3.2 Victoria Park proposal whether to remove gates on the fence at the North Oval

Executive Summary

Purpose

The purpose of this report is to present a summary of the feedback and an assessment of the key findings identified from the community consultation on whether to remove the gates from the fence on the North Oval at Victoria Park, Kew. The Report also assesses several other considerations relevant to Victoria Park and its shared usage amongst the various community stakeholders. Following the community consultation and further assessment it is considered that the small, single gates should be removed from the fence on the North Oval.

Background

Victoria Park, Kew is a sporting reserve consisting of two ovals (North and South) with an accompanying pavilion on both ovals for competitive sport as well as being a shared space for passive exercise and dog-off lead use. The ovals are predominantly used for football (winter) and cricket (summer). Crucially the north oval has a turf wicket and turf wicket training facilities which is more susceptible to damage from dogs and attracts a more extensive turf maintenance regime. Victoria Park is also a community hub with three playgrounds including a facility at the northwest corner of the park being redeveloped into a new regional playground, multiple barbeque facilities and picnic shelters.

The park is utilised by multiple stakeholders such as sporting clubs including; Kew Football Club, Kew Cricket Club, Kew Junior Football Club, Kew Tennis Club, Victoria Park Tennis Club, Kew Croquet Club, Hawthorn Aquatic Running Group, local residents and visitors. The Kew Cricket and Football clubs have, via a licence agreement, exclusive use of both ovals for scheduled training and matches. This arrangement aligns with Council's other sporting grounds

Victoria Park, has been designated under Council's Order No.1 Control of Dogs (Order) for over 14 years, allowing dog owners to exercise their dogs off-lead. Victoria Park is not a designated fenced dog play area like the one recently opened at Gordon Barnard Reserve between the east oval and Boroondara Sports Complex.

Approximately five years ago, gates were installed on the North Oval (only) causing Victoria Park to become the only off-lead, fully enclosed sporting facility in the municipality.

Since the installation of the gates, tension grew between the sporting club members and some dog owners, with clubs reporting to Council ongoing concerns and issues such as damage to the playing surface, sports equipment and team member's personal items, dog owners not leaving the ground when organised sport or training commenced and continual presence of dog faeces.

During the COVID lockdowns, tensions escalated when organised sport recommenced after extended absences. Council conducted regular and sometimes daily patrols including a targeted program to educate dog owners of their responsibilities when exercising their dog off-lead and complying with the need to leave the oval when sport commenced. Improvement was noted however, issues have persisted. The community was invited to provide feedback to a consultation in February 2022 on whether the gates should be removed from the fence on the North Oval. In addition, several multiple-choice questions were included that sought to gain a better understanding from the community on how they use the North Oval. The response was high with a total of 697 submissions. A separate letter was also submitted from the tenant sporting clubs (Kew Cricket, Kew Football, Kew Comets Junior FC).

In response to the direct question of whether the respondent supports the proposal to remove the gates from the North Oval, 52.22% supported their removal and 47.78% did not support their removal.

The multiple-choice questions provided insight into to the type and extent of the shared use of the North Oval. These shared uses included to play team sport, exercise, socialise and walk and exercise a dog. Of the 404 respondents who answered the question as to how they travel to the North Oval, walking was indicated as the most likely way. The remaining 293 respondents, however, did not select an option.

The North Oval was shown to be an important location for dog owners to socialise as well as being able to exercise and mainly walk, with their dog. The result demonstrate also that dog owners access multiple other off-lead facilities with Hays Paddock, Gordon Barnard (fenced dog play park) and the Outer Linear Park being most poular.

Key Issues

- Victoria Park is not designated as a fenced (fully enclosed) dog play area like that at Gordon Barnard Reserve. Victoria Park, along with all other off-lead parks in the municipality, with guidance from an expert consultant and use of objective criteria, were assessed for their suitability for use as a fenced dog play area. The Boroondara Dog Park Site Assessment Report from 2018, indicates Victoria Park was never considered a suitable site for a fenced dog play area.
- The installation of gates on the fence at the North Oval was done without considering the impacts on the way the reserve would potentially be used. An opportunity was not afforded to all stakeholders using the North Oval to consider the suitability of such an installation and, to provide feedback. An assessment of the suitability of the North Oval as a fenced dog play area does not appear to have been undertaken.
- As a fully enclosed oval, the use of the North Oval by dog owners has evolved and in particular, during COVID lockdowns. The change in behaviour over time by dog owners is supported by Officer observations, community complaints and findings from the community consultation process where 697 submissions were received.
- The proposal from Officers is to remove the gates from the North Oval. The North Oval and all of Victoria Park will continue to provide dog owners the ability to exercise their dogs off-lead. The Order requires when dogs are off-lead, owners must maintain effective control of their dog at all times at Victoria Park and across the municipality. It is important to note these same obligations to maintain control of an off-lead dog, apply in the fenced dog play area at Gordon Barnard Reserve.

- Key Themes from community consultation:
 - a) Safety of dogs and children
 - b) Unsafe for my health and that of my children/ Lack of personal safety
 - c) Community connection
 - d) Dog training
 - e) Convenience
 - f) Limited other options
 - g) North Oval is a dog play area
 - h) Enjoyment and recreation for dogs and children
 - i) Loss of amenity
 - j) Lack of responsible dog ownership: control and supervision
 - k) Damage
- Further considerations by Officers:
 - The primary intended purpose of the area
 - o Availability of safe facilities both for on and off-lead use
 - o Animal management concerns and compliance
 - Impact on Amenity
 - Neighbouring facilities.

Next Steps

After Councillor consideration and adoption of the officer recommendation at the Services Delegated Committee Meeting on 11 April 2022, the small, single gates will be removed from the fence at the North Oval.

