

### 3 Presentation of officer reports

#### 3.1 Victoria Road Reserve Dog Off-Lead Proposal

##### Executive Summary

###### Purpose

The purpose of this report is to present an assessment of key findings identified after a review of the current Council Order of Victoria Road Reserve in Hawthorn East as a dog 'on-lead' reserve in response to a community petition advocating for the status to be changed to 'off-lead'. The key findings conclude with the recommendation to maintain Victoria Road Reserve as a dog on-lead reserve.

###### Background

A petition was submitted to Council Meeting on 25 May 2020 with 257 signatures requesting Council to designate the Victoria Road Reserve as a dog off-lead reserve. The arguments raised in favour of off-lead designation are listed in **Appendix 1**. The investigation and assessment was delayed over the course of the pandemic and is now concluded.

Council's Order in Council No.1 ("the Order") made under section 26 of the *Domestic Animals Act 1994* sets out controls relating to dogs and designates specific reserves as dog off-lead reserves or areas. Within the municipality, there are currently forty-five (45) dog off-leash reserves, representing 53% of the available open space land area.

Victoria Road Reserve is 26,588 square metres (2.6 hectares), comprising a single football/cricket oval and an open playground. It is located in Hawthorn East near the Auburn shopping precinct and is in the middle of two other nearby park spaces being Rathmines Reserve (400 metres to the east) and Fritsch Holzer Park (1km to the south). Utilisation is high, with multiple stakeholders sharing the reserve including sporting clubs, residents and visitors. The reserve is bordered by several other community organisations.

Primary users of Victoria Road Reserve are the Boroondara Cricket Club and Hawthorn Citizens Junior Football Club, who hold a licence from Council. The Auburn Kindergarten and Child Care Centre, the Hawthorn 2<sup>nd</sup>/6<sup>th</sup> Scout Hall, and Auburn Maternal Child Health Centre are located on its south-western boundary. It is surrounded by low to medium-density housing development in a Neighbourhood Residential Zone 3. The reserve is a well-utilised space for organised recreational use and pet owners. It provides an open grassed area with an unfenced playground.

###### Key Issues

1. The principle of shared usage is a key consideration with high utilisation of the reserve from many different stakeholders. Preserving a balanced offering for all parties is vital for equitable access, shared enjoyment, safety and consistency with other sporting ovals.
2. The breadth of regular users of Victoria Road Reserve includes Boroondara Cricket Club (425 registered players), Hawthorn Citizens Junior Football Club (500 registered players), Auburn Kindergarten and Child Care Centre (60 students aged three to six) and the 2<sup>nd</sup>/6<sup>th</sup> Hawthorn Scouts (100 members aged five to 18). Reports from Council's complaint management system and

stakeholder feedback show instances where dogs have not been under effective control and have impacted shared usage activities including sports sessions and passive use of the reserve, thereby having negative impact on play, social and development activities of other users. Of further consideration is the facilities available to children and frequent usage of the reserve by children across a number of institutions.

3. Nearby dog off-lead areas exist in Rathmines Reserve, located approximately 400 metres to the east, and Fritsch Holzer Park, located approximately one (1) km to the south. These locations are accessible and need to be considered.
4. In January 2023, Victoria Road Reserve will undergo a \$1.7M upgrade including new irrigation and drainage, a new wicket, cricket nets and oval lighting. Preservation of this capital investment is a relevant consideration.

### Key Assessment Criteria and Findings

1. *The primary intended purpose of the area* - The Boroondara Open Space Strategy 2013-2026 notes Victoria Road Reserve as having “the need for a conservation management plan and continue to maintain for sporting use.” A change in designation to off-lead can fit in with and around current organised sport but is likely to increase utilisation and volumes over and above current levels. This is known historically to impact turf conditions. Whilst the primary intended purpose of the area would not be compromised from a scheduling perspective, it would likely be from a conservation perspective.
2. *Sensitive Interfaces* - This area is used by a large number of children as it provides primary and secondary play space for the Boroondara Cricket Club (425 registered players), Hawthorn Citizens Junior Football Club (500 registered players), Auburn Kindergarten and Child Care Centre (60 students aged three to six) and the 2<sup>nd</sup>/6<sup>th</sup> Hawthorn Scouts (100 members aged 5 to 18). The unfenced playground is within 5 metres of the sporting oval perimeter and it is considered to be a risk for dogs that are not under effective control. A review of Council’s complaint management system and feedback from stakeholders has shown dogs are often not under effective control and have impacted services, or at least introduce a level of risk for children occupying the reserve for play, social and development activities.
3. *Available neighbouring facilities* - Victoria Road is bordered by Rathmines Reserve (400 metres to the east) and Fritsch Holzer Park (1km to the south). It is considered the supply of both on-lead and off-lead areas nearby provides a balanced offer to the community. This promotes the principles of shared usage whilst supporting the primary intended purpose of the area of Victoria Road Reserve as a Sporting Facility. It is considered that available neighbouring facilities are present, accessible and suit a balanced mix of community needs under the current on-lead designation.
4. *Impact on the amenity* - Consultation was undertaken with the resident sporting clubs and Council Officers responsible for Turf Management. Unanimous opposition to changing the status to off-lead was received. It is considered there is a direct link between the amenity and quality of a sporting reserve’s turf, playability and player safety and the designation of an oval for off-lead dog use. It is further considered that the amenity of Victoria Road Reserve would likely deteriorate should the status be changed to off-lead,

which impacts the resource effort and cost of the Turf Management for Council but more importantly impacts the conditions for the licenced sporting clubs. This connects back to the conservation of the reserve and its primary intended purpose as a sporting reserve.

