

**ORDINARY COUNCIL MEETING
10 AUGUST 2009**

- 3. DOG OFF LEASH REVIEW**
- LOCATION/ADDRESS:**
- EXECUTIVE DIRECTOR:** GREG WOOD, A/ EXECUTIVE DIRECTOR
COMMUNITY DEVELOPMENT AND
PLANNING
- PREPARED BY:** KIRSTEN HUGHES, COORDINATOR
LOCAL LAWS AND ANIMAL
MANAGEMENT
- FILE NO.:** TRIM FILE NO. 04/02/16
- ATTACHMENTS:**
1. PROPOSED COUNCIL ORDER NO 3
(TO REPLACE COUNCIL ORDER NO. 2)
 2. MAPS OF PROPOSED CHANGES
 - MAP 1 – WEST PORT
FORESHORE RESERVE
 - MAP 2 – GARDEN CITY RESERVE
 - MAP 3 – OFF LEASH BEACH C
 - MAP 4 – ALBERT PARK RESERVE
 - MAP 5 – OFF LEASH BEACH A
AND B.
 - EXISTING OFF LEASH AREA MAP
 - PROPOSED OFF LEASH AREA
MAP
 3. SURVEY RESULTS
 4. COUNCIL ORDER NO 2
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1. EXECUTIVE SUMMARY

- 1.1. Council has statutory obligations with respect to the Domestic (Feral and Nuisance) Animals Act. As part of its obligations Council has committed to reviewing dog off leash areas on an annual basis, to ensure the continued promotion of harmonious and responsible pet ownership.
- 1.2. Part of the process for the review included an extensive public survey which was conducted in April 2009. As a result of feedback received and issues raised from other key stakeholders a number of changes have been recommended to the Council Order No 2, which is the mechanism by which dog off leash areas are designated.
- 1.3. Council Order No 3 (attachment 1) will replace Council Order No 2.

1.4. The changes recommended include:

- a change to the definition of “Effective Control”,
- allowing temporary on or off leash areas
- off leash changes to West Port Foreshore Reserve, Port Melbourne (Map 1)
- off leash changes to Garden City Reserve, Port Melbourne (Map 2)
- off leash changes to beach C, Port Melbourne (Map 3)
- off leash changes to beach A & B, West Beach, St Kilda (Map 5)
- off leash changes to Albert Park Reserve (Map 4), and
- 5m off leash clearance zone from bicycle and pedestrian paths

2. RECOMMENDATION

2.1. That Council:

2.1.1. Authorise 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:

2.1.1.1. amending the definition of effective control;

2.1.1.2. allowing temporary on or off leash areas;

2.1.1.3. removing West Port Foreshore Reserve, Port Melbourne as an off leash area;

2.1.1.4. reducing the off leash area at Garden City Reserve, Port Melbourne;

2.1.1.5. increasing off leash Beach C, Port Melbourne;

2.1.1.6. removing off leash Beach B, St Kilda;

2.1.1.7. increasing off leash Beach A, St Kilda;

2.1.1.8. including Albert Park Reserve on and off leash areas;

2.1.1.9. making an on leash requirement within 5m of any pedestrian or bike path.

- 2.1.2. Advertise these proposed changes to the public for comment. Public comment shall be received between 17 August 2009 and 20 September 2009, with information on the changes available on the Port Phillip Council website and at each Town Hall.
- 2.1.3. Hear and review all public submissions at the Council meeting on 12 October 2009.