Officers' recommendation

That the Services Delegated Committee resolve to adopt the recommendation to remove the small, single gates from the fence at the North Oval at Victoria Park to provide a balanced offering as a shared space between multiple user groups.

Responsible director: Scott Walker, Director Urban Living

1. Purpose

The purpose of this report is to present a summary of the feedback and an assessment of the key findings identified from the community consultation on whether to remove the gates from the fence on the North Oval at Victoria Park, Kew. The Report also assesses several other considerations relevant to Victoria Park and its shared usage amongst the various community stakeholders. Following the community consultation and further assessment it is considered that the small, single gates should be removed from the fence 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, **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.

Boroondara Sport and Recreation Strategy 2016

Provides the 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 a scheduled sports activity.

Boroondara Open Space Strategy 2013

The Strategy aims to increase and improve public amenities and facilities in open spaces to enhance functionality for a wider range of uses.

Council Order No.1 Dog Control

Dog off-lead reserves are designated by Council Order No.1 Dog Control (Order) made under Section 26 of the Domestic Animals Act 1994. The Order allows for dog owners to exercise their dog at Victoria Park off-lead, however, this must be in accordance with prescribed obligations including the ability to maintain effective control of a dog by either voice, hand or lead.

Amenity Local Law 2019 and the Victorian Domestic Animals Act 1994

Additional enforceable obligations of dog owners are prescribed in each document including dog owners having to clean their dog's faeces and controlling their dog's 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 education and enhancement of responsible pet ownership across

3. Background

3.1 Victoria Park use and dog off-lead park statistics

Victoria Park is located at 490 High Street, Kew and consists of two sports ovals (North and South) with an accompanying pavilion supporting each oval, tennis facilities (Kew Tennis Club and Victoria Park Tennis Club), Kew Croquet Club, three existing children's playgrounds; one being replaced with a new regional playground and currently under construction at the North-West corner of the park. An aerial overview of Victoria Park North and South Oval is shown in Figure 1.

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.



Figure 1 - Approximate location of gates- Red stars locate the 7 small single gates and yellow stars locate double maintenance access gates

The City of Boroondara has 56 sports grounds located across the municipality of which 39 are designated for dog off-lead use by Boroondara residents and visitors. The North Oval at Victoria Park is, however, the only dog off-lead sports oval in the municipality which was fully enclosed by the installation of gates on the fence some five years ago.

The Victoria Park North Oval is the only sporting oval that is an off-lead park with perimeter fencing and gates. It consist of turf training wickets on the oval in addition to the turf centre wicket. It is one of two Boroondara dog off leash parks that have turf training wickets on the oval (the other being Ashburton Park). These wickets are used on Tuesdays and Thursdays by the Kew Cricket Club for training. The quality of these turf wickets is reported to have deteriorated over recent time due to the activity from pet dogs (See the below map).

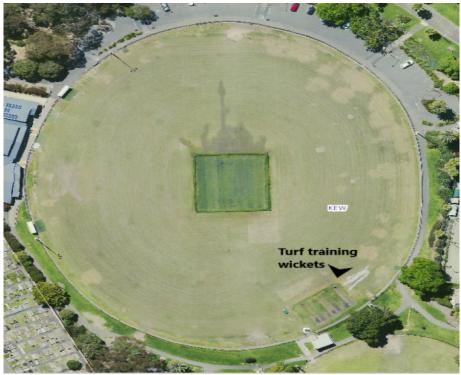


Figure 2 - Location of the turf training wickets on the Victoria Park North Oval.

The City of Boroondara has 245 parks, gardens, reserves, open spaces including sporting grounds of varying sizes and sensitivity with 46 of these parks designated by the Order, allowing dog owners to exercise their dog off-lead.

These 46 parks represent 53% or the majority, of the open space in the municipality which is currently designated and available to dog owners, for off-lead use.

In Kew and Kew East, there are 57 or nearly one-quarter of the available parks, gardens, reserves, open spaces and sporting grounds in the municipality consisting of approximately 102 hectares.

Of these 57 parks, 18 facilities consisting of approximately 65 hectares or 64% of the total area of parks, reserves, open space and sporting grounds in Kew and East Kew, are available to dog owners for off-lead use.

3.2 Stakeholders

Multiple stakeholders share the facilities at Victoria Park including sporting clubs, many of whom are also local residents and dog owners, other dog owners who exercise their dogs both local and many who drive to the park and, multiple sporting club members, friends and families, visitors to exercise, relax and use the playgrounds or have a picnic.

Victoria Park has also become a community hub for local residents especially, during the COVID pandemic.

3.2.1 Dog Owners

In accordance with the Order, a dog must be kept under effective control using a lead held by the owner when in a reserve or public place.

Where a reserve in the municipality is designated by the Order, not only does it list the reserves which can be used for off-lead use, it also prescribes the enforceable obligations on a dog owner if they decide to exercise their dog off-lead. This includes a requirement for the dog owner to carry a lead and to be able to bring their dog under effective control if it threatens any person or animal or as otherwise necessary.

Dog owners must also be close enough to their dog to maintain control through the use of voice or hand control or a lead if necessary, irrespective of whether there are fences or gates at an off-lead park.

The presence of a fence and gates, like those at Gordon Barnard Reserve dog play area, do not enable or allow a dog owner to avoid their obligations under the Order. They apply equally at Gordon Barnard Reserve, Victoria Park and every other off-lead park in the municipality. Should dog owners be unable to control their dog off-lead, for the safety of their dog and the community they should only be exercised on-lead.

Additional obligations under the Order include a dog must be under effective control (on a lead) and not simply moved off the oval and remain off-lead 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.

At Victoria Park, when the sporting clubs commence scheduled training or a match, dog owners must leave the sporting ground and if they choose to remain within 30 meters of the ground, their dog MUST be on a lead.

