

7 Presentation of officer reports

7.8 Recreation Hall Reserve - Proposed Installation of Gates

Abstract

The purpose of this report is to inform Council of Councillor interest to install gates at the two entrances to Recreation Hall Reserve in Wellington Street, Kew. This report brings the request to install gates to Council for consideration.

Recreation Hall Reserve has been a designated off-leash reserve since it was Gazetted on 15 March 2018. The designation responded to community interest for the Reserve to become off-leash with perimeter fencing.

Whilst Council resolved to designate the reserve as an off-leash reserve at its meeting on 26 February 2018, the requests for fencing and gates at the time were not supported. This infrastructure was considered unwarranted given the unfenced status of existing off-leash reserves throughout the municipality. Another consideration was the work being undertaken by Council officers to identify a potential site for the development of a dedicated, fenced dog park. There was also concern the installation of gates and perimeter fencing could potentially attract an increased number of dogs, thereby intensifying the use and resulting in impacts on amenity and noise for adjoining residential properties.

Beyond this, there is a legislative requirement for dog owners to ensure their dogs are kept under 'effective control,' at all times. This means dog owners are required to keep their dog in close proximity and under direct influence and able to immediately respond to voice command.

Officer's maintain the view the installation of gates at the reserve is unnecessary for the above stated reasons and therefore the request to install gates is not supported.

Officers' recommendation

That Council resolve to not install gates at the two entrances to Recreation Hall Reserve along the Wellington Street, Kew frontage.

**Responsible director: Shiran Wickramasinghe
City Planning**

1. Purpose

The purpose of this report is to inform Council of Councillor interest to install gates at the two entrances to Recreation Hall Reserve in Wellington Street, Kew. This report brings the request to install gates to Council for consideration.

2. Policy implications and relevance to community plan and council plan

Dog 'off-leash' reserves are designated with particular controls in Council's Order In Council No.1 (the 'Order') made under Section 26 of the *Domestic Animals Act* 1994. The current provisions of the Order require dogs to be leashed in all public places except for designated 'off-leash' reserves.

The *Boroondara Open Space Strategy* 2013 is relevant to the Policy context in respect to the use of Recreation Hall Reserve as open space. The Strategy classifies the reserve as a 'local' open space, meaning it's main function is to serve the surrounding residential areas, generally within a 300 metre radius of the open space.

The management of this reserve in respect to it's use by dogs relates to the following strategic objective in the *Boroondara Community Plan* 2017-2027:

Strategic Objective 2: Inviting and well-utilised community parks and green spaces.

- Strategy 2.5: Increase and improve public amenities and facilities in open spaces to enhance functionality for a wider range of uses.

Other relevant strategic documents include the *Domestic Animal Management Plan* 2017-2021 and Council's *Amenity Local Law* 2019.

3. Background

Recreation Hall Reserve is a relatively small reserve of approximately 2500 square metres in area, comprising an open grassed area with some perimeter vegetation and park benches as shown in Figure 1 below. While there is some fencing along the frontage of the reserve, it is currently only partially fenced. An asphalt walkway runs along the eastern boundary providing pedestrian access from Wellington Street to Valentine Avenue. The Reserve immediately adjoins residential properties along three of its four borders.



Figure 1: Site map showing context of Recreation Hall Reserve in Kew

Council received a petition in November 2016 containing 171 signatures, including some veterinarians, in support of designating the reserve as an 'off-leash' reserve and a request to fence the perimeter of the reserve.

At a meeting of Council on 26 February 2018, it was resolved to designate Recreation Hall Reserve as a designated 'off-leash' reserve. Council's Order made under the *Domestic Animals Act* 1994 designates specific reserves as dog 'off-leash' areas.