5. *Animal Management Compliance* - Council Officers within the Animal Management Team provided feedback that Victoria Road Reserve has experienced relative compliance and effective control of animals due to the on-lead designation. Insights from recent complaints data show an alternative view from some community members seeking better behaviour from animals and owners within the area. It is considered the relative compliance at Victoria Road Reserve from 2018 to 2020 is due to the on-lead status of the reserve and that changing this to off-lead may cause an imbalance in non-compliance. It is considered that retaining Victoria Road Reserve as a dog on-lead facility provides the right balance for the community and upholds the principle of shared usage and enjoyment, equitable access and safety.
6. *Improvement Works to the sporting field and facilities* - Council will spend \$1.7 million upgrading the sporting facilities at Victoria Road Reserve, including works to the turf, drainage, lighting and fencing. Works will commence in January 2023 and are expected to be completed in June 2023. It is considered that due to the large capital investment, the Boroondara Open Space Strategy stating the need for conservation, and the already stated risks to amenity, the most effective way for dogs to remain under effective control and protect Council's investment at this facility is to retain its on-lead status.
7. The Community Petition raised seven supporting arguments that were individually considered with an Officer's response included as follows:
  - a. *Boroondara Open Space Strategy for sporting reserves integrates informal and unstructured use* - Officers advise the integration of informal and unstructured use is considered to be achieved with the reserve's current conditions. The status of dogs exercising on-lead or off-lead will not impact The Boroondara Open Space Strategy 2013-2026.
  - b. *The proposal is in the interests of community safety* - Officers advise there are no pedestrian safety concerns surrounding the area that would impede travel to nearby reserves that provide off-lead areas.
  - c. *The proposal aligns with current practice* - Officers advise Victoria Road Reserve is not designated as an off-lead reserve and is adequately signed to the shared use, enjoyment and safety of all users.
  - d. *Off-leash will increase oval utility in line with Boroondara Community Plan* - Officers advise maintaining the status as a dog on-lead reserve will protect Council's \$1.7 million investment for what is primarily a sporting reserve
  - e. *The proposal supports Council's sustainability objectives* - Officers advise the area surrounding Victoria Road Reserve is adequately serviced with off-lead and on-lead options and safe methods for travel.
  - f. *Different recreational activities on the oval are integrated harmoniously* - Officers advise there is frustration with dogs off-lead interrupting other activities at the reserve and any change to Council's Order will negatively impact other users.
  - g. *Demand will continue to increase for dogs off-leash in the area* - Officers advise the area surrounding Victoria Road Reserve is adequately serviced with off-lead and on-lead options.

**Next Steps**

After consideration and adoption of the recommendation, no change to be made to the current designation of Victoria Road Reserve, Hawthorn East as a dog off-lead reserve and it will remain as dog on-lead.

**Officers' recommendation**

That the Services Delegated Committee resolve to adopt the recommendation for Victoria Road Reserve, Hawthorn East to remain as a dog on-lead reserve.



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

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## **1. Purpose**

The purpose of this report is to present for consideration, an assessment of key findings identified after a review of the current Council Order of Victoria Road Reserve in Hawthorn East as a dog 'on-lead' area in response to a community petition advocating for the status to be changed to 'off-lead'. The key findings conclude with the recommendation to maintain Victoria Road Reserve as a dog on-lead area.

## **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**

This strategy aims to increase and improve public amenities and facilities in open spaces to enhance functionality for a wider range of uses. Victoria Road Reserve was identified as requiring investigation for "the need for a conservation management plan and continue to maintain for sporting use."

### **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 sports 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.

### **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 a dog owner to exercise their dog off-lead at a designated facility however, this must be in accordance with prescribed obligations including maintaining effective control of their dog by either voice, hand or lead. All public areas are on-lead by default unless signed otherwise.

### **Amenity Local Law 2019 and the *Domestic Animals Act (Vic) 1994***

Additional and enforceable obligations of dog owners are prescribed in each document including for example dog owners having to clean up after their dog and having sufficient receptacles to do so and, controlling their dog's behaviour toward other dogs or people.

## City of Boroondara Domestic Animal Management Plan 2021-2025

Details Council's strategic approach to the delivery of domestic animal management services including meeting its legislative obligations.

### 3. Background

#### **3.1 Victoria Road Reserve use and dog off-lead park statistics**

Victoria Road Reserve is 26,588 square metres (2.6 hectares), comprising a single football/cricket oval and an open playground. It is currently occupied by Boroondara Cricket Club and Hawthorn Citizens Junior Football Club. It is surrounded by low to medium-density housing. The Auburn Kindergarten & Child Care Centre, the Hawthorn 2nd/6th Scout Hall, and Auburn Maternal Child Health Centre are located on its south-western boundary. The reserve is a well-utilised space for organised recreational use and provides an open grassed area and an unfenced playground on the north-west boundary.

Victoria Road Reserve is not listed on Council's Dog Control Order no. 1, meaning it is a dog on-lead reserve. The Dog Control Order no. 1 also states dogs are prohibited within the immediate perimeter of any playground, at all times, and must further be on a cord, chain or leash if within ten (10) metres of the perimeter of a playground in a Designated Reserve at all times.

**Figure 1 - Aerial Map: Victoria Road Reserve & surrounding stakeholders**



**Figure 2 - Dog on-leash sign, south entrance via Victoria Road.**

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.

There are 245 parks, gardens, reserves and 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 dogs off-lead. In Hawthorn East, there are 9 (of the 245) parks, gardens, reserves, open spaces and sporting grounds comprising approximately 22 hectares of land. Of these, 3 are available to dog owners to exercise their dog off-lead, being Anderson Park, Fritsch Holzer Park and Rathmines Reserve. Grace Park, Hawthorn is also nearby and is designated as a dog off-lead reserve.

These 3 off-lead facilities account for 60% of the available parks, reserves, open space and sporting grounds in Hawthorn East or approximately 134 hectares.

The area of land allocated to dog off-lead use exceeds the area allocated for on-leash within the municipality and in comparison to nearby Councils, the City of Boroondara has the greatest total number of dog off-lead facilities available to its community.

**Table 1 - Off-Lead Facilities Comparison**

<b>Municipality</b>	<b>Dog off-lead facilities</b>
<b>Boroondara</b>	<b>46</b>
Whitehorse	22
Stonnington	27
Yarra	30
Monash	31

\*Current as of April 2022.

