

COMMUNITY ENGAGEMENT FEEDBACK REPORT

BY-LAW 7 – DOGS REVIEW

5 – 26 MAY 2022

INTRODUCTION

The *Local Government Act 1999* (the Act) section 251 outlines that local government by-laws expire on 1 January of the year following the seventh anniversary of the day on which the by-law was gazetted. Council's By-law 7 – Dogs will expire on 1 January 2023.

Public consultation is required before Council resolves to make a by-law. A report was submitted to Council on 12 April 2022 seeking approval to commence consultation and Council resolved to consult on the proposed By-law 7 – Dogs. Following mandatory notification of the proposed By-law to the Dog and Cat Management Board, community consultation commenced through our Your Say online engagement platform and other methods seeking feedback on the proposed By-law. The community and key stakeholders were provided the opportunity to undertake a short on-line survey and share any comments and/or ideas they had about the proposed By-law.

A copy of the proposed by-law was made available on council's Your Say page, at council's offices and on our website along with information guides, FAQs and answers, and a detailed explanation of the proposed changes to the By-law.

This report presents the results gathered from community and internal consultation for the proposed By-Law 7 – Dogs.

COMMUNITY ENGAGEMENT PURPOSE

The purpose of this consultation was to inform and seek feedback from stakeholders which included dog owners, residents of the City of Onkaparinga, local businesses, community groups, external and internal key stakeholders about their views on the proposed amended by-law.

The objectives from the engagement plan are to:

- gain community responses to the draft By-law 7 - Dogs, and to consider feedback on the operation to the existing dog on-lead and dog prohibited areas prior to Council adopting the by-law and resolving dog on-lead and dog prohibited areas.
- consult with internal and external stakeholders on the draft version of By-law 7 - Dogs, to ensure all matters and concerns relating to this by-law are addressed and considered in the re-drafted by-law.
- report any feedback to Council gathered from community and internal consultation and provide recommendations to Council based on this feedback.

ENGAGEMENT TECHNIQUES

The engagement techniques that were undertaken included:

- Your Say page with survey.
- Emails using the Community Group Register to 52 relevant community groups, local dog obedience clubs and key stakeholders both internally and externally.
- Newsletter sent to all 4840 registered Your Say members.
- Public notice published in The Advertiser on 5 May 2022.
- [Onkaparinga Now](#) article published on 6 May 2022
- Three Your Say roadside banners at pre-approved locations and signage placed at all dog parks.

- Website page and Facebook post appearing on 5 May 2022.
- Elected members informed via email.

SUMMARY OF COMMUNITY ENGAGEMENT OUTCOMES

The proposed By-law 7 – Dogs Your Say survey commenced on 5 May and concluded on 26 May 2022 in line with the requirements of section 246 of the *Local Government Act 1999*.

A total of 1700 visits to the Your Say page was recorded with 1059 visitors viewing the information. Data indicates that there were 621 visits to the actual survey page and a total of 281 respondents submitted feedback. A further eight submissions were received via email.

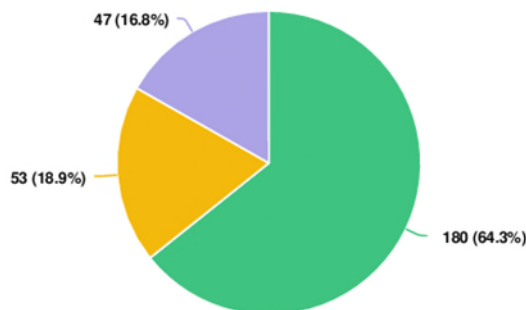
The following snapshot indicates the level of support for the proposed changes to By-law 7 – Dogs. Please note that there were no submissions received from local dog obedience clubs who were also invited to participate in the survey.

ENGAGEMENT TOOL: SURVEY TOOL

We're keen to hear your feedback on the proposed changes

Visitors	621	Contributors	281	CONTRIBUTIONS	281
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Do you support the proposed changes to By-Law 7 Dogs?



