

Community & Environment Committee

Agenda: *Community & Environment Committee*

Date: *Monday 12 July 2004*

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

8 July 2004

To: The Mayor, Councillor Rundle, ex-officio
Councillors Marcus Ehrlich (Chair)
 Claudia Cullen
 Tanya Excell
 Wilhelmina Gardner
 Andrew Petrie
 Fiona Sinclair King
 John Walker

Dear Councillors

Community & Environment Committee Meeting – 12 July 2004

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 12 July 2004 at 6.00pm.**

Gary James
General Manager

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 28 June 2004	1
D2	Woollahra Traffic Committee Minutes – 6 July 2004	2
D3	Application of the Companion Animals Act 1998 to Vacluse Park & Vacluse Beach – 271.G	13
D4	Parsley Bay Remediation Project – 144.G	21
D5	Cities for Climate Protection Program – 813.G	25

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

R1	Community Services Grants – 30.G	30
R2	Woollahra Municipal Kindergarten – 45.G	39
R3	Department of Ageing, Disability & Home Care Funding Variation – 962.G	67

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 28 June 2004**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 28 June 2004 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 28 June 2004 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Woollahra Traffic Committee Minutes - 6 July 2004**
Author: John Stephens, Team Leader – Traffic & Transport
File No: See Traffic Committee Minutes
Reason for Report: For the Committee to consider the item requiring the decision of the Committee.

Recommendation:

THAT the Recommendations of the Traffic Committee meeting held on Tuesday 6 July 2004, Section 7, Items Y1 to Y8, including Late Item Y9 be adopted.

Warwick Hatton
Director – Technical Services

Woollahra Local Traffic Committee

Minutes

The meeting of the Woollahra Local Traffic Committee was held in the Council Chambers, Double Bay on Tuesday 6 July 2004, at 10.00am.

1. Attendances

Committee Members:

Present:	Mr W Hatton (Chairman)	(Woollahra Municipal Council)
	Mr Dean Russell	(Roads and Traffic Authority)
	Sen Const S McKenna	(Rose Bay Police)
	Mr E Yeung	(Sydney Buses)
	Mrs R Attuell	(Clover Moore MP representative)
	Mr R Caldwell	(Peter Debnam MP representative)
Staff:	Mr J Stephens	(Woollahra Municipal Council)
	Ms S Jacobs	(Woollahra Municipal Council)
<u>Also in Attendance:</u>	Cr W Gardner	(Items Y2 & Y8-Woollahra Municipal Council)
	Cr Shapiro	(Woollahra Municipal Council)
	Mrs J Turner	(Item Y4 - Rose Bay Residents' Association)
	Mr T Carr	(Item Y8 - Vacluse Cellars)
	Mr J McDonagh	(Harbour-View Park Residents' Group)
Apologies:	Mr T Brenton	(Woollahra Municipal Council)

2. Minutes of Previous Meeting

The minutes of the meeting No.05/04 held in Council Chambers, Double Bay on Tuesday 1 June 2004 were confirmed.

3. Matters Arising from Minutes of Previous Meetings

Nil.

4. Extraordinary Meetings

Nil.

5. Late Item/Correspondence

- A letter from the Vacluse Chamber of Commerce Inc. for Item Y8
 - A letter from Tim Carr (Vacluse Cellars) for Item Y8
 - A letter from G J McFarlane (Vacluse Newsagent) for Item Y8
 - A letter from M & L Haifa (Vacluse Food Store) for Item Y8
 - A letter from Robert Wade (Wade's Travel) for Item Y8
 - A letter from B & B Cotroneo (Vacluse Laundry & Dry Cleaning) for Item Y8
 - An email from Anthony Sklavos (Choppers Takeout) for Item Y8
 - An email from Senior Constable John Rowe
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6. SEPP11 Development Referrals for Assessment

Nil

7. Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Item No: Y1 Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Subject: **Parking Restrictions Changes**

Author: John Stephens, Team Leader - Traffic and Transport

File No: (Refer to Table 1)

Reason for Report: Various parking restriction changes throughout the Woollahra Council area.

Recommendation:

THAT the recommendations of Items Y1-1 to Y1-2 inclusive contained in Annexure 1 be adopted.

Item Y1-1 : 85 Ocean Street, Woollahra – ‘No Parking’

- A. THAT a 'No Parking' restriction be installed across the driveway of All Saints Church at 85 Ocean Street, Woollahra commencing 5m north of the driveway to 2.6m south of the driveway.
- B. THAT the cost of the 'No Parking' signs be charged to the applicant.

Item Y1-2 : 24 Dover Road, Rose Bay - '15 Minute Parking'

- A. THAT a 38.7 metre '15 minute parking 8.00am - 9.30am; 4.00pm - 5.30pm Monday to Friday' zone be installed on the eastern side of Dover Road north of the 'Mail Zone' near Carlisle Street.
- B. THAT the cost of the '15 minute parking' signs be charged to the applicant.

Item No: Y2 Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Subject: Sun Herald City to Surf 2004 Foot Race

Author: John Stephens, Team Leader - Traffic and Transport

File No: 16.G

Reason for Report: To gain approval to conduct the Sun Herald City to Surf 2004 event

Councillor Gardner addressed the Committee and advised that some of the retailers were fined for standing within the 'Special Event Clearway' in the shopping centre during last year's event. This matter will be discussed with Council's Rangers prior to this year's event.

Recommendation:

- A. THAT approval be granted for The Sun Herald City to Surf 2004 foot race, to be held on Sunday 8 August 2004, through the streets of the Woollahra Municipality, subject to the following conditions:
- i Approval of a Traffic Management Plan (TMP) by the RTA and Police.
 - ii Road Closures – Details of the road closures, including the method and authorised persons to control and regulate these closures being submitted to Council by 9 July 2004 for consideration.
 - iii Signage – full details of all signage proposed to be erected as part of the event, including height, clearance and fixing details, etc, prior to or during the event, being submitted to Council by 9 July 2004 for consideration.
 - iv Television Camera Stands – Full details of all structures proposed to be erected on the public roadway as part of this event being submitted to Council for approval under the Roads Act by 9 July 2004.
 - v Event Clean-Up – Assurance that the roadway will not be opened to through traffic, until such time as cleaning has been satisfactorily completed, is to be provided to Council by the Sun Herald and the Police.

- vi Advertising Road Closures and Event Details – Local residents to be advised of the road closures, opening times etc by the Sun Herald. These advertisements are to be placed in the local paper prior to the event.
- vii Waste Management Clean Up Costs - Sun Herald to pay for all clean up costs.
- viii Insurance - Evidence of current Public Liability Insurance to the value of \$15 million for the event is to be submitted to Council by 9 July 2004.
- ix On-Site Contact – The Police and Sun Herald to remain in contact with Council’s nominated on-site contact person.
- x Road / Street Cleaning – the Drink Supervisors be instructed, as part of their duties, to arrange for any empty drink cups to be swept or raked from the roadway towards the gutter during breaks, in between peak periods of the race event. The empty drink cup boxes are to be emptied into the Clean-Up Bins. Once the boxes are emptied, they are to be folded, flattened and then stacked for collection and recycling.
- xi Drink Stations/ Clean Up Bins – the number and location of drink stations and clean up bins is to be provided to Council.
- xii All drink stations on New South Head Road are to be supplied with two bins on each side of the road. The last drink station on Old South Head should be supplied with two bins at the drink station site.
- xiii All bins are to be placed on the footpath two (2) metres after the drink station. The Event organiser is to liaise with Council's Co-ordinator in relation to Council’s requirements for bin locations and collection procedures.

Item No: Y3 Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Subject: **694-696 Old South Head Road - Works Zone**

Author: John Stephens - Team Leader Traffic and Transport

File No: T338.

