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AGENDA

Hearing of Submissions meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 15 March 2016
at 6.30 pm.

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Agenda

1. MEMBERSHIP

Cr. Vince Fontana (Mayor) (Chairperson)
Cr. Gaetano Greco
Cr. Tim Laurence
Cr. Bo Li
Cr. Trent McCarthy
Cr. Steven Tsitas
Cr. Angela Villella
Cr. Oliver Walsh (Deputy Mayor)
Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS HEARING OF SUBMISSIONS COMMITTEE MEETING

Recommendation

That the Minutes of the Hearing of Submissions Committee meeting held on 28 September 2015 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 JOHNSON PARK PROPOSED DOG OFF-LEAD AREA

Author: Manager Economic Development and Civic Compliance

Reviewed By: Director Corporate Services

Report Background

A petition signed by 424 residents requesting the creation of an off lead area in Johnson Park, Northcote has been received by Council.

In response, it was recommended that the northern area of the park, which has no formal recreational usage, be considered for designation as an off lead area and that Council invite submissions in accordance with section 223 of the *Local Government Act 1989* from the community regarding the proposed changes.

This report is in response to the resolution dated 23 November 2016

Previous Council Resolution

At its meeting held on 23 November 2015 the Council resolved:

That Council:

- (1) *Designate the northern area of Johnson Park as an off-lead area.*
- (2) *Write to surrounding residents and publish a public notice in local newspapers inviting submissions from the community regarding the proposed change to the off-lead designation at Johnson Park, Northcote.*
- (3) *Note submissions will be in accordance with section 223 of the Local Government Act 1989 and are to be submitted by a date which is not less than 28 days after the date on which the notice is published.*
- (4) *Capital works and safety works be referred to this year's capital works budget: eg fencing and other safety treatments/child safety.'*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

There are a number of shared goals in the Council Plan which support the strategic direction of the Order under the *Domestic Animal Act 1994*.

Sustainable and Resilient Neighbourhoods

- Protect and enhance biodiversity, natural and cultural heritage assets, wildlife corridors, local forests, waterways and the built and natural heritage areas.
- Develop policies to encourage the ethical treatment of all animals and to support responsible pet ownership.

Excellent Service

- Create a business culture that focuses on customer service and the provision of timely and meaningful responses to community needs and requests; and analyse all customer feedback, using it as an opportunity to improve the quality of our services.

Summary

Letters were sent out to residents within 1 km radius of the park surrounding Johnson's Park on 14 January 2016, as well as advertisements in the Preston and Northcote Leader on 12 and 13 January 2016 respectively, inviting them to make a submission to Council's proposal to designate the northern area of Johnson Park as a dog off-lead area. Residents had until 12 February 2016 to lodge their written submissions.

Sixteen submissions have been received which includes ten against the proposal and five in support, with one submitter providing general comment regarding enforcement (neither supports or objects) for the proposal to designate the northern area of Johnson Park as off lead. Most of the submitter's main concern is that of safety for other users, particularly children, pedestrians and cyclists using the paths through the Park. The common recommendation was that the area would need to be fenced in order to address the identified issues. Also, seven questioned whether there would be sufficient enforcement if the park were to be made off-lead.

Recommendation

THAT the Hearing of Submissions Committee:

- (1) Note that a further report be made to Council on 4 April 2016 appraising the written submissions received and the verbal presentations heard by the Committee in respect of the proposed Johnson Park Dog-Off Lead Area.
- (2) Note that officers will write to persons who made a submission to thank them and notify them of Council's decision and the reasons for it.

Introduction

The *Domestic Animals Act 1994* provides Council with the power to enforce provisions specific to dog or cat confinement requirements under section 26 of the Act. Section 26 of the Act stipulates:

A Council may by resolution make an order under this section which may do all or any of the following:

- a) *prohibit the presence of dogs and cats in any public of the municipal district of the Council;*
- b) *impose all or any of the following conditions on the presence of dogs or cats in any public place of the municipal district of the Council:*
 - i. *conditions as to the means of restraint of dogs or cats;*
 - ii. *conditions as to the times at which the presence of dogs or cats is or is not permitted;*
 - iii. *any other conditions that are specified in the order.*

Council passed an order in 2013 which designated 39 parks within the municipality as off lead (see **Appendix A**). Council may, by order of resolution, and after giving public notice invite submissions on the proposal to:

- Remove a reserve or part of a reserve; and /or
- Add a reserve or part of a reserve to the list of Designated Reserves.

The letters were sent out to residents on 14 January 2016 within 1 km radius of the park, and advertisements placed in the Preston and Northcote Leader papers on 12 and 13 January 2016 respectively inviting people to make a submission to Council's proposal to designate the northern area of Johnson Park as a dog off-lead area. Residents had until 12 February 2016 to lodge their written submissions.

The following picture identifies the proposed "off lead" area which would be designated by appropriate signage.



Issues and Discussion

Sixteen submissions have been received and these included ten against and five for the proposal and one general comment regarding enforcement (neither support/objects to proposal) to designate the northern area of Johnson Park as off lead.

Submissions

The following parties have requested to be heard in support of their written submissions and have been advised of the time, date and place of this meeting of Council's Hearing of Submissions Committee:

1. Andrew Wear

2. Myf Browning
3. Ro Packer
4. Robert and Anne Miller

The following parties have not requested to be heard in support of their written submissions:

5. Annette and Ken Berryman
6. Dr Ian Smith
7. Fred, Surr and Angelika Stoll
8. Heather Murfet
9. Jane Waldock
10. Kate Denborough and Gordon Wilson
11. Margaret Irwin
12. Sebastian Packer-Smith
13. Lis Blake
14. Lisa and Matthew Lubbock
15. Emma Wyndham Chalmers
16. Gaye Bishop (General comments – did not object/support proposal)

Most of the submitter's main concern is that of safety for other users, particularly children, pedestrians and cyclists using the paths through the Park. The common recommendation was that the area would need to be fenced in order to address the identified issues. Also a few questioned whether there would be sufficient enforcement if the park were to be made off lead.

Copies of all (16) written submissions received are circulated separately for Councillors information.

Consideration of Submissions

In accordance with section 223 of the Act, Council is required to take into consideration all submissions received in relation to the proposal and after it has made its decision, to notify all persons who made a submission of the decision and the reasons for the decision.

Financial and Resource Implications

There is no impact on the budget, if an area of the park is changed to off lead. New signage has already been approved and included into this year's budget.

Risk Management

Providing off-lead areas in parks that are required to co-exist with children's playgrounds without adequate fencing poses an increased risk to the safety of children.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

The environment and the protection of wildlife is a strong consideration in the development of any off-lead area.

Human Rights, Equity and Inclusion

Darebin's Equity and Inclusion Planning Tool (EIPAT) was used to assist the consultation process followed for the Order through the development of the Domestic Animal Management Plan 2013-2017.

Other

There are no other factors which impact on this report.

Future Actions

An appraisal of the written submissions received and verbal presentations heard will be included in a subsequent report to Council on 4 April 2016.

Persons who made a submission will be notified in writing of Council's decision and the reasons for it.

Consultation and Advocacy

Information was provided via public notice in local newspapers and letters were sent to residents within a 1km radius of the park.

- Coordinator Health and Urban Protection
- Coordinator Civic Compliance
- Coordinator Leisure and Public Realm
- Manager Economic Development and Civic Compliance

Related Documents

- *Domestic Animals Act 1994*
- Animal Management Strategy 2013-2017

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6. CLOSE OF MEETING