

Committee report to Council

Agenda item 5.2

Council

Dogs in Open Space: proposed timed dog off-leash area in Carlton

27 June 2023

Committee Future Melbourne (Environment Portfolio)

Presenter Cr Leppert

Purpose

1. The purpose of this report is to recommend that Council create a timed off-leash area at Canning and Neill Street Reserve, Carlton and to make a Municipal Order under section 26(2) of the *Domestic Animals Act 1994*.

Consideration at Committee

2. Attachment 1 was considered by the Future Melbourne Committee on 6 June 2023.

Recommendation

3. That Council:
 - 3.1 Creates a timed off-leash area at Canning and Neill Street Reserve, Carlton as shown on the map in Attachment 2 of the report from management and that the off-leash times be set at:
 - 3.1.1 6pm to 8am 1 November to 31 March
 - 3.1.2 5pm to 9am 1 April to 31 October.
 - 3.2 Approves a drinking fountain with dog bowl being installed in Canning and Neill Street Reserve (Reserve) and new fencing being installed on the western end of the Reserve, adjacent to Canning Street.
 - 3.3 Makes a new municipal order (Order) under section 26(2) of the *Domestic Animals Act 1994* as shown at Attachment 4 in the report from management, to supersede the municipal order made on 18 August 2022.
 - 3.4 Notes the Order includes the new area within the reserves listed as well as retaining other existing areas the subject of the earlier municipal order for dog off-leash and dog prohibited areas.
 - 3.5 Notes management will arrange for the publication of the Order in The Age and the Victorian Government Gazette.
 - 3.6 Requests management implement effective communication and enforcement of the Order.
 - 3.7 Authorises the General Manager Strategy, Planning and Climate Change to make any further minor editorial changes to the Order prior to publication.

Council Report Attachment:

1. Future Melbourne Committee, Agenda item 6.3, 6 June 2023 (Page 2 of 11)

Report to the Future Melbourne Committee

Agenda item 6.3

Dogs in Open Space: proposed timed dog off-leash area in Carlton

6 June 2023

Presenter: David Callow, Director Parks and City Greening**Purpose and background**

1. At its meeting on 28 June 2022 Council resolved the following with regard to Murchison Square and the Carlton area:
 - 1.1 *That Management undertake 12 months of additional consultation with residents who live directly adjacent to Murchison Square and Carlton residents more broadly to further assist Councillors in determining whether Murchison Square should be designated as an off-leash timed access dog park.*
 - 1.2 *That Management further investigate potential alternative locations within the Carlton neighbourhood for an off-leash timed access dog park.*
 - 1.3 *That Management provide the Future Management Committee with a report containing the information requested at 9.1 and 9.2 in June 2023 and make a recommendation to Council at this time on options for delivering a new dog park for the Carlton neighbourhood.*
2. This report responds to these matters and seeks Future Melbourne Committee approval for a new timed off-leash area and to recommend that Council makes a new Municipal Order (Order – refer Attachment 4) under section 26(2) of the *Domestic Animals Act 1994* (the Act), to implement the proposal.
3. Two separate consultation processes have been completed. One consultation process was a direct mail survey sent to all residents and property owners in the area bounded by Carlton Street, Rathdowne Street, Elgin Street and Nicholson Street seeking their views on introducing timed off-leash use at either Murchison Square or the western end of the nearby Macarthur Square. The second process was an online survey targeted at Carlton residents and property owners, inviting their views on two further options for a timed off-leash area in Carlton: Canning and Neill Street Reserve or the north lawn of Lincoln Square. A summary of the both survey findings is at Attachment 3.