Reason for Report: Works Zone application received from Gledhill Constructions P/L associated with the site at 694-696 Old South Head Road, Rose Bay

Recommendation:

- A. THAT approval be granted for a Works Zone to be temporarily installed along the frontage of 694-696 Old South Head Road, Rose Bay. The length of the proposed zone is 30 metres and is subject to the following conditions:
- i Any directive provided by the NSW Police Department is to be complied with.
 - ii The Works Zone is to operate 7.00am-5.30pm Mon-Fri, 7.00am-1.00pm Sat for 12 months.
 - iii The applicant is to ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.

- iv The applicant is to provide details of the traffic control to be provided when cranes, concrete pumps and other machinery are standing in Old South Head Road.
 - v The applicant is to inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vi This Works Zone is in a residential area. The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - vii Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's determination.
 - viii The developer should be advised that:
 - Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - Should the Works Zone be required for additional hours of operation, any amendment will require the approval of the Woollahra Traffic Committee.
- B. THAT the applicant notifies all adjacent residents and business owners by a letterbox drop of the conditions of the Works Zone.
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Item No: Y4 Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Subject: **Boat & Trailer Parking in Residential Streets**

Author: John Stephens - Team Leader Traffic and Transport

File No: 195.G Pt15

Reason for Report: To refer Council's resolution of 28 June 2004 to the Traffic Committee

Mrs Turner, member of the Rose Bay Resident's Association, addressed the Committee and advised of the Association's objection to the proposed parking schemes. The Association considered that the proposed schemes would cause a negative effect for residents as it would require them to move their vehicles and possibly pay for a permit, and could also have the effect of relocating the boat and trailer parking into other local residential streets.

Recommendation:

- A. THAT the following parking schemes be supported in principle and the residents surveyed with regard to the proposed resident parking scheme and other related parking schemes:

O'Sullivan Road

- i A 2P Resident Parking Scheme in O'Sullivan Road for the section between New South Head Road and Latimer Road and
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- ii A '1P 10.00am – 12.00pm Sat' parking restriction on the eastern side and '1P 12.00pm – 2.00pm Sun' parking restriction on the western side between Latimer Road and Old South Head Road, or
- iii A '1P 7.00am – 9.00am Wed' parking restriction on the eastern side and '1P 7.00am – 9.00am Thur' parking restriction on the western side between Latimer Road and Old South Head Road.

Newcastle Street between Albemarle Avenue & Old South Head Road

- iv A '1P 10.00am – 12.00pm Sat' parking restriction on the western side and '1P 12.00pm – 2.00pm Sun' parking restriction on the eastern side, or
 - v A '1P 7.00am – 9.00am Wed' parking restriction on the western side and '7.00am – 9.00am Thur' parking restriction on the eastern side.
- B. THAT the results of the resident surveys for the proposed resident parking scheme and 1 hour parking scheme be the subject of a further report.

Item No: Y5 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **Queen Street, Woollahra - Kerb Blisters**

Author: John Stephens, Team Leader – Traffic & Transport

File No: T373.

Reason for Report: To report on the proposed kerb blisters for Queen Street at Holdsworth Street

Recommendation:

THAT Drawing No.14888 (sheets 1 & 2) detailing the proposed kerb blisters on the northern side of Queen Street at Holdsworth Street be approved for implementation.

Item No: Y6 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **36a-48 Bay Street - Works Zone**

Author: John Stephens, Team Leader - Traffic & Transport

File No: 407.G

Reason for Report: Works Zone application received from Multiplex Constructions Pty Ltd associated with the site at 36A-48 Bay Street, Double Bay

Recommendation:

- A. THAT approval be granted for a Works Zone to be temporarily installed along the western side of Bay Street, Double Bay, north of Guilfoyle Avenue, associated with the site at 36A - 48 Bay Street, Double Bay. The length of the proposed zone is 30 metres (2 x 15m Works Zones staged) and is subject to the following conditions:
- i The Works Zone is to be positioned on the western side of Bay Street as follows:

- ii 15 metre Works Zone (Stage 1), be positioned approximately 10 metres north of the northern kerb alignment of Guilfoyle Avenue, and
 - iii 15 metre Works Zone (Stage 2), be extended approximately 25 metres north of the northern kerb alignment of Guilfoyle Avenue.
 - iv Any directive provided by the NSW Police Department is to be complied with.
 - v The Works Zone is to operate 7.00am-4.00pm Mon-Fri, 7.00am-1.00pm Sat for 10 months and include a '2P Meter parking 4.00pm-6.00pm Mon-Fri; 1.00pm-6.00pm Sat' restriction.
 - vi The applicant is to ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - vii The applicant is to provide details of the traffic control to be provided when cranes, concrete pumps and other machinery are standing in Bay Street.
 - viii The applicant is to inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - ix This Works Zone is in a commercial area with parking meters. The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period application may be made for a pro-rata refund.
 - x Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's determination.
 - xi The developer should be advised that:
 - Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - Should the Works Zone be required for additional hours of operation, any amendment will require the approval of the Woollahra Traffic Committee.
- B. THAT the applicant notifies all adjacent residents and business owners by a letterbox drop of the conditions of the Works Zone.

Item No: Y7 Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Subject: **24 Dover Road, Rose Bay - Works Zone**

Author: John Stephens - Team Leader Traffic and Transport

File No: T132.

Reason for Report: Works Zone application received from Roy Hofmeier associated with the site at 24 Dover Road, Rose Bay

Recommendation:

- A. THAT approval be granted for a Works Zone to be temporarily installed along the frontage of 24 Dover Road, Rose Bay. The length of the proposed zone is 12 metres and is subject to the following conditions:
- i Any directive provided by the NSW Police Department is to be complied with.
 - ii The Works Zone is to operate 7.00am - 4.00pm Mon-Fri for a period of 4 months.
 - iii The applicant is to ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - iv The applicant is to provide details of the traffic control to be provided when cranes, concrete pumps and other machinery are standing in Dover Road.
 - v The applicant is to inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vi This Works Zone is in a residential area. The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - vii Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's determination.
 - viii The developer should be advised that:
 - Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - Should the Works Zone be required for additional hours of operation, any amendment will require the approval of the Woollahra Traffic Committee.
- B. THAT the applicant notifies all adjacent residents and business owners by a letterbox drop of the conditions of the Works Zone.
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Item No: Y8 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **Vaucluse Shopping Centre – Proposed Parking Amendments**

Author: John Stephens, Team Leader - Traffic & Transport

File No: 488.G Pt6

Reason for Report: Council on 15 June 2004 deferred this matter and requested further consideration by the Traffic Committee.

Councillor Gardner and Tim Carr, Vaucluse Cellars, addressed the Committee.

Councillor Gardner advised of the previous history of parking requirements within the Vaucluse Shopping Centre and the Chamber's request for improved parking conditions. Mr Carr advised that he supported the introduction of short term parking within the shopping centre to improve parking turnover as a number of his customers had complained about the difficulty in finding parking within the shopping centre.

After some discussion on the proposal, an amendment was moved to provide three restricted parking spaces on the western side of New South Head Road, north of Petrarch Avenue and three restricted parking spaces at the northern end (outside the Vaucluse Laundry and Dry Cleaners) in the Vaucluse Shopping Centre to '½ Hour Parking 6.30am – 8.30pm Mon – Fri; 8.30am – 12.30pm Sat'. It was noted that the four restricted parking spaces between the proposed ½ Hour parking spaces would remain as 1 Hour parking restrictions. This would provide a mix of short-term parking.

Note: Mr R Caldwell concurred with the original recommendation that the existing 10 restricted parking spaces on the western side of New South Head Road, north of Petrarch Avenue, be amended to ½ Hour Parking. He voted against the amendment. The amendment was supported by the RTA, the Police and Council representatives.

