

**TO:** Council

**FROM:** Manager Public Health and Safety

**DATE:** 9 December 2019

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**6.141 HIGH PUBLIC USE AREAS – DOG LEASH SUITABILITY REVIEW - LINEAR PARK AND COAST PARK (B10279)**

**Brief**

Community consultation was recently undertaken to determine the current satisfaction, or desire to amend, the dog on leash requirements along Linear Park and Coast Park (between Marlborough Street to Grange Road, Henley Beach). This report presents the findings of the consultation undertaken and recommends an update to Council's By-Law No. 5 – Dogs and Cats, to declare this nominated section of Coast Park to become a dog on leash area.

**Recommendation**

1. **That, there being at least two-thirds of the current members of Council present and in exercise of the powers contained in Section 246(3)(e) of the Local Government Act 1999 and paragraph 11 of By-Law No. 5 – Dogs and Cats, designate certain reserves as dog-on leash areas, applying paragraph 6 of By-Law No. 5 (Dog on Leash Areas ) to the following land:**

**Esplanade, Henley Beach Lot 940 in HP 106100 Certificate of Title Vol 5753 Folio 891 and Lot 941 in HP 106100 Certificate of Title Vol 5753 Folio 891**

2. **That no change be made to the current Linear Park dog leash requirements.**

**[Note: This resolution requires 2/3rd of the Members of Council entitled to vote in the affirmative]**

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**Status**

This report relates to or impacts upon the following Community Plan Objectives 2016 - 2027.

***Our Community - A strong and connected community***

- Provide accessible social infrastructure and services that engage our diverse community.
- Capitalise on partnerships, build community resilience and sense of belonging.
- Create opportunities for community leadership and civic participation.
- Educate and regulate to enable a safe and healthy environment.

**Our Liveability - *A liveable City of great places***

- An urban environment that is adaptive to a changing and growing City.
- Create valued urban places that bring people together and reflect local character and identity.
- Enhance the quality and diversity of open and public spaces.

Relevant Council policies are:

- Dog and Cat Management Policy
- Enforcement Policy
- Expiation Review Policy
- Consultation Policy

Relevant statutory provisions are:

- Local Government Act 1999
- Dog and Cat Management Act 1995
- Dog and Cat Management Regulations 2010
- Council By-Laws

**Background**

Council recently endorsed community consultation to be undertaken to review the current dog on leash requirements in two high use areas (refer CiS 16/09/19, Item 3.65). Specifically, the two nominated areas that were subject to the consultation; namely the River Torrens Linear Park trail and a small section of Coast Park, between Marlborough Street and Grange Road, Henley Beach. The community consultation has now been completed with a full copy of the results available within **Appendix A**.

By way of background, legal advice has identified that Linear Park is considered a 'park' for the purposes of the Dog and Cat Management Act (the Act), as it has all the natural characteristics of a park (grassed areas, trees, water bodies, play areas etc). As such any shared path or footpath area within the Linear Park simply forms part of the park, rather than constitutes a separate definable area. Therefore, any sealed or unsealed shared paths or footpaths within Linear Park would be by default a dog off-leash area.

In addition, the area of Coast Park subject to consultation has caused confusion with dog owners and non-dog owners alike using this space, as the adjoining footpaths around the foreshore and prior to this section and after, have a requirement for dogs to be kept on-leash under the Act. This section of path however has not been defined within the Councils By-Laws, and as such is technically defined as a public park and does not require dogs to be on lead. This has caused some community concern as well as a lack of clarity and continuity with the surrounding spaces.