### **3.2 Stakeholders**

Victoria Road Reserve is a busy centre of activity with high utilisation, 7 days a week. Multiple stakeholders share the facilities with primary licence arrangements provided to the resident sporting clubs and shared usage with the 2nd/6th Hawthorn Scouts, Auburn Kindergarten and Childcare, local residents and dog owners outside of sporting times. Some other dog owners do drive to the park. Visitors also use the reserve to exercise, relax and use the playgrounds or have a picnic.

#### **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. Victoria Road Reserve is not listed on Council's Order as a dog off-lead reserve, therefore dogs must remain on-lead. Dogs are also prohibited on the sporting oval during organised sporting events, including training.

#### **3.2.2 Sporting Clubs**

The predominant users of the sporting oval (which is where the dog off-lead area is to be considered) are the Boroondara Cricket Club (summer season allocation) and Hawthorn Citizens Junior Football Club (winter season allocation) via a licensing agreement with Council.

The Hawthorn Citizens Junior Football Club are allocated the reserve Tuesday to Friday, 4 pm to 8 pm, and Sundays from 8:30 am to 5:30 pm. They have over 500 members and have increased participation from last year.

The Boroondara Cricket Club are allocated the reserve Monday to Friday 4:40 pm to 8 pm, and Saturday to Sunday 8 am to 7 pm. They are one of the biggest cricket clubs in Boroondara with approximately 425 registered players across seven senior teams and 14 junior teams.

The sports clubs represent almost 1,000 registered players regularly using Victoria Road Reserve.

#### **3.2.3 Scout Group**

The 2nd/6th Hawthorn Scouts have approximately 100 members aged between five to 18. The Scouts use the oval approximately once a week (more frequent in summer, less frequent in winter).

#### **3.2.4 Auburn Kindergarten and Child Care Centre**

The Auburn Kindergarten and Child Care Centre use the oval and playground regularly throughout the week for play and discovery. There are approximately 60 kids enrolled in the kinder program aged between three and six years. The reserve is also used for large organised events, such as end of year gatherings, athletics day events and it is their nominated emergency assembly area when an evacuation is necessary.

#### **3.2.5 Auburn Maternal and Child Health Centre**

The Auburn Maternal and Child Health Centre is located adjacent to the Scout Hall. It operates Tuesdays and Wednesdays and sees approximately 16 children and parents per week.



### **3.2.6** Visitors

Many other visitors use Victoria Road Reserve including:

- Families with young children using the sports oval and playground.
- Local residents for passive and active exercise.
- Local residents and guests for social gatherings.
- Visitors and non-members of the resident sporting clubs.

### **3.3** Petition

A petition was submitted to the Council meeting on 25 May 2020 with 257 signatures in favour of requesting Council to consider designating the Victoria Road Reserve oval as a dog off-lead area. It is acknowledged there is a lengthy delay between the date the petition was submitted to Council and the presentation of this report. Unfortunately, this delay was due largely to the pandemic lockdowns, which created a backlog of outstanding matters.

Supporting arguments raised from the community petition were individually considered and are addressed in the report (see **Appendix 1**). The petition issues are:

- a) The Boroondara Open Space Strategy for sporting reserves integrates informal and unstructured use.
- b) The proposal is in the interests of community safety
- c) The proposal aligns with current practice
- d) Off-leash will increase oval utility in line with Boroondara Community Plan.
- e) The proposal supports Council's sustainability objectives.
- f) Different recreational activities on the oval are integrated harmoniously.
- g) Demand will continue to increase for dogs off-leash in the area.

Responses will be addressed in section **4.7 Petition responses** of this report.

## **4. Outline of key issues/options**

Key Assessment Criteria and Findings.

In reviewing a request to change the designation of a park, reserve or area to an off-lead area, multiple criteria are considered and assessed, which are outlined below. These are not listed in any particular order.

### **4.1** The primary intended purpose of the area

The primary use of Victoria Road Reserve is first and foremost as a sporting oval. This is supported by the Boroondara Open Space Strategy 2013-2026 and notes Victoria Road Reserve as requiring "the need for a conservation management plan and continue to maintain for sporting use."

The reserve is currently licensed to the Boroondara Cricket Club and Hawthorn Citizens Junior Football Club. Allocation of the reserve is constant throughout the week, with heavy scheduling as mentioned in Section **3.2.2 Sporting Clubs** of this report.

Dogs are not permitted on the sporting oval when there is organised sport, including training. The petition to change the designation to off-lead supports this and clearly states a request for usage outside of organised events. There is no clash in this sense from a scheduling perspective.

What is of concern is the high-volume usage the reserve currently experiences and the impact a change to the designation may have in increases to traffic volumes, usage and stress on the physical grounds. It is anticipated a change would bring increased volume over and above current levels and this is known historically to place more pressure on turf conditions. Further description of these issues is raised from consultation with the relevant sporting clubs and Council's Turf Management Team in Section **4.3 Impact on Amenity**.

It is considered that whilst the primary intended purpose of the area will not be compromised from a scheduling perspective, it is expected to be impacted from a ground management perspective.

#### **4.2 Sensitive Interfaces**

The *Boroondara Dog Park Site Assessment Report 2018* was commissioned by Council to identify suitable locations for dedicated dog park facilities. The report raised the aspect of sensitive interfaces that are applicable for consideration. A sensitive interface exists in Victoria Road Reserve due to the number of children's services and activities located at this reserve.

Children under six are regular users of this reserve through the sporting clubs, Scouts, Kindergarten and child care centre, and the maternal and child health centre.

The sporting clubs advise there are a number of activities impacted with the actions of dogs off-lead not under effective control and dog faeces not picked up by owners. This causes a safety risk to children by stepping on dog faeces if the oval is not scanned by the volunteers before commencing any play. Sport is also interrupted during sessions by dogs, as highlighted by the comments in section 4.4 related to Blasters (cricket for five to seven-year-olds). This comment suggests a number of dog owners are not keeping their dogs on-lead during scheduled sporting events, much less having effective control.