Key issues

4. Key issues for Council consideration are the level of community support for the proposed options and potential public risks and impacts in each location.
5. The direct mail survey response was that neither the Murchison Square nor Macarthur Square option was supported by a majority of respondents, with the strongest opposition expressed by those living directly opposite the relevant square (over 80 per cent not in support). The responses from those who were either non-resident property owners or who lived in the survey area but not directly opposite one of the two squares was not as pronounced, with the Macarthur Square option receiving greater support (47 per cent) than the Murchison Square option (37 per cent).
6. The online survey regarding the two further options for timed off-leash use received a response of 68 per cent in favour of timed off-leash use on the northern lawn at Lincoln Square and 63 per cent at Canning and Neill Street Reserve. Two thirds of responses also included specific comments.
7. The essence of the community view for the Lincoln Square North option was that while this was the better located of the two sites and had the highest level of support (68 per cent), the safety of and the disruption to current users of Lincoln Square, particularly at the playground was of concern. Council officers responsible for education and enforcement of animal management regulations have also expressed concern about their current capacity to deliver effective management in this location that will align with community expectations, particularly given that a playground is also located in Lincoln Square.
8. Canning and Neill Street Reserve also had positive support (63 per cent), with the safety of the interface with the adjacent Canning Street cycling route and disruption to current users the main expressed concerns. Additional fencing could be added to the west side of the Reserve, facing Canning Street, to reduce conflict between cyclists and dogs, if this location was designated for timed off-leash use.

9. Management have considered the feedback received from the public consultation processes and have also reviewed the suitability of the four sites based on operational requirements and existing uses. Based on this information, it is considered that Canning and Neill Street Reserve is the preferred site for a new off-leash timed access dog park in Carlton. The area recommended for timed off-leash is shown at Attachment 2.

Recommendation from management

10. That the Future Melbourne Committee recommends Council:
 - 10.1. Creates a timed off-leash area at Canning and Neill Street Reserve, Carlton as shown on the map in Attachment 2 of the report from management and that the off-leash times be set at:
 - 10.1.1. 6pm to 8am 1 November to 31 March
 - 10.1.2. 5pm to 9am 1 April to 31 October.
 - 10.2. Approves a drinking fountain with dog bowl being installed in Canning and Neill Street Reserve (Reserve) and new fencing being installed on the western end of the Reserve, adjacent to Canning Street.
 - 10.3. Makes a new municipal order (Order) under section 26(2) of the *Domestic Animals Act 1994* as shown at Attachment 4 in the report from management, to supersede the municipal order made on 18 August 2022.
 - 10.4. Notes the Order includes the new area within the reserves listed as well as retaining other existing areas the subject of the earlier municipal order for dog off-leash and dog prohibited areas.
 - 10.5. Notes management will arrange for the publication of the Order in The Age and the Victorian Government Gazette.
 - 10.6. Requests management implement effective communication and enforcement of the Order.
 - 10.7. Authorises the General Manager Strategy, Planning and Climate Change to make any further minor editorial changes to the Order prior to publication.

Attachments:

1. Supporting Attachment (Page 3 of 10)
2. Canning and Neill Street Reserve map (Page 5 of 10)
3. Summary of community consultation (Page 6 of 10)
4. Proposed Municipal Order (Page 9 of 10)

Supporting Attachment

Legal

1. The Act provides for management of dogs in public spaces. Council can resolve under section 26(2) of the Act to make a municipal order to place conditions on dogs in any public place within its municipal district. Currently one order is in place for the entire municipality. To avoid multiple municipal orders being created, it is preferred that the current order is superseded by a new single order.
2. Section 26(3) of the Act provides that the Order must be published in the Government Gazette and in a newspaper circulating in the Council district.
3. Canning and Neill Street Reserve is Crown Land with the City of Melbourne as the appointed Committee of Management. The *Melbourne Parks and Gardens (Joint Trustee Reserves) Regulations 1994* ('the Regulations') apply to the Reserve. The Regulations do not allow animals to be in these reserves unless restrained by a leash, without the written consent of the Committee or Appointed Officer. By making the Order, Council as Committee of Management will provide consent for dogs to be off-leash in this reserve.

Finance

4. The financial implications arising from this report if the recommendations to Council are made and endorsed are modest and can be covered through re-allocation within existing recurrent budgets. Costs include advertising costs to publish the Order, which can be covered under the Parks and City Greening branch operational budget, and capital costs to install fencing and a drinking fountain including a dog bowl, which can be an additional request to the Parks Renewal capital program budget.

Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

6. All areas under consultation are modest in size and it is an individual dog owner's decision as to if the offer is suitable for exercising their dog off-leash. Larger off-leash areas are provided within the City of Melbourne, but are not located in the Carlton area. Within Carlton, the area generally south of Elgin Street is the most distant from existing off-leash areas.
7. Under the Act, dogs must be on-leash within 20 metres of children's play equipment, outdoor fitness equipment, permanent barbecues and picnic areas or a waterbody. The nearest edge of the timed off-leash area at the Lincoln Square North option is 66 metres from the playground and the picnic area and 30 metres from the Bali Memorial pond.
8. Providing a local use timed dog off-leash space will have a positive effect on the physical and mental health and wellbeing of the wider community. More people using parks improves overall safety through passive surveillance and greater incidence of social interaction.
9. Effective communication and enforcement of the Order is necessary to support community safety and wellbeing.

Stakeholder consultation

10. Carlton residents and property owners were the key focus of the consultation process with 77 per cent of responses received from people living in Carlton.
11. Two separate consultation processes were open from 18 January to 28 February 2023. A direct mail survey about the Murchison Square and Macarthur Square options was sent to residents and property owners in the area bounded by Carlton Street, Rathdowne Street, Elgin Street and Nicholson Street. An

online survey via Participate Melbourne was available to the wider public on the Lincoln Square North and Canning and Neill Street Reserve options. This survey was promoted through signs at each site with QR code links to the survey, a letter to all residents and property owners within 200 metres of each of the locations and by providing information on the Carlton Neighbourhood Portal and to local community groups.

12. The Director Parks and City Greening also received one petition from a local resident containing 31 signatures opposed to the dog off-leash use for Macarthur Square in February 2023 and the results of a doorknock of residents near Murchison Square, conducted by local residents in February 2023.

Relation to Council policy

13. The recommendation delivers on the directions set out in resolutions 9.1 and 9.2 of the Council meeting of June 2022.

Environmental sustainability

14. The proposal will not increase or decrease the consumption or generation of water, waste, energy and greenhouse gases.

Canning and Neill Street Reserve



SUMMARY OF RESULTS

Direct Mail Survey (area bounded by Carlton St, Nicholson St, Elgin St and Rathdowne St)

Surveys distributed: 688

Surveys returned: 179

Responses from households with dogs: 31%

Responses from households without dogs: 69%

Registered dogs in survey area: 90 (2022)

Survey responses from households that lived opposite either Murchison or Macarthur Square: 43%

Results: All returned surveys

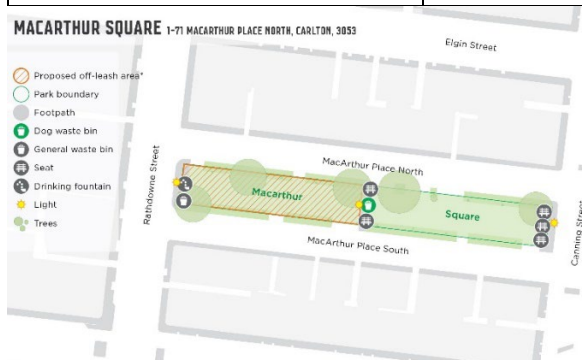
Timed off-leash - Murchison Square (size 3767 m²)

Supported	30%
Not Supported	67%
Unsure	3%



Timed off-leash – Macarthur Square (size 1610 m²)

Supported	37%
Not Supported	55%
Unsure	8%



Participate Melbourne on line survey – Carlton – new proposals

Website visitors: 685

Total surveys completed: 292

Further comment included with the survey: 203 (68% of total survey group)

