

**ORDINARY MEETING OF COUNCIL
23 NOVEMBER 2009**

2	DOG OFF-LEASH REVIEW
LOCATION/ADDRESS:	N/A
GENERAL MANAGER:	SUE WILKINSON, ENVIRONMENT AND PLANNING
PREPARED BY:	MIKE MCINTOSH, ACTING MANAGER PARKING, HEALTH AND ENFORCEMENT
FILE NO.:	04/02/16
ATTACHMENTS:	1. UPDATED MAPS OF OFF LEASH AREAS 2. COUNCIL ORDER NO 3. 3. ANALYSIS OF SUBMISSIONS

1. EXECUTIVE SUMMARY

- 1.1 This report presents key recommendations in response to the proposed changes to Dog Off Leash areas and community feedback.
- 1.2 The key recommendations have been developed in response to all submissions and comments received throughout the community consultation process.

2. RECOMMENDATION

That Council:

- 2.1 Authorises the proposed Council Order No 3, the instrument that controls dog off leash areas, which will revoke Council Order No 2 and make changes to it, namely:
 - 2.1.1 Amending the definition of effective control;
 - 2.1.2 Allowing temporary on or off leash areas;
 - 2.1.3 Removing West Port Foreshore Reserve, Port Melbourne as an off leash area;
 - 2.1.4 Reducing the off leash area at Garden City Reserve, Port Melbourne;
 - 2.1.5 Increasing off leash Beach C, Port Melbourne;
 - 2.1.6 Increasing off leash Beach B, St Kilda;

- 2.1.7 Increasing off leash Beach A, St Kilda;
- 2.1.8 Amending the definition of the no dog zone at West Beach to indicate the high tide line as the end of the area;
- 2.1.9 Including Albert Park Reserve on and off leash areas.
- 2.2 Notes that the proposed changes are to take effect from 1 April 2010.
- 2.3 Continues to upgrade Dogs Off Leash signage across the municipality.
- 2.4 Refers the following issues to be considered as part of the next review of dog off leash areas, commencing April 2010;
 - 2.4.1 Further consideration of the hours for beach access;
 - 2.4.2 The registration of professional dog walkers;
- 2.5 Endorses the establishment of an Animal Management Community Reference Group (the “Group”).

3. BACKGROUND AND CONTEXT

- 3.1 In August 2009, in accordance with the key directions of Council’s Domestic Animal Management Plan 2008-11, the annual review of dog off-leash areas commenced.
- 3.2 The 2009 review of dog off-leash areas includes the revision of the Council Order No 2 proposing a number of changes to the current arrangements for dog off-leash areas as well as some other changes to support harmonious and responsible pet ownership within the municipality.
- 3.3 The proposed changes arose out of an internal review of the current dog off-leash arrangements and were also informed in part by a public survey conducted in April 2009 and service delivery feedback received over the past year.
- 3.4 All the changes proposed were adopted to circulate for public comment as part of Council’s public consultation and engagement process.
- 3.5 As part of the process of considering these changes the Council agreed to advertise these changes and invite public comment.
- 3.6 Council received 127 written submissions. Of these four were from multiple signatories. Attachment 1 provides a summary of all submissions received. On the whole most submissions objected to all or part of the proposed changes. Several submissions were supportive of the proposed changes.
- 3.7 A number of petitions were also received as follows:

- 3.7.0 A petition containing 340 signatures opposed to the 5m from bike path requirement. This has been presented to the council as a petition.
- 3.7.1 A document containing 454 online signatures opposed to West Beach, West Port Foreshore Reserve, Garden City Reserve and the 5m from a bike path requirement. This did not fulfil the requirements of a petition.
- 3.7.2 A document containing 93 signatures attached to a general objection against the proposed changes. This did not fulfil the requirements of a petition.
- 3.7.3 A petition containing 404 signatures opposed to the changes at West Beach. This has been presented to the council, as a petition.
- 3.8 The primary issues raised in the submissions received relate to:
 - 3.8.0 The proposed change to West Beach;
 - 3.8.1 The proposed inclusion of the 5m from bike path requirement;
 - 3.8.2 The proposed restriction to 4 dogs on or off leash;
- 3.9 Other matters raised which, whilst related, are considered beyond the scope of the current review include:
 - 3.9.0 Investigating formal registration for professional dog walkers;
 - 3.9.1 Improving the clarity of existing and proposed signage for dog off-leash areas;
 - 3.9.2 Reviewing existing beach access hours for dog off-leash areas;
- 3.10 This report provides key recommendations which seek to meet the needs of Council's commitments as outlined within the Domestic Animal Management Plan 2008-11 and those matters raised throughout the public consultation process.

