



Community & Environment Committee

Agenda: *Community & Environment Committee*

Date: *Monday 29 January 2007*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority (“D” Items):

- Community Services and Programmes.
- Health.
- Liquor Licences.
- Fire Protection Orders.
- Residential Parking Schemes (surveillance and administration).
- Traffic Management (Traffic Committee Recommendations).
- Waverley/Woollahra Process Plant.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolution).
- Confirmation of the Minutes of its Meeting.
- Any other matter falling within the responsibility of the Community and Environment Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below.
- Library Services
- Licensing.
- Regulatory.
- Waste Minimisation

Recommendation only to the Full Council (“R” Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters delegated to the Council by the Traffic Authority of NSW.
- Matters not within the specified functions of the Committee, or which are not the subject of a Business Agenda (current or past).
- Matters reserved by individual Councillors, in accordance with any Council policy on "safeguards".
- Parks and Reserve Plans of Management (Strategies, Policies and Objectives)
- Residential Parking Schemes - Provision and Policies

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

25 January 2007

To: The Mayor, Councillor Keri Huxley, ex-officio
Councillors Anthony Boskovitz (Chair)
Tanya Excell (Deputy Chair)
Claudia Cullen
Marcus Ehrlich
Julian Martin
Andrew Petrie
Fiona Sinclair King

Dear Councillors

Community & Environment Committee Meeting – 29 January 2007

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Community and Environment Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 29 January 2007 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 18 December 2006	1
D2	Woollahra Plastic Bags Working Party – Minutes of Meeting 12 held on 7 December 2006	2
D3	Community & Social Planning – 1059.G 1/2 & 1139.G Cultural Plan	7

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Commercial Fitness Training Activities on Public Open Space (2007) – 172.G	17
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 18 December 2006**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 18 December 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Community and Environment Committee Meeting of 18 December 2006 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: Woollahra Plastic Bags Working Party – Minutes of Meeting 12 held on 7 December 2006
Author: Pamela Mina
File No: 1183.G
Reason for Report: For the Committee to note the items discussed and recommended actions from the Plastic Bag Working Party.

Recommendation:

- A. That the Minutes of the Plastic Bag Working Party meeting held on Thursday 7 December 2006 be noted.
- B. That the recorded actions contained in the minutes of the meeting be adopted.
- C. That a report be provided to the next meeting of the Working Party outlining possible future scope and direction for the group's activities.

Background:

The minutes of the Woollahra Plastic Bags Working Party meeting held on 7 December 2006 are attached for the information of Councillors.

The Working Party at its December meeting discussed the following items;

- 1. Rose Bay Street Fair
- 2. Rose Bay Plastic Bag Reduction
- 3. Direction of the Plastic Bags Working Party in 2007

The next meeting of the Working party has been pencilled in for February 2007.

Pamela Mina
Waste Projects Officer

Warwick Hatton
Director Technical Services

Annexures:

- 1. Minutes of Woollahra Plastic Bags Working Party – 7 December 2006

Item No: D3 Delegated to Committee
Subject: **Community and Social Planning**
Author: Susan Turner, Manager Community Development
File No: 1059.G 1/2 and 1139.G Cultural Plan
Reason for Report: To provide information to Council on the preparation for the development of the Community and Social Plan
To request Councillor representation on the Community and Social Planning Advisory Panel.

Recommendation:

1. That the information provided to undertake community and social planning in 2007 be noted.
2. That a Councillor be nominated by the Mayor as a member of the Community and Social Planning Advisory Panel.

The Management Plan 2006-09 includes a number of strategic planning projects in 2007:

- Review and redraft Social Plan
- Library and Information Services Strategic Plan-“The Way Forward”
- Cultural Plan –Review and Adoption

Whilst each project aims to draw on specific information it is proposed that all studies be integrated where possible so that duplication and public confusion is avoided. To achieve this the Cultural Plan and Social Plan reviews will be combined in the community and social planning process. The new plan will be one overarching strategic document that covers all elements of community and social planning. The strategies and actions will be included in operational plans and embedded in the Management Plan on an annual basis.

Background:

A requirement under the Local Government Act and specifically under the Local Government (General) Amendment (Community and Social Plans) Regulations 1998 is for Councils to develop social plans and report annually through its management plan, identifying social plan projects it will undertake and provide a strategic direction to meeting the needs and aspirations of the local community.