The 2<sup>nd</sup>/6<sup>th</sup> Hawthorn Scouts frequently use the reserve for outdoor activities in all weather and light conditions on average once per week (more frequent during summer, less frequent during winter). The Joey Scouts (ages five to seven) and Cub Scouts (ages eight to 10) meet regularly on Tuesday evenings and activities involve the use of the whole reserve.

A representative from the 2<sup>nd</sup>/6<sup>th</sup> Hawthorn Scouts advises that leaders are aware dogs are off-lead in the reserve. Many of the dogs are larger than the Joey Scouts and group leaders make decisions based on the behaviour of the dogs. If dogs are poorly behaved and not under effective control, the group leader will cancel the outdoor activity and lead the group back inside.

The Auburn Maternal & Child Health Centre is located adjacent to the Scout Hall. Council's Maternal and Child Health department advise the Auburn centre is not immediately impacted by activity on the sporting oval as their facility is enclosed with a fully fenced playground and parents normally leave the area immediately after their consultation.

**Figure 3 - Front view of the Auburn Maternal & Child Health Centre from the Victoria Road car park.**



The Auburn Kindergarten & Child Care Centre regularly use Victoria Road Reserve for play, discovery, events, social gatherings and as their emergency assembly point for approximately 60 kindergarten students (ages three to six).

A representative from the kindergarten has no immediate concerns with the proposal for dogs being off-lead, however, dogs off-lead is recognised in their risk management plan and they have responses in place. They practice dog safety training with the students and raised concerns about the number of dog faeces present in the reserve. They would feel more comfortable if the playground were to be fenced.

The unfenced children's playground at the north end and its proximity to the oval poses a risk to uncontrolled dogs off lead. According to the Council Order No.1 Dog Control, a dog must not be off-lead within 10 metres of a perimeter of a children's playground. At its most, the 10-metre zone encroaches the sporting oval by 5 metres.

**Figure 4 - Playground at Victoria Road Reserve with a 10-metre buffer from the perimeter and intersecting over the sporting oval.**



The location of the playground or the sporting oval will not be altered in the proposed upgrade occurring in January 2023. A meshed fence with several openings will be provided in the improvement works. None of the openings will occur within the area encroaching the 10-metre buffer of the playground.

It is considered whilst the fence provides a barrier within 10 metres if dogs were off-lead, the customer complaints on Council's records and feedback from stakeholders indicate the dogs are not always under effective control and changing the Order to allow dogs off-lead may add an additional safety concern for children. Dogs off-lead on this reserve is considered to be a higher risk than in other areas due to the number of children's services provided and the proximity of the playground with the oval. It is considered that there is a sensitive interface potentially at risk should the designation be changed to off-lead.



**Figure 5 - Ground view of the playground and its proximity to the sporting oval.**



**Figure 6 - Council signage informing that dogs are prohibited within the playground.**





### **4.3 Available Neighbouring Facilities**

Victoria Road Reserve is located 400 metres (approximately 9 minutes walk) from Rathmines Reserve, Fritsch Holzer Park is one (1) km away (approximately 14 minutes walk) and Grace Park is 1.2km (approximately 25 minutes walk) away, each designated as a dog off-lead reserve.

The petition submitted to Council during the Council meeting on 25 May 2020 had 257 signatures. With many of the signatories residing with another signatory on the list, the number of households remaining after duplicates were removed was reduced to 146. The addresses of these 146 households are plotted on a map (see **Figure 7** below). It found that 60 households are within 200 metres of Rathmines Reserve, with many of them required to pass Rathmines Reserve if they were to walk to Victoria Road Reserve. The majority of signatories are also on the north and east side of Victoria Road Reserve, meaning a short walk to Rathmines Reserve would not be unreasonable.

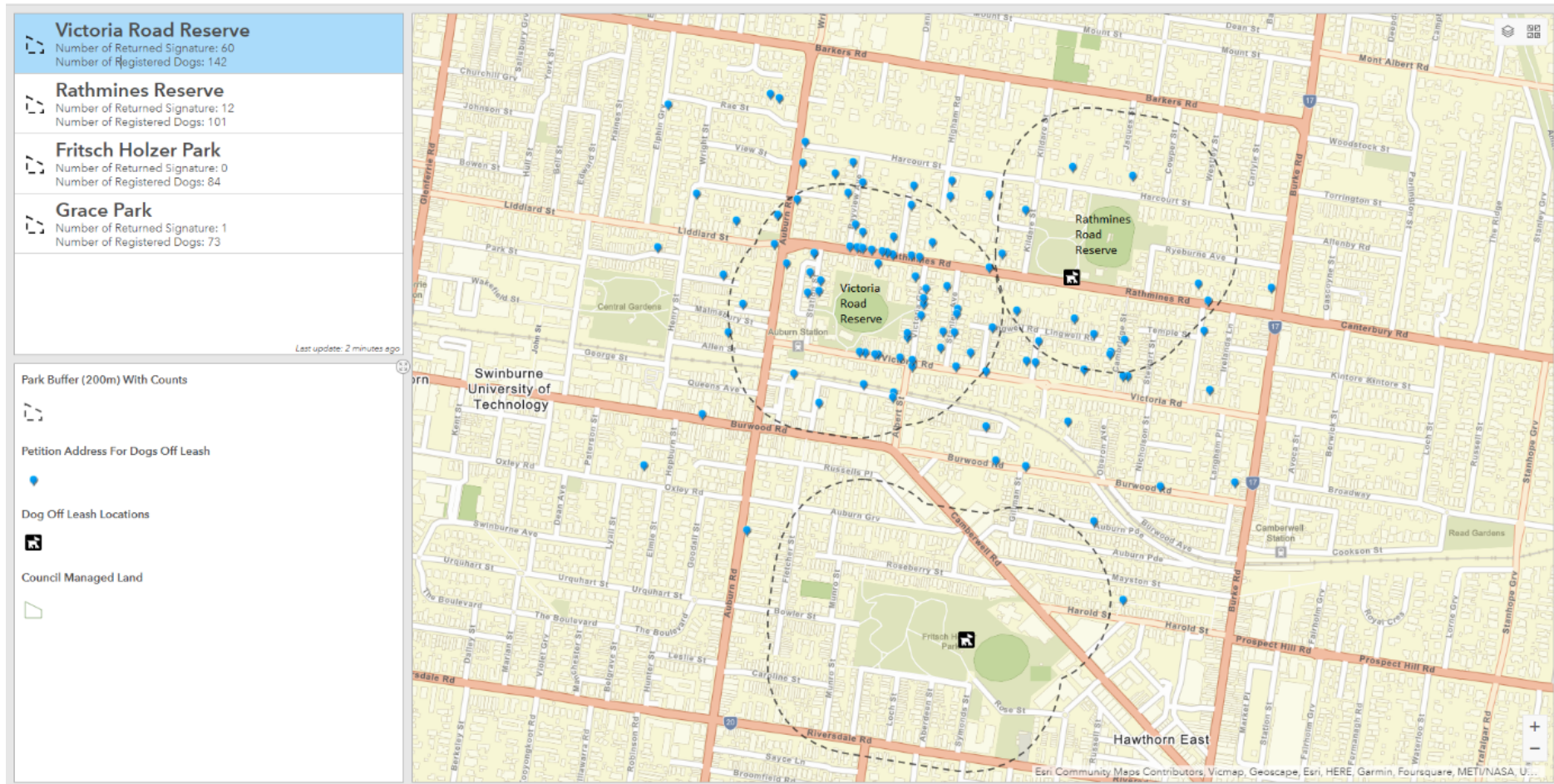
**Table 2 - Location of Signatories to the Petition**

