

<b>Committee report to Council</b>	<b>Agenda item 5.3</b>
<b>Review of Dogs in Open Space</b>	<b>Council</b>
	<b>28 June 2022</b>

**Committee** Future Melbourne (Environment Portfolio)

**Presenter** Cr Leppert

### **Purpose**

1. The purpose of this report is to recommend that Council make a Municipal Order (Order) under section 26(2) of the *Domestic Animals Act 1994* ('the Act'), to implement the proposals approved by the Future Melbourne Committee on 7 June 2022.

### **Consideration at Committee**

2. Following consideration by the Future Melbourne Committee (the Committee) on 7 June (refer to Attachment 1), the Committee recommended that a map showing the proposed additional 'dog prohibited' area in Royal Park be included, and is shown as Attachment 2 of this report.

### **Recommendation;**

3. That Council:
  - 3.1 Make a Municipal Order (Order) (Attachment 2 of the report from management) under section 26(2) of the Domestic Animals Act 1994
  - 3.2 Notes the Order includes new areas within the reserves listed and the specific management controls described in Attachment 2 of the report from management, as well as retaining other existing areas the subject of earlier municipal orders for dog off leash and dog prohibited areas.
  - 3.3 Notes the Order replaces and supersedes the previous orders made on 25 May 2010, 24 June 2010, 30 August 2016 and 26 September 2017.
  - 3.4 Notes management will arrange for the publication of the Order in The Age and the Victorian Government Gazette.
  - 3.5 Requests management implement effective communication and enforcement of the Order.
  - 3.6 Authorises the General Manager Strategy, Planning and Climate Change to make any further minor editorial changes to the Order prior to publication.
  - 3.7 Include the area currently enclosed by fences and known as the 'Royal Park West Native Remnant Vegetation area' in the Order as a 'dog prohibited' area.
  - 3.8 Directs that signage to reflect the added 'dog prohibited' area be installed.

### **Council Report Attachment:**

1. Future Melbourne Committee, Agenda item 6.2 7, June 2022 (Page 2 of 13)
2. Map showing new proposed dog prohibited area at Royal Park (Page 13 of 13)

## Report to the Future Melbourne Committee

### Review of Dogs in Open Space

**Presenter:** David Callow, Director Parks and City Greening

**Agenda item 6.2**

**7 June 2022**

#### Purpose and background

1. The purpose of this report is to seek Future Melbourne Committee approval for eight new dog off leash areas and new dog controls across the municipality and to recommend that Council make a Municipal Order (Order) under section 26(2) of the *Domestic Animals Act 1994* ('the Act'), to implement the proposals.

#### Key issues

2. Providing public open spaces in the City of Melbourne where people can take their dogs is important for both dogs and their owners. Such spaces enable dogs to interact and play with other dogs, to explore their surroundings, to exercise, and to reduce boredom and loneliness which can manifest in barking. These spaces may also encourage responsible pet ownership, increase the bond between owner and dog and reduce social isolation by creating an environment where dog owners socialise and connect with one another and other members of the community. Dogs on leash are welcome in most public spaces including footpaths, and off leash in designated areas in the City of Melbourne.
3. Public open space in the municipality is in demand by residents, workers and visitors for many different purposes and must be able to safely serve a diversity of users and uses. While some areas of the municipality are well-served by large open spaces, such as Royal Park and Fawkner Park, where it is possible to dedicate specific areas to specific uses (such as play, sport or dog off leash) without compromising broad public access, other areas of the municipality do not have ready access to such spaces.
4. City of Melbourne is challenged to balance the competing demands on open spaces to ensure ongoing enjoyment of parks, gardens and reserves by all into the future, including those in the community who are afraid of dogs or uncomfortable sharing the same spaces with dogs, and to minimise potential conflict of use.
5. A review of dog off leash areas in 2019-20 and two phases of community engagement in 2021 identified gaps in off leash provision across the municipality and recommended specific management controls to support dog off leash access to open space in areas where there is no current provision.
6. Recommendations for eight new official dog off leash areas were developed to address these gaps and fulfil the Domestic Animal Management Plan 2017-2021 action to create at least one new dog off leash area in the municipality. Reserves proposed to include dog off leash areas and specific dog controls are listed in Attachment 2 and the new dog off leash areas are illustrated in Attachment 3.
7. Community engagement revealed support for two reserves to include dog off leash areas which were subsequently removed from consideration for other reasons. Customs Square in Melbourne and Canning Street and Macaulay Road Reserve in North Melbourne are subject to planning as part of Greenline and Arden urban renewal area planning, respectively. These two processes may impact on use and development around these reserves and it is considered that a change of use at this time is premature.
8. The proposed Order also sets out management controls, including instances where a dog must be restrained on a leash. New controls that were not included in previous Orders include that dogs must be on leash when on and within 5 metres of shared paths, and within 20 metres of rivers, creeks and waterbodies, barbecues, sports fields during organised sport and organised public events.

