



Community & Environment Committee

Agenda: *Community & Environment Committee*

Date: *Monday 15 November 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

11 November 2004

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

Dear Councillors

Community & Environment Committee Meeting – 15 November 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 15 November 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 1 November 2004	1
D2	Woollahra Traffic Committee Minutes - 2 November 2004	2
D3	Woollahra Plastic Bags Working Party – Minutes of Meeting 3 held on 1 November 2004 – 588.G	11
D4	Minutes of the Environmental Levy Community Reference Group meeting Thursday 21 October 2004 – 1142.G	23
D5	“Livable Lanes” Project Report – 770.G/588.G	36
D6	Indigenous Name Place Signage – 172.G	72

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

R1	Robertson Park Plan of Management & Masterplan – 209.G	91
R2	Holdsworth Street Community Centre – Relationship with Council – 126.G	149

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 1 November 2004**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 1 November 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 1 November 2004 be taken as read and confirmed.

Les Windle
Manager – Governance

Item No: D2 Delegated to Committee
Subject: **Woollahra Traffic Committee Minutes - 2 November 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 2 November 2004, Section 4 - Extraordinary Meeting dated 20 August 2004 and Section 7 – Item Y1 to Y10, 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 2nd November 2004, at 10.00am.

1. Attendances

Committee Members:

Present: Mr W Hatton (Chairman) (Woollahra Municipal Council)
Mr L Pickard (Roads and Traffic Authority)
Sen.Constable Russell (Paddington Police)
Mrs R Attuell (Clover Moore MP representative)
Mr R Caldwell (Peter Debnam MP representative)

Staff Mr J Stephens (Woollahra Municipal Council)
Ms A Shah (Woollahra Municipal Council)
Mr T Brenton (Woollahra Municipal Council)

Also in Attendance: Mrs J Papadopoulos (Sydney Buses)
Mr M Katsileris (Sydney Buses)
Mrs K Gelbart (No.62 Victoria Road - Item Y1-4)
Mr P Shillan (No.45 Dover Road - Item Y2)
Dr M Rossleigh (No.51 Dover Road - Item Y2)
Mrs I Gridiger (No.47 Dover Road - Item Y2)
Mr N Parker (RailCorp - Item Y4)
Mr L Baker (Roads and Traffic Authority – Item Y5)
Ms F Calvert (Clover Moore MP representative – Item Y5)
Adrian Boss (BIKEast & The Paddington Society - Item Y5)
Mr F Muller (No.2 O’Sullivan Road – Item Y8)

Apologies: Sen.Constable S McKenna (Rose Bay Police)
Mr D Russell (Roads and Traffic Authority)
Mr E Yeung (Sydney Buses)
Mr John McDonagh (Harbour-View Park Residents' Group)

2. Minutes of Previous Meeting

The minutes of the meeting No.09/04 held in Council Chambers, Double Bay on Tuesday 5 October 2004 were confirmed.

3. Matters Arising from Minutes of Previous Meetings

Nil.

4. Extraordinary Meeting dated 20 August 2004

Y1-1 18-20 Old South Head Road, Vaucluse – Proposed ‘No Parking’ restrictions

Recommendation:

1. THAT a ‘No Parking’ zone be installed across the driveways of 18-20 Old South Head Road, Vaucluse.
 2. THAT the cost of the signage be met by the applicant.
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5. Late Item/Correspondence

- Y10 – Delegated Authority for Works Zones on Local Roads.
 - E-mail advice dated 1 November 2004 received from Eric Yeung – Sydney Buses (Waverley Bus Depot) for Item Y2.
 - Letter dated 1 November 2004 tabled by Mr P Shillan, 45 Dover Road, Rose Bay for Item Y2.
 - Submission received from Adrian Boss (BIKEast) on 1 November 2004 for Item Y5.
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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 Y1-4 inclusive contained in Annexure 1 be adopted.

Item Y1-1: Marathon Lane, Darling Point - ‘No Parking’

THAT :

1. No signage is necessary on the western side of Marathon Lane opposite the garage of No 1 Marathon Avenue as statutory parking restrictions apply there.
2. Council’s Parking Patrol Officers be requested to enforce.

Item Y1-2: Mahoney Lane, Paddington - ‘No Parking’

THAT:

‘No Parking’ Signs be installed on the southern side of Mahoney Lane opposite the first two driveways from the western side.

Item Y1-3: Hargrave Lane, Paddington – ‘No Parking’

THAT:

1. The ‘No Standing (L)’ sign on the eastern side of Hargrave Lane be replaced by a ‘No Stopping (L)’ / ‘No Parking (R)’ sign 14.7m south of southern kerb alignment of Elizabeth Street.
2. The ‘No Parking (R)’ sign on the eastern side of Hargrave Lane be replaced by a ‘No Parking (L&R)’ sign 33.4m south of southern kerb alignment of Elizabeth Street.
3. A ‘No Stopping (R)’ sign be installed on the western side of Hargrave Lane, 8.4m south of the southern kerb alignment of Elizabeth Street on ELP SY21609.
4. A ‘No Parking (L)’ sign be installed on the western side of Hargrave Lane 28.2m south of southern alignment of Elizabeth Street.

Item Y1-4 Victoria Road, Bellevue Hill-‘No Parking’

THAT a ‘No Stopping’ zone be installed from the northern side of the double driveway of No.60 Victoria Road to 6m south of the driveway.

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

Subject: **47-49 Dover Road, Rose Bay – Proposed Bus Stop**

Author: John Stephens –Team Leader, Traffic and Transport

File No: 263.G

Reason for Report: Council resolved to refer the matter back to the Traffic Committee for further consideration

Recommendation:

- A. THAT a part-time bus stop (8.00am - 7.30pm) be installed on the western side of Dover Road, Rose Bay between numbers 45-49 Dover Road. The preferred location of the bus stop is just south of the driveway to No. 47 Dover Road.
- B. THAT the existing full-time bus stop on the opposite side of Dover Road remain as a full-time bus stop.
- C. THAT Sydney Buses be requested to provide a bus seat at the new bus stop in (A) above.
- D. THAT Council notify the residents who have previously made a submission.