<b>Reserve</b>	<b>Number of households within 200 metres</b>	<b>Percentage (from total of 146 households)</b>
Victoria Road Reserve	60	41%
Rathmines Reserve	12	8.2%
Fritsch Holzer Reserve	0	0%
Grace Park	1	0.7%
<b>Total</b>	<b>73</b>	<b>49.9%</b>

It is further assessed there are 61 households (41%) closer to an existing off-lead reserve other than Victoria Road Reserve.

It is considered the proximity of available neighbouring facilities are within accessible distances and the supply of mixed usage facilities is adequate to meet the balanced needs of the community by providing both on-lead and off-lead areas. This ensures shared enjoyment by different user groups and promotes the principles of shared usage whilst supporting the primary intended purpose of the area of Victoria Road Reserve as a Sporting Facility. It is considered that available neighbouring facilities are present, accessible and suit a balanced mix of community needs under the current on-lead designation.

Figure 7 - Location of signatories to the petition.



Nine petition signatories provided addresses outside of the map view above, including four outside of the municipality.

#### **4.4 Impact on Amenity**

Separate consultation has been undertaken with the resident sporting clubs and with Council Officers in the Turf Management Team to understand the current conditions of the reserve and the likely impacts, if any, of a change in the designation to dog off-lead. It is already stated that the utilisation of the reserve is high and it caters to a mixed group of stakeholders.

Outcomes of the consultation have shown unanimous opposition to the request for the designation to be changed to off-lead. The following issues are raised as reasons the sporting clubs wish for Victoria Road Reserve to remain on-lead:

- There is a growing increase in player registration, meaning all areas of the oval are used, more than has been before.
- The proximity and availability of Rathmines Reserve and Fritsch Holzer Park as dog off-lead reserves is felt to be close by and provide an adequate alternative.
- Dogs already damage the turf surface by digging under current conditions and this would be expected to increase.
- The turf at the nearby Rathmines Reserve is considered by many to be an inferior playing surface compared to Victoria Road Reserve. A comparison is being drawn between the dog off-lead status on that reserve.
- Dog faeces is constantly left on the turf under current conditions and becomes a health issue if the field is not monitored prior to playing. This requires several volunteers to walk the area of the oval to remove any remaining droppings before play commences.
- A change to off-lead would likely mean less effective control of dogs generally and a high probability that owners may allow their dogs on the oval during scheduled playing time.
- A claim of a junior football player sustaining an injury also led to officers repairing a hole found on the cricket turf.

The following issues are raised as reasons Council Officers from the Turf Management Team recommend Victoria Road Reserve to remain on-lead:

- More damage is incurred at Rathmines Reserve compared to Victoria Road Reserve, with a higher resource provision needed to repair holes and divets. It is considered this is due to the difference in off-lead status.
- It is the experience that dogs off-lead regularly charge at staff mowing the turf, especially from October to March. This causes staff to modify their actions to avoid injuring dogs and causes concern for their individual safety. In 2019, four Occupational Health and Safety incident reports were submitted by staff experiencing incidents at other sporting ovals designated as dog off-lead. It is reasonable to suggest this matter is under-reported.
- Faeces on sporting ovals are more prevalent in dog off-lead reserves than dog on-lead reserves. This is noted when cleaning and maintaining the mower blades.
- It is observed that there is more aggressive dog behaviour and staff have witnessed increased dogs fighting and rushing people in off-lead reserves.
- Dogs are not under effective control and run onto turf wickets, damaging the turf and reducing surface playability.

- The Turf Management team are required to audit sporting ovals every two weeks for surface condition and player safety, among other things. Experience shows that audits take significantly longer on reserves that are dog off-lead due to the poorer conditions.

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.

A review of Council requests notes the dog on-lead signs have been vandalised twice and Council received two requests to replace the signs, although, it is not suggested this was due to dog owners.

It is considered there is a direct link between the amenity and quality of a sporting reserve's turf, playability and player safety and the designation of an oval for off-lead dog use. It is considered that the amenity of Victoria Road Reserve would likely deteriorate should the status be changed to off-lead, which impacts the resource effort and cost of the Turf Management for Council, but more importantly impacts the conditions for the licenced sporting clubs. This connects back to the conservation of the reserve and its primary intended purpose as a sporting reserve.