3. BACKGROUND AND CONTEXT

- 3.1. The Council has statutory obligations under the Domestic (Feral and Nuisance) Act. Under that Act all Victorian Council's are required to have a Domestic Animal Management Plan, a strategic document that outlines how the Council will promote responsible animal ownership.
- 3.2. In 2008 the Council approved and adopted its Domestic Animal Management Plan. It aims to promote harmonious and responsible pet ownership by focusing on the issues of keeping dogs under effective control, pet registration, amenity, identification of animals, and dog litter. One of the mechanisms in place to assist these aims is the commitment to review off leash dog areas on an annual basis.
- 3.3. Dog Off Leash Areas are made pursuant to powers under s26 of the Domestic (Feral and Nuisance) Animals Act. This enables Councils to make an Order providing various restrictions. Council's Order No 2 was created in 2001 with amendments in 2003, 2004 and 2005.
- 3.4. Council Order No 2 shall be replaced with Council Order No 3 as a result of this review.
- 3.5. The process of review of Dog Off Leash Areas has included considerable consultation with external stakeholders. In April 2009 a public survey was conducted to review off leash areas (See attachment 3). This survey was available on the Port Phillip Council website, at each of the town halls and via six sessions at park locations including Alma Park, Catani Gardens, Garden City Reserve, Gasworks Park, Elwood Beach and St Kilda Botanical Gardens. The survey asked eight questions relating to use of off leash parks and beaches.
- 3.6. The results of the Dog Off Leash Areas survey has indicated that there is a need for greater clarity around some of the off leash areas, in terms of location and signage.
- 3.7. Review of the Dog Off Leash Areas have noted that there are insufficient controls in the current structure, such as an inability to temporarily cease off leash areas to allow areas to rest or rejuvenate. Similarly there is currently no capacity to cease off leash areas for a major public event or sporting activity.

- 3.8. Concerns were also raised about the environmental damage that professional dog walkers may cause at various parks and the ability of dog walkers to effectively control a large number of dogs at one time.

4. CONSULTATION AND STAKEHOLDERS

4.1. Public Consultation

- In addition to the public survey in April 2009, consultation has also taken place with key stakeholders including Parks Victoria and the Port Melbourne Yacht Club regarding proposed changes to the off leash areas in and around areas under their control and management.
- Public consultation was not only aimed at obtaining information about problematic issues to assist in the review, it also sought to explore key issues and opportunities that need to be addressed to improve the experience for all users of the space.

4.2. Internal Consultation

A number of key business areas of council have been consulted in relation to this review including

- Parks and Open Space;
- Sport and Recreation;
- Foreshore Coordinator;
- Foreshore Events Advisor;
- Animal Management Officers;
- Manager Parking Health and Enforcement; and
- Director Community Development and Planning.

- 4.3. All business areas have advised that the proposed recommended changes compliment and do not impact on current standard service delivery. This includes impacts on environmentally sensitive areas, foreshore management, sport and recreation programs and designated boating zones.

- 4.4. Further consultation is planned with the release of the proposed changes for public comment. This will include all registered dog groups within the municipality, the general public, and key stakeholders, including Port Melbourne Yacht Club, Parks Victoria, permitted foreshore businesses and professional dog walking groups.

5. DISCUSSION

5.1. Options

A number of changes are recommended with respect to the Council Order No 2, these are outlined in detail below. These changes will be incorporated in the new Council Order No 3.

5.2. Change 1: Definition of Effective Control

- **Existing definition:** The current definition of effective control does not stipulate restrictions on the number of dogs a person can walk on or off lead at any one time.
- **Proposed definition:** The proposed definition of effective control will limit the number of dogs a person can walk at any one time to four dogs... A person with more than four (4) dogs at the one time is not "effective control".
- **Reason for Change:** Sections of the public have raised concerns about individuals walking large numbers of dogs at a time. Specifically, the public have expressed concerns about environmental impacts if these large numbers of dogs continue to use the same park repeatedly, and also whether they can maintain control of that many animals. Council's Animal Management unit also has considerable concern about the ability to have effective control of more than four dogs at one time.

The basis for the number of animals has been based on existing legislation related to the control of dogs, namely greyhounds, where a person cannot walk more than four greyhounds on lead at one time. The restrictions in this proposal are not as onerous as dogs can be on or off lead.

It is considered that the proposed change in definition will allow better management of this issue.

