# 7.2 Victoria Park Proposal to Removal Gates

# **Abstract**

The purpose of this report is to inform Councillors of issues currently experienced at Victoria Park, Kew impacting two particular stakeholder groups, dog owners and sporting clubs, and to seek approval to undertake a public consultation in February 2022 to remove the gates on the North Oval.

Victoria Park, Kew is a sporting reserve consisting of two ovals (North and South) and three playgrounds. The park is utilised by multiple stakeholders including sporting clubs, the Kew Tennis Clubs, Kew Croquet Club, local residents and visitors. Victoria Park has been designated a dog off-leash park for over 14 years.

Victoria Park is a shared space including being designated dog off-leash. The sporting clubs via a licence agreement have, however, exclusive use of both ovals during scheduled training and matches.

Approximately five years ago, gates were installed on the North Oval (only) resulting in it becoming the only fully enclosed sporting facility in the municipality. The North Oval is not a designated fenced dog play area. Since the installation of the gates, tensions have escalated between some of the sporting club members and dog owners with the clubs regularly reporting their concerns including dog owners increasingly not leaving the ground when organised sport or training commenced, damage to the playing surface and equipment and having to continually pick up dog faeces. During the COVID-19 pandemic lockdowns, these tensions have further escalated.

The installation of the gates on the North Oval contributed to the tension as they provided a means for dog owners to leave their dogs unsupervised even when on the oval and regularly, left unattended.

A lack of acknowledgement from some dog owners of the sporting clubs' exclusive use during specific periods combined with a lack of adequate signage, limited education and unsatisfactory pet ownership practices, resulted in increased tension between the sporting club members and dog owners.

In February 2021 when organised sport recommenced, the Sport and Recreation Department supplied the clubs with metal A-frame signs for their use, advising 'sporting events are in progress please keep your dog away for everyone's safety' and 'please pick up after their dog and maintain effective control' (**Attachment 3**). New temporary and existing permanent signs were also installed (**Attachments 4 and 5**).

In May 2021 and July 2021, patrols were increased at Victoria Park where officers engaged with dog owners advising them of the arrangements of the shared use. In the latter patrols, targeted information on responsible pet ownership was also handed out to dog owners (**Attachment 6**).

Initial success was achieved, with dog owners readily complying and indicating their awareness of the signs and an understanding of the need to leave the North Oval during scheduled training and on competition days.

Unfortunately, with continued and extended COVID-19 lockdowns, organised sport at Victoria Park was suspended and dog owners did not need to be mindful of the sporting clubs' use and enjoyed unrestrained access to the oval.

In July 2021, the president of the Kew Football Club submitted an online petition with 794 signatories to Council, seeking the removal of the gates which enclosed the North Oval at Victoria Park and a change to the designated status of the North Oval from dog off-leash to a dog on-leash (**Attachment 1**).

Multiple complaints have been received from the sporting clubs and dog owners alike regarding aggressive and inappropriate behaviour as well as damage caused by dogs to the turf and equipment.

Due to the issues raised by stakeholders and extensive observations by officers during regular visits, it is recommended the gates be removed from the oval. As there is public interest in this matter, it is recommended that public consultation is undertaken regarding the removal of the gates. It is not proposed to change the designation of the oval as dog off-leash, at this time. The recommended approach seeks to maintain a balance between the needs of the user groups.

# Officers' recommendation

That Council resolve to:

- 1. Undertake public consultation in February 2022 on the proposal to remove the gates on the North Oval at Victoria Park; and
- 2. Receive a further report at the Services Delegated Committee following the public consultation which outlines the results of the consultation and considers any impact on public safety or assets and recommends whether the gates should be removed.

### Responsible director: Scott Walker, Director Urban Living

### 1. Purpose

The purpose of this report is to inform Councillors of issues currently experienced at Victoria Park, Kew impacting two particular stakeholder groups, dog owners and sporting clubs, and to seek approval to undertake a public consultation to remove the gates on the North Oval.

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

There are multiple Council strategies, plans, Local Laws and a Council Order which are relevant for consideration in this matter. The key documents include:

# **Boroondara Community Plan 2021-2031**

Addresses the management of all reserves regarding their use, specifically Theme 2: Parks and Green Spaces and the Strategic objective 'Green and open spaces are provided, well-utilised and enhanced'.