#### **4.5 Animal Management Compliance**

Council Officers within the Animal Management Team were engaged for input regarding the compliance history and behavioural characteristics of Victoria Road Reserve. The reserve's density and high utilisation, as well as sparsely recorded complaints from the community, have positioned it as a semi-regular area for patrol and monitoring. A summary of compliance data is presented in the table below.

**Table 3 - Summary of Compliance Data for Victoria Road Reserve**

Year	Number of patrols	Official Warnings	Fines	Complaints	Summary of comments from patrol notes
2018	9	0	0	1	Three patrols of zero dogs were sighted. Several cautions were issued for dogs off-lead.
2019	5	0	1	1	Four patrols of zero dogs were sighted. Several cautions were issued for dogs off-lead.
2020	31	0	1	6	Two patrols of zero dogs sighted, and many cautions were issued for dogs off-lead.
2021	47	1	0	4	Five incidents of zero to low activity. Four incidents with many dogs off-lead. Many cautions were issued for dogs off-lead. One incident involved a dog owner abusing an officer.
2022 (to July)	59	8	14	5	Increased incidents of dog owners refusing to engage with officers. All infringements occurred in July.
<b>Total</b>	<b>151</b>	<b>9</b>	<b>16</b>	<b>17</b>	

Enforcement has been limited to education, unofficial cautions and some warnings over the last several years. Council officer feedback has been that non-compliance with the Order has been a regular occurrence, but the on-lead status supported ongoing education to dog owners to maintain effective control of their dogs.

Since June 2022, the officers reported the community were expecting Council to resolve the reserve to be designated as a dog off-lead area and were openly flouting the current requirements. This has resulted in a spike in infringements in recent months to bring about compliance.

A review of complaints made to Council from 2018 to July 2022 shows many in the community are impacted by unleashed dogs not being under effective control. During this time, 17 complaints were received by Council relating to dogs on the oval, including dogs jumping on children, excessive dog faeces left on the oval, and dogs interrupting kids playing organised footy.

Some of the comments received from Victoria Road Reserve users are highlighted below:

- 'A medium/large dog LICKED MY 2 YEAR OLD CHILD ON THE FACE.'
- '[The dog owner] allowed their large dogs to cannon into my 3 y.o. at significant pace, bowling him over, breaking his favourite toy and causing him to be incredibly shocked...'
- 'Additionally there were 6 dogs off lead this morning at Victoria Road Reserve. One of these dogs jumped on a toddler... something needs to be done.'
- 'My husband even told a woman that her dog needed to be on a leash, but she ignored him (while her dog ran off a good 300m ahead of her barking and sniffing at people).'
- 'On countless occasions me [sic] and other parents/coaches have to remove the health hazard of piles of dog faeces from the oval before sporting events.'
- 'I've just taken my dog to Victoria Road Reserve, specifically because it is not an off-leash park (we don't let him off the lead, as a rescue, he doesn't respond well to recall) and am angry at how people use this park.'
- 'When are Boroondara going to provide dog poop bags? Daily I clean up after those that leave mess behind.'
- 'Unpermitted dogs constantly interfere with the Club activities and on 3 occasions last week dogs that were significantly larger than the children involved, disrupted our blasters sessions where we have children participating who are as young as 5.'
- 'The dogs interfere with the small kids training footy and cricket (this is a junior ground). I [redacted] have been bitten several times.'

It is considered the compliance at Victoria Road Reserve from 2018 to 2020 is due to the on-lead status of the reserve. From 2020 onwards, more incidents of dog owners leaving their dogs off-lead has led to more enforcement action and a rise in customer complaints. It is considered that a change of the designation to dog off-lead may add to further compliance-related incidents and that an increase in recent complaints demonstrates an alternative community view to retaining the current on-lead status. It is considered that retaining Victoria Road Reserve as a dog on-lead facility provides the right balance for the community and upholds the principle of shared usage and enjoyment, equitable access and safety.

#### **4.6 Improvement works to the sporting field and facilities**

The sports facilities at Victoria Road Reserve require a much-needed upgrade to ensure they better meet the needs of local sports clubs and the wider community (see **Appendix 2** for further detail). Council will commence upgrading the current facilities at Victoria Road Reserve from January 2023, with planned works including:

- Oval reconstruction includes a new turf, drainage and irrigation system
- Increasing cricket practice nets from three lanes to four lanes
- Removing the existing four sportsground lights and replacing them with four new, environmentally friendly LED sportsground lights.
- Installing new safety fencing to protect the playground, south boundary and west AFL goals.
- Installing a new synthetic cricket pitch.
- Installing a new electronic scoreboard.

The budget for this project is set at \$1.7 million and is due to be completed in April 2023. There will be no access to the sporting oval during that time.

It is considered that due to the large capital investment, the Boroondara Open Space Strategy stating the need for conservation, and the already stated risks to amenity, the most effective way for dogs to remain under effective control and protect Council's investment at this facility is to retain its on-lead status.

#### **4.7 Petition responses**

The petition appealed to the following arguments to support this proposal:

##### **4.7.1**

*"The Boroondara Open Space Strategy 2013-2026 describes Victoria Road Reserve as a 'sporting reserve' that currently 'integrates informal and unstructured use'."*

##### **Officer response:**

The integration of informal and unstructured use is considered to be achieved with the reserve's current conditions. The status of dogs exercising on-lead or off-lead will not impact The Boroondara Open Space Strategy 2013-2026.

##### **4.7.2**

*"The proposal is in the interests of community safety"*

##### **Officer response:**

It is noted the petition cites "major roads and railways create a number of significant barriers to safe pedestrian access within this precinct." Pedestrians can safely cross the railway tracks near Auburn Station, south of Victoria Road. The railway line is elevated and there is no level crossing at either Auburn Road or Albert Street. Pedestrian access and crossings are further supported with the following infrastructure:

- A zebra-crossing on Rathmines Road, near Albert Street
- A pedestrian refuge on Rathmines Road at the south-east corner of Rathmines Reserve and another at Rathmines Grove
- Reduced speed zones during in school zones on Rathmines Road surrounding Auburn Primary School

- Pedestrian signal crossing opposite Auburn Primary School on Rathmines Road
- Pedestrian signal crossing at the intersection of Victoria Road and Rathmines Road

It is advised by Council Officers in the Traffic and Transport Department there are no pedestrian safety concerns surrounding this area.