These same obligations apply to club members who may bring their dogs to the ovals.

3.2.2 Sporting Clubs

License agreements provide 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 at Victoria Park:

- 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).

3.2.3 Visitors

Many other visitors use the multiple facilities available at Victoria Park including:

- Families with young children using the sports ovals and playgrounds
- Local residents for passive and active exercise
- Local residents and guests for social gatherings
- Local residents and visitors to attend the other resident sporting clubs
- Visitors and non-members of the resident sporting clubs.

3.3 Use of North Oval by dog owners

The North and South Ovals are sports grounds located in Victoria Park that have multiple stakeholder uses. The ovals, however, have been used continuously by the resident football and cricket clubs as a sporting ground for over 50 years.

The value, use and availability of the space to the community at Victoria Park has evolved into a multipurpose park which is now home to 3 playgrounds including one to be refurbished to become a regional playground, open space, basketball court, picnic and barbeque areas.

The use of the sports grounds was further extended to offer dog owners the opportunity to exercise their dogs off-lead during specific times. This use did not appear to create any notable concern for the sporting clubs or dog owners and, they coexisted without significant incident for many years.

The installation of gates several years ago has led to the creation of a fenced, dog off-lead sports oval, which was not assessed for its suitability for this use. Over time, the presence of the gates appears to have changed how the sports oval is used by dog owners as evidenced by a diminished responsibility to comply with the obligations of the Order to always ensure effective control of their dog.

It is reported by complaint and observed by Officers that dog owners are often distracted by conversation and electronic devices, leaving their dogs to roam unsupervised. Concerning behaviour has also been reported and observed of dog owners leaving dogs within the confines of the North Oval while they exit the park to purchase a coffee at the local café or, sit on the furniture outside the oval. The presence of the gates on the North Oval has likely contributed to this and encouraged the introduction of dogs into the park that cannot be controlled and should otherwise, remain on-lead.

3.4 Education undertaken

On the resumption of organised sport in early 2021, Council supplied the clubs with moveable signs for their use to advise dog owners of the commencement of a sporting event. New permanent signs were also installed (**Attachment 2**).

Between May 2021 and July 2021, patrols were significantly increased and Officers engaged directly with dog owners, advising them of their obligations of the use of this shared space. Officer engagement with dog owners was extended with the distribution of targeted information regarding responsible pet ownership (**Attachment 3**).

Improvement in dog owner behaviour and understanding was demonstrated with many dog owners leaving the North Oval without having to be asked by Officers at the commencement of scheduled training and games.

Organised sport was once again suspended due to further COVID lockdowns and the need by dog owners to be mindful of sporting club use diminished and unrestrained use of the park returned. Patrols were also suspended.

With the cessation of ongoing COVID lockdowns, some dog owners have responded positively and leave the oval when organised sport commences. Current patrol reports confirm however, many dog owners remain resistant to leaving the North Oval on the commencement of scheduled sport and have to be asked to leave the ground or are observed leaving only on the arrival of an Officer. The current high frequency of patrols at Victoria Park is not sustainable.

3.5 Petition

On 26 July 2021 Council noted the online petition posted by the Kew Football Club on behalf of other resident sporting clubs including the Kew Comets Junior Football Club, Kew Auskick and Kew Cricket Club regarding the use of Victoria Park North Oval.

The <u>online petition</u> was created at www.change.org 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 1**).

On 29 November 2021, a report was presented to Council in response to the issues reported at Victoria Park including the consideration of this petition from the sporting clubs noted above. It was resolved by Council that a public consultation would be undertaken in February 2022 on the proposal to remove the gates on the North Oval at Victoria Park and a further report be presented outlining the results, considering the impact on public safety and assets and a recommendation whether the gates should be removed.

3.6 Consultation

From 1 February 2022 to 7 March 2022, the community was invited to provide feedback at the City of Boroondara Engage Boroondara website on whether the gates should be removed from the fence on the North Oval (**Attachment 4**).

A series of consultation questions were posted seeking feedback including some questions drafted to gain a better understanding of how and why the respondents used Victoria Park (**Attachment 5**). This information could inform future consideration or enhancements to Victoria Park and/or the development of other facilities.

The consultation included the installation of signs at Victoria Park, a letter delivered to all properties within a 500m radius of the park as well as social media via the City of Boroondara Facebook account.

The consultation attracted a very high level of response with 697 contributions being received. An additional submission was also made by the Presidents of tenant clubs (Kew Cricket Club, Key Football Club, Kew Comets Junior FC) advocating for removal of the gates but stressing support of the existing dog off-lead provision under the Order. The submission was accounted for by this report with the other 697 submissions from the consultation process.

3.6.1 Consultation questions and results

The community consultation consisted of a series of definitive, contextual and qualitative questions (**Attachment 5**).

3.6.1.1 Removal of the gates

The community was asked to provide a definitive response as to whether they supported or not, the proposal to remove the gates. Only one response could be provided.

Answer choices	Count	Percentage
Do not support removal of the gates	333	47.78%
Support removal of the gates	364	52.22%
Total	697	100%

Results indicate slightly higher support for the removal of the gates.

3.6.1.2 Multiple choice questions¹

The results from these multiple-choice questions are considered informative and provide insight only into the use of Victoria Park by a respondent and in particular, the extended use of the North Oval.

Question: What do you do when you visit the North Oval?

	Number	Percentage
Play sport /train with sports team	324	46.48%
Relax or socialise	191	27.40%
Take the kids to play	183	26.26%
Exercise (jog, yoga etc)	231	33.14%
Walk, exercise or socialise (dog)	404	57.96%

¹ When considering the number value attached to each option in the multiple choice questions, it is important to note a respondent could select multiple answers. For example, a single respondent could select all five options in a question, one or none.