### Boroondara Open Space Strategy 2013 - 2026

Addresses the use of Victoria Park as open space. Victoria Park is classified as a 'neighbourhood' open space, meaning its main function is to serve the surrounding residential areas, generally within a 500 metre radius of the open space.

# **Council Order No.1 Dog Control**

Dog 'off-leash' parks and reserves are designated by Council Order No.1 Dog Control (Order) made under Section 26 of the *Domestic Animals Act 1994*. The Order requires dogs to be on-leash in all public places except designated dog off-leash facilities and prescribes the obligations of dog owners when using these facilities.

All of Victoria Park (North and South Oval) is designated as dog off-leash. Community consultation will likely have occurred prior to designating Victoria Park as dog off-leash and records indicate this designation has been in place for over 14 years.

Amenity Local Law 2019 and the Victorian *Domestic Animals Act 1994*Prescribes obligations of dog owners including cleaning up after their dog and control their behaviour toward other dogs or people.

City of Boroondara Domestic Animal Management Plan 2017-2021 Details Council's strategic approach to the delivery of domestic animal management services including meeting its legislative obligations.

### **Boroondara Sport and Recreation Strategy**

Provides a roadmap for the further development of sport and recreation to enable more people to be active within the municipality. It was developed to identify sport and recreation trends and challenges impacting the Boroondara community. It provides direction and allows Council and other stakeholders to respond appropriately to the changing needs and expectations of our community.

### Section 6.3.1 Sports Ground Usage

Highlights the challenge for Council to meet community expectations by providing access to sports grounds for the diversity of structured and unstructured activities while achieving a balance with biodiversity values, cultural heritage and neighbourhood character.

#### Victoria Park Master Plan 2007

Victoria Park is subject to a master plan adopted in 2007, the plan acknowledged a proven demand for formal sport for the North and South Ovals and passive informal activities as identified in the results of the Visitor Use Questionnaire. It was shown walking, running, walking the dog and use of existing playgrounds, were the four most popular park activities while not being used during scheduled sports activity.

# 3. Background

Victoria Park is a sporting reserve located at 490 High Street, Kew. It consists of two sporting ovals (North and South) each with an adjacent pavilion utilised by multiple sporting clubs including the Kew Cricket Club, Kew Football Club and Kew Junior Football Club. The Kew Tennis Club and Kew Croquet Club are also located at Victoria Park but have separate facilities to those adjacent to the two sporting ovals as shown in Figure 1.



Figure 1 Victoria Park, Kew

In accordance with Council's Dog Control Order no. 1, Victoria Park is a designated dog off-leash reserve and has been for over 14 years.

Boroondara is host to fifty-six sports grounds across the municipality of which thirty-nine are designated dog off-leash. Victoria Park is the only dog off-leash sporting oval in the municipality which is fully enclosed by the use of gates.

#### **Stakeholders**

Multiple stakeholders share the facilities at Victoria Park including sporting clubs, dog owners, local residents and visitors.

### Dog Owners

The Order prescribes enforceable obligations of dog owners regarding their responsibility to maintain control of their dog/s through the use of a leash, voice or hand commands.

While off-leash, dogs must not worry or threaten any person or dog and if they do so, they must be brought under effective control (i.e. put on a leash). This requires the dog owner to be close enough to control their dog either by voice or hand and if required, be in a position or close enough to put their dog under effective control. In addition, a dog must be under effective control (on a leash) if it is within 30 meters of:

- the principal location of an organised sporting event (including training or matches)
- the principal location of an organised public meeting; or
- a permanent barbeque or picnic area when in use.

When a sporting club commences its scheduled training or a match, dog owners MUST therefore place their dog on a leash AND leave the sporting ground. The entire oval is reserved for the use of the sporting clubs during the published times. This applies to club members who also happen to be dog owners and bring their dogs to the oval.

### **Sporting Clubs**

Sporting clubs have exclusive use of the ovals during prescribed times for training and matches during winter (from 1 April to 30 September) and summer (from 1 October to 31 March) each year. The following clubs have the allocated periods of use:

- Kew Football Club (winter)
- Kew Junior Football Club (winter)
- Kew Auskick (winter)
- Hawthorn Aquatic Running Group (summer/winter)
- Kew Cricket Club (summer)
- Vic Cricket (summer).

