



10.3 PETITION RESPONSE - REQUEST FOR CHANGED DOG RESTRICTIONS ON PORT MELBOURNE BEACHES

EXECUTIVE MEMBER: BRIAN TEE, ACTING GENERAL MANAGER, DEVELOPMENT, TRANSPORT AND CITY AMENITY

PREPARED BY: LISA DAVIS, MANAGER SAFETY AND AMENITY
DIRK CUMMINS, COORDINATOR LOCAL LAWS & ANIMAL MANAGEMENT
SKYE PECK, TEAM LEADER ANIMAL MANAGEMENT AND CITY AMENITY

1. PURPOSE

- 1.1 To respond to the petition requesting that Council considers opening up Port Melbourne beaches to dog walkers before 10am during the November 1 - March 31 summer period.

2. EXECUTIVE SUMMARY

- 2.1 A petition containing 10 signatures was tabled at the Ordinary Council Meeting on 6 October 2021. The petition requested Council consider opening up Port Melbourne beaches to dog walkers before 10am during the November 1 – March 31 summer period.
- 2.2 The petition cited overcrowding of footpaths beside Port Melbourne beaches, and increased pressures on surrounding parks as a result of the increasing dog population in the Port Melbourne area. The petitioners propose that providing access to Port Melbourne beaches for dogs prior to 10am in summer would alleviate these pressures.
- 2.3 This report outlines the factors that have been considered in the petition response, and presents four options for consideration:
- Option 1: Trial early morning access on leash on South Melbourne Beach
 - Option 2: Trial early morning on leash access to 'New Beach'
 - Option 3: Retain the current dog restrictions on beaches
 - Option 4: Include an action in the draft Public Space Strategy to undertake a review of all on-beach dog restrictions
- 2.4 Option 1 is recommended as it creates the opportunity for owners and dogs to walk a continuous stretch on the sand from Bay Street to St Kilda Pier. Requiring dogs to be on leash provides beach access, whilst also reducing the potential impacts upon other beach users on a very popular stretch of beach that is used from early morning.

3. RECOMMENDATION

That Council:

- 3.1 Thank the petitioners for their petition.
- 3.2 Notes the challenges involved in balancing the desires of dog walkers with the views and needs of all other users of our beaches and open spaces.



- 3.3 Conducts a trial of early morning access for dogs on leash on South Melbourne Beach between the hours of 5.30am and 10am between 1 December 2021 and 31 March 2022.
- 3.4 Notes that the trial is subject to funding required to conduct the trial being allocated in the upcoming quarterly budget review.
- 3.5 Notes that a report on the outcomes of the trial and results from the community engagement will be presented to Council in the first half of 2022.

4. KEY POINTS/ISSUES

Current Beach Restrictions – along the foreshore

- 4.1 Along the entire foreshore, the seven Council-managed beaches are divided into 15 different zones with varying dog off-leash conditions. (Refer to map of beach zones below)
- 4.2 The zones are designed such that each zone adjoins an alternatively restricted zone.
- 4.3 The zones have been designed this way to provide beach goers with an alternative which is relatively accessible by foot if they find themselves on a beach where the presence of dogs is incompatible with their visit.
- 4.4 The beach zones are typically separated by natural and artificial landmarks (such as groynes and piers) that allow visitors and residents to orient themselves. It also helps keep signage and maps understandable.
- 4.5 An advantage of this approach is that it simplifies Council's education, awareness and enforcement activities and understanding from dog owners. For example, if an Officer is asking someone to take their dog off a restricted beach, it will come with an explanation of where that dog can go which is typically "the next beach along".
- 4.6 Port Phillip Council's existing off-leash restrictions are similar to the neighbouring Councils of Bayside and Kingston (refer Attachment 1). All three Councils provide 'green' all year off-leash zones and red 'prohibited' all year zones. The remaining zones are a mixture of differing restrictions in the morning and afternoon through summer.