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

Subject: **Victoria Road, Bellevue Hill - Disabled Parking**

Author: Agasteena Shah – Traffic Engineer

File No: T470. 470.29

Reason for Report: Request for a Disabled Parking space on Victoria Road, Bellevue Hill outside The Scots College.

Recommendation:

- A. THAT a 5.4m metre long ‘Disabled Parking 8.00am-9.30am; 2.30pm-5.30pm School Days’ zone be installed on the eastern side on Victoria Road, Bellevue Hill, north of the school’s War Memorial Gate.
- B. THAT the applicant meets the cost of the above Disabled Parking signs.
- C. THAT the applicant be reminded if approval is given for the Disabled Parking zone, to inform Council should the circumstances change or the disabled parking space be no longer required and be made aware that the disabled parking space is available to all vehicles that display a valid disabled parking permit.

Item No: Y4 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **ILLAWARRA RAILWAY LINE TEMPORARY CLOSURE - PROPOSED REPLACEMENT WITH BUS SERVICES**
Author: John Stephens, Team Leader – Traffic and Transport
File No: 261.G
Reason for Report: To report the replacement of rail services with bus services in December 2004/January 2006

Recommendation:

- A. THAT the proposed bussing arrangement and associated temporary changes to traffic facilities to be implemented as part of the rail shutdown between Bondi Junction and Edgecliff Station from 26 December 2004 and 10 January 2005 be approved, subject to on-site inspection.
- B. THAT RailCorp NSW notify the affected residents in writing of the proposed temporary bus route arrangements.

Item No: Y5 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **GLENMORE ROAD & NEILD AVENUE, PADDINGTON – PROPOSED LATM SCHEME ASSOCIATED WITH CROSS CITY TUNNEL**
Author: John Stephens, Team Leader – Traffic and Transport
File No: 583.G Pt3
Reason for Report: Request from RTA to approve concept design drawings.

Recommendation:

- A. THAT the plans submitted by the RTA be approved, subject to the following amendments:
- i. The addition of bicycle warning signs type W6-7 and supplementary plate W8-23 (double sided direction arrow) on Drawing No.01 Rev 8 in Brown Street facing southbound motorists prior to Macdonald Street.
 - ii. The proposed kerb extension on the eastern side of Neild Avenue, south of Lawson Street, as shown on Drawing No.02 Rev 9, be deleted so to accommodate the left turn movement of buses from Lawson Street.
 - iii. Two mature street trees be shown on Drawing No.02 Rev 9 for planting in the proposed widened footpath area on the eastern side of Neild Avenue, south of Lawson Street.
 - iv. The existing pedestrian refuge in Glenmore Road at Walker Avenue, as shown on Drawing No.03 Rev 10, be removed and the proposed pedestrian crossing be placed on a raised threshold.
 - v. The proposed ‘40km/h Area – High Pedestrian Activity’ pictorial signs, as shown on Drawing No.03 Rev 10, be deleted.
 - vi. Bicycle line types C4 and L5 be shown on Drawing No.03 Rev 10 on the eastern side of Cascade Street from the southern side of the intersection with Hampden Street, including the provision of a 10m ‘No Stopping zone at this location.
 - vii. A mature street tree be shown on Drawing No.04 Rev 9 for planting in the proposed widened footpath (splay) area on the eastern side of Glenmore Road, just south of New South Head Road.

- viii. The proposed '40km/h Area – High Pedestrian Activity' pictorial sign on the western side of Glenmore Road, just north of South Street, as shown on Drawing No.04 Rev 9, be deleted.
 - ix. The proposed '40km/h Area – High Pedestrian Activity' pictorial signs in Glenmore Road for motorists turning from New South Head Road, as shown on Drawing No.03 Rev 10, be amended to include W6-7 bicycle signs.
- B. The addition of bicycle warning signs type W6-7 and supplementary plate W8-23 (double sided direction arrow) in Neild Avenue facing northbound motorists prior to Lawson Street be considered as part of future discussions with the RTA on the proposed two-way vehicular movement in Neild Avenue between New South Head Road and Boundary Street.
- C. The RTA be requested to consider modifying the existing 40km/h Area – High Pedestrian Activity pictorial signs to include cyclist activity.

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

Subject: **Edgecliff Road, Edgecliff – Parking Restrictions & Loading Zone**

Author: Agasteena Shah – Traffic Engineer

File No: T148. Pt2

Reason for Report: Request for parking restrictions and loading zone on Edgecliff Road, Edgecliff along the rear boundary of Edgecliff Post Office Building.

Recommendation:

- A. THAT a 18m metre long '2 Hour Parking 8:00am–6:00pm Mon-Fri' restriction be installed on the northern side of Edgecliff Road, Edgecliff along the rear boundary of No. 287 New South Head Road (Former Edgecliff Post Office Building).
- B. THAT a 6m 'Loading Zone 7:00am–7:00pm Mon-Sat' be installed on northern side of Edgecliff Road 27.3m east of the existing 'No Stopping' (L) sign near Ocean Street.
- C. THAT the applicant meets the cost of the above signs

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

Subject: **OCEAN STREET & NEW SOUTH HEAD ROAD, WOOLLAHRA / EDGECLIFF - ROSARY PROCESSION PEACEFUL WALK**

Author: John Stephens, Team Leader – Traffic and Transport

File No: 16.G Pt6

Reason for Report: To report the proposed event.

Recommendation:

THAT it be noted that the proposed procession will now travel along the southern footpath of Oxford Street, within the Waverley and City of Sydney Councils' areas.

Item No: Y8 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 report back the results of the resident survey for the approval of the proposed resident parking schemes.

Recommendation:

A. THAT the following parking schemes be approved:

O’Sullivan Road

- A ‘2P 8.00am-8.00pm Permit Holders Excepted Area Rose Bay 2’ resident parking zone for the section between New South Head Road and Latimer Road and
- A ‘1P 7.00am – 9.00am Wed Permit Holders Excepted Area Rose Bay 2’ resident parking zone on the eastern side and ‘1P 7.00am – 9.00am Thur Permit Holders Excepted Area Rose Bay 2’ resident parking zone on the western side between Latimer Road and Old South Head Road.