Recommendation:

- A. THAT three restricted parking spaces on the western side of New South Head Road, north of Petrarch Avenue and three restricted parking spaces at the northern end (outside the Vaucluse Laundry and Dry Cleaners) in the Vaucluse Shopping Centre be amended to '½ Hour Parking 6.30am – 8.30pm Mon – Fri; 8.30am – 12.30pm Sat'.
 - B. THAT the above parking changes be monitored to ascertain if any further amendments are necessary.
 - C. THAT the feasibility of extending the '1 Hour parking 8.30am-8.00pm Mon-Fri; 8.30am-12.30pm Sat' restrictions on the northern side of Laguna Street be investigated.
 - D. THAT the businesses and resident who responded to the survey be advised of Council's decision.
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Late Items**Y9 - New South Head Road, Double Bay - File T329.Pt 4**

Senior Constable S McKenna tabled an email from Senior Constable John Rowe, Licensing / Crime Prevention Officer, proposing the introduction of a taxi zone adjacent to the Golden Sheaf Hotel to prevent the stopping of taxis in the 'No Stopping' restriction thus reducing the risk to patrons presently crossing the road to the existing taxi zone.

Senior Constable Rowe suggested that the existing 'Truck Zone' immediately south of the pedestrian crossing become a 'Taxi Zone' between the operational hours of the 'Truck zone' and 'Clearway' restrictions.

Recommendation:

That the matter be deferred for investigation.

There being no further business, the meeting concluded at 11.30am.

Warwick Hatton
Chair

Item No: D3 Delegated to Committee
Subject: **Application of the Companion Animals Act 1998 to Vacluse Park & Vacluse Beach**
Author: Tim Tuxford Manager - Compliance
File No: 271 G
Reason for Report: Council at its meeting of 28 June 2004 called for a further report on this matter.

Recommendation:

- A. That Council nominate two (2) representatives to attend a meeting with the Historic Houses Trust of New South Wales to discuss what access by dogs may be permitted to Vacluse Beach. This meeting is scheduled to occur at 6.00pm on Tuesday 27 July 2004 at Vacluse House.
- B. That following the above meeting with the Historic Houses Trust of New South Wales, a further report be prepared for the Council's consideration.
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Reason for Report:

Council at its meeting of 28 June 2004, on considering the extension of the off leash area for dogs at Lighthouse Reserve Vacluse, resolved as follows;

- “A. THAT Council pursuant to Section 13(6) of the Companion Animals Act 1998, resolve to extend the Type D – “Unleashed Dogs Allowed at all Times” area at Lighthouse Reserve Vacluse to cover the area defined in Annexure 1.*
- B. That further investigation of the Council's role in the control of dogs in Vacluse Park, pursuant to the requirements of the Companion Animals, 1998, be undertaken and reported to a future meeting of the Community and Environment Committee.”*

This report is in response to Part B of the above resolution

Background:

As reported to the Community & Environment Committee meeting of 15 June 2004, approximately 12 months ago the Historic Houses Trust of New South Wales prohibited dogs from the following areas of Vacluse Park and Vacluse Beach on a trial basis;

- The area around the Tea House and children's play area; and
- The reserve and beach to the north of Wentworth Road

Council is advised by representatives of Vacluse House that prior to the introduction of the trial, dogs were required to be held on leash at all times. The area was inadequately sign posted and the restrictions on dogs could not be enforced. As such, it appears as if the local residents considered and used the area as an off leash exercise area, especially Vacluse beach.

Council received a letter from the Historic Houses Trust on 22 June 2004, which stated;

“The Historic Houses Trust of New South Wales undertook a 12 month review of its Vaucluse House Dog Policy at its meeting last evening. The review took account of the dramatic improvement to the amenity of the beach, the views of community representatives and staff, its ability to police the policy and other factors. As a consequence the Trust has determined, in principle, to amend the policy insofar as it pertains to Vaucluse Beach. The Trust will consider some form of limited access by dogs to the Vaucluse Beach along the lines suggested by the former Mayor of Woollahra at a meeting on 11 September 2003.

Prior to determining the exact details of any change to the policy the Trust would like to meet with the same group it consulted with in September 2003.”

As the then Mayor, Councillor Comino attended the September 2003 meeting together with Mr Colin de Costa of Regulatory Services representing Council. Also in attendance were various members of the community representing the pro and anti dog interests, as well as three representatives of the Trust. Councillor Comino referred to an earlier meeting which took place at Council at which recommendations were made to the Trust to consider adopting a similar policy to that adopted by Council in its own Parks for limited off-leash times. In particular, Councillor Comino indicated he advised the Trust that there should be a compromise allowing for restricted use by dog owners referring to Council's current controls and that this be done on a trial basis with a review after perhaps three to six months.

Consideration:

In response to the Council's resolution of 28 June 2004, a legal opinion has been obtained from Michael Connell of Michell Sillar Lawyers in relation to how the *Companion Animals Act 1998* would apply to Vaucluse Park and Vaucluse Beach. Several issues were raised with Mr Connell and he addressed them as follows;

Issue 1: Do the areas of Vaucluse Park and Vaucluse Beach constitute a “public place” pursuant to Section 5 of the *Companion Animals Act 1998*, even though they are under the care, control and management of another authority? In this regard, how is it determined “that the public are entitled to use” an area?

Solicitor's response:

The definition in the *Companion Animals Act 1998* (the “**Act**”) of a “public place” is as follows:

“S.5 **Public Place** means:

any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden; and any other place,
that the public are entitled to use.”

These words, or variations of these words, are typically found in a number of statutes. Examples from the Local Government Act concern the definitions of “public park” and “public reserve”.

In general terms the expression takes its ordinary meaning from the language of the words used. That is, if a member of the public has a right of access to the property or place in question then that is a place which the public is entitled to use.

In the New South Wales Court of Appeal case of *North Cronulla Precinct Committee Incorporated -v- Sutherland Shire Council* [1999] NSWCA 438 (3 December 1999), Justice Giles said that:

“From the additional word “public”, a public park is something more than a park. An area will be a park if it meets the physical description, including as to use, in the definition of “park”, but an area of private or non public land may meet that physical description.

The 1993 Act [LGA Act] uses the adjective “public” in a number of other phrases. One is the defined term “public reserve”. A public car park is premises used to accommodate cars of members of the public. Public entertainment is entertainment to which admission may ordinarily be gained by members of the public for a fee. A public meeting is an assembly held for a public purpose to which admission may ordinarily be gained by members of the public. A public place includes a public baths or public swimming pool, and a public road, public bridge, public wharf, or public road-ferry. These are distillations of the defined meanings, and not exhaustive of the use of the adjective. “Public road” is itself defined to mean a road which the public are entitled to use, and “public wharf” is defined to mean a wharf, boat ramp, jetty or other structure that is situated in, on or over water and that the public are entitled to use. The basic notion seems to be use or participation by members of the public. Sometimes the member of the public must have a general right (eg. use of a road), sometimes the member of the public must obtain a right (eg. participation in entertainment), sometimes the member of the public is simply permitted (eg. participation in a meeting), and sometimes there is no indication whether more than use or participation in fact is contemplated.

In order that a park be a public park it is necessary at the least that those who use the area for recreation are members of the public (if the relevant use is use by those who resort to the area for the purposes of recreation), or that a Council’s use of the area involves that the Council makes it available for use by members of the public for recreation (if the relevant use is use by the Council).”

In the case of *Lucy Klewer -v- Coffs Harbour City Council* [2003] NSWSC 637 (21 July 2003) a resort in Coffs Harbour, a golf course and a lagoon area were held to be areas that the public were entitled to use and thus came with the definition of “public place” in the Act. It is to be noted that these were areas of land that were privately owned, but which the public were entitled to use. In that case the resort employees were entitled to seize dogs that were unleashed and not under the effective control of any person.

Staff Comment:

It is considered that the area of Vacluse Park and Vacluse Beach is a “public place” pursuant to the *Companion Animals Act 1998*.

Issue 2: If the area is a “public place”, is Council obligated to enforce the requirements of the Act? If Council elects not to enforce the requirements of the Act, could Council be held liable if an injury occurred as a consequence of a breach of the Act?

Solicitor’s response:

You will appreciate that generally the relevance of the definition of “public place” relates to the, inter alia, various requirements and responsibilities in respect of companion animals, particularly dogs. That is, there is a difference in liability and responsibilities in most circumstances depending on whether an animal is in a “public place” as opposed to being on private property. Pursuant to Section 6 of the Act a “local authority” for a place is the Council of the area in which the place is located. The Act is structured so that certain enforcement provisions are given to local authorities, over and above those of members of the public.

