



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 24 November 2014

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Kershaw, Connor, Brown, Takacs, Martin, Merrin, Blicavs (from 6.15 pm), Dorahy, Colacino, Crasnich, Curran and Petty

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City – M Hyde, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte, Manager Community Cultural and Economic Development (Acting) – S Savage, Manager Infrastructure Strategy and Planning – M Dowd and Manager Regulation and Enforcement – J Nicol

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DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Items 3 and 4 insofar as she is employed by the Department of Planning and Environment. However, Councillor Martin advised that she does not work on Wollongong-based matters.

Councillor Martin stated that she had absolutely no conflict of interest in Items 1 and 2. However, during the debate on Items 1 and 2, Councillor Martin advised that although she had stated that she had no conflict of interest in these Items, she did use the dog off-leash areas.

Councillor Colacino declared a non-pecuniary, non-significant interest in Item 4 and advised that he would remove himself from the Chamber during debate and voting on the matter.

Also, during the debate on Items 1 and 2, Councillor Colacino stated that he lived near an off-leash beach and used that beach, but did not currently have a dog.

Councillor Kershaw declared a non-significant, non-pecuniary interest in Item 1 as she and her family use one of the off-leash beaches named in the report.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON MONDAY, 10 NOVEMBER 2014

210 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Colacino that the Minutes of the Ordinary Meeting of Council held on Monday, 10 November 2014 (a copy having been circulated to Councillors) be taken as read and confirmed.

ATTENDANCE OF COUNCILLOR

Councillor Blicavs attended the meeting during the Public Access Forum address by Mr R Macmaster, the time being 6.15 pm.

PUBLIC ACCESS FORUM – REVIEW OF DOGS ON BEACHES AND PARKS POLICY

Ms D Messum provided statistics in relation to the overwhelming support for no change to the current policy. She said that signage needed to be improved particularly at beaches where signage was confusing or only located at only one access point to the beach, eg Little Austi had four entrances and only one sign.

Ms Messum also suggested the following measures: provide bins where needed; keep the policy simple and consistent; education in schools and access to dog training; prevention rather than punitive enforcement and enforcement to be balanced for both dog owners and non-dog owners. In conclusion, Ms Messum said that the Illawarra Dog Community welcomed ongoing involvement including beach clean-ups, grant applications and reference group involvement.

Veterinarian, Dr W Prowse, stated that the off-leash beaches have been a huge benefit to a significant proportion of the community and he could not understand why Council would want to make changes to these areas. He said that the area designated for off-leash use was miniscule, compared to the total beach coastline. There was no over-exploitation of the asset by a minority group. Problems and complaints are few and far between, with the vast majority of dog owners being responsible people who value the asset and clean up after their dogs.

Dogs are better pets if they are regularly exercised, socialised and mentally stimulated. In the northern Illawarra, there are no appropriate alternatives other than the off-leash beaches, as there are no vast tracts of open land. He said that the beaches were opened to this activity just a few years ago following a long period of consideration and consultation. Nothing has changed since that time except that the off-leash beaches have been embraced by dog owners far and wide. In conclusion, Dr Prowse felt that it was not a big ask to permit dogs to run free on a small proportion of otherwise little-utilised, non-patrolled beaches.

Mr R Macmaster felt that the Council report had not addressed the non-compliance problems at Sharky's Beach and that the report's recommendations were based purely on an unbalanced survey and not on guidelines and objectives. With respect to the online survey on Council's website, Mr Macmaster said that it was open to manipulation in that anyone from anywhere in Australia, with one or multiple email addresses, could complete multiple surveys. Also, he was told by Council officers that a petition would only count as one submission and yet the report is putting

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weight on a petition with 2,716 signatures. He asked whether Council officers investigated the petition to see and verify where these petitioners were from.

Mr Macmaster said that he and his neighbours had a *birds eye* view of Sharky's Beach and the carpark and witness the non-compliance of many dog owners. He also expressed concern that people who dared to put forward their point of view had been subjected to vilification, bullying and intimidation and it was no wonder that people with an opposing point of view did not bother to speak out. In conclusion, Mr Macmaster said that the Council report was wrong with respect to Sharky's Beach and he asked that Councillors vote for Option 3 (Sharky's Beach be changed to an Orange On-Leash Timed Zone). He felt that this would do much to assist with compliance and it was a fairer option for the local community.

211 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

212 **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that the staff recommendations for Items 5 to 10 inclusive, be adopted as a block.