## Recommendation from management

9. That the Future Melbourne Committee:
  - 9.1. Approves the proposed boundaries for dog off leash areas as shown in Attachment 3 of the report from management.
  - 9.2. Recommends Council:
    - 9.2.1. Make a Municipal Order (Order) (Attachment 2 of the report from management) under section 26(2) of the *Domestic Animals Act 1994*
    - 9.2.2. Notes the Order includes new areas within the reserves listed and the specific management controls described in Attachment 2 of the report from management, as well as retaining other existing areas the subject of earlier municipal orders for dog off leash and dog prohibited areas.
    - 9.2.3. Notes the Order replaces and supersedes the previous orders made on 25 May 2010, 24 June 2010, 30 August 2016 and 26 September 2017.
    - 9.2.4. Notes management will arrange for the publication of the Order in The Age and the Victorian Government Gazette.
    - 9.2.5. Requests management implement effective communication and enforcement of the Order.
    - 9.2.6. Authorises the General Manager Strategy, Planning and Climate Change to make any further minor editorial changes to the Order prior to publication.

### Attachments:

1. Supporting Attachment (Page 3 of 11)
2. Proposed Municipal Order (Page 5 of 11)
3. Proposed new dog off leash areas (Page 7 of 11)

## Supporting Attachment

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### Legal

1. The Act provides for management of dogs in public spaces. Council can resolve under section 26(2) of the Act to make a municipal order to place conditions on dogs in any public place within its municipal district. There are four current municipal orders in the City of Melbourne which are proposed to be replaced with the Order covering all dog off leash and dog prohibited areas.
2. Section 26(3) of the Act provides that the Order must be published in the Government Gazette and in a newspaper circulating in the Council district.
3. The *Melbourne Parks and Gardens (Joint Trustee Reserves) Regulations 1994* ('the Regulations') apply to the following Crown lands that are currently or proposed to contain dog off leash areas: Fawkner Park, North Melbourne Recreation Reserve, Princes Park and Murchison Square. The Regulations do not allow animals to be in these reserves unless restrained by a leash, without the written consent of the Committee or Appointed Officer. By making the Order, Council as Committee of Management will provide consent for dogs to be off leash in these reserves.

### Finance

4. The financial implications arising from this report if the recommendations to Council are made and endorsed are the advertising costs to publish the Order.
5. The capital costs to install fencing, drinking fountains with bowls, dog waste bag dispensers and bins are budgeted for in existing recurrent capital budgets. Any additional future capital or labour expenditure will be subject to Council's annual budget planning process.

### Conflict of interest

6. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

### Health and Safety

7. In developing this proposal, the health and safety issues or opportunities considered include:
  - 7.1. Improved controls requiring dogs to be on leash on shared paths and gathering spaces including picnic areas, and within the hours of 8am and 6pm in high-use areas.
  - 7.2. Having more dog off leash spaces will have a positive effect on the physical and mental health and wellbeing of the wider community. More people using parks improves overall safety through passive surveillance and greater incidence of social interaction.
  - 7.3. More dogs off leash and more dogs interacting with each other may result in an increase in incidents of dog attack. In almost all dog attacks, the owner of the attacking dog is with the dog at the time of the attack, showing that these attacks could have been prevented if the dog was under effective control. Effective communication and enforcement of the Order is necessary to support community safety and wellbeing.