### Installation of gates

The South Oval is surrounded by a chain mesh fence with several openings allowing people to easily enter or exit the oval.

The North Oval is also surrounded by a chain mesh fence however, unlike the South Oval, the openings have been filled with the installation of gates thereby, fully enclosing the oval.

An investigation has revealed while the gates on the North Oval were installed by Council approximately 5-6 years ago, no evidence of stakeholder consultation was found.

In addition, it has been reported two of the five gates were at some stage removed by an unknown third party. As this resulted in increased tension between a number of park users, Council reinstated the gates until a final decision can be reached.

# **Use of North Oval by dog owners**

Since the installation of gates, the North Oval has operated as a fully enclosed dog off-leash facility, with many dog owners observed leaving their dog unsupervised. Dog owners have been observed being distracted by conversation, their phone or, sitting up the hill with limited line of sight of their dog. Some dog owners have also been observed leaving Victoria Park to visit the local café while their dog remains unattended and unsupervised on the enclosed North Oval.

Since the installation of the gates, guards on the bottom edge of the gate frames have also been installed. This has allowed dogs to be completely contained resulting in some dog owners believing they do not need to supervise and maintain control of their dogs in the same way they would need to if they were utilising the South Oval or other neighbouring dog off-leash facilities.

#### **Petition**

On 6 July 2021, Council received an email from the President of the Kew Football Club advising the outcome of an online petition set up by the Club and several other stakeholders, including the Kew Comets Junior Football Club, Kew Auskick and Kew Cricket Club regarding the use of Victoria Park North Oval (Attachment 1).

The online petition was posted at <a href="https://www.change.org/p/boroondara-city-council-safe-shared-dog-space-at-victoria-park-north-oval-kew">https://www.change.org/p/boroondara-city-council-safe-shared-dog-space-at-victoria-park-north-oval-kew</a> and sought support for:

- the removal of the enclosed gates on the North Oval at Victoria Park; and
- a change to the designated status of the North Oval at Victoria Park from dog off-leash to a dog on-leash oval (**Attachment 2**).

The petition was noted at the Council meeting on 26 July 2021.

It is important to note the petition refers to a change of designation from dog off-leash to dog on-leash for the North Oval only. Subsequent contact with the president of the football club confirmed the petition sought both ovals to be changed to dog on-leash.

#### **Education undertaken**

In early 2021, when organised sport recommenced the Sport and Recreation Department supplied the clubs with metal A-frame signs for their use advising 'sporting events are in progress please keep your dog away for everyone's safety' and 'please pick up after their dog and maintain effective control' (Attachment 3). New temporary and permanent signs were also installed (Attachments 4 and 5).

In May 2021 and July 2021, patrols were increased at Victoria Park where officers engaged with dog owners, advising them of the arrangements of the shared use. In the latter patrols, targeted information on responsible pet ownership was handed out to dog owners.

Initial success was achieved, with dog owners readily complying and indicating their awareness of the signs and an understanding of the need to leave the North Oval during scheduled training and on competition days. Unfortunately, with continued and extended lockdowns, organised sport at Victoria Park suspended and dog owners no longer needed to be mindful of the sporting clubs use and enjoyed unrestrained use of the park.

# 4. Outline of key issues/options

Tensions between dog owners and the sporting clubs at Victoria Park have grown steadily since the installation of the gates several years ago and have escalated further since the COVID-19 pandemic lockdowns.

Organised sport suspended at Victoria Park from mid-March 2020 to November 2020 due to lockdown restrictions and has only recently returned on a regular, ongoing basis. During the periods of lockdown, dog owners have had exclusive unrestrained use of the two ovals and have not been challenged on the manner and timing of that use.

On the brief return of organised sport earlier this year before the final lockdown, the sporting clubs reported dog owners were less and some, unwilling to cooperate and leave the ovals on the commencement of organised training and matches. It was alleged dog owners were not paying attention to their dogs, resulting in them interfering with cricket and football training drills and often placing themselves at risk when, for example, cricketers are hitting cricket balls on the oval.