Furthermore, the Act gives authority to do certain things to “authorised officers”, who are employees of the local authority authorised by the local authority for the purposes of the Act, or a police officer.

The Council acts through its “authorised officers” to carry out relevant powers granted under the Act to those “authorised officers”. As a statement of general principle a Council would be liable for the Acts of its authorised officers if the authorised officer was negligent in the performance of his or her duties, or if the Council had a general duty of care which it had breached and which caused injury to a person.

However, in this regard one needs to look at the various provisions of the Act. It is also necessary to look at what are the requirements of the Act in relation to Councils and its authorised officers. The Act does not purport to be a code of conduct for Councils in relation to companion animals, but is an Act which places responsibility for such animals primarily on the owner of the animal or the person having control of the animal.

No doubt there are many public places in Woollahra. The primary responsibility for control of dogs is on the owner or person having control of the dog. If those provisions are breached a range of scenarios may result, including the possibility of seizure of the dog or proceedings for an offence. The Council through its authorised officers has certain powers, which, provided they are exercised properly would not give rise to a liability.

In this case it also needs to be borne in mind that the land is under the care and control of the Historic Houses Trust. It operates under its legislation and has the power, inter alia, to:

“(c) subject to such conditions (whether relating to times or otherwise) as the [Trust](#) imposes, permit admission of the public to the whole or any part of a [historic house](#),”
(see section 8(1)(c) of the Historic Houses Trust Act 1980)

This also includes the grounds appurtenant to the historic house.

This is a wide provision and would allow the Trust to deny access to parts of the land at its discretion and **to impose conditions** on how persons conduct themselves on the land. If the public is denied access to an area then it ceases to be a public place, with obvious consequences in relation to the application of the Act.

Staff Comment:

Council is responsible for enforcing the requirements of the *Companion Animals Act 1998* in the public areas of Vaucluse Park and Vaucluse Beach. However the Historic Houses Trust are able to impose conditions that may be more stringent than the requirements of the *Companion Animals Act 1998*. For example, the Trust may prohibit dogs from the beach area.

However, unless Council specifically endorsed this stance and resolved to prohibit dogs from this location pursuant to the *Companion Animals Act 1998*, it would not be Council’s responsibility or role to enforce this requirement. In these circumstances, it is considered that it would be the Trust’s responsibility to enforce this type of “*condition of entry*”.

Issue 3: If the area is a “public place”, does Council have the right pursuant to section 6 of the Act and section 13(6) of the Act to declare all or part of the land an off leash area, even though it is not under Council’s ownership and Council is not responsible for the care, control and management of the land?

Solicitor's response:

There is no doubt that the Council is the local authority for the "place", as the area in which the place is located is within the Council's area.

Pursuant to section 13(6) the Council can by order declare a public place to be an off leash area. Therefore, if this area is a public place then the Council has the power to declare it an off leash area.

However, that simply means that a dog does not have to be on a leash in the public place, as otherwise the owner or another person (if over 16) would be guilty of an offence. Moreover, the Trust has the power expressed in wide terms (see above) to impose conditions on entry to the house and the land appurtenant thereto.

Staff Comment:

Council can declare all or part of the area an off leash area, however this does not prevent the Historic Houses Trust from imposing a more stringent requirement as explained under Issue 2 above. If the Trust imposed a more stringent condition of entry, it would be the Trust's responsibility to enforce this requirement.

Issue 4: Accepting that the Historic Houses Trust is responsible for the care, control and management of Vacluse Park and Vacluse Beach, what authority does the Trust have under the Act to prohibit dogs from all or part of the area? In this regard it is noted that Section 14 of the Act states:

"14(1) Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):

*(a) **Children's play areas** (meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).*

*(b) **Food preparation/consumption areas** (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans).*

*(c) **Recreation areas where dogs are prohibited** (meaning any public place, or part of a public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part).*

*(d) **Public bathing areas where dogs are prohibited** (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).*

(7) *A local authority is authorised to make the orders contemplated by this section.”*

Accordingly, dogs are prohibited by the Act from the areas around the Tea House and children’s play area. However, dogs can only be prohibited from the beach and park area if the local authority has ordered the prohibition.

It is further noted that Clause 32 of the Companion Animals Regulation 1999 does not provide for the Historic Houses Trust to undertake the functions of the local authority, pursuant to section 6(2) of the Act.

Solicitor’s response:

We have dealt with this issue partly under the comments in relation to issue 2.

The Act must be considered alongside the powers of the Historic Houses Trust to regulate access to trust property in accordance with the Historic Houses Act. This would include the power to deny access to the public from certain areas. In that case they would no longer be public places. As we have said above, the Trust also has a wide power to impose conditions on entry to its relevant land by members of the public.

Staff Comment:

The Historic Houses Trust has no authority under the *Companion Animals Act 1998* to prohibit dogs from the beach or recreational areas – only Council can do this. Nevertheless, as the Trust has the care, control and management of the area, they are able to impose “*conditions of entry*” in accordance with the Historic Houses Trust Act 1980. As explained previously, if such conditions were in conflict with or additional to the requirements of the *Companion Animals Act 1998*, the Council would not be required to enforce them. This would be the responsibility of the Historic Houses Trust.

Issue 5: If the prohibition of dogs by the Trust is not made with the authority of the Act, would Council be obligated to enforce these requirements? If Council is not obligated to enforce the prohibition of dogs from the beach or park area, is it correct to say that Council would need to ensure that dogs are held on leash in these areas at all times, if no other order is declared by the local authority, with or without signage?

Solicitor’s response:

We are not sure what is meant by the term “obligated”. The Act imposes a responsibility on owners or persons over the age of 16 who are in charge of the dog. If those provisions are breached then the Council may act through its authorised officers. Other persons can also act in certain circumstances.

If the Trust exercises the powers under the Historic Houses Act then it can ensure its requirements are complied with, much like any property owner. The prohibition under section 14 is an absolute prohibition in the relevant circumstances whereby an offence is committed if those provisions are breached. The Council’s powers in relation to areas that are a public place have been considered above.

Staff Comment:

Mr Connell’s response to this issue was clarified in a recent telephone conversation and he has addressed this issue by his earlier comments. Council is responsible for enforcing all the general requirements of the *Companion Animals Act 1998* in Vacluse Park and on Vacluse Beach. Furthermore, as dogs are specifically prohibited from the area around the Tea House and children’s play area by Section 14 (1)(a) and (b) of the Act, the Council would also be responsible for enforcing these provisions.

However, without a specific resolution from Council relating to the other areas of the park and beach, Council's officers would need to ensure that dogs in these other areas are held on a leash at all time, as is the case with all public areas such as footpaths and roadways.

Conclusion:

With regard to the application of the *Companion Animals Act 1998* at Vaocluse Park and Vaocluse Beach, the above advice from Council's Solicitor can be summarised as follows;

1. Vaocluse Park and Vaocluse Beach is a public place;
2. Council has the same level of responsibility to enforce the requirements of *the Companion Animals Act 1998* at Vaocluse Park and Vaocluse Beach as it does at any other public park or reserve or on any public footpath and roadway;
3. For the purpose of the *Companion Animals Act 1998*, the Council does have the authority to declare all or part of Vaocluse Park and Vaocluse Beach an "off-leash" area either for 24 hours or some lesser period. However, as the land owner and under the general provisions of the *Historic Houses Trust Act 1980*, the Historic Houses Trust can impose "*conditions of entry*" on users of the park and beach area. These conditions can be more stringent than those generally provided for under the *Companion Animals Act 1998* or adopted by Council;
4. If the Historic Houses Trust imposes more stringent "*conditions*", they would be required to enforce these conditions - not Council. Council's responsibility extends to the provisions of the *Companion Animals Act 1998* only.

