed to come into effect immediately following the opening of the park later this year.