### Stakeholder consultation

8. Two rounds of community engagement were undertaken in 2021 to inform the proposed Order and management of dogs in parks.
9. Round one was designed to aid Council's continued review of current designated dog off leash areas and to assess community sentiment and priority in adding to these areas. The goal was to provide opportunities for all park users, not just dog owners, to engage in shaping future dog off leash facilities in the municipality. The engagement opportunity was promoted through signs in parks, social media posts and to subscribers to the Participate Melbourne project page.

10. Between 24 March and 1 May 2021, approximately 1,300 people participated in the following activities: in-person intercept surveys (120 people), an online survey on Participate Melbourne (1,010 people), conversations at pop up tents in parks (approximately 150 people across four sites) and online focus groups (11 people). Most of the people engaged were dog owners, although interviewers at face-to-face engagements attempted to balance this through sampling choices. Approximately 15 per cent of online participants were not dog owners, and 24 per cent of face-to-face participants were not dog owners.
11. Key findings were that there is strong support for more dog off leash spaces, and that timed access should be considered for some off leash areas. There was also support for fenced areas to provide protection from traffic. The following parks were preferred for new off leash areas: Ron Barassi Senior Park, Customs Square, Canning and Macaulay Road Reserve (small dogs only), Riverside Park, Point Park, Eades Park, Wellington Park and Murchison Square.
12. Round two followed the development of off leash proposals for specific parks and was designed to reach residents and park users who may not have engaged with round one and who may be impacted by a change of use to their local park. The parks proposed for dog off leash use were Ron Barassi Senior Park, Canning and Macaulay Road Reserve, Manningham Reserve (Royal Park), Point Park, Riverside Park, Wellington Park, Eades Park and Murchison Square.
13. This opportunity was promoted through signs in the parks proposed for change and a mail-out to residences (occupiers) within 200 metres of each of these parks. The signs and letters directed people to a survey hosted on Participate Melbourne. The survey sought simple feedback on whether each specific park was supported or not supported for dog off leash activity, and what model of timed access was preferred, where applicable. There were 611 unique contributors to the survey. All proposals for new off leash areas were supported by the majority of recipients, and the preferred timed access model was for 6pm to 8am daily.
14. While support for all proposals was strong through both phases of engagement, round two did reveal some opposition to the proposal at Murchison Square. Murchison Square is proposed to be dog off leash between the hours of 6pm and 8am daily. The proposal received support from 82 per cent of survey respondents (495 people) in December 2021, and a petition of 135 signatures was received in 2018 from local residents supporting its use as an off leash space. However, a petition of 17 signatures was received opposing the proposal during round two engagement in December 2021. It is considered that there is strong, although not unanimous, local support for Murchison Square as a dog off leash space between 6pm and 8am daily, and strategic justification for its use as the only appropriate open space for off leash access in the gap area of the inner north of the municipality.
15. The Parks and Gardens Advisory Committee was engaged for insights on the matter of dogs in open space on two occasions, with a workshop in May 2019 to inform the identification of issues and opportunities, and as a separate focus group as part of round one engagement in April 2021.

### **Relation to Council policy**

16. The Order delivers on an action in the Domestic Animal Management Plan 2017-2021 to provide an additional dog off leash space in the municipality.
17. Planning for dog off leash areas has had regard to the general City of Melbourne Open Space Strategy 2012 principle of ensuring that everyone has easy access to open space that suits their needs. The guide for facilities provision in the Open Space Strategy does not recommend provision of dog off leash areas in Capital City, State, Local or Small Local open spaces, however four of the proposed new off leash areas – Eades Park, Kings Way and Moray Street Reserve, Murchison Square and Wellington Park – are in Local or Small Local open space. Each of these is proposed to use either fencing or timed access to minimise the impact of dogs off leash for other park users.