Current beach restrictions – Port Melbourne

- 4.7 In the Port Melbourne area, there are two beaches: Sandridge Beach (with 3 alternating zones), and Port Melbourne Beach (with 2 different zones). To the south-east is South Melbourne Beach with one zone where dogs are currently prohibited in Summer.
- 4.8 During Winter, there are no dog prohibited zones in Port Phillip.
- 4.9 This level of access is consistent along the foreshore, as demonstrated in the map below:



Petition Request

4.10 In reviewing the petitioners’ request, the following has been considered:

4.11 Proximity of alternate dog off leash beach areas

As outlined in the background section above, the beach zoning approach provides options for all users of the beach to access dog off leash and dog restricted areas within walking distance of each other.

4.12 Potential benefits of the change for dogs and their owners

The petitioners have said that early morning access to the beach will enhance their experience and reduce pedestrian traffic on the adjacent foreshore trail.

Reducing the number of people on the foreshore trail may improve pedestrian safety – this would need to be measured over time.

There are benefits for dogs when exercised off leash. In Port Melbourne this is provided for by the existing zonings. However, they do not provide for a continuous



stretch of beach walking in summer, which could be argued is a more enjoyable experience for walkers and their dogs.

4.13 Potential impacts of the change on other beach users

In managing its open spaces (including beaches), Council aims to balance the needs of all users. Finding solutions where dogs and people can harmoniously share these open spaces can be challenging, particularly in an inner-city environment and especially during peak season.

Greater beach access for dogs in summer has the potential to particularly impact:

- Those who fear dogs and do not wish to encounter them while on the beach;
- Walkers who may not wish to have dogs running near them for fear of falling;
- Children who are playing and may have a dog approach them;
- Those who are eating and have a dog approach them, attracted by the food;
- Those participating in activities, such as Life Saving training, Nippers, group fitness or meditation.

These concerns could be partially mitigated by allowing access, but only for dogs on a leash.

4.14 Feedback from recent community consultation on the DAMP (2021)

The results below reflect the divergent views, even amongst dog owners, and the contested nature of access to open space for dogs. This highlights the extent of the challenge to set restrictions that strike the right balance between the needs of all users.

In Round 1 of the consultation, 1717 people participated. Of these, almost 78.8% of respondents said they had a dog registered with Council.

1619 people responded to questions about balancing public space use and dog restrictions. Of these, 696 (43%) respondents thought the current restrictions on dogs across the City provided a good balance for all public space users. 657 respondents (40.6%) said they do not think restrictions provide a good balance and would like more off leash areas.

In the 747 explanations for the answers, the top comments were:

- 168 people (22.5%) said there are too few off leash areas and would like more;
- 162 people (21.8%) would like less restricted beach access for dogs; and
- 142 people (19.1%) would like to see more fenced dog areas.

In Round 2 of the consultation, 537 people participated. Of these, 470 said they owned a pet, and of these respondents, 358 (76.2%) said they owned a dog.

537 people responded to a question about the level of satisfaction with the proposed actions to balance the need for dog friendly areas with other open space uses.

- 326 people (60.7%) were satisfied or very satisfied with the actions;
- 104 (19.4%) were neutral; and
- 107 (19.9%) were dissatisfied or very dissatisfied.



Those who were dissatisfied cited (in order) the desire for more fenced off leash areas, objections to dog walking permits, desire for increased dog off leash areas and opposition to the proposed 20m dog-on-lead rule around sporting activities.

4.15 Results of the 2018-19 community research and review of beach restrictions

In 2018-19, a review of dog restrictions along the entire foreshore and St Kilda Botanical Gardens was undertaken. This was in response to feedback received from the community seeking greater access for dogs off leash during summer in the Botanic Gardens and on beaches.

The consultation approach was extensive and sought to ensure that participants included a mix of dog and non-dog owners to ensure a fair and balanced representation of views. The study used two methods: a door to door survey of residents; and a face to face survey conducted along Port Phillip's beaches and the St Kilda Botanical Gardens.

871 randomly selected visitors/residents participated in the survey. 735 (84%) of these respondents were on a beach. The survey found that over 80% of respondents were either 'very' or 'somewhat' satisfied with dog off-leash aspects of the beach they were at.

In April 2019 the Council considered the consultation findings and resolved to retain all of the existing dog restrictions at the Botanical Gardens and on beaches.