Issues have persisted between dog owners, the general community and sporting clubs including:

- dog faeces not being picked up
- dog owners not leaving the oval with their dog when an organised event commences
- dogs bothering players when training
- unsupervised dogs damaging club equipment, personal belongings and digging holes in the turf
- dogs attacking or interfering with other park visitors

With the North Oval remaining fully enclosed for an extended period, the situation has evolved so that many dog owners when using the oval rely only on the gates to control their dog. The removal of the gates without a period of notification or consultation may not be in the best interest of all stakeholders and may result in multiple complaints to Council. It is important to note, the proposed removal of gates will mean Victoria Park will become consistent with the rest of Council's sporting ovals which are dog off-leash facilities, yet not fully enclosed.

No change is recommended to the designation of Victoria Park from dog off-leash to dog on-leash. The facility has been designated dog off-leash for over 14 years without significant incident or complaint. Reports of issues between dog owners and the sporting clubs have grown since the installation of the gates and escalated in number and seriousness since COVID-19 lockdowns. The recommended approach seeks to maintain a balance between the needs of the user groups.

### Resources

Managing enforcement under the current situation is not sustainable long term. It currently requires the daily physical presence of officers, taking them away from other essential duties.

#### COVID-19

Since the beginning of the COVID-19 pandemic, sporting clubs have not been able to participate in organised sport on a regular basis. With sporting clubs unable to gather in large groups, dog owners have had exclusive use of both the North and South Ovals for extended periods without the need to accommodate the use of the sporting clubs.

In the brief periods between lockdowns and allowable gathering in open space, sporting clubs briefly resumed organised training and matches resulting in issues between the sporting clubs and dog owners. Complaints have been received of dog owners not leaving the ovals on the commencement of training and matches, and dog faeces on the ovals, in addition to allegations of damage to equipment and turf.

Similarly, feedback from some dog owners has been that sporting club members have presented hastily towards them and their dogs when in their view it is not always clear a scheduled event was in progress, nor that this is a requirement of the shared facility.

#### Stakeholder Behaviour

There have been many examples and incidents reported of poor and inappropriate behaviour noted by both dog owners and club members/officials toward each other. In the course of undertaking their duties, Council turf maintenance staff have also been confronted by dog owners who failed to restrain their dogs or leave the oval when works are in progress, and equally, to remove dogs and clean up faeces from the grounds.

As a result of multiple complaints received, Council undertook a compliance and enforcement program at Victoria Park. Daily patrols were conducted prior to the commencement of training to ensure dogs and their owners were not on the oval during scheduled events and training which included a targeted education program for dog owners. The training schedule was obtained from the Kew Football clubs and this was used to inform dog owners of their obligations to leave the ground during these times. With the assistance of the club and dog owners, the aim was to achieve a change in behaviour allowing for considerate use.

Officers initially observed dog owners responding positively to removing their dogs from the oval when training commenced. Recent observations, however, indicated some dog owners chose not to leave the North Oval, despite it being clear training was commencing. Council officers approached owners and asked them to leave. To date, Council has not needed to issue any infringements as compliance was achieved, however, this is a considerable resource constraint on Council and not sustainable.

The football club was asked to assist by putting out A-frame signs as part of their set up (**Attachment 3**). It was observed this was not supported by the football club, with signs being placed out only on occasions and at locations not readily seen by dog owners. As such this expectation on the sporting clubs is not reliable as it does not provide a consistent solution.

#### 5. Consultation/communication

Internal consultation has been undertaken with:

- Sport and Recreation
- Turf Management
- Customer Communications
- Parks
- Civic Services.

At the beginning of 2021, the Sport and Recreation team developed and implemented a communication plan focused on dog owner behaviour, including:

- supplying metal A-frame signage for the use of the clubs
- 'Responsible Pet Ownership' A4 sign (temporary) attached to each gate (**Attachment 4**)
- Installation of Council (permanent) 'Clean up after your dog' sign (**Attachment** 5).

In May 2021, officers increased patrols and communication with dog owners at Victoria Park and handed out Council's 'Responsible Pet Ownership' pamphlets.