The social plan provides information on mandatory target groups required under the Social Planning Guidelines:

- Children (aged 0-11)
- Young people (aged 12-24)
- Women
- Older people (55 years and over)
- People With a Disability (all disabilities including HIV/AIDS)
- Aboriginal people
- Culturally and Linguistically Diverse Communities (CALD)

The current Social Plan 2002 - 2007 has equipped Council with information about its local community, provided direction for community services and integrated the social plan with other council plans and services. In addition it has provided the pathway for collaborative planning on local issues with other agencies and with community participation. Benefits have also extended to successful application of grant funding from State Government initiatives to meet local needs and increase in partnerships with outside agencies providing a broader provision of services and efficiencies in service delivery.

Councils current Social Plan is integrated with the broader Management Plan. In addition the Woollahra Sustainability Plan currently being developed recognises the social environment along with the built and natural environment as vital components for an integrated plan. Sustainability Plans guide Council to improving its sustainable performance for long term health and well being for the community.

In regards to cultural planning, whilst there is no legislative provision for the development of a cultural plan and delivery of strategies, the Department of Local Government has issued strong guidelines that explain the importance of local cultural planning and also that without this planning funding is unlikely to be forthcoming. The *Cultural Planning Guidelines (2004)* issued by the Department of Local Government in association with the NSW Ministry for the Arts claim to be:

“part of a broader initiative by the NSW Cabinet Office and the NSW Ministry for the Arts to embed cultural development processes into the objective and operations of Government agencies so that a whole-of-Government approach to cultural development can be achieved.”

The *Cultural Planning Guidelines (2004)* also indicate that:

“The Ministry for the Arts will take council’s cultural plans into account when working with local authorities and considering applications for jointly funded projects and initiatives.”

Whilst cultural plans are currently not a requirement under the *Local Government Act* there has been speculation that this may be the case in the future. Adopted in November 2003, Council’s current Cultural Plan provides clear direction for the long-term benefit of our community’s cultural development and a framework for the management of the Municipality’s cultural resources. This Plan has been identified for review in 2007 as many of the actions have been completed or are no longer a priority of Council.

CURRENT SITUATION

Community and Social Planning

The 2002-2007 Social Plan is due to be reviewed and updated by December 2007 providing a strategic direction for future activities and priorities for the provision of community and social services to the Woollahra Community.

The first stage will be the undertaking of a Community Capacity Survey as listed in the 2006-09 Management Plan. This will be completed by June 2007 and provide information on community strengths, cohesion and opportunities to be used in the community and social planning process. This study will measure the interconnectedness within our community and the ease at which residents are able to access services and organisations to meet their needs. This will give Council clear direction in the allocation of appropriate resources and services.

Council completed a Social Needs Study in 2005 and due to this study and the community capacity survey to be undertaken in 2007 additional community consultation with all target groups is not required. However, further information is required in specific target groups such as Youth and Cultural & Linguistically Diverse Communities for adequate planning for the next 10 years.

Library and Information Services

As reported to the Community and Environment Committee meeting of 9 October 2006, Council was successful in receiving a grant of \$63,000 from the Library Council of NSW. The grant is to be used to develop the Library and Information Services Strategic Plan, titled "*The Way Forward – Library Study*".

The project aims to develop a strategy to maximise the potential of the Library Service and more closely align the services and facilities provided by the Library Service to the needs of the community of Woollahra. This study is important in ensuring that the Library and Information service meets the challenges of changing technology and service delivery as well as increasing community expectations. Under the terms of the grant, the study will utilise a consultant to critically examine the current service provision, consider best practice models, both in Australia and overseas, as well as undertake extensive community consultation and develop a series of sustainable strategies for the "*Way Forward*". Information gained from this study will contribute to the community and social planning process in 2007.

At the meeting Council resolved:

1. *That Council endorse the proposed implementation plan for the development of the Library and Information Services Strategic Plan, "The Way Forward – Library Study", as outlined in the report.*
2. *That a Councillor be nominated by the Mayor as a member of the Advisory Committee for the Library and Information Services Strategic Plan Project.*

To date the Advisory Committee has met and scheduled interviews for consultants on 31st January 2007.

Cultural Plan

The status of actions outlined in the Cultural Plan was reviewed in December 2006 (see Annexure 1). The majority of actions under each of the four key strategies listed in the Cultural Plan are ongoing or have been achieved. Strategy areas that indicate 'no action taken' have occurred due to a change of direction through the Management Plan, resulting in different projects being implemented that still fulfil the goal of the strategy.

