

BOROONDARA

Bicycle Users Group

Boroondara Bicycle Users Group
Response to:

City of Boroondara

Review of the Boroondara Domestic Animal Management Plan 2012-2016

3 May 2013

Submissions are to be lodged by **Friday 3 May 2013** and addressed to: Greg Talbot –
Coordinator Local Law Services via email to LLaws@boroondara.vic.gov.au

Boroondara Bicycle Users Group (BBUG)

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Introduction

Boroondara Bicycle Users Group exists to promote cycling and to advocate for improvements to cycling infrastructure in Boroondara and surrounding areas. BBUG thanks the City of Boroondara for providing us with the opportunity to reply to the Review of the Domestic Animal Management Plan 2012-2016. BBUG will make this response available on its website.

BBUG forwarded an early submission prior to release of the Draft DAMP, this document is in response to the published Draft DAMP and supplements our initial submission.

Referenced documents:

- [Domestic Animal Act 1994](#)
- [Pet Licence - on line test](#)
- [City of Yarra DAMP](#)
- [City of Banyule DAMP](#)
- [Victorian Cycling Strategy - Cycling into the Future 2013-2023](#)
- [National Cycling Strategy 2011-2016](#)
- [Boroondara Bike path map](#)
- [TrafixGroup – Outer Circle Safety Audit Report May 2012](#)
- [Victorian Consolidated Road Rules - Road Safety Rules 2009](#)

Executive Summary

There is clear evidence to support the benefits of pet ownership in our community, however with pet ownership comes responsibility.

Of particular interest to the BBUG is the increasing interaction and conflict between off-lead dogs and cyclists on the network of shared paths.

A true measure of a healthy society is how it nurtures and protects its citizens, our children to the elderly, and values their rights to personal safety and independent mobility.

80% of dog attacks occur in public spaces, and most of those involve off-lead dogs. Whilst it is clear that dogs benefit from off-lead exercise and should have areas where they can partake in off-lead socialization, this should not be at the expense of our residents rights to move freely and safely within our community.

Risk Management and Public Liability considerations must be taken into account when formulating Objective Nine (off-lead dogs on and around shared paths) of this DAMP.

Discussion:

Objective five: Registration and Identification – Our Plans

Council could consider the following education opportunities which involve little or no cost:

- Include Responsible Pet Ownership information with registration renewals which promotes the benefits of pet registration and additionally provides information regarding pet ownership welfare, bylaws and responsibilities.
- Consider promoting a once off Pet License discount or incentive for owners completing the [online test](#).

Objective six: Nuisance – Our Plans

This issue is currently under-reported because many dog owners do not understand their responsibility and many neighbours feel compelled to put up with barking dogs because they are unaware that they have a right to complain or are unable to find the avenues at council to lodge a complaint

The current complaint mechanism is inadequate and needs to be more easily located on Council's Webpage. It's easy to find "report a fault", but not "animal nuisance". The complaint mechanism needs to be reviewed.

Objective nine: Investigate and respond to the risks that may arise out of dogs being exercised off-Leash on and around shared paths:

Due to the unpredictable nature of dogs, opportunities for distraction on a path, the speed at which a cyclist may be travelling, limited sightlines on some paths and the possibilities of a dog not being seen until too late, off-lead dogs must be kept away from shared paths.

Boroondara has a pro-active approach in respect to Risk Management and carrying out safety audits of the shared paths is just one of those measures.

Traffic Group was engaged by City of Boroondara to carry out a Safety Audit on the northern section of the Outer Circle trail (Burke Road, Kew to Yarra Boulevard, Kew) and the results were published in report G13909R1B - May 2012.

This report covers just one section of Boroondara’s trail network, but the problem and inherent risk exist throughout the municipality.