Newcastle Street between Albemarle Avenue & Old South Head Road

- A ‘1P 7.00am – 9.00am Wed Permit Holders Excepted Area Rose Bay 2’ resident parking zone parking restriction on the western side and ‘7.00am – 9.00am Thur’ parking restriction on the eastern side.

B. THAT the residents of O’Sullivan Road and Newcastle Street between Albemarle Avenue and Old South Head Road be advised of Council’s decision.

Item No: Y9 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **Collins Avenue, Rose Bay – Work Zone**

Author: Agasteena Shah – Traffic Engineer

File No: 105

Reason for Report: Request for a 10m Works Zone for 12 weeks.

Recommendation:

- A. THAT a ‘Works Zone’ not be installed outside 19 Collins Avenue due to the existing ‘No Parking’ restrictions.
- B. THAT the applicant be advised to contain the construction activity and vehicles within the site.
-

Late Items

Y10 Delegated Authority for Works Zones on Local Roads - File 407.G Pt4

The Committee was requested to consider a proposal for the RTA to grant delegated authority to the General Manager to approve Works Zone applications subject to meeting Council's standard conditions of approval.

A late report was distributed to the Committee members for their consideration. The RTA representative offered no objection to the proposal.

The Committee members noted that following Council's consideration of the proposal and approval, a Council letter would be forwarded to the RTA seeking formal approval of the process.

Recommendation:

THAT Council write to the RTA requesting that authority be delegated to the General Manager, Woollahra Municipal Council, to approve Works Zones subject to:

- i) Council's standard conditions of approval.
- ii) Where it is proposed to locate the Works Zone on a State Road a Road Occupancy Licence is to be obtained from the RTA.
- iii) Where the Works Zone would require the relocation of a bus stop, the written approval of Sydney Buses is obtained.

There being no further business, the meeting concluded at 12.35pm.

Warwick Hatton
Chair

Item No: D3 Delegated to Committee
Subject: **Woollahra Plastic Bags Working Party – Minutes of Meeting 3 held on 1 November 2004**
Author: Philip Dahms, Team Leader – Waste Planning
File No: 588.G
Reason for Report: For the Committee to consider the item requiring the decision of the Committee.

Recommendation:

- A. THAT the Minutes be noted.
- B. THAT it be noted that there is to be discussion with the Director Planning and Development to seek advice on possible amendments to the conditions of consent for events in public places in the municipality, to minimise the use of plastic bags and to encourage recycling.

Background:

The minutes of the Woollahra Plastic Bags Working Party meeting held on 1 November 2004 are attached for the information of Councillors.

The Working Party at its November meeting considered that advice should be sought from the Director Planning & Development for amendments to conditions of consent for events in public places in the municipality, to minimise the use of plastic bags and to encourage recycling.

It is proposed that a representative of the Australian Retailers Association (ARA) be invited to attend the next meeting of the Plastic Bags Working Party.

Philip Dahms
Leader – Waste Planning

Warwick Hatton
Director – Technical Services

Annexures:

1. Minutes of Woollahra Plastic Bags Working Party – 1 November 2004

Woollahra Plastic Bags Working Party Minutes - Meeting 3

The meeting of the Woollahra Plastic Bags Working Party was held in the Council Chambers, Double Bay on Monday 1 November 2004 at 11.00 am. The meeting was rescheduled from Monday 25 October 2004 at the request of a Councillor member of the Working Party.

1.0 Attendance

a. Working Party Members:

Present: Cr John Comino (Woollahra Municipal Council)
Cr Tanya Excell (Woollahra Municipal Council)

Staff: Mr Philip Dahms (Woollahra Municipal Council)
from 11:15 am Mr Greg Stewart (Woollahra Municipal Council)

Apologies: Cr Claudia Cullen (Woollahra Municipal Council)

b. Invited Guests: Mr Alan Malakou (Franklins General Manager Operations)
Mr Chris Fox (Franklins Area Manager)

2.0 Minutes of previous meeting held on 6 September 2004

The minutes of the Plastic Bags Working Party - Meeting 2 were taken as read and confirmed (Comino/Excell).

3.0 Resolution of the Community & Environment Committee meeting of 27 September 2004

The Working Party noted that the Terms of Reference and Objectives of the Plastic Bags Working Party were adopted by the Community and Environment Committee at the meeting held on 27 September 2004. The Community & Environment Committee noted the minutes of Working Party Meetings 1 and 2.

4.0 Matters arising from the Previous Meeting

Details were provided by staff of the sponsorship arrangement for the distribution of reusable plastic carry bags in Hunters Hill (to all households) and to a number of residents in Parramatta. In the case of Hunters Hill, the bags were distributed to all households without cost to residents. In Parramatta the bags were distributed selectively and were part funded by residents.

Recommendation of the Staff to the Working Party:

That

- i. the sponsorship arrangements for Hunters Hill and Parramatta Councils be noted; and
 - ii. the endeavour to secure sponsorship for the possible distribution of reusable bags in Woollahra continue.
-

5.0 Letter to licensed food and beverage “take away” outlets – progress report

The Working Party noted that to date 13 responses have been received from “take away” outlets which are licensed by Council. There were a further 11 businesses which were no longer trading at the former address known to Council. Where a more recent business address was able to be found for the further 11, Council’s letter was resent to that address.

Annexure 1 lists the 13 responses. Analysis of the responses indicates that all 13 are actively using alternates to plastic bags or not using plastic bags for packaging. A majority of these positive responses were from locations close to Oxford Street in Paddington and Woollahra. A number of neighbourhood retail centres for a possible “plastic bag free” initiative were discussed, including Plumer Road.

6.0 Presentation by Messrs Malakou/Fox – Franklins

Franklins has 78 stores in NSW (none in other states). Franklins sells 20,000 reusable plastic bags per month. Calico bags have recently been introduced, and Franklins plans to introduce insulated bags for meat and fish.