The target date for amendment and adoption of a new Cultural Plan, if required, is listed in the Management Plan 2006 – 2009 as June 2007 (pg 98). As the Cultural Plan Review will occur as part of the community and social planning process to ensure a more integrated and cost effective approach there will not be a separate cultural planning document. It will be integrated into the final document presented to Council in October 2007.

Proposal:

It is proposed that Council commence integrated community and social planning in 2007, encompassing our obligations under the Social Planning guidelines, Cultural Planning guidelines and the direction determined through the Library and Information Services Strategy.

The development of a 10-year plan provides the opportunity to follow best practice principles in engaging the community and working in a collaborative way to achieve community aspirations and cohesiveness. Whilst the plan will focus on the social environment it will compliment and integrate where relevant with the broader Woollahra Sustainability Plan. The consultation with local residents, government and non-government stakeholders throughout the development of the plan will further establish and improve Council's relationship with its community and improve community participation in the decision making process.

Project Plan for Community and Social Planning

Objective	Core Activities/projects	Timeline
Literature Research	Review all relevant information and research	February 2007
Library Consultation	Detailed consultation with residents, member/non members	Feb-April 07
Communication Strategy	Efficient provision of information to all key stakeholders re: community and social planning	Feb 07
Community & Social Planning Advisory Panel	Councillors, HSCC, staff representatives To include reps from Library Advisory Committee	Feb 07
Community Capacity Survey	Stage 1 Sample population telephone questionnaire to be undertaken by consultants	March/April/May 2007
ABS	Stage 2 Include reports from the 2006 census	July 07
Library Strategy	Stage 3 Final Report to Council	Oct 07
Completion of Community & Social Planning document	Stage 4 Report to Council for endorsement for Public Exhibition	Oct 07
Public Exhibition	Stage 5 28 public exhibition period	Nov 07
Completion of Community & Social Planning –Report to Council	Stage 6 Final report adopted, including all aspects from Library Strategy, Cultural Plan and Social Plan review.	Dec 07

Community & Social Planning Advisory Panel

It is recommended that the community and social planning process for 2007 will consult regularly with the Community and Social Planning Advisory Panel. The Panel will provide advice and input to the consultancy appointed to complete the Library and Information Services Strategy, the Community Capacity Survey and the development of strategies to be included in the final document. It is anticipated that this Panel will be called at key milestones throughout the community and social planning process.

Membership would include representation from Councillors, Holdsworth Street Community Centre, Director Community Services, key internal staff and the internal project manager. To achieve consistency with all studies being undertaken by Community Services in 2007 it is suggested that the Panel advising the Library Strategy also be listed as members to this committee.

Cr Dawson has been nominated for membership for the Library and Information Services Strategy Advisory Committee and it is suggested that an additional Councillor be nominated onto the Panel.

Consultation:

A communication and consultation plan will be developed in accordance with Councils Guidelines for Communicating and Consulting with the Community.

The final community and social planning document and the Library and Information Services Strategy are both scheduled to be completed by October 2007 for Council endorsement and will then be released for public comment through a 28-day public exhibition period.

The communication plan and media campaign will aim to have a consistent, corporate and seamless message to keep residents, key stakeholders, Councillors and internal staff well informed throughout 2007.

Identification of Income & Expenditure:

A budget allocation of \$30,000 for Stage 1 of the community and social planning process, the Community Capacity Study, is included in the 2006-07 Budget.

Council was successful in receiving a grant of \$63,000 from the Library Council of NSW. The grant is to be used to develop the Library and Information Services Strategic Plan, titled "*The Way Forward – Library Study*"

Other resources required for this project will be staff and administration costs that will be covered in operational budgets.

Conclusion:

The proposed community and social planning process will combine all key findings and recommendations from all studies undertaken in 2007 by the Community Services Division. The final strategic document will outline a direction for Council to respond to community aspirations, understand fully the extent of the changing demography in the local area and appropriate responses and partnerships that Council may develop.



Susan Turner –
Manager Community Development

Kylie Walshe – Director Community Services

ANNEXURES:

Annexure 1: Cultural Plan Review – December 2006

Item No: R1 Recommendation to Council
Subject: **Commercial Fitness Training Activities on public open space (2007)**
Author: David Sheils - Manager Public Open Space
File No: 172.G
Reason for Report: To report results of the public exhibition of draft policy and strategy and recommend adoption

Recommendation:

- A. That the Commercial Fitness Training Activities on Public Open Space Policy (2007) be adopted for a 12 month trial period.
- B. That a further report be presented to Council following the 12 month trial period.