It is considered in the best interest of all parties if Council and the Historic Houses Trust could reach a compromise on this matter. In this regard, it is recommended that the Committee nominate two (2) representatives from Council to meet with the Historic Houses Trust on 27 July 2004 to determine what form of "*limited access by dogs*" the Trust is considering to allow to Vaocluse Beach. The outcome of this meeting would then be reported to the Community & Environment Committee meeting for Council's consideration.

Tim Tuxford
Manager - Compliance

Allan Coker
Director – Planning & Development

Annexures:

1. Aerial photograph of Vaocluse Park and Vaocluse Beach
-

Item No: D4 Delegated to Committee
Subject: **Parsley Bay Remediation Project**
Author: Rebecca Peacock - Environmental Protection Coordinator
File No: 144.G
Reason for Report: To report on the successful completion of the Parsley Bay Remediation Project.

Recommendation:

- A. That the report on the successful completion of the Parsley Bay Remediation Project be noted.
- B. That Council formally thank the people who contributed to the project.

Background:

The Parsley Bay Remediation Project was a community-initiated project that aimed to restore the degraded aquatic environment of Parsley Bay. Past dredging activities and catchment urbanisation had resulted in the deposition and accumulation of fine sediment in the shallows of Parsley Bay, creating extreme turbidity under certain conditions.

A member of the local community first raised the issue with Council in 1998. A project team consisting of representatives from the Friends of Parsley Bay, Woollahra Council and Clean Up Australia was formed and consultants were engaged to investigate the options for the clean up of Parsley Bay. As a result of this process it was decided that the removal of sediment and the restoration of the seabed profile would help reduce turbidity, improve water quality and complement the stormwater improvement works implemented by Council upstream of the bay.

The Parsley Bay Remediation Project has been reported to Council on numerous occasions since Council resolved to coordinate the project in May 1998. The project was last reported to Council at the Corporate & Works Committee meeting held on 19 August 2002. At that meeting Council resolved:

1. *That Council enter into a contract with Pymont Raw Materials Pty Ltd for the Parsley Bay Remediation work for the Lump Sum price of \$430,094.50.*
2. *That the \$119,500 shortfall be made up from the Infrastructure Reserve Fund and also, in conjunction with Clean Up Australia, seek funds from all other possible sources.*

Project Implementation:

With the required approvals and permits granted for the project, the following works were undertaken between October 2002 and November 2003:

1. Initial pre-project works, seagrass monitoring of Parsley Bay and two control locations, Vaucluse Bay and Gibsons Beach, (October/November 2002). Volunteers coordinated by local resident Bob Brewster, conducted the fieldwork/data collection and the Ecology Lab undertook the data analysis and report writing. The results are presented in the *Parsley Bay Seagrass Monitoring Project First Progress Report November 2002*.
-

2. Transplantation of approximately 45m² of seagrasses to outside the work area in Parsley Bay (November 2002), undertaken by the project's seagrass volunteers.
3. Removal and disposal of approximately 1300 tonnes of fine dark sediment from the bay (November/December 2002), undertaken by the contractors.
4. Redistribution of approximately 2000 tonnes of sand within the bay to reconstruct a gently sloping seabed (December 2002 and April 2003), undertaken by the contractors.
5. First post-works seagrass monitoring of Parsley Bay and the two control locations (April 2003). The results are presented in the *Parsley Bay Seagrass Monitoring Project Second Progress Report May 2003*. The project's seagrass volunteers conducted the fieldworks/data collection and the Ecology Lab undertook the analysis and report writing.
6. Second and final post-works seagrass monitoring of Parsley Bay and the two control locations (October/November 2003). The results are presented in the *Parsley Bay Seagrass Monitoring Project Final Report February 2004*. The project's seagrass volunteers conducted the fieldworks/data collection and the Ecology Lab undertook the analysis and report writing.

The achievements of the project have been recognised with the project awarded a NSW Coastal Council 2003 Commendation Award. A copy of the award is presented as Annexure 1.

The project would not have been successful without the invaluable contribution made by local residents and organisations. Contributors include members of the Friends of Parsley Bay community group, seagrass monitoring volunteers, Clean Up Australia, Sydney University, Manly Hydraulics Laboratory, ESE Pty Ltd, Australian Museum, Environment Protection Authority, Waterways and NSW Fisheries. Their contribution of funds, advice and time are greatly appreciated.

Ongoing management of Parsley Bay:

Council is committed to the long-term health and cleanliness of Parsley Bay. It is acknowledged that some sediment has and will be deposited in the bay, despite the success of the Parsley Bay Remediation Project. Council is visually monitoring Parsley Bay for changes and conducts a regular program of beach raking and maintenance of the four gross pollutant traps (GPT) in the Parsley Bay catchment. Community education targeting residents and the measures that can be undertaken to reduce stormwater pollution, especially sediment and organic matter, continue. Council is also in consultation with the scientific community regarding options to continually improve the Parsley Bay aquatic environment.

Conclusion:

The Parsley Bay Remediation Project works were successfully implemented between October 2002 and November 2003. Considerable improvements in the aquatic environment have been noticed with a reduction in turbidity in the bay. Ripples on the seabed indicate that the works have filled in the deep hole that was trapping sediment inshore and that a self-maintaining seabed has been recreated. The seagrass monitoring results presented in the Ecology Lab's final monitoring report (February 2004) suggest that there has been very little impact due to dredging within Parsley Bay. The transplanted seagrasses appear to have taken well in their new area, with shoot densities similar to those recorded elsewhere within the bay.

Council acknowledges the invaluable contribution made by local residents and organisations to the success of the project.

The remedial works, combined with the ongoing catchment improvement works undertaken by Council and the removal of the shark net during the winter months, have contributed significantly to improving the aquatic environment of Parsley Bay.

Rebecca Peacock
Environmental Protection Coordinator

Chris Bluett
Manager Strategic Planning

Annexures:

1. NSW Coastal Council 2003 Commendation Award.
-

Item No: D5 Delegated to Committee
Subject: **Cities for Climate Protection Program**
Author: Rebecca Peacock - Environmental Protection Coordinator
File No: 813.G
Reason for Report: To advise of Council's milestone four achievement in the Cities for Climate Protection Program

Recommendation:

THAT the report advising of Council's milestone four achievement in the Cities for Climate Protection Program be noted.

Background:

Woollahra Council is a member of the Cities for Climate Protection (CCP™) Program, an international program that assists local government in reducing greenhouse gas emissions. In Australia, the International Council for Local Environmental Initiatives (ICLEI) delivers the program in collaboration with the Australian Greenhouse Office (AGO).

Council resolved to join the CCP™ program on 26 February 2001, committing to the implementation of the following five milestones:

1. Conduct an inventory and forecast for community and corporate (council) greenhouse gas emissions,
2. Establish an emissions reduction goal,
3. Develop and adopt a local action plan (LAP),
4. Implement the LAP, and
5. Monitor and report on achievements.

Milestone one was achieved when an inventory and forecast of Woollahra's greenhouse gas emissions was completed by Omega Environmental Strategies in June 2002. Information for the inventory was obtained from energy bills, Australian Bureau of Statistics (ABS) data and Shell Fleet Card data. The inventory and forecast focused on two sectors, the community and corporate (council) sectors.

Milestone two was achieved when Council endorsed the following greenhouse gas emission reduction goals on 16 December 2002:

- 20% reduction of community emissions from base year (1996) levels by 2010, and
- 30% reduction of corporate emissions from base year (1999/2000) levels by 2010.

Milestone three was achieved when Council adopted the *Woollahra Greenhouse Action Plan 2003* on 26 May 2003. The plan details the actions to be undertaken to achieve the emission reduction goals adopted by Council. The plan also provides Council with an umbrella document to guide and coordinate actions to reduce greenhouse gas emissions. The proposed actions were developed in consultation with Council's CCP™ Program management team and ICLEI.