The results support the view the North Oval is a sports oval, which is shared and enjoyed, for multiple purposes by multiple stakeholders.

Question: How are you most likely to travel to Victoria Park (to exercise your dog)

	Number	Percentage
Walk	265	65.27%
Drive	134	33.00%
Other	7	1.72%
Total	406	100%

Many respondents reported they walk to the North Oval suggesting they are likely local residents. A significant number of dog owners were also identified as having driven to Victoria Park to exercise their dogs.

Question: When visiting the oval with your dog, what is it for?²

	Number	Percentage
Socialising	264	67.01%
Walking around the oval	283	71.83%
Active exercise such as throwing a	304	77.16%
ball*		
Other	44	11.17%

The intended target audience of this question is a dog owner. The results suggest though, the North Oval is a destination for dog owners, and they utilise it for multiple purposes (noting the qualifying comment above).

Question: Do y	/ou visit any	of the other	dog off-lead	parks in the area?

	Number	Percent
Outer Circle Linear Park - multiple	77	28.31%
sites (Kew)		
Hays Paddock (Kew East)	154	56.62%
Stradbroke Park (Kew East)	45	16.54%
Macleay Park (Balwyn North)	30	11.03%
Hislop Park (Balwyn North)	11	4.04%
Gordon Barnard Reserve - new	80	29.41%
fenced dog play area (Balwyn North)		
King Street Reserve (Balwyn)	9	3.31%
Reservoir Reserve	37	13.60%
Recreation Hall Reserve	15	5.51%
Hyde Park (East Kew)	32	11.76%
Other	55	20.22%

The results clearly suggest many respondents access other off-lead parks in the municipality including, the nearby Outer Circle Linear Park which for many local resident dog owners, is equally accessible.

² In considering the supporting commentary to this question it became evident that some respondents selected "active exercise such as throwing a ball" as it related to their engagement in sporting activities and not the throwing of a ball for a dog. This may have inadvertently inflated this result.

3.6.2 Key Themes

Using qualitative questions, respondents also had the opportunity to provide additional feedback. As assessment of this information identified the following key themes and in no particular order, are outlined and responded to by Officers below:

a) Safety of dogs and children

Feedback:

A repetitive theme emerging from the feedback is the issue of safety. Many respondents expressed the view they felt secure and comfortable knowing the gates contained their dogs while others detailed the same sentiment, but in relation to their children. Quotes from respondents included:

- "My dog has a safe place to run and socialise with other dogs."
- "My dog is unable to be off lead in an unenclosed space as he runs away."
- "Allows my dog to really stretch out her legs and go for a good run without needing to stick super close to me."
- "Dogs can't escape."
- "I use it to contain my dog as it escapes otherwise."
- "It (gates) stops children running onto roads."

Officer Response:

The issue of safety for the respondents is acknowledged. The gates though are not considered an appropriate and reliable method for the control of off-lead dogs (or children for that matter). In accordance with the Order, dog owners must be close enough to their dog to maintain control through the use of voice or hand control or a lead if necessary, irrespective of whether there are fences or gates at an off-lead park.

The view that the enclosed fence provides safety is considered incongruent with off-lead dogs not under effective control, which by experience increases the risk of antisocial behaviour such as dog rushes and attacks to both other dogs and humans.

There are multiple areas in Victoria Park available for children to play and enjoy the outdoors from the sports ovals to the playgrounds and basketball court. While Council endeavours to provide safe spaces for children to play, it is expected members of the community take responsibility for the wellbeing of their children and pets.

b) Unsafe for my health and that of my children/ Lack of personal safety

Feedback:

A lack of safety at the North Oval emerged from two distinct perspectives. Respondents reported the area was unhygienic for adults and their children due to the amount of dog faeces on the oval and the frustration of finding dog faeces on clothing being brought into their car or home. The other perspective expressed is the concern about feeling unsafe from the potential for being attacked or harassed by a dog. Quotes from respondents included:

- *"I'm tired of picking up other peoples poo."*
- *"Multiple times last year I and/or my sons stood in dog poo."*
- "My kids have come home with dog poo stains on their clothes."
- "Had dogs at Vic Park north oval take my legs out from underneath me as owners chase after to get them back under control."
- "Out of control Dogs are constantly jumping on me It is really upsetting and the dog owners think it's funny."
- "My children, including a baby in a pram, were chased and harassed by a dog while its owner was no where to be seen."
- "Have concern with the caviler attitude of some dog owners, particularly when I have my grandchildren with me."

Officer Response:

Victoria Park is a shared park and the principle of 'shared' is for anyone visiting including the North Oval, to not feel threatened or concerned by dogs not under effective control. Feedback clearly indicates some local residents and visitors no longer attend this shared facility or only on an as needs basis (i.e. training), due to hygiene and personal safety concerns. It is considered the reliance on the gates has allowed for some dog owners to avoid their obligations and responsibilities under the Order to effectively control their dog and clean up after them.

c) Community connection

Feedback:

The importance the North Oval has for community connection is evident from the feedback especially, amongst the dog owners. It is considered by many as a safe space to socialise, exercise and for their dogs to play. It is a focal point for community connection and for many residents' mental health and wellbeing, especially during the COVID lockdowns. Quotes from respondents included:

- "I meet with regular users. I meet and talk to new users."
- "The sense of community with other dog owners there."
- "It's a great way to exercise with your dog and connect with community."
- "Lifts the sense of community in the area and promotes mental wellbeing."
- *"Its enclosed, dogs can meet other dogs off-lead and socialise."*

Officer Response:

The importance of Victoria Park to dog owners during the COVID lockdowns and ongoing is not underestimated. The City of Boroondara has a large network of dog off-lead parks that are a focal point for many different communities to connect and socialise. This is evident in the volume of available off-lead parks and the high volume of usage. It is considered the North Oval sporting reserve will remain a destination for dog owners and other local residents alike to meet and socialise, irrespective of gates on the fence. The North Oval's access will remain unchanged and dog owners can continue to meet and exercise their dog off-lead. It is noted that where a dog owner cannot effectively control their dog off-lead, the dog will need to remain on-lead.

d) Dog training

Feedback:

Another particular use of the North Oval expressed by the community is as an area to train dogs, especially puppies. It is considered a convenient and suitable area to contain their puppy while in training and to socialise their dog while they socialise with other owners. Quotes from respondents included:

- "I can walk my dog daily and let them socialise with others."
- "The secure area to let my puppy play while I catch up with friends."
- "Safe for my puppy so I can walk her without worrying about her running away."
- *"The gates give security whilst puppies are being trained.."* <u>Officer Response:</u>

The North Oval remains available for dog owners to train their dogs. It is considered that owners of puppies need to demonstrate a greater level of responsible pet ownership and particularly supervision, to ensure their puppy is safe from wandering too far or engaging with other dogs not accepting of a young and more curious puppy that can overstep a mature dog's space and potentially cause retaliation. There are many options available for example, which can be used for reliable recall training of puppies such as long leads.

e) Convenience

Feedback:

The convenience of the North Oval being within a short walk or drive was viewed as an important factor in using the park. Quotes from respondents included:

- "Proximity to home and friendly space."
- "Within 10 min walking distance of my house making it very convenient to walk to park."
- "It is close to home so we can get some exercise walking to and from the park."

Officer Response:

The availability of an off-lead area for dog owners to exercise their dog will remain at Victoria Park and, local residents who walk or those who drive to the North Oval will not be disadvantaged. The convenience provided is retained.

f) Limited other options

Feedback:

Respondents advise being drawn to the North Oval as there were limited options for fenced or semi-fenced areas. Quotes from respondents included:

- "There are limited options for fenced or semi fenced dog exercise in Boroondara."
- "No other suitable area within walking distance."
- "Maybe the council could invest in creating one of the existing parks into a dog park in Kew so that we don't have to travel to Balwyn."

Officer Response:

Council continues a program of works to upgrade and enhance the suitability of existing off-lead areas for dog owners. Consideration for example could be given to enhancing the nearby Outer Circle Linear Park bound by Normandy and Harp Roads, Kew.

g) North Oval is a dog play area

Feedback:

There were multiple responses stating a view that the North Oval is a dog play area to the detriment of other people who sought to use the facility. Quotes from respondents included:

- "If people don't wanna be around dogs they don't have to go there."
- "So many people use the oval as a dog play area, I am unsure where they will go?"
- "Some dog owners just release their dogs, let them run wild and out of control "without taking any responsibility for them and the mess they leave."
- "If some people don't like dogs, there are plenty of parks that are not off leash where they can relax and enjoy and they needn't come to the north oval."

Officer Response:

The installation of the gates has seen the use and expectations of some dog owners shift from it being a sports oval with shared use to being an enclosed dog play area, coupled with diminished responsible dog ownership. The North Oval is a sports oval that has expanded to allow for shared use. This shared use requires dog owners to display responsible pet ownership and maintain control of their dog in accordance with the Order.

h) Enjoyment and recreation for dogs and children

Feedback:

There were many respondents who valued the North Oval as a large open and pleasant space for them to visit so their dog could play and so could their children. Quotes from respondents included:

- "Large space for the dog to run and chase balls."
- "Open space to run around. As is top oval."
- "The grass is also nice for the dogs to run around on."
- "The kids kick the soccer ball there while the dog has a run around."
- "The fenced and gated oval is a fantastic and safe location for dogs and children to run around and play."

Officer Response:

The availability of the North Oval to the local community and other visitors, will not change. Dog owners, parents and children can continue to take advantage of this shared use facility. The principle of shared use will require dog owners and parents to effectively supervise their pets and children in order to co-exist. At times, dog owners and parents may need to reassess whether the area remains suitable and safe for their use and not at the expense of others using the North Oval.

i) Loss of amenity

Feedback:

Respondents expressed concern that unrestrained dogs and the increased presence of dog faeces has interfered with their ability to enjoy the space while others have simply stopped attending the park. Quotes from respondents included:

- "When lots of dogs are on the oval it is often unsafe to run around the perimeter of the oval as you'll often be nearly taken out by a dog running at full speed with no owner in sight. (Often eventually spotted talking to another human without a care in the world of what their dog was doing)."
- "Have stopped going there with my dog as too many dogs and witnessed some completely out of control behaviour by some dog owners."
- "People take their dogs there and don't supervise them, resulting in messes all over the oval that aren't cleaned up because the owner either genuinely didn't see it happen (because they aren't paying attention) or just can't be bothered going and getting it. It's disgusting and puts me off taking my kids."

Officer Response:

Off-lead dogs not under effective control are contrary to the expectations of responsible pet ownership and, to the Order at all dog off-lead parks.

Unrestrained dogs not under effective control pose a potential risk of attack or harassment to others using the North Oval including adults, children and dogs. It is considered the presence of gates on the fence of the North Oval has contributed to a loss of amenity at the shared facility, impacting the harmony and enjoyment of all users.

j) Lack of responsible dog ownership: control and supervision

Feedback:

The issue for many respondents of dog owners not controlling their dog while they socialise, are distracted with electronic devices or were altogether absent was clearly identified. Regular referrals were made to instances of dog owners failing to control their dogs and relying on the gates. Quotes from respondents included:

- "Too many people use it as an excuse to take no interest in what their dog is doing whilst they stand around and talk."
- "Will not take my dog there as it's a terrible environment. Owners standing around talking oblivious to what their pets are doing."
- "We need to share space but dogs on this oval unsupervised do not work, owners too busy talking to each other."
- "As owners of a well-trained dog, we are sick of coming to the park and having him attacked or bullied by big untrained dogs with owners who don't care what their dog is doing."
- "I see many dog owners using this space as a doggy daycare. They shut their dogs in and sit on their phone outside the ground."