OPTIONS

4.16 Officers have prepared four options for Council's consideration.

4.17 The cost estimates are for trials only, and do not include the costs of permanently changing the restrictions, which would require new signage, new maps and a communications plan.

4.18 Implementation of these trials would require a Council Resolution to change the Council Order No. 3; temporary changes to signage and funding for community engagement to evaluate the trial and report back to Council. Approval to change the Council Order will need to be made at a subsequent Council meeting.

4.19 **Option 1: Trial early morning access on leash on South Melbourne Beach (Recommended)**

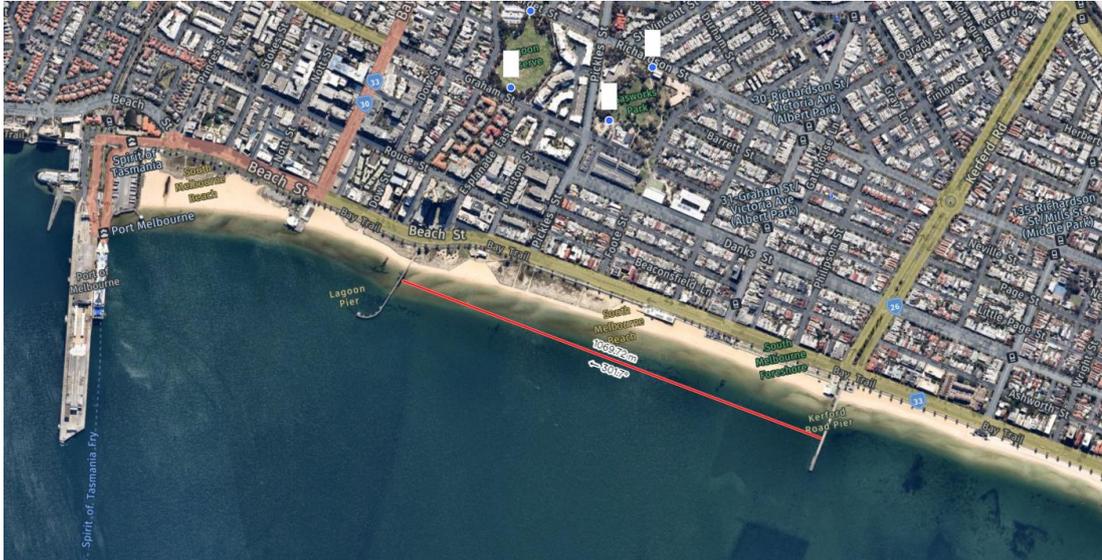
Undertake a trial of a new on leash zone at South Melbourne Beach during the peak summer period (1 December 2021 to 31 March 2022) with permitted hours being 5.30am – 10am.

This option creates the opportunity for owners and dogs to walk a continuous stretch on the sand from Bay Street to St Kilda Pier.

Requiring dogs to be on leash provides beach access, whilst also reducing the potential impacts upon other beach users on a very popular stretch of beach.

South Melbourne Beach is popular from early in the day throughout summer and hosts a variety of activities including life-saving, family visitation, volleyball competitions and training.

