

5.6 OFF LEAD AREA - WAVERLEY WOMEN'S SPORTS CENTRE / JELLS PARK / GLEN WAVERLEY PUBLIC GOLF COURSE

(LOCAL 8:SB:SYL:)

Ward : Mulgrave

Responsible Director: Paul Kearsley

Reason for Council Consideration: Community Interest

RECOMMENDATION

That

1. *Council seeks community comment in respect to amending the Schedule to Order No 3 to allow for an additional Dogs Off Lead area adjacent to the Golf Course in Waverley Road, Wheelers Hill, as per Attachment 3 by Notice to adjoining and opposite property owners and by Notice in the Local Paper.*
2. *A further report to Council be prepared at the conclusion of the time for submissions.*

INTRODUCTION

In August 1997 Council made Order Number 3, which requires that all dogs be leashed in all public places except for 22 designated off lead parks. A further 8 reserves were designated by Council resolution in December 1997. The Order provides that dogs may be run off the leash in the designated parks subject to being kept under control and several other conditions. The original Order is contained in Attachment 1.

BACKGROUND

The Order has been reviewed on a number of occasions. Council most recently considered the issue in 2008 during the preparation of Council's Domestic Animal Management Plan, when it was determined not to amend the Order to increase the number of Off Lead Parks within the City at that time. The Domestic Animal Management Plan was finalised, and adopted by Council, on 5 August 2008.

In late August 2008, Council received a request from a number of residents located in Wheelers Hill to amend Council's Order, made under Section 26A of the Domestic (Feral and Nuisance) Animal Act to allow inclusion of the Waverley Women's Sports Centre as a Leash free area for dogs.

The residents were advised that the Waverley Women's Sports Centre was not considered to be a suitable area to be designated off lead due to the specific use of the land for formal softball and netball activities, the proximity to the children's playground, the proximity to Jells Park and native flora and fauna.

The residents were not accepting of this position and a meeting was subsequently convened with Cr Baines, Council Officers and representatives from Parks Victoria, Waverley Softball and residents who requested the Off

Lead designation. As a consequence, a number of options were discussed. The preferred option at that time required a partnership with Parks Victoria (Option 2 below).

A letter was sent to Parks Victoria to ascertain whether it would allow Council to occupy and use a part of Jells Park as suggested at the meeting with residents and to determine what conditions Parks Victoria might require.

There are 2 Off Lead areas in proximity to the area requested by residents. These are:

- Whites Lane Retarding Basin
- Hertford Crescent Reserve.

These Reserves are approximately 1 km distant. However, they are smaller in area than that sought by the residents.

Larger Off Lead reserves are located at Lum Reserve and Columbia Park. The disadvantage is that the residents would need to drive to these reserves. These are approximately 2 kms distant from the Jells Park precinct.

PROPOSAL

To consider whether Council is prepared to extend the list of Designated Parks in Order Number 3 by the addition of one of the following locations. Refer Attachment 2, which details the location of each option.

OPTION 1 Waverley Women's Sports Centre

This is the area initially sought for use by the residents.

This area is not considered suitable for the following reasons:

- The potential threat to the public from dogs not under effective control;
- Potential conflict with Softball and Netball users, cyclists, park and playground users;
- The potential for the presence of dog faeces.

OPTION 2 Part Council owned Land and Parks Victoria Land – Jells Road

This land has direct access to Jells Road. It would require fencing to ensure a secure space to run and exercise dogs and to deter dogs rushing children at the adjacent playground or more distant softball or netball areas.

After the meeting with all parties, residents were supportive for this option to be pursued.

Parks Victoria have now advised that they are not supportive of this option given the proximity to the playground, the potential risk to children from dog attacks and the need to install treatments to minimise such risks. Car parking

and pedestrian access is limited at this location and to a large extent relies on kerbside parking in Jells Road.

OPTION 3 North side of Waverley Road adjacent to the Glen Waverley Public Golf Course entry.

This land is a large grassed area adjacent to the entry to the Golf course. It enjoys car parking in Waverley Road adjacent to the Waverley Women's Sports Centre.

OPTION 4 Jells South, Jells Park

Parks Victoria has indicated that it is willing to explore the use of another site within Jells Park, which provides good vehicle and pedestrian access to the broader community, while minimising risk to other park users.

Council's Order would not apply in this option and Council would have no involvement.

POLICY IMPLICATIONS

The Schedule to Order Number 3 would need to be amended to include the designated area in the schedule.

Clause 26(2) of the Domestic (Feral and Nuisance) Animals Act 1994 No. 81, allows for the making of an Order. It does not require Council to advertise for public comment prior to the adoption of an order. However, to ensure that a fair and transparent process is conducted S119 of the Local Government Act (Procedure for making a local law) is followed.

This requires that the Council must give notice in the Government Gazette and a public notice stating –

The purpose and general purport of the proposed Order;

Provide a copy of the proposed order from the Council office; and

Allows any person affected by the proposed Order to make a submission relating to the proposed change.

Council would consider the submissions and determine whether to proceed with amending the Order. If the Council resolved to amend the Order, then it must be published in the Government Gazette and in a newspaper circulating in the municipal district of the Council making the Order.

FINANCIAL IMPLICATIONS

If Option 1 was preferred, this area would need to be fenced to an appropriate height using black chain mesh. It is estimated an approximate cost of \$20,000 would be required to secure the area. This would be funded from budget.

However, the preferred Option would not need fencing.

ASSESSMENT

There are currently 14,500 dogs registered in the City of Monash with a population of approximately 160,000.

When Council has previously reviewed its Orders, there has been strong community support for dogs on leash in all of Monash Parks. On the contrary however, there is strong support from dog owners for opportunities to be able to meet and exercise their dogs off lead also.

Option 1 is not supported because it is a formal playing field and because of the potential conflict between dogs Off Lead and children practising or playing softball.

Parks Victoria does not support Option 2 for similar reasons as Option 1 as it brings dogs and children potentially into conflict and does not enjoy on-site car parking.

Option 3 is an option, which could be pursued if Council was supportive of the proposal.

Option 4 is not as convenient to the residents seeking the Off Lead area as Options 1-3 are and would require some park users to drive to the park. However, this already occurs across the City where dog owners wish to exercise their dogs off lead.

Option 3 is the most feasible option.

CONSULTATION

Notice should be given to adjoining properties and by Notices in the Newspapers seeking community comment to amending the Order to allow for Dogs Off Lead in the area adjacent to the Golf Course entry for a period of 14 days.

CONCLUSION

Seeking comments to review Order No 3 may result in further requests from other areas of the City. However these requests can be assessed on an individual basis.

Community comment should be sought to amending the Order to allow for an additional Dogs Off Lead area adjacent to the Golf course, as per Option 3. A further report will be provided to Council at the conclusion of the notification.

Alternatively, Council may consider that there are sufficient opportunities for Off Lead exercising of dogs in this municipality.