Officer Response:

There is a primary obligation under the Order that dogs must be under effective control using a lead held by an owner while in a reserve or a public place. Should an owner decide to exercise their dog off-lead in a designated reserve such as Victoria Park, they must also be able to control them through voice or hand. The dog must also not worry or threaten any person or animal.

The observed behaviours by Officers and the reported instances from the community demonstrates these obligations with the Order are regularly not met. Council's Domestic Animal Management Plan's primary objective is to increase responsible pet ownership within the municipality. It is considered the presence of gates on the North Oval has lowered the level of responsibility and as a consequence, the personal safety of other dogs, owners and children.

k) <u>Damage</u>

Feedback:

A strong theme from sporting clubs related to damage to the playing surface (e.g. pot holes) and the potential risk of injury to players and others using the North Oval. Reports also consistently stated damage to sporting equipment. Quotes from respondents included:

- "Uneven playing surface from dogs that have been digging."
- "Many dogs are digging holes in the oval surface making it dangerous for players."
- "Out of control dogs have urinated on my cricket bag and school bag and owners think it's funny."

Officer Response:

It is a concern whereby damage caused by dogs impacts the safety of individuals and degrades the quality of Council's assets. This also puts a financial impost on Council for ongoing and additional maintenance and repairs.

Officer observations confirm the reduction in quality of the North Oval surface over time and substantiate a link with timing of the facility becoming enclosed. It is therefore considered the sports reserve's shared use principles are imbalanced.

4. Outline of key issues/options

In assessing whether to recommend maintaining the gates on the North Oval or removing them, multiple considerations have been made which are outlined below.

4.1 The Primary Intended Purpose of the Area

The North and South Ovals at Victoria Park have been used as sporting grounds for in excess of 50 years by the resident football and cricket sporting clubs.

The Victoria Park north oval is primarily used for football in the winter and cricket in the summer.

The level of sport played is relatively high, but more importantly the north oval has a turf wicket and turf training nets which is more susceptible to damage and attracts a more complex and expensive maintenance regime,

In recognition of the local community's need for an off-lead area for dog owners to exercise their dogs, Victoria Park was designated more than 14 years ago with no significant issues advised to Council until some 5 years ago, with the installation of gates on the fence.

Since the installation of gates on the fence at the North Oval, it has operated as a fully enclosed dog off-lead park despite it never having been assessed and determined as a suitable site for this use. The reported use and misuse of the North Oval demonstrates that it is being utilised in a manner that does not display responsible dog ownership and keeping dogs under effective control by owners. The primary use and associated maintenance of the North Oval is for the purposes of playing community level cricket and football.

The value of Victoria Park Sporting Reserve and the North Oval to the local community became increasingly evident during the COVID lockdowns. It has been described as a destination and meeting place for many local residents, in particular dog owners, and a welcome relief to the imposed isolation.

With the lifting of COVID related restrictions, the reliance on Victoria Park sporting reserve as a meeting destination is likely to reduce as the community increasingly resumes its normal work, school and social activities.

The importance of Victoria Park to the local community is well recognised. Therefore, it is important to maintain a balance with it remaining a destination not only for locals but the wider Boroondara community and other visitors. This is reflected in recent and current upgrades including the new toilets and regional playground.

Council's Boroondara Sport and Recreation Strategy is focused on the provision of sports grounds to enable community level sport to take place. The current situation on the North Oval at Victoria Park is however, significantly impacting the safe and appropriate delivery of community sport.

4.2 Availability of Safe Facilities both for on and off-lead use

Community feedback on the Boroondara Community Plan 2021-2031 suggests a concern that too much open space has been dedicated for dogs to be exercised off-lead and they are unable to enjoy these facilities.

The community feedback received from this consultation has highlighted many respondents were concerned for their personal safety on the North Oval from being harassed or attacked by a dog as well as from contact with dog faeces. It is recognised the North Oval has become a meeting point for dog owners to allow their dogs off-lead and for some, by the presence of the gates are of the view they do not need to or are unlikely, to be able to control their dog's behaviour.

Feedback and reported examples of this behaviour suggest some dog owners claim the North Oval is a dog park and, is for dogs only at the exclusion of other park visitors. Some respondents expressed a view the North Oval is a dog exercising area and that people are safe by keeping them contained. The designation of Victoria Park remains unchanged. Dog owners continue to have the ability to exercise their dogs off-lead however, with the proposed removal of the gates some will need to supervise and control their dog to prevent them from running away or bothering other dogs or people.

4.3 Impact on Amenity

Council has been advised on multiple occasions and over an extended period of time, of impact to the amenity of the North Oval including the need for families of sport participants to continually have to clean the ground before play can start.

Respondents, including dog owners, sporting club members and other park visitors, have advised of their concern for their health, that of their children and their own dog and the frustration of having stepped or slid into dog faeces and which raises potential health risk, mess and discomfort.

Some respondents who identify as dog owners suggest there is no issue and the solution is the supply of dog poo bags at the ovals. It is noted under Council's Amenity Local Law 2019, it is the dog owner's responsibility to carry sufficient bags and to remove faeces left by their dog

The unrestrained behaviour by some dogs has resulted in significant damage to the playing surface and equipment. Due to the criteria set by the respective Cricket and Football codes on the quality of surface required to play sport for safety reasons, damage such as holes being dug on the cricket pitch will result in the game being relocated or even cancelled.

Damage to the personal belongings of sports club members and that of the sporting clubs has been repeatedly reported and sadly the response from some dog owners is less than satisfactory.