**Report**

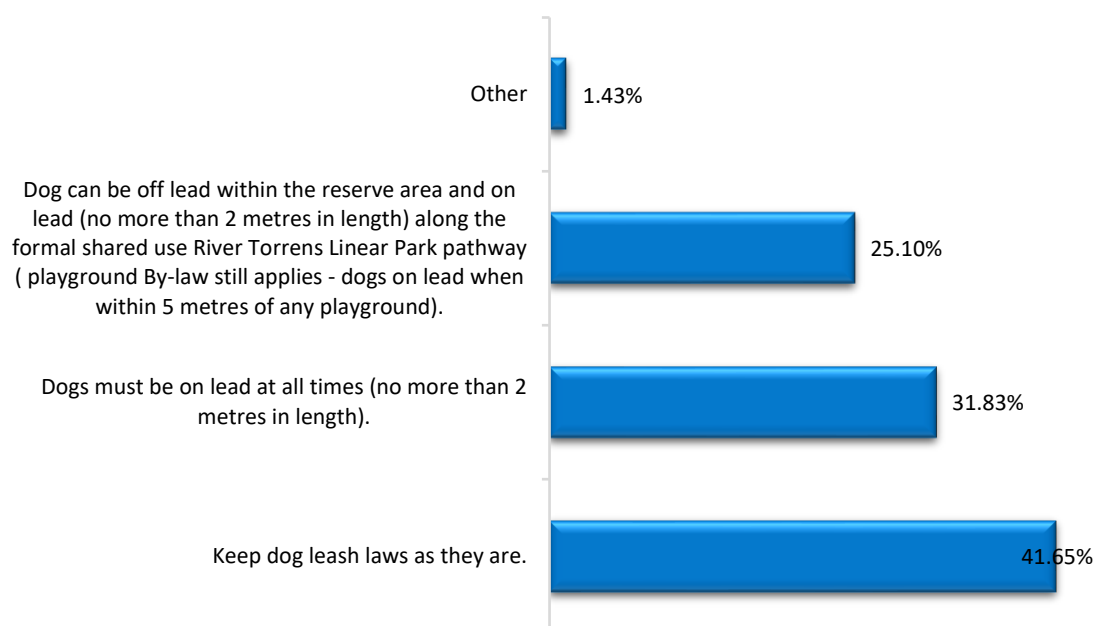
The Council endorsed strategic Urban Animal Management Plan (UAMP 2016-2020) (refer CL 23/11/2015, Item 6.155), identifies key issues and priorities affecting our community surrounding animal management within the City of Charles Sturt. One area identified during the consultation to develop the UAMP was to investigate a review of the existing dog leash laws within Council's high use dog areas. As such an action was included in the Plan to further consult on dog leash requirements in these areas to determine their suitability, or the community's desire to make amendments, to better reflect the community's aspirations.

To meet the requirements of this identified action within the UAMP, community consultation for the dog on leash requirements along Linear Park and Coast Park, between Marlborough Street and Grange Road, Henley Beach, was undertaken between 24 September and 22 October 2019. The methodology of the consultation adopted is outlined within the Community Engagement Approach, available within **Appendix B**.

A total of 2,471 consultation surveys were completed for both the Linear Park and Coast Park area as well as an additional 839 written comments.

The following graphs represent the total number of responses and their desired outcome in relation to dog leash laws for each area:

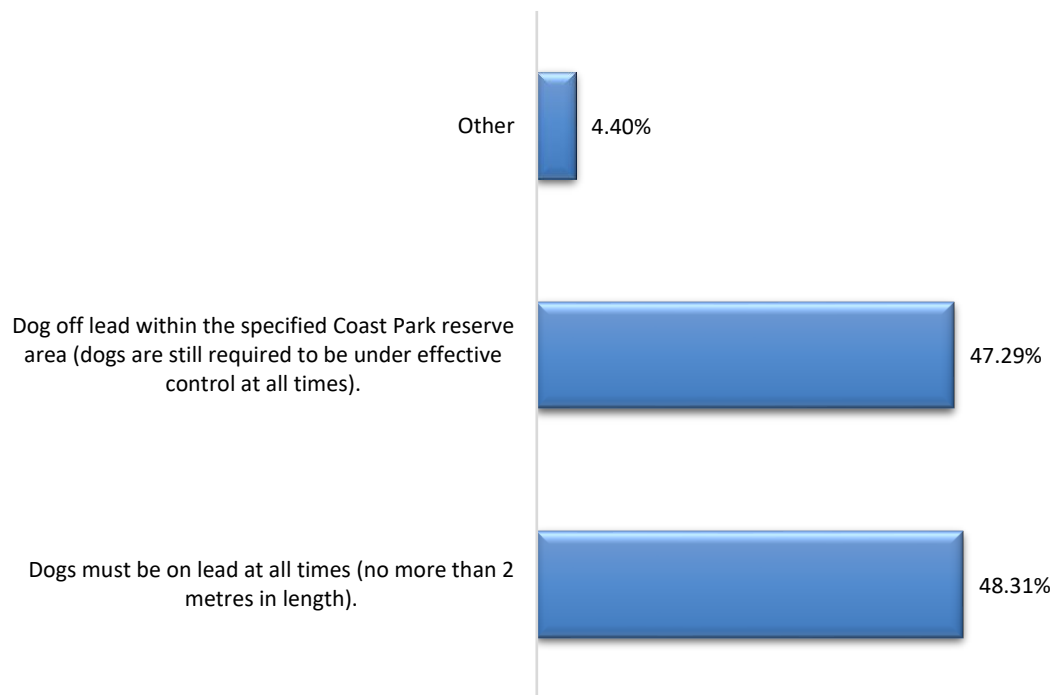
### Desired option for dog leash laws within Linear Park