Question options

● Yes ● No ● Unsure

Optional question (280 response(s), 1 skipped)

Question type: Radio Button Question

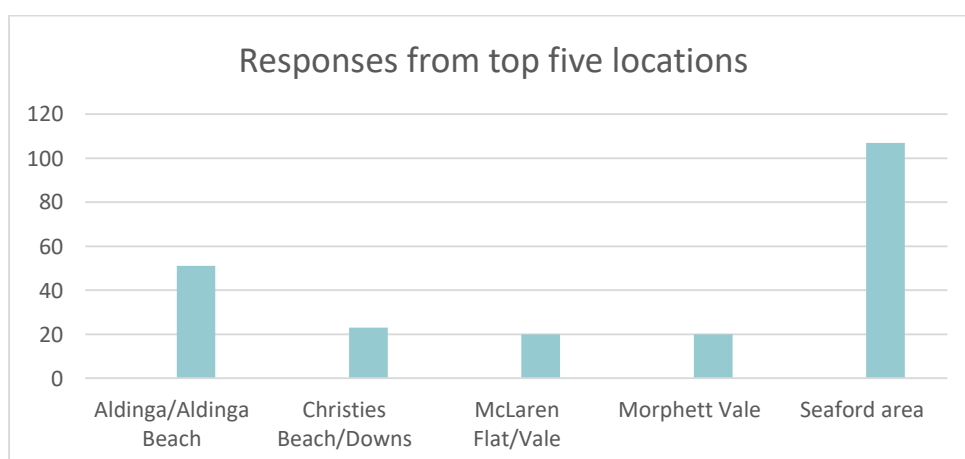
Many respondents who supported the proposed changes wanted dogs to be on-leash in more locations and for longer. Key reasons included aggressive dogs and dog attacks, nuisance caused by dogs, dog faeces not being removed in parks and on the foreshore and the need for owners to be more responsible by exercising effective control of their dogs.

Reasons why respondents didn't support the proposed changes were generally because they disagreed with the restrictions imposed for the protection of hooded plovers, wanting more freedom for dogs including more off-leash areas such as parks and on the foreshore and more flexible times for dogs to be off-leash.

Those who were unsure, generally had questions about the application of the by-law. Views from these respondents include dog owners are already responsible in the control of their dogs; there are not enough spaces to walk dogs and therefore, creating an environment where incidents are more likely to occur; conservation areas should be dog free such as the Aldinga reef sanctuary;

Some people who indicated they were unsure, noted they could not locate or access the resources available on the Your Say page. We subsequently invited them to provide feedback via email with a link to the resources, but no responses were received.

The graph below indicates the suburbs where the most feedback came from:



From the 281 responses we received including the 8 submissions via email, only 28 people made specific recommendations or queried clauses in the proposed by-law. Key components of comments received were for Part 1 Preliminary (definitions); Part 2 Limits on dog numbers; Part 3 Dog Controls (on and off-leash controls). The remainder of submissions were general comments that did not necessarily address specific clauses for amendment. The below table shows the most common themes arising from the survey feedback.

Key Themes	Responses
Part 1 Preliminary - Definitions And Part 3 Dog Controls Protection of hooded plovers and native wildlife (35 responses received).	<p>Many respondents indicated they support the protection of hooded plovers. Key stakeholders including BirdLife Australia, Green Adelaide (Department of Environment and Water) and our Nature Conservation Team suggested strengthening the clauses associated with hooded plover protection on the foreshore with more enforceable restrictions and definitions. Survey responses also suggest enforcement to protect all native wildlife from dogs and cats.</p> <p>Five respondents felt the proposed restrictions were unnecessary and prohibitive and believe there are greater threats to the birds from foxes, cats and other predatory fauna.</p>