4 CONSULTATION AND STAKEHOLDERS

- 4.1 Meetings were held with a number of key stakeholders after submissions had been received in order to clarify the issues. These included, among others, representatives from Save Dusty's Beach, Alma Dogs, Hobson's Bay Dog Obedience Club, Woofers' Animal Care Services and Life. Be in it.
- 4.2 At the meetings the establishment of an animal management community reference group with key stakeholders (to meet every six months and discuss any concerns) was proposed. This initiative was welcomed by all groups and representatives consulted. A Reference Group would focus on developing a shared understanding of animal management issues across the municipality

with a view to improving community consultation, service delivery and animal behaviour.

- 4.1 Analysis of all submissions is included as attachment 3.
- 4.2 Key internal parties consulted include Parks and Open Spaces Department in relation to the management of vegetation in and around the West Beach, St Kilda.
- 4.3 The Parks and Open Space Department advised that West Beach St Kilda is considered to be of high ecological significance and is particularly important in the local context. Consequently it was recommended that all efforts should be made to protect this environment from both human and non native animal activity including dogs.
- 4.4 Further consultation has also been held with the Foreshore Coordinator, Coordinator Youth and Recreation, Project Officer Parks & Open Spaces, and the Coordinator Open Spaces.

4. DISCUSSION

5.1 The following table provides an analysis of community feedback received in relation to key issues and offers suggested options in response

Issue	Rationale	Feedback	Recommended Option
<i>Change of the definition of effective control including not having more than 4 dogs on a lead at any one time</i>	This was proposed in addition to the Council Order No 3 definition to ensure the increased likelihood of effective control. This change would likely impact on commercial dog walking operations.	There was no concern raised in relation to the general change to this definition of effective control. Regarding the number of dogs on a lead at any one time, feedback has been mixed. Some suggest this is a good idea, others were concerned about the viability of commercial dog walking operations and the ability to walk friends dogs on their behalf when they are unavailable.	Adopt proposed change of definition of effective control without specifying the number of dogs on a lead at this time. Further investigate the viability of a 4 dog on and off leash limit for consideration in the 2010 dog off leash review.

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Issue	Rationale	Feedback	Recommended Option
<i>Allowing temporary on/off leash areas</i>	This was proposed to allow greater flexibility around the management and regeneration of parks and open spaces.	Little objection has been received in relation to this recommendation. Comment was made to ensure that Council make available, where possible, a similar space for on/off leash areas whilst the primary space is closed for regeneration purposes	<p>Allow temporary on/off leash areas and ensure, where possible, a similar space for on/off leash areas is made available whilst the primary space is closed is inaccessible.</p> <p>The process for advising of temporary on/off leash areas will be to provide advisory signage at the affected locations, a minimum of two weeks prior to any proposed change. Any changes should be authorised by the relevant manager, in consultation with the Animal Management Unit and Parks and Open Space Manager.</p>
<i>Removing West Port Foreshore Reserve, Port Melbourne as an off leash area.</i>	This was proposed to minimise possible conflict with the recently operational bike path users.	Some objection was received in relation to this recommendation. Largely the issue related to the gradual erosion of available off leash parks available. Suggestions were made for Council to make a commitment not to decrease the total available off leash areas across the municipality	<p>Removing West Port Foreshore Reserve, Port Melbourne as an off leash area.</p> <p>Ensure the net total available space for off leash areas across the municipality is not reduced.</p>
<i>Reducing the off leash area at Garden City Reserve, Port Melbourne.</i>	This was proposed to improve the management of the reserve for all users.	Some concern was raised about this proposed change. Largely there were concerns in relation to the impact from the 5m rule. However this rule would not apply to this park. This area is well used by the local community.	Reducing the off leash area at Garden City Reserve, Port Melbourne.
<i>Increasing off leash Beach C, Port Melbourne (immediately south of the Port Melbourne Yacht Club)</i>	This was proposed to improve the management of the beach extending the off leash dog beach north from Lagoon Pier to the Port Melbourne Yacht Club effectively removing the current imaginary line in the sand on this beach.	This proposed change was generally supported.	Increase off leash Beach C, Port Melbourne (immediately south of the Port Melbourne Yacht Club)
Beach Access Hours		There was considerable feedback concerning access to beaches during the evening and early morning.	This is beyond the scope of the current proposal and any changes would require public consultation to occur. As such this should be given consideration when the annual review of off leash areas commences in 2010.