### **Environmental sustainability**

18. The proposal will not increase or decrease the consumption or generation of water, waste, energy and greenhouse gases.
19. The active management of uses in public open space seeks to distribute the environmental impacts of wear and tear on turf and park infrastructure across a greater area, minimising negative impacts.



## Proposed Municipal Order

The following text will be published as a notice in The Age and Victoria Government Gazette.

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The Melbourne City Council resolved at its meeting held on **28 June 2022** to make an Order pursuant to section 26(2) of the *Domestic Animals Act 1994*. This Order will take effect on **[date of publication]** and replaces the following Municipal Orders published by the Council in Victoria Government Gazette: G40, page 2344 on 7 October 2010; G38, page 2290 on 22 September 2016; G46, page 2460 on 16 November 2017; and G46, page 2461 on 16 November 2017.

### 1. Dogs on leash

Subject to paragraph 2 below, the Owner of any dog must keep the dog under effective control by means of a chain, cord or leash not exceeding 3 metres held by the Owner and attached to the dog while the dog is in a Reserve or any Public Place in the municipality, except where otherwise identified by signs and the City of Melbourne website as being a Designated Reserve, and only during the permitted times in those Designated Reserves identified for Timed Access.

A dog may be exercised off a chain, cord or leash in a Designated Reserve and during the Timed Access period (if applicable) provided the Owner:

- Carries a chain, cord or leash not exceeding 3 metres in length, sufficient to bring the dog under effective control if the dog behaves in a manner which threatens any person or animal;
- Remains 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 not exceeding 3 metres in length if that becomes necessary; and
- Does not allow the dog to worry or threaten any person or animal, and does not allow the dog to attack any person or animal.

If a dog is off a chain, cord or leash, it must be brought under effective control by means of a chain, cord or leash not exceeding 3 metres in length if the dog is on or within 5 metres of a shared path (designated and identified for use by both pedestrians and bike riders).

If a dog is off a chain, cord or leash, it must be brought under effective control by means of a chain, cord or leash not exceeding 3 metres in length if the dog is within 20 metres of:

- a children's play equipment area or outdoor fitness equipment area
- a permanent barbecue or picnic area
- a sports field or recreation facility during organised sporting activity (including training)
- the principal location of an organised public event or meeting
- a river, creek or waterbody.

## 2. Dogs prohibited

Dogs are prohibited from entering or remaining in a Prohibited Area at any time of the day.

## 3. Definitions

**'Designated Reserve'** means the whole or part of a reserve designated by signage and on the City of Melbourne website as being available for the unleashing of dogs at the time(s) signposted. The following reserves have designated dog off leash areas:

- Clayton Reserve, North Melbourne
- Eades Park, West Melbourne
- Fawkner Park, South Yarra
- Goschs Paddock, Melbourne (managed by Melbourne Olympic Parks Trust)
- JJ Holland Park, Kensington
- Kings Way and Moray Street Reserve, Southbank
- Murchison Square, Carlton (Timed Access)
- North Melbourne Recreation Reserve, North Melbourne
- Point Park, Docklands (Timed Access)
- Princes Park, Carlton North
- Riverside Park, Kensington (Timed Access)
- Ron Barassi Senior Park, Docklands
- Royal Park, Parkville
- Stawell Street Reserve, West Melbourne
- Wellington Park, East Melbourne (Timed Access)
- Yarra Park, East Melbourne (managed by MCG Trust).

**'Owner'** has the same meaning as in the *Domestic Animals Act 1994*.

**'Prohibited Area'** means those parts of the following Reserves as designated by signs and shown on maps on the City of Melbourne website:

- Fawkner Park, South Yarra
- JJ Holland Park, Kensington
- Royal Park, Parkville.