Mr Malakou advised that Franklins is a Group 1 member of the Australian Retailers Association (ARA). A June 2004 audit by the ARA showed that Group 1 members had achieved a 29 percent reduction in plastic bag numbers. Accordingly Group 1 members are ahead of the end year 2004 reduction target of 25 percent.

The other (non-supermarket) members of the ARA are Group 2 businesses and are lagging behind the reduction in plastic bag use achieved by the Group 1 members.

Franklins have containers to encourage the recycling of plastic bags in every store with a separate garbage container alongside to minimise contamination in the recycling container.

The Franklins single-use plastic bags now have a recycled content.

Staff training was seen as a valued part in achieving a reduction in plastic bag use.

Whilst biodegradable bin liners are available, Franklins put the view that not one of them was effective.

Staff advised of advice from the ARA that the number of plastic carry bags distributed annually in Australia has decreased from the former 6.9 billion to 6.4 billion by June 2004.

7.0 Correspondence from Minister Debus – Plastic Bag Education Campaign (letter attached – Annexure 2)

The Minister for the Environment Mr Bob Debus MP has written to councils advising that the NSW Government's Extended Producer Responsibility Statement has identified plastic bags as one of 16 "wastes of concern". Producers/distributors of plastic bags are on notice that there could be tough new regulations implemented if more responsibility is not taken by them for the environmental impacts of plastic bags.

The Minister also advised of a statement by Premier Carr that the NSW Government is prepared to act independently if there are not effective national outcomes on a reduction in the use of plastic bags (see also Item 8.0). A questionnaire attached to the Minister's letter was returned to Planet Ark (copy attached – Annexure 3).

The Minister's letter refers to the distribution of "free" reusable bags to residents in Hunters Hill and Randwick. Whilst this is correct for Hunters Hill (to the some 5,000 households), it is misleading for Randwick as the funding in Randwick was provided by households through their domestic waste management charge.

8.0 Correspondence from Director-General, Department of Environment & Conservation (DEC) re ban on plastic bags – Annexure 4

On 31 May 2004 Council resolved to write to Minister Debus expressing concern that Premier Carr's media statements in support of a ban on plastic bags could have an adverse impact on the government's waste diversion strategy. The Director-General Ms Lisa Corbyn responded to the Mayor on the Minister's behalf on 29 September 2004.

Council's concern was that a ban on the use of plastic bags would have an adverse impact on residents attempting to increase waste diversion by the separation of food organics from residual garbage. In her response Ms Corbyn advised that a greater range of biodegradable bags would address the separation issue. She advised that in Europe, councils were providing householders with biodegradable bags.

Recommendation of the Staff to the Working Party:

It be noted that the option canvassed by DEC, if implemented in NSW, would raise the following issues:

- **Cost** Under the Local Government Act, councils are required to recover costs of service (such as issue of the bags) by passing them on as an increase to the domestic waste management service charge.
- **Effectiveness** The comment by Mr Malakou of Franklins (at Item 6) on the doubtful effectiveness of biodegradable bags used as bin liners is noted.
- **Technical** If biodegradable bags are mixed with synthetic plastic bags via the recycling programs for the latter, the ability for the synthetic bags to be recycled could be compromised.
- **Environmental** Please see Item 9.

9.0 Australian Competition and Consumer Commission (ACCC) success – Environmental bag claims “misleading” (media release – Annexure 5)

In May 2004 the ACCC succeeded in the Federal Court against the distributor of Earthstrength (tapioca starch) biodegradable plastic bags. The claim was made for the bags that:

- 46,000 pieces of plastic float in every square mile of ocean, this won't be one of them
- even if this bag is thrown in the bin it won't end up as litter
- this bag won't contribute to the landfill problem. It will make it disappear.

The Court found that the distributor had contravened the Trade Practices Act and had engaged in false or misleading conduct.

10.0 General Business

- a) The Franklins representative advised during his presentation that the information available from the ARA audit on plastic bag use was limited to the aggregate reduction achievements for the whole supermarket sector in Australia.

The Working Party considered that there was merit in extending an invitation to the ARA to address a future meeting of the Working Party. Staff to talk to the ARA to see if they are able to attend a meeting between now and Christmas 2004.

- b) A Councillor member of the Working Party proposed, as an alternate to the issue to residents of reusable plastic bags as discussed at Item 4, that Council implement a rewards program with food and beverage outlets which offer alternatives to plastic bags. The reward could take the form of a well designed sticker to be displayed in the outlet window advising that the outlet was “plastic bag” free.
- c) A Councillor member of the Working Party discussed a recent three day festival in Tasmania – food was available on paper plates only. At the Woollahra Book Fair, cardboard boxes were available for book purchases.

Recommendation of the Working Party to the Community and Environment Committee:

- A. THAT the Committee request the Director Planning and Development to advise:
- i If a condition of consent for events in public places in the municipality can be introduced to ban the use of single-use plastic bags for the distribution of food and beverages.
 - ii If a condition of consent for events in public places in the municipality can be introduced to encourage the use of bins for effective recycling.

11. Date and Time of next meeting

The next meeting (Meeting 4) will be held at 10 am on a Monday, with the next meeting date to be confirmed.

There being no further business, the meeting closed at 12:20 pm.

Item No: D4 Delegated to Committee
Subject: **Minutes of the Environmental Levy Community Reference Group Meeting Thursday 21 October 2004**
Author: Scot Hedge
File No: 1142.G
Reason for Report: To report on the outcomes of the Environmental Levy Community Reference Group meeting held on Thursday 21 October 2004

Recommendation:

That the minutes of the Environmental Levy Community Reference Group meeting, held on Thursday 21 October 2004, be received and noted.

Background:

The Minister for Local Government gave approval for Council to implement an environmental levy in 2002 for a three-year period. This allows Council to implement a range of environmental improvements which aim to preserve and protect the natural beauty of Woollahra.