Background:

The Community and Environment Committee resolved at its meeting of 13 March 2006:

“That a draft policy outlining management of commercial use of open space by personal training and group fitness activity providers be prepared for consideration by Council.”

In response to this resolution a draft Policy was prepared and reported to the Community and Environment Committee 29 May 2006 (Annexure 5). Council at its meeting of 13 June 2006, resolved:

“That the matter be resubmitted to the Community and Environment Committee for a review of the group and fee structure of the draft policy with a view to imposing a fee for groups of 10-20 people only.”

In response to this resolution and other comments made by Councillors at that time, the draft Policy was reviewed, amendments made, and reported to the Community and Environment Committee at its meeting of 13 November 2006 (Annexure 4). The Committee subsequently resolved:

- “A. That the draft Policy and proposed fees for Commercial Fitness Training Activities on Public Open Space be placed on public exhibition for a period of 28 days.*
- B. That following public exhibition a further report be provided on the submissions received.”*

The draft Commercial Fitness Training Activities on Public Open Space Policy was placed on public exhibition between 22 November and 20 December 2006. The exhibition period was promoted by:

- Advertisements in the Wentworth Courier
- Notification on Council’s Website
- Direct mail to community groups, NSW Fitness and various stakeholders that have registered complaints or interest over time with staff
- Displays in Council’s Customer Service Area, libraries and community centres

We received 18 submissions and copies are provided in Annexure 3. A table which includes extracts of individual submissions and proposed responses to the draft Policy is contained in Annexure 2.

In considering the use of public parks for commercial fitness training activities there are three fundamental issues:

1. Council seeks to encourage community participation in health activities. This should be done without undue impact to other park users and adjoining residents. To minimise potential impact an effective management policy needs to be in place.
2. Fitness trainers are undertaking a trade or business on community land. Under Section 68 of the Local Government Act 1993 (The Act), a person engaging in trade or business on community land is required to obtain Council approval. Any person who engages in a trade or business without Council approval is guilty of an offence. The Commercial Fitness Training Activities on Public Open Space Policy (2007), outlines how Council will deal with approving fitness training businesses using Council land, in accordance with the Act. If affected residents or park users complained to Council that businesses are operating without an approval and contrary the requirements of the Act, we would be obliged to take action.
3. In managing commercial and community activities in parks, it is appropriate to charge fees to cover administrative and maintenance costs.

Submissions

The most common issues generated from the public submissions are addressed below.

Qualifications and industry membership

Some submissions raised concerns regarding Council seeking a certain level of qualification and fitness industry membership by fitness trainers to conduct business in our parks.

In response, we have deleted this requirement as it is the responsibility of users who pay for the services provided, to ensure their trainers are adequately trained.

Hours of operation

Submissions were raised by residents who were concerned about noisy use of nearby parks early in the morning. The advertised policy proposed start times of 6:00am. In response to this we have identified certain parks where 8:00am starts would be more suitable for noise generating fitness activities such as boxing, use of kick pads and voice commands. These are typically parks where usable open space is located at a distance (generally less than 40m) from adjoining residents, or where there is an amphitheatre effect such as at Trumper Park and Lower Cooper Park. Other fitness activities that do not generate noise such as jogging / running, Pilates and yoga would be permitted to use our parks from 6:00am. We propose three categories of park which provide for different start and finish times depending on whether the fitness activities are noise generating or not.

Category	A	B	C
Park name	Noise generating fitness activities permitted from 6:00am to 9:00pm	Noise generating fitness activities permitted from 8:00am to 8:00pm	Non noise generating fitness activities permitted 6:00am to 9:00pm
Christison Park	✓		✓
Lyne Park	✓		✓
Woollahra Oval 1	✓		✓
Rushcutters Bay Park	✓		✓
Steyne Park	✓		✓
Yarranabee Park	✓		✓
Lough Playing Fields		✓	✓
Trumper Oval		✓	✓
Lower Cooper Park		✓	✓
Woollahra Ovals 2 & 3		✓	✓
Robertson Park		✓	✓

Fitness trainers and their clients also raised concerns regarding the advertised ‘sunset’ finish time. We initially recommended a sunset limit as many of our parks do not have flood lighting levels otherwise required for sports training. However, there is no ‘industry standard’ specific to lighting provision for personal training activities. Therefore, in recognition of people’s inability to train only in daylight hours, particularly during winter, it is proposed to extend the permissible training hours to up to 9:00pm at certain locations. Typically, in practice, most training activities do not extend beyond 8-8:30pm. Trainers will be conditioned to ensure that their activities are undertaken commensurate with the level of light available in our parks to provide for safe and effective training.