**'Public Place'** has the same meaning as in the *Summary Offences Act 1966*.

**'Reserve'** means any park, garden, square or reserve within the municipality.

**'Timed Access'** means between the hours of 6pm and 8am every day.



## Proposed new dog off leash areas

The following maps will be added to the City of Melbourne '[Walking your dog](#)<sup>1</sup>' page and will inform the design of new park signage, with further minor editorial changes prior to publication as required to ensure consistency of mapping across all off leash areas.

### 1.1 Eades Park, West Melbourne

Proposed to be fully fenced. Secure temporary fencing in year 1 then permanent fencing subject to budget in year 2.

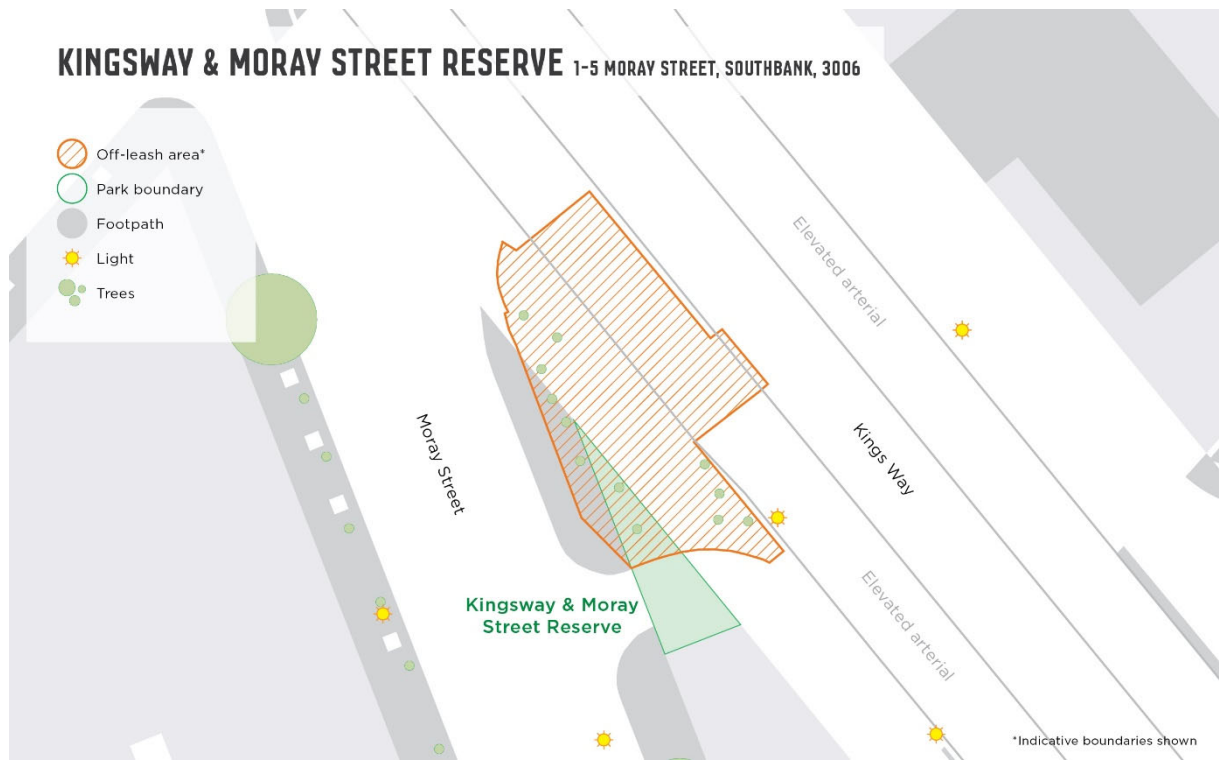


<sup>1</sup> <https://www.melbourne.vic.gov.au/residents/pets/pages/walking-your-dog.aspx#offleash>



## 1.2 Kings Way and Moray Street Reserve, Southbank

Existing fully fenced dog park completed in 2022.



## 1.3 Murchison Square, Carlton

Timed access, no fencing proposed.



### 1.4 Point Park, Docklands

Timed access, no fencing proposed.