The role of the ELCRG is to:

- receive and review progress reports on the implementation of the EWP;
- annually review the EWP;
- promote the EWP and its environmental objectives to the community;
- liaise with the community and provide feedback on the implementation of the EWP; and
- assist Council in seeking supplementary funding opportunities.

Purpose:

The purpose of this report is to provide the Community and Environment Committee with a copy of the minutes of the Environmental Levy Community Reference Group meeting held Thursday 21 October 2004. The minutes will provide the Committee with an update on a variety of issues related to the expenditure of the environmental levy, the implementation of the Environmental Works Program and actions recommended by the Group.

Conclusion:

Reporting on the minutes of the ELCRG will keep Council informed on the progress of the expenditure of the environmental levy and the implementation of the various projects and initiatives of the EWP. The minutes will include the actions recommended by the Group for Council's consideration.

Scot Hedge
Project Officer - Environmental Works

Warwick Hatton
Director Technical Services

Annexures:

1. Minutes of the Environmental Levy Community Reference Group meeting of Thursday 21 October 2004.
2. Attachment 1 to Environmental Levy Community Reference Group meeting minutes of Thursday 21 October 2004.
3. Attachment 2 to Environmental Levy Community Reference Group meeting minutes of Thursday 21 October 2004.
4. Attachment 3 to Environmental Levy Community Reference Group meeting minutes of Thursday 21 October 2004.

Woollahra Environmental Levy Community Reference Group Minutes

The meeting of the Woollahra Environmental Levy Community Reference Group was held in the Council Chambers, Double Bay on Thursday 21 October 2004, at 5.00pm.

Group Members:

Present:	Cr Geoff Rundle (Mayor)	(Woollahra Municipal Council)
	Mr Michael Rolfe	(Vaucluse Progress Association)
	Professor Don White	(Harbourview Residents Group)
Staff:	Mr Warwick Hatton	(Woollahra Municipal Council)
	Mr Jamie Howieson	(Woollahra Municipal Council)
	Mr Scot Hedge	(Woollahra Municipal Council)
Apologies:	Cr Tanya Excell (Chair)	(Woollahra Municipal Council)
	Cr Marcus Ehrlich	(Woollahra Municipal Council)
	Mrs Wilhelmina Gardner	(Vaucluse Chamber of Commerce)
	Professor Bruce Thom	(Friends of Parsley Bay)

2.0 ADOPTION OF MINUTES - Minutes from Meeting 1 June 2004

2.0 Adopted by Prof Don White and Michael Rolfe.

3 BUSINESS ARISING FROM PREVIOUS MEETING

3.1 Environmental Education & Action Plan

Implementation of the plan has now been included in the 2004/05 EWP. An Expression of Interest has been submitted to the Environmental Trust for an Environmental Education Grant to further fund environmental education initiatives as documented in the Environmental Education and Action Plan. Subject to the outcome of the grant application, future funding transfers from the existing EWP may need to be considered if the grant application were to be unsuccessful.

A number of projects included with the Environmental Education and Action Plan (EEAP) have been implemented. These include:

- Environmental Theme and Character Project – The selected theme was “Woollahra – Our Environment, Our Responsibility” and the winning character was “Chum the Gum” submitted by Georgia Morgan of Bellevue Hill Public School. The character is currently being refined for use in a number of ways.
- Council Operations Staff Training and Auditing Program - The EEAP recommended that operational personnel receive specialised environmental training and that Council establish an internal environmental review program. An environmental education consultant was engaged to undertake an environmental audit with Council staff and develop a review tool for ongoing monitoring of activities. This will contribute to the development of a database to record pollutants trapped at source and to assess the ongoing efficiency of stormwater management activities.
- Environmental Briefing for School Teachers - Council staff and an environmental education consultant provided information to teachers on the type of environmental education resources that are available from Council and a variety of other environmental organisations. An open forum with the teachers aimed to identify how Council can better assist teachers with provision of environmental material to reduce the impact of schools on stormwater quality. An information package is to be developed to provide to schools in relation to environmental issues, encourage and assist schools to develop Environmental Management Plans to improve source control and minimise stormwater pollution, promote communication between Council staff and teachers, and develop networking between teachers interested in environmental issues.

RECOMMENDATION OF THE STAFF TO THE GROUP

1. That the information be noted.
2. That an information package be developed.

Action:

Staff notified ELCRG members that the Expression of Interest for funding under the Environmental Trust had been unsuccessful. There is a need to consider which projects within the EWP may be able to be rearranged to secure funding to implement environmental initiatives as documented in the GEMS report.

Staff recommendation adopted. Noted information package was for schools.

3.2 Gross Pollutant Trap (GPT) Maintenance Records

Maintenance records from Pit Baskets and Gross Pollutant Traps installed within Woollahra are attached for information. At time of preparing this Agenda, staff were in the process of engaging a contractor to undertake analysis of sediments within stormwater devices to determine the amount of heavy metals and hydrocarbons being removed attached to the sediments. An update on the analysis will be tabled at the meeting if available.

RECOMMENDATION OF THE STAFF TO THE GROUP

That the information be noted.

Action:

Staff recommendation adopted. Group supported undertaking of sediment analysis within stormwater devices.

3.3 EWP 2004/05

The Environmental Works Program for the 2004/2005 financial year has been attached for your information, refer to Attachment 1. The table includes expenditure to date and comments on the status of each project.

RECOMMENDATION OF THE STAFF TO THE GROUP

That the information be noted.

Action:

Staff recommendation adopted. In the report on the EWP it was recommended to note certain management actions as 'Investigation Underway' rather than 'Project Underway' depending on the nature of the work being undertaken.

4.0 ITEMS FOR DISCUSSION/INFORMATION

4.1 Program Developments Since Last Meeting

Projects Under Construction

The following projects were constructed and are now complete since the last meeting;

- Arthur Street, Bellevue Hill Drainage Upgrade.
- Queens Ave Drainage Works.
- Rakes Gully Stream Restoration Works.