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Issue	Rationale	Feedback	Recommended Option
Signage		Concerns were raised about signage relating to off leash areas.	An audit of signage has occurred during August and September, to identify all signs and where improvement is needed. Improved signage should be implemented reflecting the updated off leash areas.
<i>Removing off leash Beach C, St Kilda (West Beach) and increasing off leash Beach A, St Kilda (along Pier Road)</i>	This was proposed to improve management and control of dogs off leash and to avoid conflict with nearby environmentally sensitive vegetation.	<p>There is considerable objection to proposed changes at West Beach. This off leash area is highly valued by the local dog owning community who feel that the proposed changes to remove this area and extend the off leash beach off Pier Road would prejudice many dog owners. The Pier Road beach area is not as close, safe (re water quality), accessible or as suitable as the West Beach area. Furthermore there is a strong belief that the council should not favour the interest of kite boarders over local dog owners.</p> <p>There is support for separating off the environmentally sensitive areas either by fencing of the West Beach vegetation area further to the south or to patches of grasslands within the current off leash beach area. This idea would also allow for access from West Beach through to Pier Road particularly at low tide, allowing for dogs to play in the shallows</p> <p>A reoccurring theme in submissions is the strong community network that exists amongst the dog owners who use this area.</p>	Retain existing off leash beach C, St Kilda (West Beach) and extend to West Beach Pavilion and allow beach access to off-leash Beach A, St Kilda (along Pier Road) using the high tide line as the boundary between the sensitive vegetation and off-leash area.
<i>Including Albert Park Reserve on and off leash areas</i>	This was proposed in partnership with Parks Vic to ensure the consistent management of animals in Albert Park Reserve	No comments have been received in relation to this recommendation. Parks Vic support the proposed changes	Include Albert Park Reserve on and off leash areas

Issue	Rationale	Feedback	Recommended Option
<i>Making an on leash requirement within 5m of any designated bike path or shared path that is indicated as such by the presence of markings or signs</i>	This was proposed to minimise impacts between cyclists and dog owners in both Alma Park and Albert Park Reserve.	There is much concern about this proposed change especially amongst dog owners visiting Alma Park. The concern relates to the enforcement difficulty, the change in the character of the park in effect making it an on leash park, the difficulty this change would present to people who need to walk on the pathway rather than the grass (i.e. access impaired), the prioritisation of cyclists over walkers and other users of the park and the message given that pathways are not for shared use.	Do not adopt on-leash requirement within 5m if any designated bike path or shared path.
<i>Improved signage</i>	This matter arose from feedback and consultation	Generally it was agreed that existing signage is unclear and inconsistent for all users. There was also a request for signage to advise users of shared paths to respect other users of the space.	Audit existing signage with a view to renew and replace signage in line with proposed changes.

5.2 ALIGNMENT TO COUNCIL PLAN

5.2.1 The proposal is consistent with the Council Plan and in particular the Plan's emphasis on Valuing and Utilizing the Skills and Knowledge in the Community space (1.1), Governing (1.2), a Creative, Active and Cultural Diverse life (3.2), and Caring for our Natural Environment (4.3).

5.3 POLICY IMPLICATIONS

5.3.1 This proposal is consistent with Council's Domestic Animal Management Plan 2008-2011 and Council's approach to review of its Local Laws Framework.

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 There are no finance/resource implications.

5.5 LEGAL & RISK IMPLICATIONS

5.5.1 There are no known legal/risk issues in the consideration of submissions.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

ACTION	DATE
Advertise changes to off leash areas to take effect 1 April 2010	First week in December
Arrange signage installations/removal as needed	Completed by mid March 2010
No enforcement of off leash provisions in any area that is subject to change until all new signage is installed and provisions in effect for one month.	Between 23 November 2009 and 30 April 2010, education of changes to off leash areas.
Changes commence	1 April 2010
Advertise beach changes again prior to start of next summer season.	October 2010

6.2 COMMUNICATION

6.2.1 A communication and key message strategy is being developed in partnership with the communications unit.

7. OFFICER DIRECT OR INDIRECT INTEREST

7.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.