Milestone four:

The CCP™ Program specifies that to achieve milestone four (M4), the following criteria must be met:

- The measures implemented by Council must abate carbon dioxide equivalent (CO₂e) to the equivalent of 5% of your corporate or community reduction goal.
- The actions implemented must be in at least two out of the ten sub-sectors (ie: buildings, streetlighting, vehicle fleet etc).

Note: Greenhouse gas emissions are converted to units of CO₂e so that different strengths can be compared and added together.

Woollahra Council received \$4000 in funding through the Australian Greenhouse Office's (AGO) Milestone 4 Assistance Program. The Program provides funding support to CCP™ councils for the implementation of actions identified in the Council's local action plan. As part of the M4 Assistance Program, councils are also required to provide ICLEI with details of all abatement actions completed to date, up to and including the specific action for which funding is being sought.

The financial assistance provided by the AGO was used by Council to engage a temporary part-time officer to undertake the project and to purchase resources for the small business energy information packs. Council contributed additional funds to the project for the design and production of materials for the information pack and for the carrying out of the small business energy audit program. The following actions were implemented as a part of the project:

- Update the greenhouse and CCP™ program information presented on the Woollahra Council website,
- Source and display information on energy efficiency and greenhouse action in the customer service foyer at the Council Chambers,
- Participate in the development of a regional, residential energy survey in conjunction with the Southern Sydney Regional Organisation of Councils (SSROC). (The survey is currently being finalised and will be distributed in July 2004),
- Development and distribution of small business energy information packs,
- Small business energy audits were conducted as a pilot program run in conjunction with the Double Bay Chamber of Commerce and the UNSW Ecoliving Centre. The results of the audit program were presented to the Double Bay Chamber of Commerce's breakfast meeting held on the 27 May 2004, and
- Tabulation and quantification of all greenhouse abatement actions undertaken to date.

For Woollahra Council to satisfy the requirements of M4, 5% of the 30% reduction goal is to have been abated. This equates to a minimum abatement of 79 tonnes of CO₂e (5% of the 30% reduction goal of 1584 tonnes). Woollahra Council has implemented close to 30 actions that have resulted in an abatement of 333 CO₂e tonnes of greenhouse gas emissions at the time of quantification (March 2004). This easily satisfies M4 requirements by achieving 21% of Council's 30% corporate reduction goal. A copy of Council's letter of M4 achievement from ICLEI is attached as Annexure 1. The amount of CO₂e savings was predicted to increase to 445 tonnes by the end of the financial year, meaning that Council has currently achieved abatement of approximately 28% of the 30% corporate reduction goal.

The actions implemented by Council to achieve the CO₂e abatement are predominantly from the building and vehicle fleet sub-sectors and include:

- Building upgrades,
- Lighting retrofits,
- Efficient design features, energy efficient office equipment,
- Conversion of utilities to LPG,
- Vehicle downsizing, and
- The purchase of the Toyota Prius hybrid electric vehicle.

A table of the abatement actions undertaken by Council and CO₂e details is included as Annexure 2. Council staff who contributed to making the CCP™ Program a success are to be congratulated for their work and commitment to reducing Council's greenhouse gas emissions. Council would not have progressed through the program without their invaluable contributions.

Milestone five:

Council has moved onto the next stage of the CCP™ Program, milestone five (M5). M5 aims to assess Council's progress towards the reduction goals and provides the opportunity to reassess the strategic direction of the local action plan. The M5 process also provides an opportunity to revisit reduction goals, highlight achievements and assess key learnings.

The M5 process involves three key elements:

1. Re-inventory: using the CCP™ Software. The re-inventory will provide an absolute measure of the trends in Council's corporate emissions.
2. Quantification of measures implemented: using CCP™ Quantification Toolkit and/or other verified quantitative and qualitative assessments undertaken by Council.
3. M5 report: bringing together results from re-inventory and measures quantification. It adds meaning to the data and provides direction for the future.

Council is aiming to complete M5 by June 2005.

Conclusion:

Woollahra Council has successfully achieved milestone four of the CCP™ Program, achieving 28% of the 30% corporate reduction goal set as a part of milestone two of the program. Actions implemented by Council are currently abating approximately 445 CO₂e tonnes of greenhouse gas emissions. Council's continued involvement and progression through the milestones of the CCP™ Program demonstrates our strong commitment and leadership in addressing the issue of global warming and reducing our greenhouse gas emissions.

Rebecca Peacock
Environmental Protection Coordinator

Chris Bluett
Manager Strategic Planning

Annexures:

- 1: Letter to Woollahra Council from ICLEI advising of milestone 4 achievement.
 - 2: Table of actions and greenhouse reduction details undertaken by Woollahra Council.
-

Item No: R1 Recommendation to Council
Subject: Community Services Grants
Author: Kylie Walshe
File No: 30.G
Reason for Report: To give consideration to applications for Section 356 Community Grants from local community groups /services.

Recommendation:

That the recommendations of officers be adopted in relation to the allocation of small community grants for 2004/05 under Section 356 of the Local Government Act, and in accordance with Council's adopted policy objectives and selection criteria.

Background:

Council has a long history of providing grants and support to local community organisations. It is through assisting these organisations that the social fabric of the Woollahra community will be enhanced and strengthened.

In line with the Social Plan 2002-2005, a review of Council's Community Grants was undertaken in April 2003 and a revised policy was subsequently adopted by Council on 19 May 2003. A copy of the revised Policy is attached in Annexure 1.

Council currently has an allocation of \$50,000 for small community grants on top of the \$670,000 provided to Holdsworth St Community Centre and \$75,000 to Woollahra Senior Citizens Centre. Of this \$50,000 allocation, \$700 is annually allocated for recognition awards at 14 local schools.

The Community Grants Program for 2004/5 was advertised throughout April and closed on 7 May 2004. A total of 22 applications totalling \$89,445.52 excluding GST were received. These applications, comments by relevant staff and officer recommendations are provided in Annexure 2.

Each application has been assessed in reference to the objectives and selection criteria adopted by Council and this process has been enhanced by individual officer's experience in and knowledge of the sector in which applicants operate.

The applications recommended for funding are all projects that provide substantial benefit to high priority groups in Woollahra. A large proportion of funds (45%) is recommended to fund youth projects as youth services and facilities has been identified as an area of high importance and high need in a number of community research projects, such as the Community Attitudes Survey 2000, and the Social Plan 2002-2005. Council also provides limited services to youth with one Council officer working in this area. There are a number of organisations that have not been recommended for funding, such as the Kindergarten Union and Royal Blind Society. These are generally organisations with other means of raising funds and attracting grants from other government agencies to fund their operations.

Proposal:

It is proposed that the recommendations in relation to applications for Community Grants be adopted. The overarching aim of Community Grants is "to encourage the development of local community based services which meet identified needs of people living and working in the Woollahra local government area".

Recommended allocations are summarised below:

• Bondi Beach Cottage	\$4,299
• Bondi Community Street Project	\$5,000
• Eastern Suburbs Organisation for Reconciling Australia	\$ 500
• Miroma	\$3,520
• Paddington Church of Christ Kindergarten	\$5,250
• Presbyterian Aged Care – Paddington	\$ 958
• Point Zero Youth Services	\$5,000
• Urban Arts Base	\$4,202
• Waverley Woollahra Arts Centre	\$4,000
• Waverley Action for Youth Services(WAYS)	\$5,000
• Woollahra Philharmonic Orchestra	\$4,000

The detail regarding each project and comments are included in Annexure 2.

Consultation:

The Director and individual staff with specific knowledge and expertise in the sectors in which applicants operate have provided comment in relation to each application against policy objectives and criteria. In some cases, further information was sought from applicants.

Identification of Income & Expenditure:

The total allocation available for Community Grants is \$49,300 and 11 organisations are recommended for funding totalling \$ 41,729.00.

The remainder of the Community Grants allocation can then be made available for one off, high need applications in the next twelve months.

Conclusion:

The Community Service Grants policy of Council aims to “*encourage the development of local community based services which meet identified needs of people living and working in the Woollahra Local Government Area*”. An allocation of \$49,300 is available to Council in 2004/5 under Section 356 of the Local Government Act. The application of Council policy objectives and selection criteria has resulted in a recommendation for the funding of organisations to a total of \$41,729.00.