Fencing was considered unwarranted given the unfenced status of existing off-leash reserves throughout the municipality. Another consideration was the work being undertaken by Council officers to identify potential sites for the development of a dedicated, fenced 'off-leash' dog park. There was also concern the installation of perimeter fencing could potentially attract an increased number of dogs, thereby intensifying the use. This may in turn result in impacts on amenity and noise levels for adjoining residential properties. Beyond this, there is a legislative requirement for dog owners to ensure their dogs are kept under 'effective control,' at all times. This means dog owners are required to keep their dog in close proximity and under direct influence and able to immediately respond to voice command.

An assessment of the Reserve to be successfully utilised as a dog park was also undertaken, at the time (July 2017), by an Applied Animal Behaviourist, identifying the need for a range of works to bring it in line with other dedicated dog parks, including but not limited to; secure fencing, landscaping, signage, activity zones, waste disposal bins, and the provision of shade and water (for people and dogs).

Parallel to this work has been the ongoing progress towards the development of a fenced dog play area (FDPA), with a report providing an update on the assessment process, presented to Council on 9 December 2019.

4. Outline of key issues/options

This report considers the implications of constructing gates at the two entrances along the Wellington Street frontage.

The issues of gates and perimeter fencing at the reserve have been addressed in a previous report to Council on 27 November 2018 at the time the reserve was being considered for designation as an 'off-leash' reserve. Council made the decision not to fully enclose the reserve and this was based on consideration of:

- The small size of the reserve;
- The potential amenity impacts which may result from increased use of the reserve;
- The site having been identified as unsuitable for successful utility as a dog park in its current form;
- The work being undertaken to identify a suitable site for a dedicated, fenced dog park or play area;
- The unfenced status of existing off-leash reserves; and
- The legislative requirement for dog owners to ensure their dogs are kept 'under effective control,' at all times.

Officers maintain the view gates and fencing at the reserve are unwarranted. None of the existing dog 'off-leash' reserves are fenced. In addition, under Council's Order, dog owners are required to maintain 'effective control' of their dogs (at all times) and therefore hold responsibility for ensuring their dog(s) both remain within the boundaries of the reserve and do not present a risk to any other users of the reserve.

At current use levels, the small site is reasonably well suited as a dog 'off-leash' reserve. However, should moderate to considerable increase in use occur, it would likely impact local amenity beyond acceptable levels due to the close proximity of adjoining residential properties to the reserve and the lack of available parking.

In addition, there is the potential risk that by installing gates, the reserve may result in limited access to the park by other park users, meaning potentially less access to public open space for everyone. This would be in direct opposition to the objectives of the *Boroondara Open Space Strategy 2013*.

Officers do not support the installation of gates at the reserve. It is nonetheless open to Councillors to support the installation of gates along the Wellington Street frontage.

5. Consultation/communication

Internal consultation in the development of this report has occurred with the Environment and Sustainable Living Department and the Parks and Infrastructure Department. In addition, Council's Animal Management Team was consulted.

6. Financial and resource implications

Should Councillors decide to support the installation of two gates along the Wellington Street frontage, there would be financial and resource implications in relation to these works. A cost estimate is being prepared.

7. Governance issues

The officers responsible for this report have no direct or indirect interests requiring disclosure.

No issues emerge from this matter in respect to the Human Rights Charter.

8. Social and environmental issues

The installation of gates at Recreation Hall Reserve may create a safe and secure open space for local dog owners to exercise their dogs, with the associated social and health benefits. However, dog off-leash reserves are generally not gated or fenced. In addition, with the installation of gates at the reserve, there is the potential for the site to attract increased use by dog owners which could result in less access to open space by other users. Further impacts could include the potential for an intensification of amenity and noise impacts through increased use of the site. These impacts may be disproportionately experienced by residential properties adjoining the site.

9. Conclusion

The report discusses a request to install gates at Recreation Hall Reserve in Kew. The potential impacts associated with the installation have been considered. Officers maintain the position that provision of gates at the reserve is not necessary for a dog off-leash reserve. There are no other existing off-leash areas that are gated or fenced and dog owners have a responsibility to ensure their dogs are kept under effective control at all times. In addition, installation of gates at the reserve could mean an intensification of amenity and noise impacts on adjoining residential properties through increased use of the site.

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