Desired option for dog leash laws within Linear Park	No. Survey Responses	Percentage
Keep dog leash laws as they are.*	526	41.65%
Dogs must be on lead at all times (no more than 2 metres in length).	402	31.83%
Dog can be off lead within the reserve area and on lead (no more than 2 metres in length) along the formal shared use River Torrens Linear Park pathway (playground By-law still applies - dogs on lead when within 5 metres of any playground).	317	25.10%
Other	18	1.43%

\* Current leash laws for the entire Linear Park area allow dogs to be off-lead if under effective control. Additionally, all dogs are required to be on a lead within 5 meters of any playground.

### Desired option for dog leash laws along Coast Park



Desired option for dog leash laws within section of Coast Park	No. Survey Responses	Percentage
Dogs must be on lead at all times (no more than 2 metres in length).	571	48.31%
Dog off lead within the specified Coast Park reserve area (dogs are still required to be under effective control at all times).	559	47.29%
Other	52	4.40%

The area of Coast Park that related to the community consultation is the stretch of reserve between Marlborough Street and Grange Road, Henley Beach. This area has caused confusion with dog owners and non-dog owners alike as the adjoining footpaths around the foreshore and prior to this section and after, have a requirement for dogs to be kept on-leash under Section 43(1) of the *Dog and Cat Management Act 1995 (Act)*.

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Continued

This section of path however has not been defined within the Councils By-Laws, and as such is currently still defined as a public park and does not require dogs to be on lead. This has caused some community concern as well as a lack of clarity and continuity with the surrounding spaces.

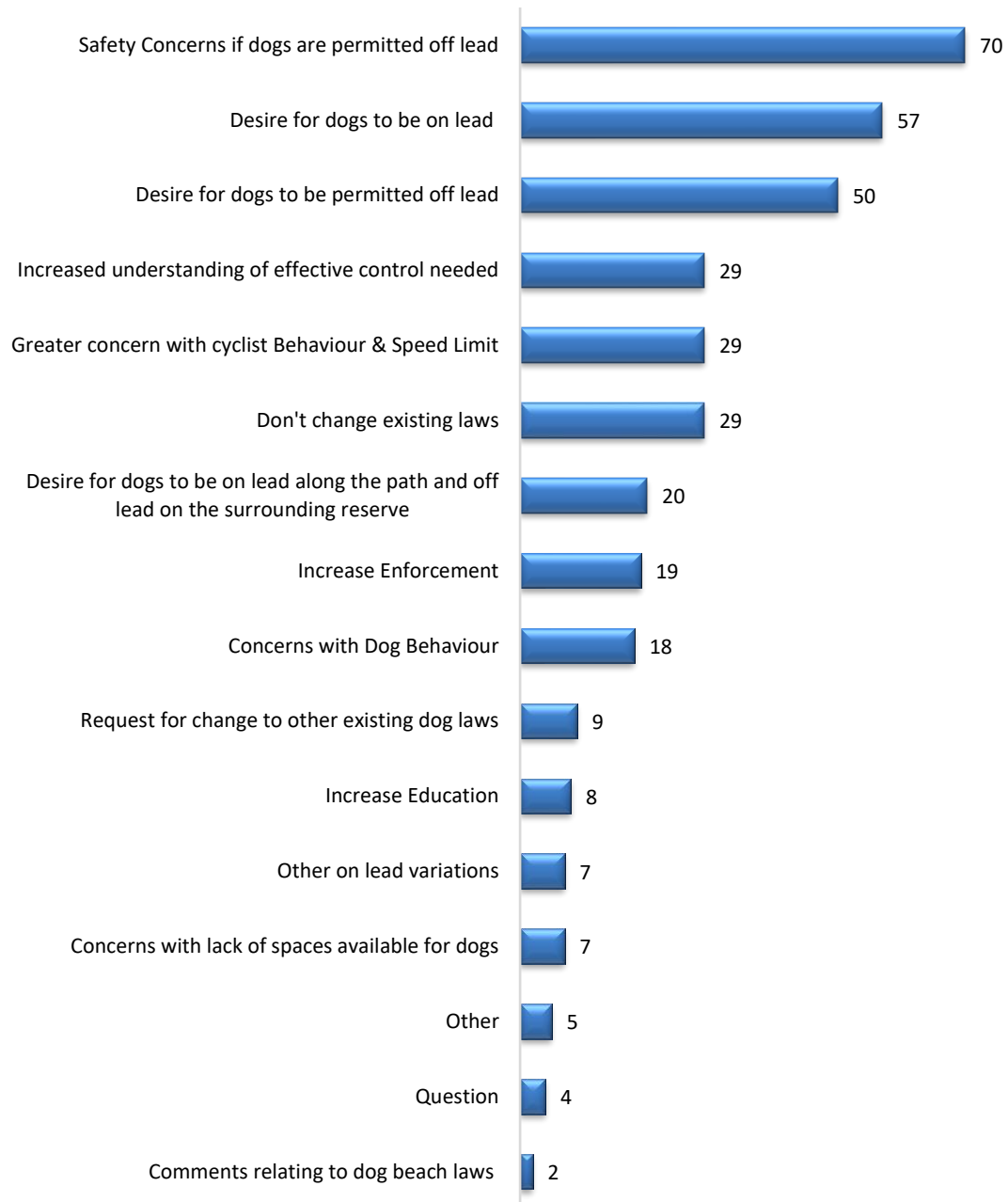
The following map outlines the section of the Coast Park which was consulted on as well as the existing laws around the identified section.