In July 2021, officers conducted a focus compliance and enforcement program including handing out targeted 'Responsible Pet Ownership' pamphlets (**Attachment 6**), a review of all permanent and temporary signage and issuing spot warnings.

Subject to Councillor Decision on the proposal to undertake a public consultation to remove the gates on the North Oval, a 28 day consultation period commencing in late January and throughout February 2022 would proceed seeking community feedback from all park users.

This would include:

- a letterbox drop within a 500 metre radius of Victoria Park
- a dedicated Engage Boroondara Council website page
- posters displayed in North and South Oval pavilions
- corflute signage displayed at Victoria Park.

## 6. Financial and resource implications

Anticipated financial implications will be absorbed within existing operational budgets including:

- funding for letterbox drops and printing
- gate removal (subject to the outcome of the consultation and Council resolution)
- supply and installation of approved permanent signs.

### 7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

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

#### 8. Social and environmental issues

This report considers a range of social issues including:

- impact on the sporting clubs/user groups
- impact on dog owners and their dogs
- Impact on other individuals or groups accessing the park.

Following community consultation, these issues will be considered in making a recommendation to Council.

#### 9. Conclusion

Victoria Park has been designated a dog off-leash park for over 14 years. Approximately five years ago, gates were installed on the North Oval without community consultation resulting in it becoming the only fully enclosed oval in the municipality.

Due to the COVID-19 pandemic lockdowns, sporting clubs have largely been unable to participate in organised sport, resulting in dog owners having near-exclusive use of both the North and South Ovals for extended periods without the need to accommodate the use of the sporting clubs. With the intermittent return of sport, tensions have increased when both dog owners and sporting club members are at Victoria Park.

In the best interest of the community, it is proposed to undertake public consultation with regard to the removal of the gates, which will bring Victoria Park in line all sporting ovals which are dog off-leash ovals in Boroondara. No change to the designation of Victoria Park as a dog off-leash facility is proposed. The recommended approach seeks to maintain a balance between the needs of the user groups.

Manager: Paul Mitchelmore, Manager Civic Services

**Report officer:** Dianne Yans, Strategy and Projects Officer

From: Michael Cochrane [mailto:mcochrane@khq.com.au]

Sent: Tuesday, 6 July 2021 11:56 AM

To: Boroondara < boroondara@boroondara.vic.gov.au >

Cc: Nick Stavrou <a href="https://www.nic.gov.au">Nick.Stavrou@boroondara.vic.gov.au</a>; Phillip Storer <a href="https://www.nic.gov.au">Phillip Storer@boroondara.vic.gov.au</a>; Andrew McHugh <a href="https://www.nic.gov.au">Andrew.McHugh@boroondara.vic.gov.au</a>; Domenico Rotella <a href="https://www.nic.gov.au">domenico Rotella <a href="ht

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<br/><bensmith53@gmail.com>; Phil Woodhouse <<br/>PhilW@hmadvisors.com.au><br/>Subject: Safe shared dog space on Sporting ovals at Victoria Park Kew

Importance: High

Dear Boroondara City Council

I write to you on behalf of the Tenant Clubs at Victoria Park, Kew – being the Kew Football Club, the Kew Comets Junior Football Club and the Kew Cricket Club. The 3 Club presidents and their Club secretaries are all copied into this correspondence.

We have also copied in Cr Stavrou who the clubs have already briefed on this situation in person on site at Victoria Park.

As outlined in our Joint letter to Mr Storer back in October 2020 (copy **attached** for background), we continue to hold serious concerns regarding the untenable dog situation on the Sporting ovals at Victoria Park, Kew – particularly the North Sporting Oval at Victoria Park.

We genuinely appreciate all of the support from Council officers over the last several months in attempting to deal with these issues. Despite their assistance and the Clubs working closely with Council officers, if anything the situation has now worsened particularly on the North Sporting Oval. Over several months, the Clubs have provided Council officers with numerous examples of incidents and a volume/log of evidence in support of this.

Unfortunately, we understand that the lockable gates around the North Sporting Oval were installed without following any proper process or any consultation with the Tenant clubs. Victoria Park is therefore the <u>only</u> off leash sportsground in the entire City of Boroondara that is fully enclosed in that manner.