Key Themes	Responses
<p>Part 2 Number of dogs on property</p> <p>7. Limits on Dog Numbers</p> <p>This clause limits more than 2 dogs to a premises that is not a rural dwelling and more than three dogs in a rural dwelling. However, dog owners can apply to keep additional dogs.</p> <p>(5 responses received).</p>	<p>All five respondents prefer an increase in the number of dogs allowed to be kept on a premises.</p>
<p>7.6, no dog is to be kept on any premises where there is no secure or appropriate area where a dog may be effectively contained.</p> <p>(1 responses received).</p>	<p>One respondent questioned whether a minimum area should be defined to contain a dog.</p>
<p>Part 3 Dog Controls Responsible dog ownership and enforcement of by-law</p> <p>(34 responses received).</p>	<p>A total of 13 respondents believe dogs should be under more effective control including barking dogs.</p> <p>There were 11 comments requesting an increase in Ranger presence in the community to educate, enforce and encourage dog owners to be more responsible.</p> <p>Respondents believe an increase in enforcement would encourage responsible ownership.</p>
<p>Part 3 Dog Controls</p> <p>8. Fenced dog parks</p> <p>(4 responses received).</p>	<p>All four comments indicated a desire for more dog parks but it is unclear whether they are requests for fenced dog parks or dog off-lead areas. One request specifically identified the McLaren Vale area as a site for a fenced dog park.</p>
<p>Part 3 Dog Controls 9. Dog on-leash areas</p> <p>(49 responses received).</p>	<p>Ten requests for greater enforcement of dog on-leash laws on the foreshore and in other public places.</p> <p>Some respondents requested dogs be on-leash at all times. Thirteen respondents sought greater restrictions on dogs in public areas, on the foreshore, in conservation parks, reserves and sanctuaries.</p> <p>There were nine requests for more off-leash areas mainly on the foreshore, and for dogs to be off-leash in parks between certain times.</p>
<p>Part 3 Dog Controls 10. Dog prohibited areas</p> <p>(14 responses received).</p>	<p>Six respondents requested more dog free areas including beaches at Moana, Pt Willunga, Pt Noarlunga, Aldinga, Christies Beaches and at Snapper Point. Respondents also requested more restrictions/enforcement of dog prohibited areas.</p>

Key Themes	Responses
	The remainder of respondents wanted more access to open space for dogs including access to national parks.
Part 3 Dog Controls 10.2 Dogs prohibited on jetty (8 responses received).	All eight respondents requested dogs be allowed on the jetty on-leash rather than dogs being prohibited.
Part 3 Dog Controls 11. Dog faeces (12 responses received).	Several respondents requested more enforcement to encourage owner responsibility and more availability of dog waste bags. Of the responses received, 8 complained about dog faeces not being removed or bags left on the beach by dog owners. The remainder requested dog bags be made more readily available as dog bag dispensers were often empty.

Aside from the Your Say page survey submissions, there was considerable commentary on our Facebook page with news feeds appearing 11,133 times and reaching 10,555 people. Of which, 1,332 people liked, shared, clicked or commented on the post, resulting in 444 clicks through to our website. Of the 80 comments on Facebook, a majority commented on the need for cat containment.

Cat Control

Six comments were received via the Your Say page and on our Facebook page for the management of cats.

EVALUATION

Overall, the community engagement process was successful in achieving the objectives of informing the community and stakeholders about the proposed by-law and collecting their feedback for review and consideration. The people of the City of Onkaparinga were given the opportunity to express their views via the Your Say survey. We determined from the sample of respondents that there was overall support for the proposed By-law 7 – Dogs. Feedback received from community engagement specifically addressing the by-law clauses was collated for legal review and comment.

Submissions proposing an amendment to the By-law have been summarised below along with recommended amendments or reasons to retain the proposed By-law clauses.

By-Law No. 7 – Dogs 2022

Part 1 -

Purpose

- Vary the Purpose at clause 3.2, “to reduce the incidence of environmental nuisance caused by dogs” by adding “(including, without limitation, to reduce the impacts of dogs upon native wildlife)”.

This inclusion is not recommended as the Purpose of By-law 7 sufficiently addresses the

management of dogs on native wildlife within the words “environmental nuisance”.

Interpretation

- Clause 6.3, to define ‘assistance dogs’ consistent with the Dog and Cat Management Act.
Limiting the application of this clause to accredited assistance dogs may preclude a person with a disability from accessing an area with the support of their assistance dog, therefore it is recommended that the definition remain unchanged.
- Vary clause 6.17, definition of a ‘shared path’, such that it has the same meaning as the Australian Road Rules.
This is recommended to limit the application of this clause to paths used by both the riders of bicycles and pedestrians where the required signage is in place.
- Extend clause 6.19.1, persons authorised to enclose a Hooded Plover dog-prohibited zone, to include “other person authorised by the Council in writing (which authorisation may be subject to any conditions the Council sees fit to impose)”.
This is recommended for the effective administration of the clause, noting conditions can be applied or the authorisation revoked if required.
- Vary clauses 6.19.1 and 6.19.2 by removing the word ‘bunting’ as this material is seen as an inappropriate fencing material by Green Adelaide and BirdLife Australia and is no longer used.
This is recommended, and the term ‘bunting’ has been removed from both subclauses.
- Environmental groups sought the inclusion of the Red-Capped Plover to the Hooded Plover dog-prohibited and dog on-leash zones.
This is not recommended noting the Red-Capped Plover is not on the threatened species list and there is currently no program of nest identification or protection. If a Red-Capped Plover program is initiated during the life of the By-law, Council may resolve to apply the dog on-lead and/or dog-prohibited clauses, 9.3 and 10.4 respectively.
- Vary clause 6.20 to increase the dog on-leash zone from 100m to 150m.
This is not recommended noting the proposed clause provides for dogs to be on-lead 100m either side of the nesting site (200m+ in total). Further extension of this area reduces the off-lead exercise area on the foreshore.