#### **4.7.3**

*"The proposal aligns with current practice"*

##### Officer response:

It is not agreed that current practice, referring to non-compliance with the Order, is suitable, safe or unanimously supported by all. Victoria Road Reserve is not designated as an off-lead reserve and is adequately signed. The low compliance statistics of the past several years are reflective of the educative approach used by the Animal Management Officers and traditionally, there are lower behavioural incidents in reserves with dog on-lead requirements as dogs are under effective control. Customer complaints dating back to 2018 were also reviewed and raised issues with non-compliance, which are addressed in section **4.4 Animal Management Compliance**.

#### **4.7.4**

*"Allowing dogs to be exercised off-leash will increase the utility of the oval in line with Council's Boroondara Community Plan 2017-2027"*

##### Officer response:

The revised Boroondara Community Plan 2021-31 Theme 2 states "Green and open spaces are provided, well-utilised and enhanced." In meeting this objective, Strategy 2.1 states "Parks and green spaces enable sport and recreation opportunities by maintaining and improving recreation spaces and equipment." Victoria Road Reserve will undergo a \$1.7 million investment to upgrade the oval to enhance sporting participation. Maintaining the status as a dog on-lead reserve will protect the investment for what is primarily a sporting reserve. This is further addressed in Section **4.6 Improvement works to the sporting field and facilities**. Section **4.2 Available Neighbouring Facilities** finds suitable alternatives nearby and accessible, providing Green and open spaces under Theme 2.

#### **4.7.5**

*"The proposal supports Council's sustainability objectives"*

##### Officer response:

The revised Boroondara Community Plan 2021-31 Theme 5 states "Travel options are safe, efficient and accessible, with active and public transport encouraged." In meeting this objective, Strategy 5.3 states "Shared paths and footpaths are fit-for-purpose through continued improvements to surface condition and lighting." With Rathmines Reserve only 400 metres away (approximately 9 minutes walk), Fritsch Holzer Park one (1) km away (approximately 14 minutes walk) and Grace Park 1.2km (approximately 25 minutes walk) away, it is considered the area surrounding Victoria Road Reserve is adequately resourced with off-lead and on-lead options and safe methods for travel. See response **4.7.2** for details on the infrastructure to support pedestrian access to and around Rathmines Reserve.



**4.7.6**

*“Many different recreational activities on the oval are integrating harmoniously at present, as has been the case for many years.”*

Officer response:

A review of customer complaints related to dogs off-lead at Victoria Road Reserve is further explored in section **4.4 Animal Management Compliance concerns** of this report. The needs and safety of other users at this reserve are to be considered to ensure their continued enjoyment of this reserve. With the feedback from the sporting clubs and customer complaints, it is considered there is frustration with dogs off-lead interrupting other activities at the reserve and any change to Council's Order will negatively impact other users. Dogs will still be permitted to be exercised on-lead.

**4.7.7**

*“Demand will continue to increase for open space to exercise dogs off-leash in the area.”*

Officer response:

As previously stated in this report, Council seeks to maintain a balanced offer to all stakeholders including off-lead areas for exercising dogs. With Rathmines Reserve only 400 metres away (approximately 9 minutes walk), Fritsch Holzer Park one (1) km away (approximately 14 minutes walk) and Grace Park 1.2km (approximately 25 minutes walk) away, it is considered the area surrounding Victoria Road Reserve is adequately resourced with off-lead and on-lead options. Patrol notes from Animal Management Officers when observing dog behaviour indicate the reserve is underutilised and will cope with an increase in demand for dog walking on-lead.

## **5. Consultation/communication**

The Community Engagement Policy 2021-2026 outlines how Council fulfils its commitment to creating genuine and transparent opportunities to enable community members to provide feedback.

By virtue of the received petition, a portion of dog owners from the surrounding community have been heard and the supporting arguments addressed in this report. Other regular users of Victoria Road Reserve, representing the Boroondara Cricket Club and Hawthorn Citizens Junior Football Club and Council's Turf Management team were consulted on the proposal to designate the area for dog off-lead use throughout 2022. Both club committees acknowledged they were contacted by petition members in 2020, but have since expressed their desire for Victoria Road Reserve to remain as dog on-lead.

The Community Engagement Policy 2021-2026 requires Council to be transparent with the community on the level of influence the community has on an engagement process. It is considered Victoria Road Reserve is not a suitable location to be designated as a dog off-lead reserve, therefore wider community consultation is not proposed.

## **6. Financial and resource implications**

There are no additional costs to keeping the status quo. Turf Management team considers that allowing dogs to be off-lead is likely to increase the demand for maintenance and treatment due to the damage caused by improperly supervised dogs. The Turf Management team repair approximately 50 holes per week in sporting ovals. The cost of repairing one square metre of grass is approximately \$12. This does not include other costs absorbed by Council, such as labour, fuel costs, vehicles and other sundry expenses.

Victoria Road Reserve is due to undergo \$1.7 million works, which will include a new drainage and irrigation system, and the installation of sand profile and turf. It is recommended this investment be protected to the benefit of sports players in keeping with the Boroondara Open Space Strategy's assessment of Victoria Road Reserve maintained as a sporting reserve.

## **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 general or material interests requiring disclosure.

## **8. Social and environmental issues**

Active living and social connection are encouraged at Victoria Road Reserve and it is suggested the status quo strikes the right balance. Dog owners are still permitted to use the reserve to exercise their dogs on-lead. Dog owners do have the option to utilise long leads to exercise their dogs while maintaining effective control.

It remains clear services and families with children place a high value on the reserve being a safe space for recreational use, afforded by its on-lead status. There is a potential risk of reducing access to open space and opportunities for social connection for children and families through conversion to off-lead.