5.3. Change 2: Restricting Off/On Leash Areas As Required

- **Existing conditions:** There is currently no ability to establish temporary on or off leash areas for areas otherwise under environmental stress from repeated activity.
- **Proposed conditions:** Changes will be made to allow restriction of off leash areas to enable rest/maintenance of an area, or if needed for special events. Capacity will also be made to enable temporary off leash areas in an ordinarily on leash area, to compensate for the temporary changes where appropriate.

Temporary on leash/off leash areas will be managed using temporary signage at the different locations, to advise of the pending change, and then to advise of the temporary arrangements.

- **Reason for Change:** Concerns have been raised about the inability in the current Order to limit the use of off leash areas. For example, currently Council is unable to

restrict access to off leash areas that may be in need of repair/maintenance as a result of the long term drought problems. Likewise there is no ability to cease off leash activities temporarily for special events. There is also no capacity to have temporary off leash areas.

This change will bring a degree of flexibility to the management of the off leash parks.

5.4. **Change 3: West Port Foreshore Reserve, Port Melbourne**

(See Map 1 - attachment 2)

- **Existing condition:** West Port Foreshore Reserve is currently designated as an off leash reserve.
- **Proposed condition:** Remove the West Port Foreshore Reserve as an off leash area.
- **Reason for Change:** When the Council Order was first created this part of Port Melbourne was not a high traffic area. With development at Beacon Cove and at Sandridge Beach, the area now has much greater traffic as well as a highly used bike path which has resulted in an escalation of conflicts between off leash dogs and people. As a consequence this space is no longer appropriate for an off leash park.

5.5. **Change 4: Garden City Reserve, Port Melbourne**

(See Map 2 - attachment 2)

- **Existing condition:** The entire Garden City Reserve is designated as an off leash reserve.
- **Proposed condition:** Change status north of the path that runs east from Edwards Avenue from off leash to on leash.
- **Reason for Change:** Garden City reserve has been redeveloped and part of that development has included a refurbishment of the playground. It is envisaged that there will be an increased use of this area. As such it would be appropriate to restrict dogs to on leash north of the path.

5.6. **Change 5 – Dog Off Leash Beach C – Port Melbourne**

(See Map 3 – attachment 2)

- **Existing condition:** Beach C is the area of land and/or sand south west of Beach Street between an imaginary line (extending in a north easterly direction from the low water mark at Lagoon Pier to Beach Street) and another imaginary line (extending in a south westerly direction from the north west boundary of Dow Street to the low water mark).

- **Proposed condition:** Beach C is the area of land and/or sand southwest of Beach Street between an imaginary line (extending in a north easterly direction from the low water mark at Lagoon Pier to Beach Street) and another imaginary line (extending in a south westerly direction from the north west boundary of Bay Street to the low water mark).

This change increases the area of the off leash beach to be adjacent to the Port Melbourne Yacht Club.

- **Reason for Change:** The current zone for the off leash area is delineated by an imaginary line in the sand. This is problematic for users of the area who may be unclear as to where the zone starts and finishes. The exclusion zone around the Yacht Club was based around protecting people from being bothered by dogs. This should not be an issue provided dogs are under effective control. It is proposed that this area would be patrolled regularly, particularly on Saturdays, to ensure dogs remain under effective control and would be reviewed again in 12 months.

5.7. **Change 6 – Dog Off leash Beach B – West Beach, St Kilda and Dog Off Leash Beach A.**

(See Map 5 - attachment 2)

- **Existing condition:** Beach A is the area of land and/or sand west of Pier Road extending to the low water mark between St Kilda Pier and an imaginary line 400 metres north west of the St Kilda Pier from the western boundary of Pier Road to the low water mark.

Beach B is the area of land and/or sand south west of Beaconsfield Parade between an imaginary line (extending in a south westerly direction from the north western boundary of Langridge Street to the low water mark) and another imaginary line 140 metres south east of Fraser Street (extending in a south westerly direction from a point on the south west boundary of Beaconsfield Parade to the low water mark).