Development and Implementation of Dog Waste Management Tools

A number of options have been identified for implementation including the development of an information package for distribution to new and existing pet owners. Currently, pet flip guides and fridge magnets are being produced. New signs are also proposed within parks and reserves throughout the Woollahra Municipality, which will include appropriate information on responsibilities relating to dog waste.

Water Quality Monitoring Strategy

Biotrack Australia Pty Ltd has been engaged to develop a Water Quality Monitoring Strategy for Woollahra Municipality. Biotrack uses a unique biological water quality monitoring system that involves the measurement of the living organisms present in a creek environment. The system is based on the premise that a particular combination of organisms present is a reliable indicator of the overall water quality because water organisms are exposed and respond to a range of water qualities, including impacts from pollution and nutrient pulses. The Biotrack system is able to provide fast, objective assessment and monitoring of aquatic health, impact appraisal, rehabilitation success, natural resource use and the sustainability of habitats and landscapes. Field sampling of the main creek tributaries of Cooper Park and Parsley Bay Reserve commenced in September 2004.

Restoration of the Double Bay and Darling Point Seawalls

A consultant was engaged to prepare design and tender documentation for the Restoration of the Double Bay and Darling Point Seawalls. Tenders will be called seeking a suitable contractor to carry out the required restoration works in late October 2004.

St Mervyns Avenue Drainage Works

Detailed design plans and specification for stormwater outlet works have been completed. Quotes have been called for the construction activities and works are planned for November 2004. Local residents have been notified of the pending work.

Spill Response Trailer

As part of a grant received from the RTA, Council has purchased a Spill Response Trailer. The trailer has been delivered to Council and has been stocked with material to effectively respond to emergency pollution events. A staff training program is being developed to train staff in relation to the effective identification of spill materials, management of spill events and regulation and enforcement activities related to spills.

RECOMMENDATION OF THE STAFF TO THE GROUP

That the information be noted.

Action:

Staff recommendation adopted. No further action.

4.2 Update on Local Flooding, Critical Pits and Overland Flow Program – Section 8.6 of the EWP

Council officers recently held a meeting with officers from Sydney Water regarding the flooding issues in Paddington and requested that Sydney Water allocate funds to amplify their trunk drainage system. Sydney Water advised that, under its operating licence, it is only required to maintain the existing stormwater assets and that no funds had been provided for the amplification of the trunk drainage system in Paddington.

Council, subsequently, considered a report on this issue and resolved that the Mayor and Paddington Councillors seek an urgent meeting with the Minister for Energy and Utilities to seek his assistance in having Sydney Water allocate the necessary funds for the amplification of the Paddington trunk drainage system.

Under the 2004/05 EWP there is \$400,000 allocated for stormwater augmentation works for Underwood, George, Elizabeth Streets. Until such time as the trunk drainage is upgraded, little benefit can be achieved in reducing local flooding to those residents around Underwood, George and Elizabeth Streets. Further, any upgrade of drainage in these areas without adequate trunk drainage would only transfer the flooding problem to another part of the catchment. As a result, it is recommended that the drainage augmentation around Underwood, George and Elizabeth Streets be deferred.

Council resolved on 26 July 2004 to proceed with the replacement of the existing pipe drainage that runs under the houses at 17-23 Cecil, Street Paddington (north-eastern corner of Hampden Street and Cecil Street), with a new pipeline from the eastern end of Hampden Street to the Sydney Water trunk drainage system. The current available budget in the EWP 2004/05 to carry out the construction works is \$118,000.

The most recent construction estimate has been calculated around \$220,000 as a result of the need to excavate more material in rock and to install a gross pollutant device (GPD) at end of line as specified by Sydney Water, leaving a potential \$100,000 shortfall to the project budget. It is proposed to fund the short fall with funds made available by deferring the Underwood, George and Elizabeth Streets drainage project, as outlined above.

Stormwater management options recently developed for The Crescent, Vaucluse, recommended drainage works estimated to cost in excess of the allocated project budgets. In response, it is recommended to re-allocate funds between the projects by deferring some projects and reallocating the funds to others.

A number of inter-allotment drainage projects, adjacent to parks and reserves, were proposed as part of the Environmental Works Program. These projects identified are on steep hilly terrain sites, with access to sites from public land extremely difficult or not feasible. Access through adjoining private property is also difficult in many cases and may not be permitted by some landowners. This situation also poses a potential liability for Council carrying out works on private property.

It is considered that a more cost-effective approach is to require that adjoining landowners proposing future developments, as part of their development consent, treat stormwater and improve stormwater quality prior to discharging from their properties to adjoining parks and reserves.

We are currently in the process of developing new Development Control Plans for stormwater management and it is proposed to include such catchment measures in these Development Control Plans. Through these means, over time, as properties are developed, appropriate measures will be put in place to minimise the impact of stormwater discharge to parks and reserves.

Due to the above, it is recommended that the inter-allotment drainage projects listed in the 2003/04 EWP at Parsley Road and Hopetoun Avenue not proceed and that the funds available for these works be reallocated to The Crescent drainage improvement works.

It is recommended that a Council report be submitted to Corporate & Works to consider various funding changes to the program as summarised in Attachment 3.

RECOMMENDATION OF STAFF TO THE GROUP

That a report be submitted to Corporate & Works Committee with the proposed funding changes.

Action:

Staff recommendation adopted. Report to Corporate and Works Committee to be prepared.

4.3 Extension of the Levy

It is proposed that an application to extend the Environmental Levy be prepared for submission to the Department of Local Government in February 2005. The suggested approach would be to seek an approval to complete the remaining two years program of works with some amendments, incorporating other actions not considered in the current program, but identified in the revised Port Jackson South Stormwater Management Plan. As part of the review process, future years programs would also be developed to ensure the implementation of the revised Port Jackson South Stormwater Management Plan.

The Port Jackson South Stormwater Management Plan Review is nearing completion and will be circulated to group member once adopted by Council. Workshop-type meetings are proposed in the future for the information and comments of the group members to be considered when developing the new revised Environmental Works Program.

RECOMMENDATION

1. That the information be noted.
2. That the Reference Group supports the proposal to apply for extension of the levy and to proceed with the development of a new EWP as outlined above.