Part 3 – Dog Controls

- Two people objected to clause 9.3, dogs to be on-leash on any park or reserve during such times that organised sport is being played.
It is recommended that this clause be retained, noting it provides for balanced use and seeks to ensure good hygiene and player safety during organised sport.
- Clause 10.2, seven requests sought to allow dogs on-leash on the jetty.
It is recommended maintaining the status quo (dogs prohibited on the jetty) to provide a safe environment to users, particularly anglers and scuba divers. Noting public consultation

was undertaken on the basis of dogs prohibited, a further round of consultation may be triggered if this clause is varied to permit dogs on-lead on the jetty.

- Three respondents sought to vary Clause 10.3 dogs prohibited within 20 metres of a skate park, to dogs on-lead within 20 metres of a skate park.

This is not recommended, noting the use of these facilities includes high speed activities on bikes, scooters and skateboards requiring adequate separation from dogs that may otherwise react out of chase/fear/fight instincts increasing the risk to users.

Part 4 - Exemptions

- Green Adelaide requested it be included in the list of exempt parties (in addition to law enforcement and emergency workers) to carry out fox control operations.

The inclusion of Green Adelaide in the exemption clause is not recommended, noting the By-law provides a process to grant exemptions, enabling permission to be granted for a specified period and subject to relevant conditions.

Where recommended, the proposed By-law has been amended in response to feedback. Amendments that are included in the certified By-law are not significant and as such, further consultation is not required in relation to them.

Suggested variations to existing dog on-lead and dog prohibited areas:

- requests for more dog free areas - examples include beaches at Moana, Port Willunga, Aldinga, Christies Beach, Port Noarlunga and Snapper Point
- requests for dog to be on-leash in parks and reserves - examples include reserves and sanctuaries, Glenhuntly reserve.
- requests for more off leash areas - examples include on the foreshore and Hui Hui Drive, Happy Valley
- requests for more open space for dogs, including access to national parks.

Feedback regarding variations to Council's resolved dog on-lead and dog prohibited areas will be considered for further engagement before any changes are recommended to Council. Existing dog on-lead, dog prohibited and dog exercise areas will continue. Council may resolve to vary or amend dog on-leash and dog prohibited areas after the By-law has commenced, or at a later time.

A variety of other matters were raised in public consultation and are summarised below:

- Requests for greater Ranger presence on the foreshore and greater enforcement of dog on-lead/ dog prohibited areas and compliance with the removal of dog waste/disposal of dog waste bags.

These are functions undertaken by the Community Safety Team. Compliance and enforcement is a combination of reactive and proactive work by Rangers. An additional full-time equivalent Ranger has been employed to ensure greater presence on the foreshore, resulting in a higher level of interaction and engagement with beach goers. The feedback will be used to focus resources on reported areas of concern.

- Requests for additional (fenced) dog parks

These will be considered in line with funding offers from the last State government election.

- A number of responses were received regarding cat management, seeking greater regulation of cats.

While not the subject of consultation, we regularly consider how cat management can be improved and find that the Dog and Cat Management Act needs to be amended. The Act currently makes limited provisions for cats, which leads to inconsistent approaches between councils and ineffective by-laws. We have been advocating to the Dog and Cat Management Board for a review of the Act and it has committed to a review this year. We offer a suite of information and advice on our website to cat owners and anyone frustrated by nuisance cats.

The amended By-law will be considered by Council at its meeting on 19 July 2022. Once adopted it will be gazetted, subject to public notice and placed on Council's website. The new By-law is expected to come into effect on 1 January 2023.

SIGN OFF

All feedback reports are to be reviewed by the Engagement Unit (engagement@onkaparinga.sa.gov.au)

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