The report used the VicRoads Existing Shared Paths – Safety Audit Guidelines, 2011. Where an overall Risk Rating is calculated based on the Severity Rating multiplied by the Probability Rating

Table 2: Severity Rating Table (VicRoads Existing Shared Paths – Safety Audit Guidelines, 2011)

Severity Rating (SR)	Definition
1	Insignificant – no personal injuries
2	Minor injury / scrape (band-aids required only)
3	Significant injury – requires medical attention (e.g. sprains or wounds)
4	Serious injury – requires hospital visit (e.g. broken bones)
5	Permanent disability / death possible

Table 3: Probability Rating Table (VicRoads Existing Shared Paths – Safety Audit Guidelines, 2011)

Probability Rating (PR)	Definition
1	Incident unlikely to occur
2	Incident likely to occur on occasion
3	Incident likely to occur once every 5 years
4	High probability of incident – likely to occur each year
5	Incident almost certain – likely to occur several times per year

The highest existing risk rating contained in this report is attributed to **dogs off-lead on or near shared paths which was rated with a High Risk of 16.**

- Severity Rating of 4 – Serious injury – requires hospital visit (eg: broken bones and
- Probability Rating of 4 – High probability of incident – likely to occur each year.

Outer Circle Trail Safety Audit

Table 4: Risk Rating Table

Input Probability Rating (PR)	Overall Rating Severity Rating (SR)				
	1	2	3	4	5
1	1	2	3	4	5
2	2	4	6	8	10
3	3	6	9	12	15
4	4	8	12	16	20
5	5	10	15	20	25

Legend

- Very High Risk
- High Risk
- Medium Risk
- Low Risk
- Very Low Risk

The recommendation in the consultant’s report is: **Consider implementing a 5 metre zone around shared paths where dogs must be on leads.**

There has been a significant increase in cycling over the last 10 years and the new State Government’s new cycling strategy for Victoria, *Cycling into the Future 2013-*

23, sets out the Victorian Government's 10-year plan to grow and support cycling and build a more bike-friendly state, whilst the *National Cycling Strategy* aims to double the number of Australians cycling by 2016.

Boroondara shares a number of significant shared paths with neighbouring municipalities and Boroondara is well represented with shared paths which form part of Victoria's Principal Bike Network (PBN).

The off-road shared paths are favoured by our most vulnerable citizens, young children and older residents who understandably do not feel safe or confident riding on the roads.

Dogs on fixed leads and under control pose little or no danger to pedestrians or cyclists; however dogs off-lead on and near these shared paths are unpredictable and present an unacceptable risk to the path users as well as to the dogs.

Boroondara's neighbours, City of Yarra and City of Banyule, have been proactive on this front and have already determined that dogs must be on-lead within five metres of shared paths and City of Yarra stipulates leads no longer than 2 metres, this is to prevent the use of retractable long leads on paths where the dog is effectively off-lead but "attached" by a thread to the owner.

Dogs off-lead on or near shared paths must be considered first and foremost by Councils Risk Management Team and Public Liability Insurer, rather than leaving it to public debate which could result in an outcome which is detrimental to the broader community.

Objective 11 – Dog attack plan

Section 29 of the Domestic Animal Management Act 1994 outlines the broad definition of attack and includes the little known subsections seven and eight which should be included within this DAMP.

Many owners are unaware that rushing and chasing can be considered intimidating and menacing and this behavior is covered under the act. These clauses need to be included in the public education around Dog Attacks and included in the DAMP:

S29(7) If a dog rushes at or chases any person, the person in apparent control of the dog at the time the dog rushed at or chased the first-mentioned person, whether or not the owner of the dog, is guilty of an offence and liable to a penalty of not more than 4 penalty units.

S29(8) If a dog rushes at or chases any person, the owner of the dog, if not liable for the offence under subsection (7), is guilty of an offence and liable to a penalty of not more than 4 penalty units.

Cyclists and joggers are at risk of being chased by dogs, and this can lead to serious injury if forced to take evasive action.

There additionally needs to be an improved reporting mechanism on cyclist / dog incidents / injuries so that council statistics are reflective of the actual number of incidents enabling the development of strategies that focus on the problem areas.