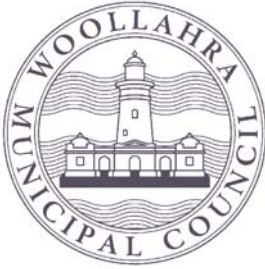
It is proposed that the remaining allocation of \$7,571.00 be made available for individual, innovative requests for support during the coming financial year.

Kylie Walshe
Director, Community Services

Annexures:

1. Council Policy adopted 16 May 2003
 2. Summary of applications, comments and recommendations
-

Annexure 1: Council Policy adopted 16 May 2003



Community Grants Policy

Version No: 1
Approved By: Manex
Approval date: May 2003
Responsible Officer: Manager, Family & Community Development

Our policy

Woollahra Council seeks to encourage the development of local community based services which meet identified needs of people living and working in the Woollahra Local Government area through the annual provision of Community Service Grants and in kind assistance. This support is provided under Section 356 of the Local Government Act (1993).

1.1 Background

This is a **non-recurrent small grants program** made available to non-profit community based organisations which provide a service which is of benefit to the residents of the Woollahra municipality - or to particular target groups - and which strengthen community networks and self supporting community relationships.

Donations are not intended to lead to a dependency on Council for ongoing funding.

Evidence must be provided that the organisation or group is community based and is not conducted for private gain.

Requests for funding will not automatically be approved, and if approved, Council makes no commitment towards continued funding.

Objectives

The objectives of the Community Grants Program are:

1. To encourage programs and activities which foster independence and social participation and which strengthen the social fabric of the Woollahra community.
2. To support innovative responses to community needs, particularly for disadvantaged groups and individuals.
3. To provide establishment grants where no alternative funding sources exist
4. To encourage community partnerships between community organisations
5. To encourage high quality service delivery.
6. To develop the skills of the local community.

How this policy relates to our Management Plan

The Policy relates to Council's Principal Activity 5, Community Services and assists with achieving the following key objective:

- To plan, facilitate and provide a range of community services and activities responsive to needs of people who live and work in our area.

Selection Criteria

Applications for a Grant must be made on the Community Grants Application form provided and will be assessed against the following criteria:

- the benefit that will accrue to the community as a whole and that which will be gained by residents facing particular needs within the LGA
- eligibility for funding from other sources
- the organisation's ability to effectively manage and deliver community or cultural services.
- capacity of the service or program to become self sustaining/ independent of ongoing financial assistance from Council
- the degree to which the proposed activity/program complements existing services and activities
- the degree to which cooperative relationships with other local organisations have been established in relation to the proposed activity/program
- priority of the project in relation to other applications.
- the degree to which proposed activity/program provides opportunities for community participation and skills development.

Organisations Not Eligible For Funding

- profit making groups and organisations
- government departments or agencies
- organisations which hold a liquor licence
- political parties and resident associations/chambers of commerce (the latter may be eligible for Council funding under Section 356 grants for civic purposes)
- groups which have not fulfilled previous Woollahra Council Grant conditions and specifications
- organisations with substantial funds other than for asset replacement and staff entitlements

Grants are not available for:

- projects which are already completed
- purchase of buildings or land
- staff positions that require recurrent funding
- major capital works
- upgrade of Council owned properties
- payment of Public Liability Insurance
- sporting activities
- contributions to individuals
- single events

Gary James
General Manager

Annexure 2 – Summary of Applications

This column identifies which objectives of the Community Grants Policy that will be met by the allocation of this funding, numbered according to the objectives below:

- To encourage programs and activities which foster independence and social participation and which strengthen the social fabric of the Woollahra community.
- To support innovative responses to community needs, particularly for disadvantaged groups and individuals.
- To provide establishment grants where no alternative funding sources exist
- To encourage community partnerships between community organisations
- To encourage high quality service delivery.
- To develop the skills of the local community.

RECOMMENDED COMMUNITY SERVICES GRANTS 2004-2005

Organisation	Amount Requested	Purpose	Eligible	Comment	Recommend	Policy Objectives*
Aunties & Uncles Co-operative Family Project	\$4,916.00	Linking one vulnerable child with community volunteers, and a 12 month recruitment campaign.	No	This is essentially recurrent funding of staff for a Statewide organisation.	Nil	
Bondi Beach Cottage Inc	\$4,299.00	Post Natal Depression Social Support Group	Yes	This is seed funding to establish the project, with recurrent funding from State agencies to be sought. This organisation receives most of it's funding from Dept of Community Services and Waverley Council, with no funding from Woollahra Council, despite the proportion of clients that are Woollahra residents (20%).	\$4,299	1,2,3,4,5,6
Bondi Community Street Project (BOP)	\$5,000.00	Profile raising for the Bondi Outreach project to young people that provides welfare related assistance to marginalised youth.	Yes	This project provides support and information for young people of Waverley & Woollahra, with a Friday night patrol that services many Woollahra residents. It delivers an excellent outreach service to help keep young people safe, especially those than are highly vulnerable. Operational funding is received from Waverley Council.	\$5,000	1,2,4,5,6

RECOMMENDED COMMUNITY SERVICES GRANTS 2004-2005

Organisation	Amount Requested	Purpose	Eligible	Comment	Recommend	Policy Objectives*
Cornucopia Committee Inc	\$1,100.00	Payment of annual rent to Woollahra Senior Citizens Welfare Association.	No	It is inappropriate to fund one agency to support another agency we are already funding.	Nil	
Eastern Respite & Recreation	\$6,020.52	Woollahra Social Night for people with intellectual disabilities.	No	This organisation receives substantial funding from the State Government, with grants of \$2.2 Million. No details on proportion of clients that are Woollahra residents. <i>In kind support recommended:</i> Community Services staff will work with the organisation in relation to the request for a venue to hold the social night.	Nil	
Eastern Suburbs Organisation for Reconciling Australia (ESORA)	\$500.00	To undertake two guided tours in the Woollahra Municipality of Aboriginal sites of significance.	Yes	These tours encourage reconciliation and increased awareness of Aboriginal culture.	\$500	1,2,4
James Joyce Foundation	\$1,500.00	Part fund a cultural event as part of the Ulysses Challenge on 16 June.	No	This is to fund an event that has already occurred, and had significant sponsorship and entry fees.	Nil	
JewishCare	\$5,000.00	Cultural programs to explore Aboriginal Australia and Jewish culture.	No	Jewishcare receives large grant funds from the State Government, with an income of \$9.9 Million. The project does not provide essential services. <i>In kind support recommended:</i> Staff will assist Jewishcare to establish the program, with links to Aboriginal organisations.	Nil	
KU Childrens Services Peter Pan Paddington Preschool	\$3,500.00	Entry gates to improve safety and improve access to the centre, to meet DOCs standards.	Yes	Council has funded \$1500 over the past two years for outdoor upgrades and financial support for children with high needs. The Kindergarten Union is an organisation with large cash assets (\$500,000 surplus in 2003) and responsible for meeting DOCs standards, not Council.	Nil	