### 1.5 Riverside Park, Kensington

Timed access, no fencing proposed.



## 1.6 Ron Barassi Senior Park, Docklands

No additional fencing proposed, for off leash use only outside of organised sporting activity.



## 1.7 Royal Park (Manningham Reserve), Parkville

No additional fencing proposed, for off leash use only outside of organised sporting activity.





## 1.8 Wellington Park, East Melbourne

Timed access, no fencing proposed.



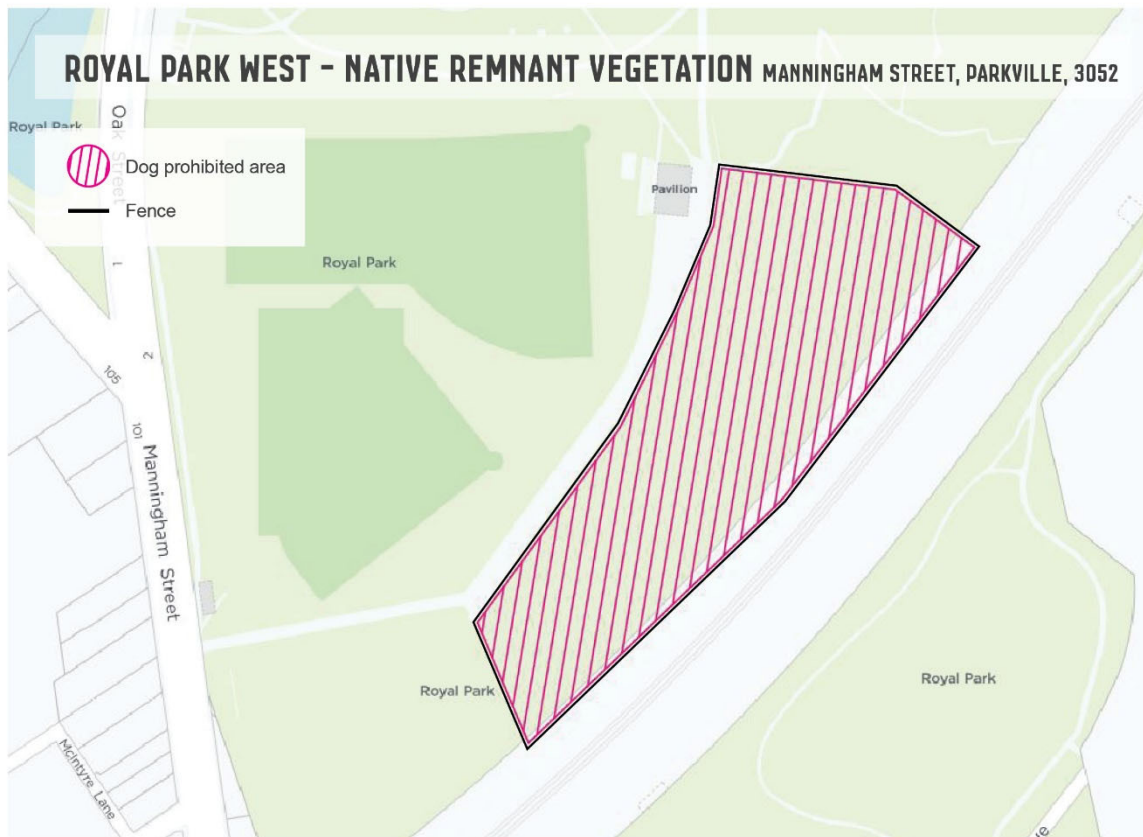


## Proposed new dog prohibited area

The following map will be added to the City of Melbourne [‘Walking your dog’](#)<sup>1</sup> page and will inform the design of new park signage, with further minor editorial changes prior to publication as required to ensure consistency of mapping across all off leash areas.

### 1.1 Royal Park West native remnant vegetation area, Parkville

Existing fenced area.



<sup>1</sup> <https://www.melbourne.vic.gov.au/residents/pets/pages/walking-your-dog.aspx#offleash>