The unrestrained nature of the use of the North Oval by some dogs including the lack of clean up by dog owners of their dog's faeces, has reportedly also resulted in members of the community advising they are no longer comfortable or feel unsafe visiting the North Oval either on their own or with their children or grandchildren.

4.4 Animal Management Concerns and Compliance

Multiple complaints have been received in recent years including the intimidation of adults and small children by off-lead dogs when walking through the North Oval, some dog owners showing little responsibility in controlling their dog leading for example to the harassment of senior and junior players, the area being unusable by visitors due to excessive dog faeces and, alleged dog attacks.

There have been reported instances of lack of acknowledgement of the sporting club's use of the North Oval with some dog owners refusing to leave at the commencement of and during scheduled training and matches.

Since the installation of gates at the North Oval, patrols of the Victoria Park precinct have increased steadily with the biggest increase from the beginning of 2020. This level of patrolling at Victoria Park is unsustainable.

Year	Number of patrols
2018	55
2019	79
2020	126
2021	170
2022	30 (qtr 1)

4.5 Neighbouring Facilities

In Kew and Kew East, there are 18 (65 hectares in area) of parks, sporting grounds and open space designated and allowing dog owners to exercise dogs off-lead.

Within a short walk of approximately 5 to 10 minutes, the Outer Linear Circle Park is available for off-lead use and does not have resident sporting clubs utilising this facility with any great regularity. Some respondents referred to utilising this space as an alternative off-lead location.

Some greater level of fortification of this park could be considered as part of ongoing upgrades to existing dog off-lead parks.

Further, it is understood over 33% of respondents drive to Victoria Park and should the gates be removed, could easily access neighbouring parks which may be more suitable. Respondents advised they already access many of the nearby facilities either by car or on foot including Outer Circle Linear Park, Hays Paddock, Stradbroke Park, Hyde Park and Gordon Barnard Reserve's new fenced dog play area.

5. Consultation/communication

Internal consultation has been undertaken with the following teams:

- Civic Services.
- Sport and Recreation
- Turf Management
- Communications
- Parks
- Capital Projects

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 gates (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 targeted compliance and enforcement program including handing out 'Responsible Pet Ownership' pamphlets (**Attachment 6**), a review of all permanent and temporary signage and issuing verbal warnings.

The formal community consultation was open for feedback from 1 February to 7 March 2022. This included:

- A dedicated Engage Boroondara Council website page.
- A letterbox drop within a 500 metre radius of Victoria Park.
- Corflute signage installed at Victoria Park.

6. Financial and resource implications

There are financial and resource implications that arise if the gates remain.

6.1 Cost incurred with gates currently in place

Over the past 12 months costs incurred from additional Animal Management Services, community consultation and normal business expenses for Turf Maintenance are estimated to be \$38,500.00. These costs are not sustainable ongoing and detract from service provision at other facilities.

6.2 Projected costs if gates are not removed

Projected costs for 2022 based on additional Animal Management Services and ongoing Turf Maintenance are estimated to be \$28,500.00, year-on-year. Additional costs on complaint handling and investigations would provide further additional impacts on Council cost.

6.3 Projected costs if gates are removed

With the proposed removal of the gates, there will be financial and resource implications to provide initial education and communication to the community in the form of letter drops, social media, on-site education and even free dog-training education. This is a once-off costs to transition the community through the recommended change. The one-off costs are estimated to be \$8,500. Ongoing annual Turf Maintenance of \$21,500 will remain but would be expected to reduce over time.

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 and environmental issues including:

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

9. Conclusion

Victoria Park, Kew is a sporting reserve consisting of two ovals (North and South). In recognition of the changing needs and use by the community, the entirety of Victoria Park was designated under the Order over 14 years ago allowing dog owners to exercise their dog off-lead. The park has continued to evolve and grown to be a shared use location.

When using Victoria Park for off-lead, dog owners are subject to prescribed obligations under the Order such that they must maintain control of their dog by voice or hand control and when necessary, place their dog on a lead. If a dog owner is unable to maintain effective control of their dog, the dog needs to be kept on-lead. In addition, dog owners are obligated to clean up after their dog and carry sufficient bags to achieve this.

With the installation of gates to the fence on the North Oval, it has become evident that some dog owners are failing to meet their obligations of effective control with the Order, resulting in an imbalance to the principles of shared use to the detriment and impact of other users of the space. These ongoing behaviours have resulted in increased dissatisfaction by a large number of users, with some people no longer coming to Victoria Park.

The community consultation was an opportunity for stakeholders to inform Council on their support or not, to remove the gates on the fence at the North Oval and provide insight into how the North Oval is used and its value. The results from the consultation demonstrate Victoria Park has significant value to many stakeholders. Not only were 697 submissions received but a separate letter was also submitted from the tenant sporting clubs (Kew Cricket, Kew Football, Kew Comets Junior FC).

The assessment of the proposal to remove the gates from the fence at the North Oval considered multiple factors as detailed in the body of the report and incorporated the results and feedback from the community consultation.

Many local residents and in particular those with dogs, indicated its value for their mental health and wellbeing and especially during the recent COVID lockdowns. It was reported the North Oval was a place to connect with other people and for many, their only source of external contact. That said, some local residents advised they no longer felt comfortable or safe when visiting this area due to the unrestrained behaviour of dogs on the North Oval and may potentially have been excluded from taking full advantage of this facility and receiving equal benefits during the COVID lockdowns.

Other key themes from the respondents focused on the need for the development of other suitable enclosed or semi-enclosed off-lead areas including either at or close to Victoria Park to allow for easy access on foot.

Officers also recognise there are opportunities to assist dog owners in providing targeted education on responsible pet ownership including responsibilities when walking or exercising their dog off-lead. Council will consider these opportunities in line with the Domestic Animal Management Plan 2021-2025.