Estimated cost: \$60,000



4.20 Option 2: Trial early morning on leash access to 'New Beach'

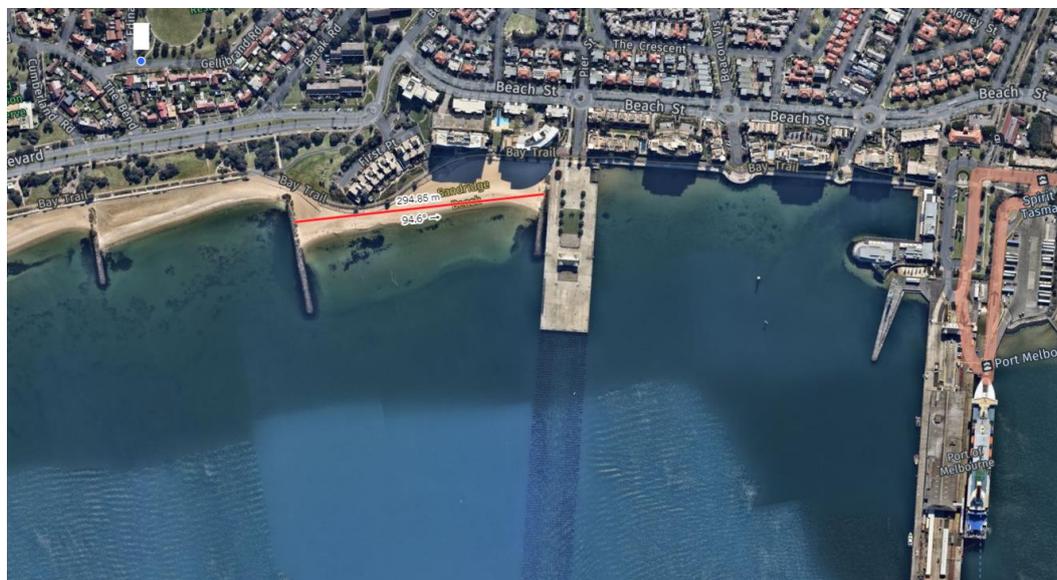
Undertake a trial of a new on leash zone at the area known locally as 'New Beach' on Sandridge Beach (immediately adjacent to Princes Pier) during the peak summer period (1 December 2021 to 31 March 2022) with permitted hours being 5.30am – 10am.

This option enables dog walkers to walk continuously from the Princes Pier to the existing off-leash zone in the centre of Sandridge Beach and caters for dog walkers living in the Sandridge and Garden City areas.

Requiring dogs to be on leash provides beach access, whilst also reducing the potential impacts upon other beach users.

Having dogs on leash would minimise impacts on other beach users.

Estimated cost: \$30,000 (if undertaken in isolation of other options)



4.21 Option 3: Retain the current dog restrictions on beaches

This option recognises the need for engagement with a fully representative sample of the community before changes to existing restrictions are considered.

The most recent representative views were contained in the findings of the 2018-19 review of dog restrictions on beaches, which found a high rate of satisfaction with the current restrictions. The outcome of the engagement was considered by Council at the time and Council decided not to change existing beach restrictions.

While responses to the community engagement on DAMP did include feedback on current beach restrictions, there was a bias in favour of pet owners, (non-pet owners only accounted for only 11-12% of respondents) and, in any event, there was no clear support for specific changes to existing restrictions.

4.22 Option 4: Include an action in the draft Public Space Strategy to undertake a review of all on-beach dog restrictions.

The draft Public Space Strategy has actions in it in support of reviewing dog restrictions and shared use of open space. A new action could be added to conduct a review of foreshore and beach dog restrictions. The draft Public Space Strategy is expected to be presented to Council in early 2022.

Estimated cost: \$75,000

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Community consultation on the specific request in the petition has not yet been undertaken.
- 5.2 However, in preparing this report, feedback from the DAMP consultation (2021), Public Space Strategy consultation (2020), the 2018-19 foreshore beach restrictions report, and correspondence received in favour and against the petition proposal has been taken into consideration.
- 5.3 Internal consultation has also occurred with staff from Local Laws and Animal Management, City Amenity, Open Space & Recreation; Public Space Planning, Street and Beach Cleaning; and the Foreshore Coordinator.