The total number of people potentially negatively impacted by dogs off-lead (when considering each registered member of a club, plus one other parent or supporter) is approximately 2,000.

## **9. Conclusion**

The assessment undertaken has considered multiple factors as detailed in the body of this report. Ensuring a balance in shared access to facilities that are not available for off-lead exercising of dogs has been an important guiding principle, as well as the assessment from the Boroondara Open Space Strategy 2013-2026 maintaining Victoria Road Reserve as a sporting reserve.

Victoria Road Reserve will also undergo a significant investment of \$1.7 million to upgrade turf and facilities to enhance the recreational space and sporting participation for two popular sporting clubs. It is recommended Victoria Road Reserve remain as a dog on-lead reserve.

**Manager:** **Paul Mitchelmore, Manager Civic Services**

**Report officer:** Leo Manca, Coordinator Health, Projects and Prosecutions

A7638235

## Re-designating Victoria Road Reserve as an off-leash area for dogs: About this petition

- **The timing is right to consider this petition.** The *Boroondara Open Space Strategy 2013-2026* describes Victoria Road Reserve as a “sporting reserve” that **currently “integrates informal and unstructured use”**. The *Strategy* identifies Council’s intention to develop a “Conservation Management Plan” for Victoria Road Reserve “to inform future management and design of the reserve” and that this is considered a “higher priority project” relative to other Council plans.
- **The proposal is in the interests of community safety.** The *Open Space Strategy* forecasts that “the future population change for Hawthorn East (will) be in the Neighbourhood Centres,” with the Burwood Road Commercial Corridor, near Victoria Road Reserve, being one of the main Neighbourhood Centres. The *Strategy* recognises that **“major roads and railways create a number of significant barriers to safe pedestrian access within this precinct”**, which might explain the reluctance of many families with dogs living near Victoria Road Reserve to walk to Rathmines Road Reserve or Fritsch Holzer Park to exercise their dogs off-leash.
- **The proposal aligns with current practice.** With the closest off-leash parks being Rathmines Road Reserve (approx. 1km) and Fritsch Holzer Park (approx. 2kms), the oval at Victoria Road Reserve has been used by the local community for dog walking, both on-leash and off-leash, each day of the week and at different times throughout the day, **for at least the past 25 years**.
- **Allowing dogs to be exercised off-leash will increase the utility of the oval**, in line with Council’s *Boroondara Community Plan 2017-2027*:  
**Priority Theme 2 – Your Parks and Green Spaces**  
**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.*
- **The proposal supports Council’s sustainability objectives.** As population density continues to increase near Auburn Station and Victoria Road Reserve, more residents wishing to exercise their dogs off-leash will drive to Rathmines Road Reserve or Fritsch Holzer Park to do so.  
**Priority Theme 5 – Getting Around Boroondara**  
**Strategic Objective 5:** *Travel options that are connected, safe, accessible, environmentally sustainable and well-designed.*  
**Strategy 5.4** *Promote and increase active and environmentally sustainable travel options, including cycling and walking and access to public transport.*
- **Many different recreational activities on the oval are integrating harmoniously at present, as has been the case for many years.** As is the case at Rathmines Road Reserve and at other open spaces in Boroondara such as St James Park, we recognise that it would be prohibited to exercise dogs off-leash near the children’s playground or during scheduled sporting events and training sessions.
- **Demand will continue to increase for open space to exercise dogs off-leash in the area.** Council’s *Domestic Animal Management Plan 2017-2021* notes that “The place of pets within our lives and our homes has become increasingly valued over time with pet ownership expected to rise in accordance with projected population growth in Boroondara in the next 5 years.” In line with Council forecasts, population density in the specific area near Victoria Road Reserve has increased significantly over the past 5 years, with multiple blocks of apartments being built along the railway line near Auburn Station. Recent changes in Victorian tenancy laws are likely to lead to more owners keeping dogs in these rented apartments. Both these factors can be expected to translate to more demand in the area for open space for recreation, including off-leash exercise for dogs.

17 February 2022

Dear Resident,

**Upgrade to sports facilities at Victoria Road Reserve**

The sports facilities at Victoria Road Reserve require a much-needed upgrade to ensure they better meet the needs of local sports clubs and the wider community.

Council will commence upgrading the current facilities at Victoria Road Reserve from September 2022, with planned works including:

- Oval reconstruction including a new drainage and irrigation system, installation of sand profile, turf, new AFL goals (including provision for onsite goal post storage), new oval perimeter fencing and new player benches with synthetic pads installed on the turf to prevent wear and tear in a high use area.
- Increasing cricket practice nets from three lanes to four lanes (partially funded by a \$30,000 Australian Government Grant). These nets will move slightly to the north west and the current path will be realigned to facilitate this. This will take the synthetic run-ups off the sportsground to improve the playability for sporting clubs and maintenance regimes. Two trees will be removed and three new trees will be planted.
- Removing the existing four sportsground lights and replacing them with four new, environmentally friendly LED sportsground lights (indicative locations of poles are on included image). These are black powder coated poles 30 metres in height.
- Installing new safety fencing to protect the playground, south boundary and west AFL goals.
- Installing a new synthetic cricket pitch and surrounds with the pitch moving slightly to the west.
- Installing a new electronic scoreboard on the northern side of the oval (subject to club funding).

Enclosed is an image of the sportsground which highlights the location of the upgraded facilities.

This project will take approximately seven months and is expected to be completed by April 2023. During this time there will be no access to the sports ground.

We are working with local sports clubs and community groups who use the sportsground to find alternative solutions and ensure there is minimal disruption to their activities.

We will provide further updates including a detailed construction timeline in mid-2022. I invite you to visit the project webpage and sign up to receive updates. Visit [engage.boroondara.vic.gov.au/victoria-road-reserve](https://engage.boroondara.vic.gov.au/victoria-road-reserve) and click the 'Follow' button.



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Yours sincerely,



Sam Taylor  
Senior Coordinator Sport and Recreation

### Facility upgrades