Action:

Staff recommendation adopted.

5.0 GENERAL BUSINESS

It was noted that the current review of Council's Stormwater Development Control Plans (DCPs) should emphasise a shift toward the idea of storing stormwater on site. Staff stated that there are four DCP's, with two currently on exhibition. All four DCPs in combination are intended to address the harvesting of stormwater.

6.0 DATE AND TIME OF THE NEXT MEETING

The next meeting of the ELCRG is scheduled for Tuesday 22 February 2005.

Item No: D5 Delegated to Committee

Subject: “Livable Lanes” Project Report

Author: Mark Wood – Manager Works & Services

File No: 770.G/588.G

Reason for Report: To report on the Illegal Dumpsite Project targeting laneways in Paddington and Darling Point and to recommend “Livable Lanes” as an ongoing project.

Recommendation:

- A. That the final report on Illegal Dumpsite Clean-up and Deterrence Grants 2002-2003 be noted.
- B. That Council support the continuation of “Livable Lanes” as an ongoing project as a means of preventing and reducing litter and illegal dumping within the Woollahra LGA.

Background:

In August 2003, Council accepted a grant from Resource New South Wales (now known as the Department of Environment and Conservation) as part of the Illegal Dumpsite Clean Up and Deterrence Grants Program. The grant was sought as Council saw the need to combat severe illegal dumping activity and help improve the local environment in various lanes throughout Paddington, as well as a particular site in Darling Point which was constantly affected by this problem.

The following sites were identified for the grant:

- 1) Glenview Lane, Paddington
- 2) Windsor Lane, Paddington
- 3) Gosbell Lane, Paddington
- 4) Dillon Lane, Paddington
- 5) Paddington Lane, Paddington
- 6) Hargrave Lane, Paddington
- 7) Oswald Street, Darling Point

The grant is provided subject to Council’s agreement to a number of conditions, including project commencement within three months of the signing of the agreement, that monies and in-kind support are made available by Council as set out in Council’s grant application and that a post program assessment will be carried out to gauge the effectiveness of the program.

Approximately 800 households were targeted from the above mentioned streets to receive education and awareness which was also complemented by media promotions, capital works and increased regulatory enforcement.

Project Development

As part of the Project Development, it was decided to give the program a name and the title “Livable Lanes” was selected as a brand for the project to provide it with a recognisable and catchy name that residents could relate to. “Livable Lanes” also encompassed all the major objectives for the project in what Council and the community wanted to achieve, ie “Livable Lanes” essentially restoring community pride in the appearance of these lanes and acknowledging their unique and historical significance. It was anticipated that this would spark behavioural change creating an environmentally responsible community in terms of waste disposal and waste minimisation. An important function of the project was to educate residents about the service that Council offers as well as other disposal alternatives. An education program was conducted in all seven areas. Surrounding units and premises were encouraged to network, share information and provide Council officers with feed back. Education was through fact sheets, commitment stickers, post cards, fridge magnets, community editorials, a community survey and an invitation to the free community barbecue project launch. Attached is a detailed report (Annexure 1) on the project.

Project Implementation

The project implementation involved continuing education, both passive and participatory. The passive education included letterbox drops and educational kits, installation of signage and media releases, whilst the participatory included the community barbecue launch, residents placing the “*Don’t Dump on My Lane*” sticker on their bins or back fence signifying their commitment to keeping the lanes clean and random surveys where residents were asked about their knowledge of Council waste services.

During this stage, increased surveillance patrols in all the identified areas were increased to deter dumpers. The service schedule, in relation to street cleaning and removal of dumps in these locations, was also increased and monitored.

A survey of domestic waste bins, recycling bins / crates, garden refuse bins / crates was conducted. Regular inspection by the Waste Services Compliance Officer and Waste Technical Officer were conducted to ensure bins and crates were removed promptly after service.

Signage was installed at different locations to notify illegal dumpers of the penalties relating to the offence.

Evaluation

The project evaluation was undertaken through a range of measures in order to effectively determine whether the outcomes of the project had been achieved. The outcomes were as follows:

- The incidents of illegal dumps decreased by 50% during the project.
- Bins being continually left out in laneways has been a major challenge although there has been a significant decrease in the number of bins left out. A continued monitoring program has commenced to ensure that this issue is kept under control.
- Investigation of illegal dumps resulted in five offenders being identified. No fines were issued as the offenders complied with verbal warnings giving by the Waste Compliance Officer.
- The targeted education program was measured by a residents’ feedback survey and by the actual participation in the program. Approximately seventy people attended the launch and the survey revealed residents had a high understanding of Council services and the correct methods of waste disposal. Residents’ participation and commitment were also shown by the large number of “Don’t Dump on My Lane” stickers observed.

Future Opportunities

It is clearly evident there has been some success in deterring illegal dumping in the identified locations. It is important that this success is not seen as a short-term one-off event but rather as a long-term initiative requiring ongoing monitoring and community education. To achieve this, it is proposed to make “Livable Lanes” an ongoing project within the Woollahra LGA. Each year, it is proposed that a number of sites will be selected based on the information gathered by Council officers on illegal dumping activities.

Council officers have identified the following locations for the 2004/ 2005 “*Livable Lanes*” Project:

1. Dyson Lane, Woollahra
2. Stephen Street, Paddington
3. Smith Street, Woollahra
4. Victoria Place, Paddington
5. Elizabeth Place, Paddington
6. Boundary Lane (rear 112 -142 Boundary St), Paddington

The funding for the project will be sourced from the Domestic Waste Management Budget as the Department of Environment and Conservation has indicated there is no grant funding available for the 2004/05 financial year for these types of projects.

Conclusion:

The “*Livable Lanes*” project has been a success in deterring the incidence of illegal dumping within the identified locations. The long-term success of the program will be the true test of its success by measuring and observing the change in community attitudes, restoring community pride in the appearance of these lanes and acknowledging their unique historical significance.