Responses from households with dogs: 55%

Responses from households without dogs: 45%

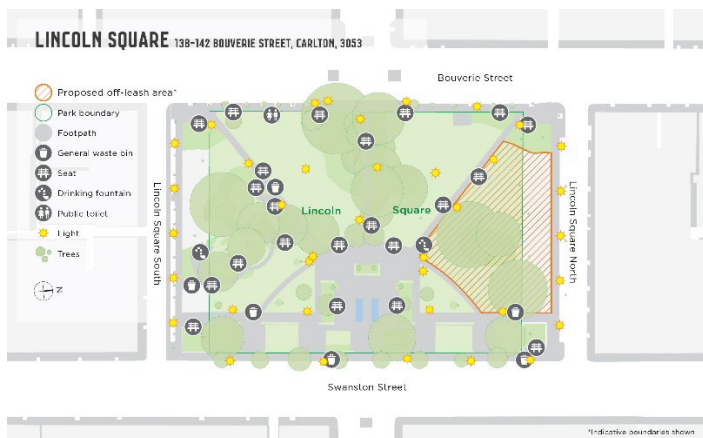
Registered dogs in survey area (2022)

- South of Elgin St and west of Rathdowne St (nearer to Lincoln Square): 115
- North of Elgin St and east of Rathdowne St (nearer to Canning and Neill St Reserve): 210

Results: All completed surveys

Timed off-leash – Lincoln Square northern section (size 2750 m²)

Supported	68%
Not Supported	21%
Unsure	11%

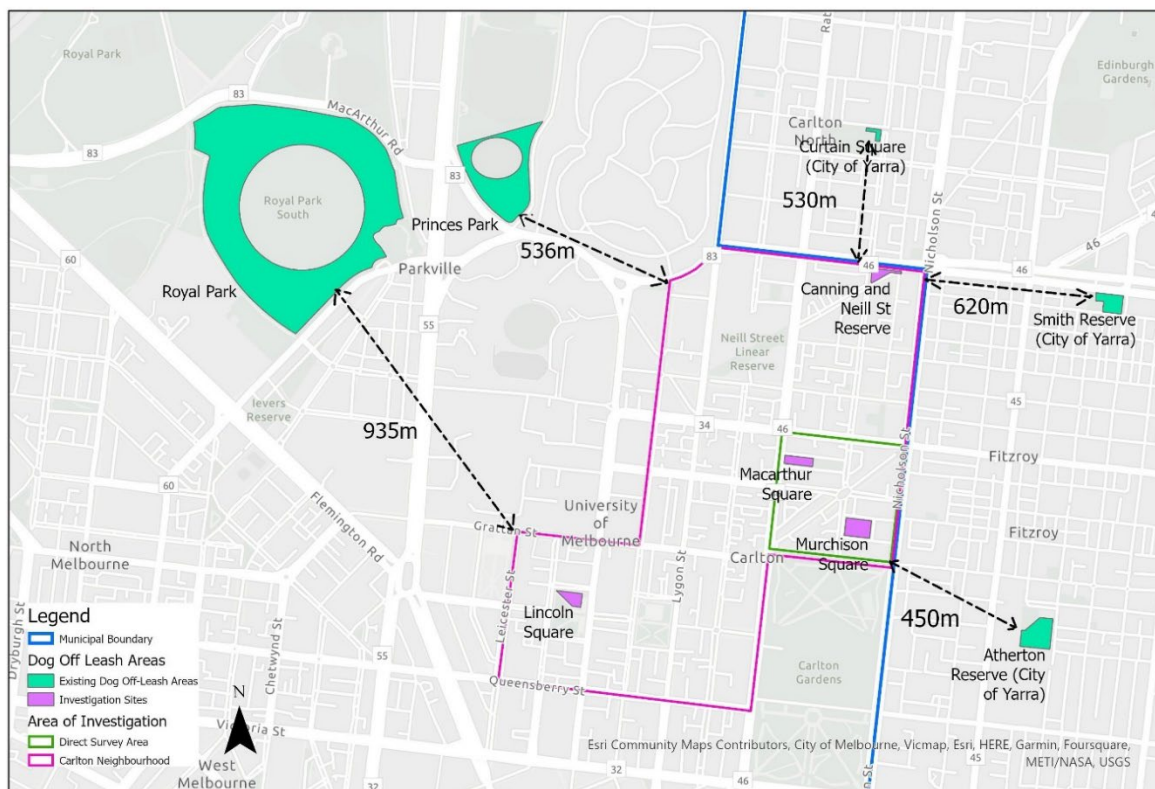


Timed off leash – Canning and Neill St Reserve (size 1800 m²)

Supported	63%
Not Supported	26%
Not sure	11%



Map showing all investigation sites and existing dog off-leash areas in both the City of Melbourne and the City of Yarra





Proposed Municipal Order

The following text will be published as a notice in The Age and Victoria Government Gazette.