Level of consultation for a trial

- 5.4 Should Council decide to proceed with a review or trial, a market research approach is recommended to provide Council with a solid dataset to support future decisions. This approach would involve developing quotas for representation and random sampling to ensure outcomes of engagement reflect a representative sample of our community and key stakeholders.
- 5.5 Given the anticipated divergent views within our community regarding dog off-leash areas, representative sampling will be a key factor in providing Council with a greater understanding of varying views across the municipality, as well as variations between respondent profiles such as age, and dog ownership.
- 5.6 Alternative methodologies such as online polls or surveys are not recommended in this instance. They have inherent limitations and risks because they provide only a high-level snapshot of community sentiment and do not necessarily constitute a broad representative sample of our community due to self-selection of participation. A self-selection method reflects the views of people who are already sufficiently engaged with an issue and take active steps to participate. Although this methodology plays a part in understanding strong views, it does not reliably or accurately reflect underlying broader community sentiment.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 All Local Government Authorities are required to amend Council Orders in accordance with Section 26 (2) of the Domestic Animals Act 1994.
- 6.2 Council can make an order by resolution, imposing conditions on the presence of dogs in any public place of the municipality, including off leash areas and times. Council's current Order No. (3) designates areas and restrictions that are currently gazetted as dog off leash areas.
- 6.3 An Order made by the Council pursuant to S.26 (2) of the Act must then also be published in the Government Gazette and local newspaper.
- 6.4 Under Section 55 of the Local Government Act (2020) Council must adopt and maintain a Community Engagement Policy.
- 6.5 Council's Community Engagement Policy (2021) outlines the principles for engagement, and methods for how and when Council will engage with the community. Under this policy Council may agree to take an approach to engagement by trialling an initiative and seeking feedback through temporary use, initiatives or activations. Community feedback about what works and what doesn't through these temporary approaches will then be used to inform longer-term policy outcomes.
- 6.6 There is a risk of confusion if too many restrictions are trialled or amended at once, which will likely reduce compliance and make enforcement of restriction more difficult.
- 6.7 There is also a risk that relaxing the current restrictions in Summer when beaches are more highly visited may increase the risk of dog attacks/dog rushes. This will depend entirely on whether owners are able to maintain full effective control over their dogs.

7. FINANCIAL IMPACT

- 7.1 The costs of trialling changes to dog restrictions have been estimated at between \$30,000 and \$70,000 in options outlined in Section 4.



MEETING OF THE PORT PHILLIP CITY COUNCIL 3 NOVEMBER 2021

8. ENVIRONMENTAL IMPACT

- 8.1 There is a low risk of environmental impact arising from trialling alternate dog restrictions. As part of the evaluation, impacts upon wildlife and beach cleanliness would be evaluated.

9. COMMUNITY IMPACT

- 9.1 The petitioners have highlighted the benefits of community and social connection that a dog off lead beach can have by providing areas where owners can meet and socialise while their dogs exercise.
- 9.2 These factors need to be considered alongside the potential adverse impacts to parts of the community including the loss of beach access to those who fear dogs, reduced enjoyment and safety for the children and other users of the beach, the potential impact on clubs and sporting activities on the beach and the availability of alternatives for dog walkers.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Open Space Management and Animal Management Services fall under Direction 3 of the Council Plan, Liveable Port Phillip.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- 11.1.1 If Council resolves to conduct a trial, at the Ordinary Meeting on 17 November 2021 Council would need to approve the changes to Council Order No. 3 to allow for the temporary change in restrictions.
- 11.1.2 Temporary and existing signage would be updated by 30 November 2021.
- 11.1.3 Current off-leash maps would be amended and uploaded on Council's website by 30 November 2021.
- 11.1.4 Community consultation and evaluation of the trial would be completed in the period February to end April 2022 and presented to Council in May/June 2022. The assessment will be based on data relating to usage, complaints; reported incidents of non-compliance; incidence of dog rush or attacks and other general dog related nuisances; impacts on beach cleanliness; and feedback received from the community through regular channels and the engagement survey.

11.2 COMMUNICATION

- 11.2.1 Information about any trials or reviews that Council resolves to undertake will be placed on the Council website and published on social media channels.