All of this has led to numerous incidents of dogs jumping up on players, volunteers and young children during training and match day times, not to mention the daily conflict issues that the clubs and community volunteers are faced with when dog owners are wanting to engage with club volunteers, simply refuse to control their dogs and/or refuse to leave the sports oval during tenanted times. Volunteers also spend several hours behind the scenes each week picking up dog poo, placing covers on to protect the surface from off leash dogs (and then cleaning any dog poo and urine off them), and repairing the ground surfaces from dog damage/holes etc. so it simply remains safe for sporting participants to play on and train (not to mention the wider local community, families and children who may simply wish to use the sportsground for sporting activities).

To that end, the Kew Football Club, Kew Comets Junior Football Club and the Kew Cricket Club have started an online petition which provide some further background/context on this situation: <a href="https://www.change.org/p/boroondara-city-council-safe-shared-dog-space-at-victoria-park-north-oval-kew?redirect=false">https://www.change.org/p/boroondara-city-council-safe-shared-dog-space-at-victoria-park-north-oval-kew?redirect=false</a>.

We have **attached** our petition signatures and comments to date, the rate at which we've already exceeded **772 signatures** showing the extent of the support for our position. The attached comments are equally powerful.

As an interim measure, it is clear that removal of the lockable gates on the North Sporting Oval will serve to increase control by a minority of dog owners who continue to (mis)treat the sportsground like a dedicated dog park without concern for its other users and the wider community.

Accordingly, we respectfully submit that the removal of the lockable gates on the North Sporting Oval should be undertaken by Council as a matter of priority (a return to the status quo, parity with every other sportsground in Boroondara).

Further, we also respectfully seek to engage in a community consultation process as soon as possible to update the status of the ovals at Victoria Park to dog on leash Sporting ovals, noting importantly that the entire Victoria Park precinct is over 7 hectares, all designated 'dog off leash'. The ovals comprise only a small fraction of that dog-friendly space.

The above changes will help in achieving a safer and more controlled shared space for community sport and dog owners (and their dogs) alike.

The tenant clubs look forward to your prompt reply and action. Thank you.

Please feel free to call or email with any questions.

Regards

Michael Cochrane Kew Football Club President



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## Safe shared dog space at Victoria Park North Oval, Kew



Kew Cricket Club, Kew Cornets Junior Football Club. Kew Auskick & Kew Football Club started this petition to Boroondara City Council and <u>6 others</u>

Victoria Park (High St, Kew) is an incredibly popular mixed use open precinct, comprising two football/cricket ovals, substantial open parkland, playground and outdoor community recreation facilities, and the Kew Croquet and Tennis Clubs.

Over 1200 community athletes call Victoria Park home - as young as 4 and as old as 64, female and male, cricketers and footballers. The North Oval is also the only publicly accessible sports ground (of any type) in the entire City of Boroondara that is dog off leash and fully enclosed (with gates and fences). Unfortunately, this situation has resulted in increasingly irresponsible behaviour from a small minority of dog owners, causing frequent safety and hygiene issues for community sport volunteers and the majority of dog owners doing the right thing.

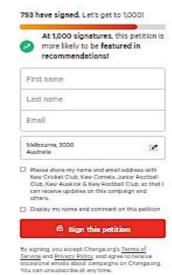
Off leash dogs are unfortunately creating unsafe situations for players, children and officials, other dogs, and dog walkers on the oval. Irresponsible owners are not taking control, not cleaning up after their dogs, and creating conflict situations.

The entire Victoria Park precinct is over 7 hectares, all desginated 'dog off leash'. The ovals comprise only a small fraction of that dog-friendly space.

The tenant clubs (Kew Football Club, Kew Cricket Club, Kew Comets Junior Football Club and Kew Auskick) and their community volunteers, members, participants and families at Victoria Park in Kew are therefore seeking to:

- Remove the enclosed gates on the North Oval at Victoria Park;
   and
- Update the status of the North Oval at Victoria Park to a dog on leash oval.

The above changes will help in achieving a safer and more controlled shared space for community sport and dog owners (and their dogs) alike on the North Oval at Victoria Park. Thanks for your support!









Council Meeting Agenda 29/11/2021