**Map of the area of Coast Park which was consulted on**

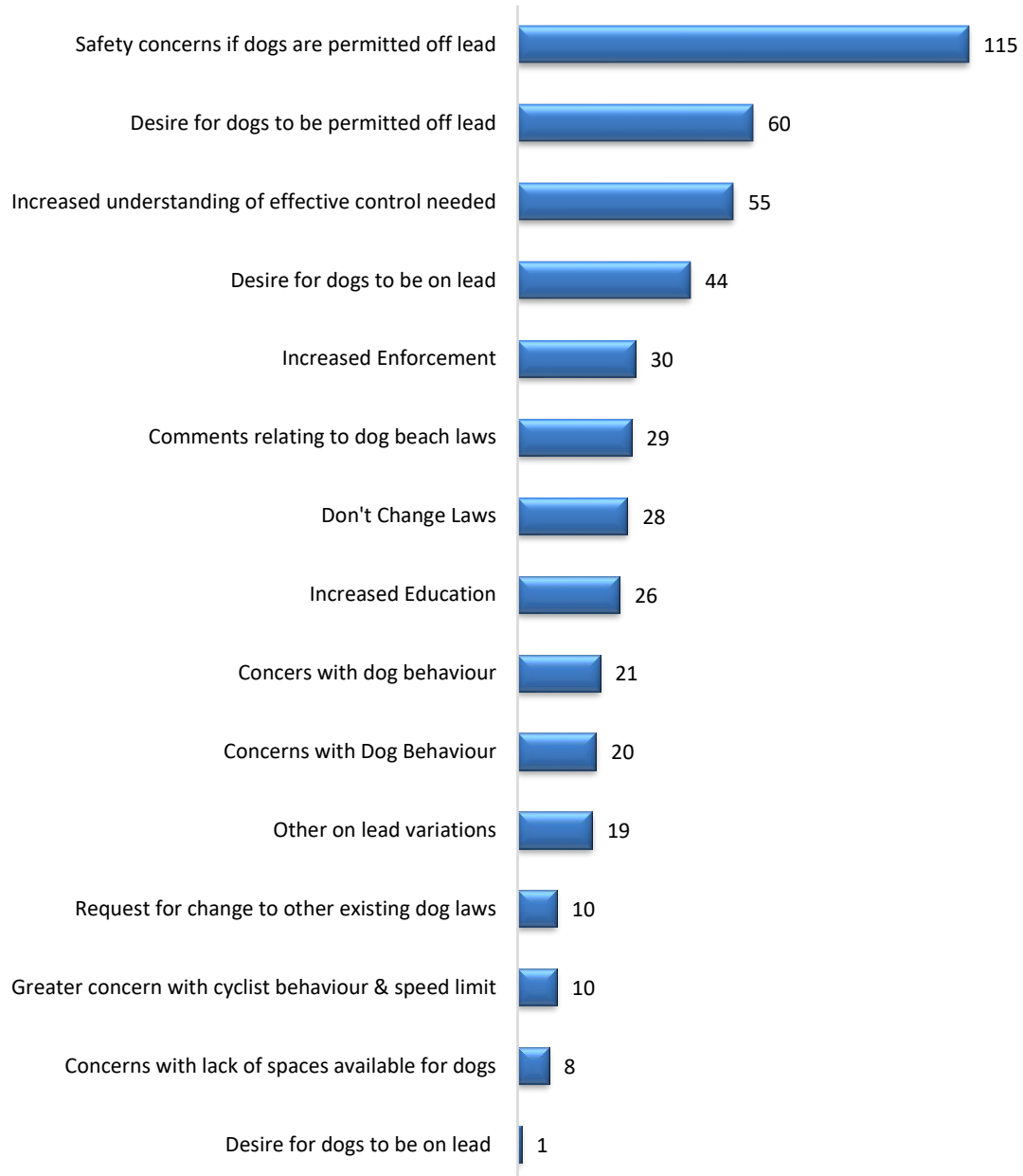


All additional comments were reviewed and grouped into general themes to highlight the key issues identified by the community. The following graphs provide comparative information on the themes in the additional comments received for each area:

**Linear Park – Themes identified within the additional comments**



Coast Park – Themes identified within the additional comments





Some of the major themes from both areas related specifically to:

- Safety Concerns if dogs are permitted off lead

Feedback was received on overall safety concerns relating to dog behaviour. The concerns raised stemmed from previous experiences with undesirable dog behaviour including dog attacks, harassments and general concerns with dogs that do not appear to be under their owners' control and were causing a nuisance. These concerns also included other dog owners who support the on-lead requirement as they identified issues with unrestrained dogs approaching their dog and the potential for an attack.

It should be noted that although community feedback provided comments surrounding previous dog attacks, Council's records have identified a total of 3 dog attack/harassments reported within the entire Linear Park area since the start of 2018 and no reported incident within the proposed section of Coast Park.

- Desire for dogs to be on lead

The number of comments supporting dogs to be on lead were nearly identical to the number received for comments for not wanting dogs to be off lead, particularly relating to Linear Park. The comments reflected a desire for a uniform approach for the length of the Linear Park and the desire for the area to be utilised by all, without the concern of dogs. This included cyclists raising concerns with unleashed dogs running on the path causing a hazard, as well as the overall freedom for all to feel comfortable in the space.

- Desire for dogs to be off lead

Dog owners who actively use the areas safely with their dogs, felt that there was no need for change and that an off-lead area would allow dogs to be exercised for both physical and mental stimulation. They felt there were no safety concerns caused from dogs in the area.