- **Proposed condition:** Remove Dog Off Leash Beach B and increase Dog Off Leash Beach A to include the area south-east of the drain at the west end of Pier Road.

The no dog area would extend from Pier Road, in line with Cowderoy Street and west of the drain and include the Fraser Street sand dunes.

- **Reason for Change:** The current Beach B is adjacent to a no dog zone. This area includes an environmentally sensitive area and preservation of this area should be given priority.

St Kilda West Beach is a naturalised section of the Port Phillip foreshore formed after 1960 following the construction of the St Kilda breakwater. The site consists of two distinct areas: the Fraser Street Dunes and the vegetation at West Beach.

St Kilda West Beach and the Fraser Street dunes contain intact remnants of Coastal Dune Grasslands, and ecosystem considered vulnerable in the Gippsland Bioregion. This type of bionetwork is depleted or highly modified in other areas around Port

Phillip Bay. This type of naturalized area is rare in the inner-city context and provides residents and visitors a quiet place of respite to enjoy nature.

Limiting access to the site to both humans and dogs is the key way to protect the site and allow the vegetation to grow and flourish.

5.8. Change 7 – Albert Park Reserve

(See Map 4 - attachment 2)

- **Existing condition:** This area is not included in the current Order
- **Proposed condition:** To include the entire Albert Park Reserve within the Council Order No 2. This will include two proposed off leash areas along the Canterbury Road boundary and along the Albert Road boundary, all subject to Parks Victoria approval. The balance of the Reserve will remain an on leash area
- **Reason for change:** While Council currently investigates and manages issues relating to dog attacks within the Albert Park Reserve, there is currently no capacity to deal with effective control or on/off leash issues. In order to promote responsible pet ownership and to allow a greater capacity to manage issues preventing dog attacks, the Reserve needs to be included in the Council Order. This will also encourage a consistent approach to the management of all off leash areas within Port Phillip.

5.9. Change 8 – Prohibited Areas

- **Existing condition:** While there is a restriction keeping dogs 5m away from children's play areas, no such restriction exists in relation to bike paths or pedestrian paths throughout the municipality.
- **Proposed condition:** Prohibit dogs from going within 5m of any bike path or pedestrian path, unless on a leash or cord.
- **Reason for change:** To reduce the possibility for conflict between people and dogs.

6. ALIGNMENT TO COUNCIL PLAN

6.1. The proposed changes are considered to be consistent with the intent and aspirations of the 2009-2013 Council Plan.

6.2. The changes are also considered to be consistent with Councils Domestic Animal Management Plan 2008-2011, particularly as it relates to promoting harmonious and responsible pet ownership.

7. POLICY IMPLICATIONS PLAN

- 7.1. The changes are consistent with Council policy.

8. FINANCE / RESOURCE IMPLICATIONS

- 8.1. There are no financial/resource implications as a result of the proposed changes. All changes can be accommodated within the current operational budget.

9. LEGAL & RISK IMPLICATIONS

- 9.1. The recommended changes and clarification of Dog Off Leash Areas will improve the Council's exposure to legal risk associated with delivering effective animal management services.

10. IMPLEMENTATION STRATEGY

- 10.1. Timeline
- 10.2. The implementation of these changes shall occur as follows:
- August - Public Consultation for four weeks.
 - October 12 – report to Council to consider public submissions
 - November 9 – report to Council recommending final changes for adoption and implementation.

11. COMMUNICATION PLAN

- 11.1. Prepare advertising to request public comment in August 2009.
- 11.2. Advertise proposed changes in local media, on Council's website and via a direct mail out to key stakeholder groups inviting public comment and submissions.
- 11.3. Following consideration of submissions and formal approval from Council a targeted media campaign will commence to advise of changes in November and December 2009.

12. OFFICER DIRECT OR INDIRECT INTEREST

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