Use of certain parks for fitness activities should be banned

Some residents suggested that sites like Trumper Park should not be used for ‘boxing’, and another suggested Redleaf Pool should not be used for fitness groups conducted by commercial operators. We don’t support prohibiting boxing activities from Trumper Park, or any other large park, provided the activity is undertaken within the times proposed in the category table. Boxing, and other impact exercise is considered to be a legitimate use of a public sports facility. However, we recognise some activities involve ‘impact’ noise or loud voice commands as noise as noise generating and consequently should be subject to later start and earlier finish times.

Redleaf Pool, like our other Harbour side pools, is provided for both passive recreational swimming and organised fitness and competitive activities such as water polo, swimming and group fitness (for water based resistance training). Therefore, use of these swimming areas by fitness trainers (for certain activities) is consistent with the pool’s purpose.

However, it is acknowledged that some activities, such as jogging around narrow pool decks, are not appropriate. To address this concern, conditions can be applied to ensure activities such as running on the deck are prohibited. The Policy also includes as a standard condition that pathways must not be obstructed. Failure to meet these conditions allows Council the opportunity to withdraw the trainers permit to operate on Council managed land.

Costs

Council currently charges fees to non-commercial groups, such as sporting clubs or members of the community, who use public open space for sports and physical training. Fees are charged to cover administration and management processes, and to recover costs associated with maintenance of public open space and infrastructure. To effectively manage commercial fitness training activities, it is considered that a policy and approval process needs to be in place. Administration and monitoring of the activity will result in further costs to Council. To cover these costs it is proposed to charge a fee.

Some submissions supported the introduction of a fee for the commercial use of our parks. Other submissions, chiefly by fitness trainers, accepted the principle of paying a fee, but raised concerns regarding the scale of the fees proposed.

The impacts of the proposed fee is not considered to be excessive, particularly when compared to the charges levied by personal trainers. The cost of the fee to the trainer, per client session, ranges between 2 and 5 % of the total cost charged. Some larger fitness training groups (up to 18 participants) would have similar impacts on reserves as sporting teams, which we charge a rate of \$47.50 per hour, whereas the proposed rates equate to an average hourly rate of \$3.50.

The fee structure is also similar to, or less than, those implemented by other local councils, such as Waverley and Manly and the Botanic Gardens Trust. We have also been consulted by City of Sydney which is currently investigating a similar system.

Transferability of the permit

Some fitness trainers raised concerns regarding the proposal not to allow the permit to be transferred to another trainer, for when the trainer was on leave and had arranged a replacement. As the permits apply to locations, group sizes and timeframes, the transferability of the permit is therefore supported. The policy has been amended to provide for transferability of trainers and would cater for businesses with multiple trainers, although restricted by the upper hourly limit of 28 hours.

Conclusion:

There is a need for a policy to reduce the impact of commercial fitness training activities on park users and local residents. The recommended policy requires commercial fitness trainers to obtain approval from Council which will satisfy the requirements of the Local Government Act for businesses using Council land and provide for appropriate conditioning of the activities.

The policy and fees are designed to encourage orderly use of parks for fitness training, and minimise adverse impacts on the park users and neighbouring residents in a similar way to sportsground hirers, social group hirers, wedding venue hirers and the like. The Policy not designed to discourage fitness trainers, or their clients, from using Council's parks. Adoption of the policy would, like our other park hiring systems, help to eliminate conflict between commercial fitness training groups and other park users and nearby residents. Reduced conflict may improve acceptance by park users and residents of the industry and this type of use of public parks.

It is therefore recommended that the draft policy and fees for Commercial Fitness Training Activities on Public Open Space 2007 (Annexure 1) be adopted for a twelve month trial period. Following the trial a further a further report will be prepared for Council's consideration.

David Sheils
Manager Public Open Space

Warwick Hatton
Director Technical Services

ANNEXURES:

1. Draft Commercial Fitness Training Activities on Public Open Space (2007), recommended for adoption
2. Submissions and proposed response in the draft Policy
3. Public submissions received
4. Community and Environment Committee Report 13 November 2006.
5. Community and Environment Committee Report 29 May 2006.