

SERVICES DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 12 September 2022

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.34pm

Attendance

- Councillor Lisa Hollingsworth (Chairperson)
- Councillor Jane Addis (Mayor)
- Councillor Jim Parke
- Councillor Felicity Sinfield
- Councillor Victor Franco
- Councillor Wes Gault
- Councillor Di Gillies
- Councillor Cynthia Watson
- Councillor Susan Biggar
- Councillor Garry Thompson
- Councillor Nick Stavrou

Apologies Nil

Officers

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Carolyn McClean	Director Community Support
Scott Walker	Director Urban Living
Mans Bassi	Director Customer and Transformation
Bryan Wee	Manager Governance and Legal
Paul Mitchelmore	Manager Civic Services
Leo Manca	Coordinator Health, Projects and Prosecutions
Elizabeth Manou	Senior Governance Officer

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MOTION**Moved Councillor Addis****Seconded Councillor Sinfield**

- 1. Observe one minute of silence to acknowledge the passing of Her Majesty Queen Elizabeth II.**
- 2. Send a letter of condolence under seal, to the Royal Family expressing Council's sympathy for Her Majesty's passing and commending her significant service to the Commonwealth.**
- 3. Send a letter under seal, to the Royal Family acknowledging the proclamation of His Majesty King Charles III and wishing him the best for his reign.**
- 4. Encourage members of the Boroondara community to sign the online condolence form on the Department of Prime Minister & Cabinet website.**

Procedural Motion - The Closure**MOTION****Moved Councillor Parke****Seconded Councillor Watson****That the motion now be put.****CARRIED****Division****Councillor Franco called a Division:****Affirmative**

The Mayor, Councillor Addis
Councillor Parke
Councillor Sinfield
Councillor Gault
Councillor Gillies
Councillor Hollingsworth
Councillor Watson
Councillor Biggar
Councillor Thompson
Councillor Stavrou

Negative

Councillor Franco

The Chairperson, Councillor Hollingsworth declared the motion CARRIED

The substantive motion was put and **CARRIED**

Division

Councillor Franco called a Division:

Affirmative

The Mayor, Councillor Addis
Councillor Parke
Councillor Sinfield
Councillor Gault
Councillor Gillies
Councillor Hollingsworth
Councillor Watson
Councillor Biggar
Councillor Thompson
Councillor Stavrou

Negative

Councillor Franco

The Chairperson, Councillor Hollingsworth declared the motion **CARRIED**

1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Addis

Seconded Councillor Gault

That the minutes of the Services Delegated Committee meeting held on 11 July 2022 be adopted and confirmed.

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

Nil

3. Presentation of officer reports

3.1 Victoria Road Reserve Dog Off-Lead Proposal

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 2nd/6th 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 2nd/6th 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 2nd/6th 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.

Four speakers opposed to the officers' recommendation addressed the meeting. One speaker in support of the officers' recommendation addressed the meeting.

MOTION**Moved Councillor Gillies****Seconded Councillor Sinfield**

That the Services Delegated Committee resolve to defer consideration of any change to the dog on lead status of Victoria Road Reserve until after Council improvement works to the sporting field and facilities are completed, which is expected in June 2023.

CARRIED**4. General business**

Nil

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 7.25pm**Confirmed****Chairperson**

Date