The Melbourne City Council resolved at its meeting held on 27 June 2023 to make an Order pursuant to section 26(2) of the *Domestic Animals Act 1994*. This Order will take effect on [date of publication] and replaces the Municipal Order published by the Council in Victoria Government Gazette S 411 on 18 August 2022.

1. Dogs on leash

Subject to paragraph 2 below, the Owner of any dog must keep the dog under effective control by means of a chain, cord or leash not exceeding 3 metres held by the Owner and attached to the dog while the dog is in a Reserve or any Public Place in the municipality, except where otherwise identified by signs and the City of Melbourne website as being a Designated Reserve, and only during the permitted times in those Designated Reserves identified for Timed Access.

A dog may be exercised off a chain, cord or leash in a Designated Reserve and during the Timed Access period (if applicable) provided the Owner:

- Carries a chain, cord or leash not exceeding 3 metres in length, sufficient to bring the dog under effective control if the dog behaves in a manner which threatens any person or animal;
- Remains in effective voice or hand control of the dog and within constant sight of the dog so as to be able to promptly place the dog on a chain, cord or leash not exceeding 3 metres in length if that becomes necessary; and
- Does not allow the dog to worry or threaten any person or animal, and does not allow the dog to attack any person or animal.

If a dog is off a chain, cord or leash, it must be brought under effective control by means of a chain, cord or leash not exceeding 3 metres in length if the dog is on or within 5 metres of a shared path (designated and identified for use by both pedestrians and bike riders).

If a dog is off a chain, cord or leash, it must be brought under effective control by means of a chain, cord or leash not exceeding 3 metres in length if the dog is within 20 metres of:

- a children's play equipment area or outdoor fitness equipment area
- a permanent barbecue or picnic area
- a sports field or recreation facility during organised sporting activity (including training)
- the principal location of an organised public event or meeting
- a river, creek or waterbody.

2. Dogs prohibited

Dogs are prohibited from entering or remaining in a Prohibited Area at any time of the day.

3. Definitions

‘Designated Reserve’ means the whole or part of a reserve designated by signage and on the City of Melbourne website as being available for the unleashing of dogs at the time(s) signposted. The following reserves have designated dog off leash areas:

- Canning and Neill St Reserve, Carlton (Timed Access)
- Clayton Reserve, North Melbourne
- Eades Park, West Melbourne
- Fawkner Park, South Yarra
- Goschs Paddock, Melbourne (managed by Melbourne Olympic Parks Trust)
- JJ Holland Park, Kensington
- Kings Way and Moray Street Reserve, Southbank
- North Melbourne Recreation Reserve, North Melbourne
- Point Park, Docklands (Timed Access)
- Princes Park, Carlton North
- Riverside Park, Kensington (Timed Access)
- Ron Barassi Senior Park, Docklands
- Royal Park, Parkville
- Stawell Street Reserve, West Melbourne
- Wellington Park, East Melbourne (Timed Access)
- Yarra Park, East Melbourne (managed by MCG Trust).

‘Owner’ has the same meaning as in the *Domestic Animals Act 1994*.

‘Prohibited Area’ means those parts of the following Reserves as designated by signs and shown on maps on the City of Melbourne website:

- Fawkner Park, South Yarra
- JJ Holland Park, Kensington
- Royal Park, Parkville.

‘Public Place’ has the same meaning as in the *Summary Offences Act 1966*.

‘Reserve’ means any park, garden, square or reserve within the municipality.

‘Timed Access’ means 6pm to 8am 1 November to 31 March; 5pm to 9am 1 April to 31 October.

‘City of Melbourne Website’ means melbourne.vic.gov.au/dogwalking