Victoria Park North Oval is a sports oval and not an enclosed dog play area. The installation of the gates has resulted in some dog owners and other park users, relying solely on the presence of the gates to contain their dogs and children and abdicating expected levels of supervision and effective control in line with the park's principles of shared use.

Based on this analysis, Officers recommend the removal of the small, single gates on the North Oval to provide a balanced offering as a shared space between the multiple user groups. The removal of the small, single gates will not prevent dog owners and the wider community from continuing to enjoy the North Oval at Victoria Park.

Manager: Paul Mitchelmore, Manager Civic Services

Report officer: Paul Mitchelmore, Manager Civic Services

The online petition posted by the Kew Football Club regarding the use of Victoria Park North Oval



Safe shared dog space at Victoria Park North Oval, Kew



 Kew Cricket Club, Kew Correts Junior Football Club, New Auskick & Kew Football Club started this petition to Soroondare City Council and <u>8 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.

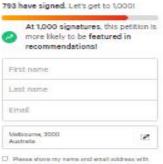
The entire Victoria Park precinct is over 7 hectares, all desginated 'dog off leash'. The ovals comprise only a small fraction of that dog-friendly space.

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:

1. Remove the enclosed gates on the North Oval at Victoria Park; and

2. 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!



2 Please share my name and entell address, with New Chickel Chick, New Constell, Junitier Footbell Club; New Assikick & Keek Pootbell Club; ep thet I can septive updates on this campaign and others.

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Movable A-frame signs provided by Council for the use of the sporting clubs on the commencement of training or a game.



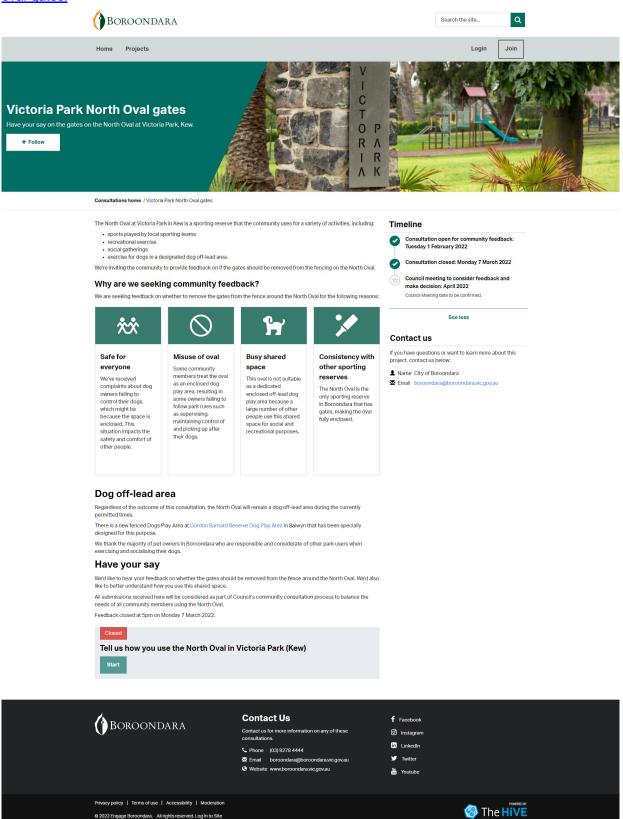
Examples of permanent Council signs installed at Victoria Park informing dog owners of their responsibilities.



Targeted information pamphlet provided to dog owners during officer patrols on responsible pet ownership.

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Victoria Park community consultation page at https://engage.boroondara.vic.gov.au/victoria-park-northoval-gates.



City of Boroondara

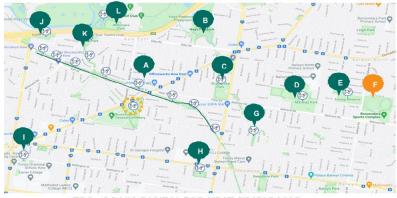
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Consultation Questions.

Tell us how you use the North Oval at Victoria Park in Kew

- 1. What do you do when you visit the North Oval? (tick all that apply)
 - play sport and/or train with sports team
 - walk, exercise or socialise dog [show 3a onwards sub-question]
 - relax or socialise
 - take kids to play
 - jog / exercise / other (just in case?)
- 2. Do you support the proposal to remove the gates from the North Oval?
 - Yes
 - · No
 - Generally supportive, but I have suggestions
- 3. Do you have any additional feedback on the proposal?
 - Option to provide attachments
 - a. What makes the North Oval a good area for you and your dog? [Comment]
 - b. How are you most likely to travel to Victoria Park for this purpose?
 - i. Walk
 - ii. Drive
 - c. How long does that journey take you (in minutes)?
 - d. When you visit the oval with your dog is it for
 - i. Socialising
 - ii. Walking around the oval
 - iii. Active exercise such as throwing a ball
 - iv. Other...
 - e. Do you visit of any of the other nearby dog off-lead parks in the area? (tick all that apply see the map)
 - A. Outer Circle Linear Park multiple sites
 - B. Hays Paddock
 - C. Stradbroke Park
 - D. Macleay Park
 - E. Hislop Park
 - F. Gordon Barnard Reserve new fenced dog play area
 - G. King Street Park
 - H. Reservoir Reserve
 - I. Recreation Halle Reserve
 - J. Hyde Park



TBC - GO VIA DIGITAL FOR NEAT SIMPLE MAP

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4. Where do you live?

- Ashburton
- Balwyn
- Balwyn North
- Camber well
- Canterbury
- Deepdene
- Glen Iris
- Hawthorn
- Hawthorn East
- Kew
- Kew East
- Mont Albert
- Surrey Hills
- Other (please specify)
- Prefer not to answer