- Increase understanding of effective control

The desire for an increased understanding of effective control was reflective from both dog owners and non-dog owners. Education on this topic was a large focus of the comments provided with a clear understanding needed on what is defined as effective control.

- Concerns with cyclist behaviour and speed – Linear Park

Cyclist behaviour and speed at which bikes were being ridden along the path was a prominent concern, with comments seeking greater control of bike riders along the path and the nuisance experienced by other users because of this behaviour.

- Increased Enforcement

The desire for a greater officer presence was expressed for both areas and was reflective from both dog owners and non-dog owners.

### **Application of Responses Received**

Whilst the quantitative results received from the consultation for the two areas were closely aligned in relation to amending the leash laws or retaining them as they currently are, an analysis of the written comments and resulting key themes was undertaken. This process occurred in conjunction with officer's considering their own experiences with these issues and the following recommended actions have been developed accordingly:

#### River Torrens Linear Park

It is recommended that the dog leash laws remain as they currently are along the River Torrens Linear Park; namely dogs to be under effective control at all times (ie not specifically on lead, except within 5m of playgrounds). This approach was supported by 41% of the survey respondents and ensures a consistent requirement along the length of Linear Park, rather than a unique law within the City of Charles Sturt's section of Linear Park.

It is also noted that a large number of respondents highlighted concerns relating to cyclist behaviour and cyclist speed along the Linear Park path. While cycling is not regulated by Council, the comments received identified concerns with cycling in this area. As such administrative staff will undertake additional education via our social and print media to increase the importance of safety along shared paths. Additionally, a letter will be sent to SAPOL highlighting the community concerns raised and the request for regular patrols to be undertaken throughout this area to protect public safety.