Free smart phone Apps, such as *Snap Send Solve* which are currently used by council could be explored to see if they could be used to report dog incidents, in addition to a prominent website reporting link:

<http://www.examiner.com.au/story/441695/dobbing-in-made-easier/>

Dogs being exercised by cyclists on and near shared paths

There are an increasing number of cyclists exercising dogs along the shared paths. Some cyclists have the dogs tethered to the bikes others have the dog running alongside off-lead. This presents an unacceptable risk to path users, the dog and cyclist and is actually an offence under the Victorian Road Rules attracting a three Unit Penalty. ([Rule 301\(3\)](#)) The cyclist does not have the same degree of control over the dog as a walker due to their focus being diverted to cycling rather than effectively controlling the dog.

Incorporating this into the DAMP could empower local council officers to enforce this behaviour and educate cyclists / dog owners that this is an unacceptable and dangerous practice.

Extract from the Victorian Road Safety Rules

9A. Application of the Acts Interpretation Act 1901 - SECT 301

Leading an animal while in or on a vehicle

301. Leading an animal while in or on a vehicle (1) The driver of a motor vehicle must not lead an animal, including by tethering the animal to the motor vehicle. Penalty: 3 [penalty units](#). Note Motor vehicle is defined in the [Road Safety Act 1986](#). (2) A person who is a passenger in, or on any part of, a motor vehicle must not lead an animal while the motor vehicle is moving. Penalty: 3 [penalty units](#). (3) The rider of a bicycle must not lead an animal, including by tethering the animal to the bicycle. Penalty: 3 [penalty units](#). Note Bicycle is defined in the dictionary.

Conclusion & Recommendations

In addition to the restrictions on dogs near sporting grounds and children's play grounds, under section 26 of the Act, the BBUG recommend the following be incorporated into the Boroondara DAMP.

- any dog that leaves its owner's property must be on a lead. Thus, dogs must be on-lead and under effective control at all times: in all streets, roads, nature strips, public car parks, shopping areas and public open space, except where specifically designated otherwise.
- Dogs must be wearing a collar and registration tag at all times when they are outside their owner's property.
- all parks and open space in Boroondara are on-lead unless sign indicates otherwise
- dogs must be on a lead on any footpath on or within 5 metres of a shared path
- A lead is specified as a chain, chord or leash not exceeding two metres in length
- Dogs and cats are prohibited from entering environmentally sensitive areas as designated by signs in parks and reserves.
- Dogs must only be off-leash in areas designated by Council.
- Dogs can be exercised off-leash only within these designated areas and must be put back on-leash when you leave the sign-posted area.
- Off-lead dogs must be no more than 50 metres (clear and unobstructed) from the person walking them and under effective control by voice command or hand signal at all times and will return to that person on command
- It is not permitted to walk more than two dogs at a time on a footpath or shared path.
- Dogs must not be allowed to chase people or other animals.
- Any droppings left by a dog must be cleaned up and disposed of properly.
- Dogs are not permitted with 10m of Skate or BMX parks (such as Hill and Dale).
- The rider of a bicycle must not exercise a dog on-lead or off-lead, a including by tethering the dog to the bicycle

With the projected doubling of cyclists over the next five years the risk associated with the unpredictable behaviour of dogs off-lead on or near shared paths must be reviewed as a Risk Management issue and Public Liability issue with council taking immediate proactive measures to create a safe buffer initiated as part of this DAMP review.

Councils around Australia are introducing these measures, with Moonee Ponds setting a 15 metre buffer zone and the City of Greater Dandenong a 20 metre buffer zone. Examining those councils who have established buffers zones, five metres appears to be the most consistent and achievable distance.

With our shared paths, current and future, crossing between Boroondara and our neighbouring municipalities of Yarra and Banyule the BBUG seeks to have this buffer set at 5 metres which creates consistency and predictability for cyclists, pedestrians and dog walkers between the municipalities along the length of the paths.