ITEM A – NOTICE OF MOTION - COUNCILLOR DORAHY - PROTECTION OF WATER CATCHMENT AREAS BY NSW STATE GOVERNMENT

A PROCEDURAL MOTION was MOVED by Councillor Dorahy seconded Councillor Blicavs that Item A be withdrawn. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Dorahy that Items 1 and 2 be considered concurrently. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

DISCLOSURES OF INTERESTS

Councillor Colacino stated that he lived near an off-leash beach and used that beach, but did not currently have a dog.

Councillor Martin advised that although she had stated that she had no conflict of interest in Items 1 and 2, she did use the dog off-leash areas.

ITEM 1 - POLICY REVIEW - DOGS ON BEACHES AND PARKS

PROCEDURAL MOTIONS were MOVED and CARRIED and extensions of time granted for the following Councillors to address the meeting in relation to Items 1 and 2 –

Moved by Councillor Crasnich seconded Councillor Dorahy – a five minute extension for Councillor Colacino;

Moved by Councillor Crasnich seconded Councillor Colacino – a one minute extension for Councillor Blicavs;

Moved by Councillor Kershaw seconded Councillor Martin – a five minute extension for Councillor Merrin; and,

Moved by Councillor Colacino seconded Councillor Crasnich – a five minute extension for Councillor Petty.

213 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Colacino seconded Councillor Crasnich that Council adopt the recommendations of Option 1 of the report which are -

- 1 The current Dogs on Beaches and Parks Policy be maintained; this includes the current off-leash parks and off-leash beaches and current green, orange and red zonings.
- 2 A new off-leash area be developed in the Dapto area the location of which will become public recreation (RE1) zoned land and be considered via assessment of open space areas that will come into Council ownership.
- 3 Council establish an internal working party to assess on a needs basis approach, any additional suitable parks that may be established as off-leash areas and the recommendations of this group be presented to Council for consideration.
- 4 Council provide additional signage and colour coding of fences across the City's beaches to improve awareness of the zoning for users.

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- 5 Administrative content changes, reflecting the 2014 review, as shown in the revised Draft Dogs on Beaches and Parks Policy (November 2014 version attached to the report) be adopted.
- 6 A report be prepared for Council that assesses the need, options and associated costs of providing additional community educational programs and staff.
- 7 Information on the Dogs on Beaches and Parks Policy, colour coding and dog owner responsibilities be made available online, and included at least once a year with the Council rate notices and in the Council newsletter.
- 8 Item 2, Information on Dog Activity Parks, be received and noted.

*Variations The following variations were accepted by the mover and seconder –
Councillor Brown – to change the words ‘to be’ to ‘will become’ in Part 2, and the addition of Part 8);
Councillor Curran – the addition of Part 6; and
Cr Kershaw – the addition of Part 7.*

In favour Councillors Kershaw, Brown, Martin, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Curran, Petty and Bradbery
Against Councillors Connor and Merrin

ITEM 2 - INFORMATION ON DOG ACTIVITY PARKS

This Item was considered in conjunction with Item 1. Refer to the Procedural Motion and Minute Number 213.

ITEM 3 - DRAFT PLANNING PROPOSAL - ROSEHILL FARM, 571 AVONDALE ROAD, AVONDALE

214 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Martin seconded Councillor Curran that this item be deferred to a meeting to be determined.

In favour Councillors Connor, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Curran, Petty and Bradbery
Against Councillor Kershaw

DEPARTURE OF COUNCILLORS

Due to a prior disclosure of interest, Councillor Colacino departed the Chamber and was not present during debate and voting for Item 4.

During debate and prior to voting on Item 4, Councillor Curran departed and returned to the meeting, the time being from 8.04 pm to 8.13 pm.

ITEM 4 - DRAFT PLANNING PROPOSAL - FUNCTION CENTRE, LOT 1 LADY WAKEHURST DRIVE, LILYVALE

A PROCEDURAL MOTION was MOVED by Councillor Curran seconded Councillor Merrin that the matter lay on the table. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

A PROCEDURAL MOTION was MOVED by Councillor Curran seconded Councillor Merrin that the motion be PUT. The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

MOVED by Councillor Petty seconded Councillor Merrin that –

- 1 A draft Planning Proposal not be prepared for Lot 1 DP 335557 and Lot 1 DP 652830, Lady Wakehurst Drive, Lilyvale and the site retain its current planning controls (as amended by the review of lands formerly zoned 7(d)).
- 2 The site continue the existing use as a bed and breakfast accommodation as approved under DA-2013/863. The existing operation of the Function Centre would be required to cease and no further expansion of the site would be allowed.
- 3 The applicant be advised of Council's decision.

At this point, Councillor Crasnich FORESHADOWED a MOTION should Councillor Petty's Motion be defeated.