The concerns raised regarding dog attacks in this area may be derived from prior owner experiences or unreported dog attacks as the Councils system identifies a total of 3 reported dog attacks since the start of 2018 along the stretch of Linear Park within the City of Charles Sturt.

#### Coast Park (Marlborough Street to Grange Road Henley Beach)

It is recommended that the dog-leash laws be amended, via Council Resolution, to require dogs to be on lead at all times whilst being within this section of Coast Park.

Some initial community education will be required to advise of the change in the on-leash restrictions for this section of the Coast Park, however, this is anticipated to be minimal due to the fact that surrounding areas already have the same restrictions. The consultation results slightly favoured dogs to be on lead at all times compared to the current approach of dogs only required to be under effective control (48.3% vs 47.2% respectively).

However, the implementation of this requirement will provide uniformity of dog leash laws along the coast's pathways. In particular, the path to the south and north of this section of Coast Park requires dogs to be on lead, as do all footpaths throughout the State.

**Financial and Resource Implications**

The inclusion of the specified section of Coast Park as an on-leash area is not anticipated to have a significant impact on the existing financial resources of the Community Safety Department's recurrent budget, as the area would be patrolled as part of the regular beach and coastal patrol by the Community Safety Officers. Any additional education or enforcement programs, above those recommended within this report, would require future budget bids for consideration by Council.

The resource implications associated with regulating an amendment to the existing dog leash requirements along Linear Park would be significant. Due to the length of this trail and its various entry/exit points, the area would be difficult to regulate effectively with our current staffing resources. As such a budget bid for additional resources would need to be submitted for the 2020/21 budget process, should Council elect to implement the requirement for dogs to be on-leash within this area of our City.

**Customer Service and Community Implications**

It is anticipated that initial community education will be required to advise of the change in the on-leash restrictions for the nominated section of the Coast Park. It is anticipated that this change will require minimal promotion, due to the fact that the surrounding areas already have the same requirements and the amendment will ease confusion by creating continuity and a uniform approach along the coast path.

The applicable By-Law resolution will not come into effect until the variation to the By-Law is Gazetted which will occur early in 2020. This will allow community education to occur on the recommended changes to dog on leash requirements along the nominated section of Coast Park prior to these changes becoming effective.

As the outcomes of the consultation surveys were very close, some members of the public that contributed may be dissatisfied with the outcomes. A summary report will be presented online via the YourSay Charles Sturt webpage identifying the outcomes and the rationale for the subsequent action.

**Environmental Implications**

There are no environmental implications.

### **Community Engagement/Consultation**

Community consultation was undertaken between 24 September and 22 October in accordance with the Council endorsed Community Engagement Approach (**Appendix B**). The consultation included an extensive reach with all registered dog owners with a mobile phone number on the Dogs and Cats Online registration system. In addition, all Diamond Bytes subscribers received SMS notification of the consultation. Promotion also occurred via signs throughout the two specified areas and via Council’s website and social media channels.

### **Risk Management/Legislative Implications**

The endorsement of Council to amend the current on-leash By-law areas requires 2/3rd of members support and for this amendment to be published within the South Australian Gazette. Administration staff will ensure the appropriate legislative requirements are satisfactorily followed to ensure any amendments can be effectively regulated.

### **Conclusion**

The consultation associated with the current dog-leash requirements along Linear Park and Coast Park (between Marlborough Street and Grange Road, Henley Beach), was undertaken in accordance with Council’s endorsed Urban Animal Management Plan.

A total of 2,471 consultation surveys were completed for both the Linear Park and Coast Park areas, as well as an additional 839 written comments. Whilst the results for each respective area were close in regard to keeping the current leash laws in place compared to implementing changes, the following approach is recommended to Council:

- Linear Park: Retain the current requirements for dogs to be under effective control at all times, and on-lead within 5 metres of a playground. This approach is consistent with the entire stretch of Linear Park.
- Coast Park: Implement the requirement for dogs to be on lead at all times within the section of Coast Park that runs between Marlborough Street and Grange Road, Henley Beach. This approach will create uniformity along the Coast Park within the City of Charles Sturt and will assist to provide clarity for dog and non-dog owners alike.

### **Appendices**

Appendix	Title of Document	No. of Pages	CM Ref
A	Dog on leash community consultation result report	231	19/342481
B	Endorsed Community Engagement Approach	7	19/148435

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***APPENDIX A***

Appendix A consists of 231 pages.

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***APPENDIX B***

Appendix B consists of 7 pages.