RECOMMENDED COMMUNITY SERVICES GRANTS 2004-2005

Organisation	Amount Requested	Purpose	Eligible	Comment	Recommend	Policy Objectives*
Miroma	\$9,450.00	Establishment of a library for people with disabilities, including: <ul style="list-style-type: none"> • Software • Shelving • Staff time • Electricals. 	Yes	The project involves the establishment of a library for Miromas staff and clients, and will also be available to all people with disabilities in the area. Council supports Miroma with subsidised accommodation at Cooper Park Community Hall, and two grants over the past two years of \$8,000 in total. The funding of the software will allow Miroma to commence the project. <i>In kind assistance recommended:</i> Library staff will assist with advice in establishing the library, and offer any shelving available to Miroma.	Funding of software - \$3,520	1,2,3,4,5,6
Paddington Church of Christ Kindergarten	\$6,570.00	To provide shade cover over large play areas and landscaping.	Yes	Received \$4,000 in 2003/04 to upgrade play equipment. This centre operates on limited funding, with no government funding. The majority of clients are residents of Woollahra.	\$5,250 for shade provision, not landscaping.	1,3,4,5
Presbyterian Aged Care - Paddington	\$958	Hi Fi systems and stands for music activities for aged care residents	Yes	An accommodation centre of Presbyterian Aged Care, with a vast majority of residents originally coming from the Woollahra area. Presbyterian Aged Care (across all NSW aged care facilities and services) reports an operational deficit for the last 3 financial years.	\$958	1,2,3,6
Point Zero Youth Services	\$6,934.00	Youth outreach van to support young people, primarily in relation to alcohol and substance abuse.	Yes	The van visits Waverley and Woollahra every Saturday night, with 150 young people seen per month. With BOP, this ensures that there is outreach in the area for young people on both Friday and Saturday nights. Part funding is recommended as it has the ability to raise funds and is the same funding level as recommended for BOP.	\$5,000	1,2,4,5,6

RECOMMENDED COMMUNITY SERVICES GRANTS 2004-2005

Organisation	Amount Requested	Purpose	Eligible	Comment	Recommend	Policy Objectives*
Royal Blind Society	\$3,430.00	Provide vision assist services to 10 Woollahra residents.	No	This is essentially recurrent funding for a Statewide service.	Nil	
Serenity NSW Inc	\$500.00	Anxiety Disorders Awareness Project	No	A statewide organisation. No details on number of Woollahra residents using service.	Nil	
Sir Roden Cutler Charities Inc	\$7,440.00	To provide support for volunteers that transport the elderly to medical appointments.	No	Volunteers have run this organisation, with no data on the number of Woollahra clients. It has raised significant funds in the past through fundraising dinners etc and has an ability to continue to raise funds in this manner.	Nil	
Waverley Action for Youth Services – Urban Arts Base	\$4,202.00	Skill development workshops for Mental Health Week 2004.	Yes	Council supports this organisation through subsidised accommodation at Studio 1, Double Bay. This is the only program offering recovery programs for young people with a mental illness in the area and operates on a shoestring budget to provide this unique, valuable service.	\$4,202	1,2,3,4,5,6
Waverley Amateur Radio Society Incorporated	\$5,000.00	Maintenance of the club premises, at the Scout Hall, Rose Bay.	No	The program does not fund capital works on private property.	Nil	
Waverley Woollahra Arts Centre	\$8,000.00	Production of term brochures, quarterly	Yes	A worthwhile organisation that provides courses for many Woollahra residents. Council has always supported in some way, between \$2500 and \$5500 per annum, as it is the only community based arts facility. Recommend supporting 50% of the cost, due to the number of Woollahra residents benefiting.	\$4,000	1,4,5,6
WAYS Youth Services	\$5,000.00	Summer Safe Survival – Youth Peer Sexual Education	Yes	As the major youth service provider in the area, this is the only funding given by Council to this very worthy organisation.	\$5,000	1,2,3,4,6

RECOMMENDED COMMUNITY SERVICES GRANTS 2004-2005

Organisation	Amount Requested	Purpose	Eligible	Comment	Recommend	Policy Objectives*
Woollahra Combined Probus Club	\$400	Ongoing funding for the club	No	This is recurrent funding and not eligible for funding under this program.	Nil	
Woollahra Philharmonic Orchestra	\$6,000.00	Promotion of music and cultural events.	Yes	Have been supported by Council since 1997 and could not operate without this funding. The funding includes an agreement to perform at Council functions and public concerts. Council provides over \$2,500 in kind support for promotion, signage, use of Redleaf, administration, organising mailouts, printing and postage. <i>In kind support recommended:</i> Council staff will assist in the development of a fundraising plan, provide promotion and continue to assist in the administration of the orchestra.	\$4,000	1,3,4,6
	\$89,445.52				\$41,729	

Item No: R2 Recommendation to Council
Subject: **Woollahra Municipal Kindergarten**
Author: Trish Menzies
File No: 45.G
Reason for Report: To seek approval to affix Council's Seal to the NSW Department of Community Services Service Agreement 2004-05 for the subsidy for Woollahra Municipal Kindergarten

Recommendation:

That Council's Seal be affixed to the Funding and Performance Agreement between Woollahra Municipal Council and the NSW Department of Community Services.

Background:

The NSW Department of Community Services requires Council to sign and affix its seal to the annual Service Agreement. The Seal may only be affixed by resolution of Council.

Woollahra Council has received an annual subsidy for the operation of Woollahra Municipal Kindergarten from the NSW Department of Community Services. The subsidy for the twelve month period for 2004-05 will be \$126,049.

It is specified in the Service Agreement that this subsidy is to be put towards providing:

- *"an education and development program for 60 places per day for children aged from 3 to 6 years, who do not ordinarily attend school" for an aggregate of 33 hours per week, and an aggregate of 41 weeks per year;*
- *"the reduction in fee costs for 4 places per day for children from families on incomes under \$40,794 per annum, where the service is a 'registered service' as defined in the Commonwealth Government's Childcare Benefits Scheme".*

Council is the Licensee for the Kindergarten and will accept the subsidy to provide quality pre-school services adhering to Regulations and conditions according to the Service Agreement 2004-05. A copy of the Service Agreement is attached as Annexure 1.

Proposal:

That Council's Seal be affixed to the Funding and Performance Agreement between Woollahra Municipal Council and the NSW Department of Community Services.

Consultation:

Not required.

Identification of Income & Expenditure:

Funding of \$126,049 will be used only for the purpose of subsidizing operational costs at Woollahra Municipal Kindergarten.

Conclusion:

That Council's Seal be affixed to the Funding and Performance Agreement between Woollahra Municipal Council and the NSW Department of Community Services as required by that Department.

Trish Menzies
Acting Manager
Aged, Disability and Family Services

Kylie Walshe
Director
Community Services

ANNEXURES: The NSW Department of Community Services Agreement 2004-05 is attached as Annexure 1. (This document is not available electronically.)

Item No: R3 Recommendation to Council
Subject: Department of Ageing, Disability and Home Care Funding Variation
Author: Trish Menzies
File No: 962.G
Reason for Report: To seek approval to affix Council's Seal to the NSW Department of Ageing, Disability and Home Care's Acceptance of Funding Variation form, for a small increase in funding for the 2004-05 year.

Recommendation:

That Council's Seal be affixed to the Acceptance of Funding Variation Form for Home and Community Care (HACC) funding from the NSW Department of Ageing, Disability and Home Care.

Background:

For many years Woollahra Council has received Home and Community Care (HACC) funding from the NSW Department of Ageing, Disability and Home Care. This funding provides a subsidy for the Meals Service provided at the E J Ward Community Centre in Paddington, and a subsidy for the cost of employing an Aged Care Worker, namely, the Manager, Aged and Disability Services at Council's Community Services Division.

This variation in funding has been brought about by the Department's *SACS recalculation review and indexation 2003/04*, that has allocated an additional \$1,670 to Council, to apply to funding from the commencement of the 2004-05 financial year.

Proposal:

That Council's Seal be affixed to the *Acceptance of Funding Variation* form, as required by the NSW Department of Ageing, Disability and Home Care to agree to accept this HACC Service funding increase for the 2004-05 year.

Consultation:

None required.

Identification of Income & Expenditure:

Funding of \$64,465 will be used to subsidise the cost of the Meals Service at the E J Ward Community Centre and the employment of an Aged Care worker (Manager, Aged and Disability Services) at Woollahra Council.

Conclusion:

That Council's Seal be affixed to the Acceptance of Funding Variation form to officially accept Home and Community Care funding for 2004-05.

Trish Menzies
Acting Manager - Aged, Disability and Family Services

Kylie Walshe
Director - Community Services

Annexures:

1. Funded service report: Schedule 2 part A
 2. SACS recalculation review and indexation 2003/04
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