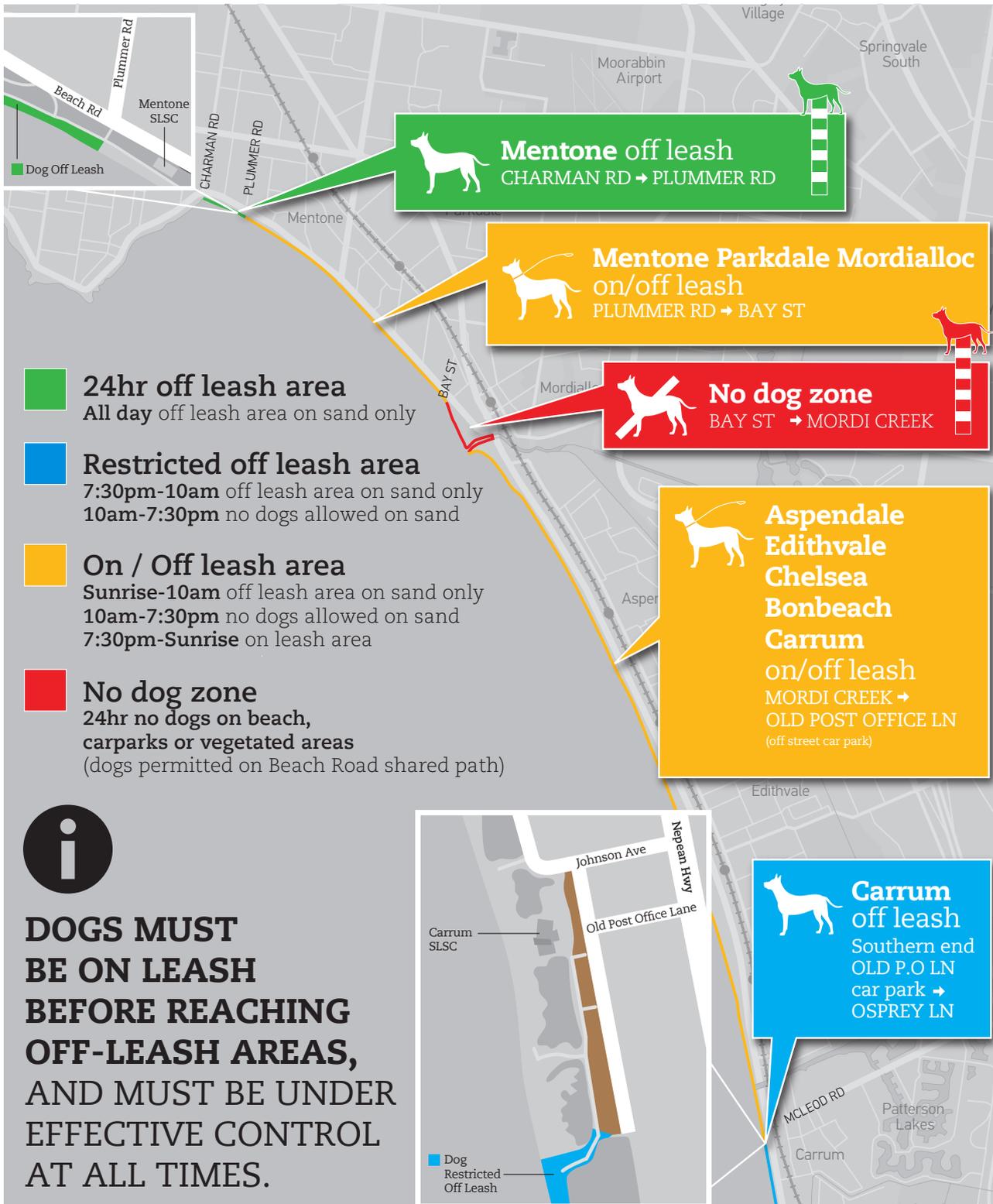
12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS 1. Kingston & Bayside Dog Beach Maps 

FORESHORE DOG REGULATIONS

NOVEMBER - 31 MARCH





When and where you can walk your dog

Year round

- Dogs permitted off leash at all times
- Dogs prohibited from fenced areas at all times

Seasonal

April–October	November–March
● Dogs permitted off leash at all times	● 7.30pm–10am Dogs permitted off leash 10am–7.30pm Dogs prohibited
● Dogs permitted off leash at all times	● 7.30pm–sunrise Dogs must be on leash Sunrise–10am Dogs permitted off leash 10am–7.30pm Dogs prohibited
● Dogs permitted off leash at all times	● Dogs prohibited
● Dogs permitted but must be on leash at all times	● 7.30pm–10am Dogs must be on leash 10am–7.30pm Dogs prohibited

Public Toilet **All Upper and Lower Beach Tracks, Pathways and Ramps are an on Leash Area.**
 Tram Stop **All Carnarks and Roadways are on Leash Areas**