Councillor Petty's MOTION was then PUT to the VOTE and was LOST.

In favour
Against

Councillors Connor, Takacs, Merrin, Dorahy, Curran and Petty
Councillors Kershaw, Brown, Martin, Blicavs, Crasnich and Bradbery

Due to the votes being tied, the Lord Mayor used his Casting Vote to vote against Councillor Petty's Motion.

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Following the defeat of Councillor Petty's MOTION, Councillor Crasnich's FORESHADOWED MOTION then became the MOTION.

215 COUNCIL'S RESOLUTION - RESOLVED on the motion of Councillor Crasnich seconded Councillor Blicavs that -

- 1 A draft Planning Proposal be prepared for Lot 1 Lady Wakehurst Drive, Lilyvale being Lot 1 DP 335557 and Lot 1 DP 652830 to rezone Lot 1 DP 335557 from the proposed E2 Environmental Conservation to E3 Environmental Management and rezone Lot 1 DP 652830 from SP2 Infrastructure – Road to E3 Environmental Management with the additional permitted uses of a function centre and tourist and visitor accommodation (subject to development consent) on Lot 1 DP 335557 being permitted within the existing structures (buildings B and C) with no expansion to the existing building footprints.
- 2 Consequential amendments be made on Lot 1 DP 652830 to introduce a minimum lot size of 39.99ha and a maximum building height of 9m.
- 3 The draft Planning Proposal be referred to the Department of Planning and Environment seeking Gateway determination and if approved exhibited for a minimum period of 28 days. The Gateway request include a requirement for additional flora and fauna, bushfire, water quality studies and referrals to Roads and Maritime Services, Office of Environment and Heritage/National Parks and Wildlife Service, Office of Water, NSW Primary Industries – Fisheries and Agriculture.
- 4 Council request authority from the NSW Department of Planning and Environment for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

Variation The variation moved by Councillor Brown to Part 1 (the deletion of the words 'with an additional permitted use of a function centre and tourist and visitor accommodation (subject to development consent) on Lot 1 DP 335557' and their replacement with the words 'with the additional permitted uses of a function centre and tourist and visitor accommodation (subject to development consent) on Lot 1 DP 335557 being permitted within the existing structures (buildings B and C) with no expansion to the existing building footprints') was accepted by the mover and seconder.

A PROCEDURAL MOTION was MOVED by Councillor Blicavs seconded Councillor Crasnich that the motion be PUT. The PROCEDURAL MOTION on being PUT to the VOTE was CARRIED.

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Councillor Crasnich's Motion was then put to the vote.

In favour
Against

Councillors Kershaw, Brown, Martin, Blicavs, Crasnich and Bradbery
Councillors Connor, Takacs, Merrin, Dorahy, Curran and Petty

Due to the votes being tied, the Lord Mayor used his Casting Vote to vote in favour of Councillor Crasnich's Motion.

ITEM 5 - PENROSE SUBURB NAME CHANGE - COMMUNITY ENGAGEMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION – The Geographical Names Board NSW be advised of outcome of the community engagement, with a recommendation that the suburb name 'Penrose' be changed to 'Avondale'.

ITEM 6 - WOLLONGONG SECTION 94A DEVELOPMENT CONTROL PLAN (2014) - POST EXHIBITION REPORT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION –

- 1 The Wollongong Section 94A Development Contributions Plan (2014) be adopted.
- 2 The adoption of the Plan be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

ITEM 7 - POLICY REVIEW - CUSTOMER SERVICE POLICY AND CHARTER

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION – The revised Customer Service Policy and Customer Service Charter be adopted.

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ITEM 8 - DRAFT QUARTERLY REVIEW STATEMENT - SEPTEMBER 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION –

- 1 The draft Quarterly Review Statement 2014 be adopted.
- 2 The Budget Review Statement as at September 2014 be adopted and revised totals of income and expenditure be approved and voted.

ITEM 9 - BI MONTHLY TABLING OF RETURNS OF DISCLOSURES OF INTEREST AND OTHER MATTERS

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION – Council note the tabling of the Returns of Disclosures of Interest as required by Section 450A of the Local Government Act 1993.

ITEM 10 - MINUTES OF ELECTRONIC MEETING OF THE CITY OF WOLLONGONG TRAFFIC COMMITTEE HELD 3 NOVEMBER 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 212).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council the Minutes and Recommendation of the City of Wollongong Traffic Committee Electronic Meeting held on 3 November 2014 in relation to regulation of traffic be adopted.

THE MEETING CONCLUDED AT 8.51 PM.

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 15 December 2014.

Chairperson