Mark Wood
Manager Works & Services

Warwick Hatton
Director Technical Services

Annexures:

A detailed report on the Project

Item No: D6 Delegated to Committee
Subject: **Indigenous Name Place Signage**
Author: David Sheils – Manager Public Open Space
File No: 172.G
Reason for Report: To provide an update on a Notice of Motion seeking information regarding Aboriginal naming of sites and localities throughout Woollahra.

Recommendation:

That the report be noted.

Background:

Council at its Meeting of 4 August 2004 adopted the following Notice of Motion:

“That Council:

- 1. supports and endorses UNESCO’S International day of the World’s Indigenous peoples;*
- 2. in recognition of the importance of Woollahra’s aboriginal heritage and history and the continuing connection of the Gadigal people to their traditional land in Woollahra, calls for a report to be brought before the Community and Environment Committee, compiled in consultation with the LALC, ESORA and traditional owners, identifying traditional Aboriginal naming of sites and localities within Woollahra;*
- 3. That the programme for replacing Council signage throughout the Woollahra Council area include provision for incorporating indigenous place names on signs and for installing interpretative signs, where appropriate, in accordance with the recommendations of the report and Council's determination.”*

The dual naming of places and geographic features in the Sydney region using the original Aboriginal name has only recently been introduced. In 2002, under the NSW Government’s dual naming policy, Dawes Point was officially dual named Tar-ra.

In June this year, the State Government released 20 proposed new "dual" names for well known localities including Sydney Cove, Fort Denison and Bennelong Point. These names are provided in Annexure 1.

Whilst historians report that the Aboriginal population reduced dramatically with the introduction of smallpox into Sydney's Aboriginal community in the first years of European contact, researchers have used manuscripts from early surveyors, such as Second Lieutenant William Dawes, who were able to record information directly from local Aboriginals.

The Geographical Names Board of New South Wales (GNB) has advised us that Macquarie and Sydney Universities are working with relevant Aboriginal representatives to record and map locations and natural features where documented evidence exists confirming their indigenous name.

Process Required to Name a Site Using Indigenous Place Names

This year the GNB produced an information kit titled *Dual Naming – Supporting cultural recognition* (Annexure 2). The basic principles of dual naming is outlined by the GNB as:

- a dual name must be indigenous to the local area;
- the name can only be assigned where there is definite evidence, preferably historic, in the form of written or oral tradition that the feature has two names;
- once a dual name proposal is assigned the English language name shall be standard font and the Aboriginal name shall be in italic font except where only an Aboriginal name is used. In which case it shall be in standard font;
- the location and spelling of a name resides in the hands of the traditional owner or organisation that represents them.

The process required to undertake dual naming includes:

Aboriginal Consultation

- All dual naming proposals require the support of the Local Aboriginal Land Council;
- A written proposal should be sent to the Local Land Council with details of the geographical or cultural site for which the name is being proposed;
- Proponents should ask the Local Aboriginal Land Council to help establish a meeting to discuss the proposal with local elders and representatives from established Aboriginal families. A copy should also be sent to the Regional Aboriginal Land Council for comment.

Local Government Consultation

- Proponents would seek comment from appropriate local residents and community groups which can be used as supporting information for Council's consideration.

Geographical Names Board Procedure

- Proponents should submit the Dual Name Proposal, with written confirmation of support from the relevant Local Aboriginal land Council and community bodies to the GNB.
- The GNB considers the proposal to ensure it has local approval and meets the dual naming guidelines.
- Submissions approved by the GNB are then advertised in local media outlets for public comment. If there are objections to a submission, the GNB will seek further advice from Council, tribal elders group and Local Aboriginal Land Council.
- If no objections are received after one month has elapsed, the nominated name and the existing name are notified as a Dual Name in the NSW Government Gazette.
- Council is then free to communicate the dual names on signposts, locality guides and maps.

The process of nominating dual names for sites has raised various issues such as:

- debate regarding the name pronunciation and spelling;
- confusion by some sections of the community regarding the appropriate use of dual names; and
- confusion regarding the name locations.

The Australian Museum, Sydney, has provided some examples of possible dual naming opportunities available throughout Sydney and is displayed on their Living Harbour web site (Annexure 3).

This web site identifies the following dual naming opportunities in Woollahra subject to satisfying the dual naming process and consultation procedures outlined by the GNB.

Present name: Rushcutters Bay
Aboriginal name: **Kogerah**
Reference: Huntington 1873
Historical name/description: Rushcutter Bay

Present name: Darling Point
Aboriginal name: **Yaranabe**
Reference: 'Sydney Cove' 1878a
Historical name/description: Darling Point

Present name: Near Watsons Bay on South Head, or Point Piper
Aboriginal name: **Woo-la-ra, Willárrá, Wallàra**
Reference: Southwell 1788a, Larmer 1832, Mitchell ca 1848
Historical name/description: The Look-Out, Point Piper

Present name: Rose Bay
Aboriginal name: **Pannerong, Pan-ner-rong, Ginnagullah**
Reference: Anon ca 1790-1792, Collins 1798, Huntington 1873
Historical name/description: Rose Bay

Present name: Watsons Bay [Kutti Beach]
Aboriginal name: **Kutti**
Reference: Larmer 1832, Mitchell ca 1848
Historical name/description: Siddons & Watson's Residences

Present name: South Head [outer]
Aboriginal name: **Tar-ral-be**
Reference: Anon ca 1790-1792
Historical name/description: South Head

Some of the above listed names have been used in Woollahra such as:

- Yarranabbe Park, Darling Point;
- Pannerong Park, Rose Bay; and
- Kutti Beach, Watsons Bay.

Discussions with the GNB's Secretary, Mr Greg Windsor, indicate that the Board is able to assist Council next year in the process of exploring dual naming opportunities including consultation with relevant Aboriginal groups and government departments. The GNB has developed local experience within the Sydney region through the recent public exhibition of dual naming of various Sydney Harbour sites.

We plan to pursue the GNB's offer and explore further with them dual naming opportunities and report to Council when we have progressed this matter further.

David Sheils
Manager Public Open Space

Warwick Hatton
Director Technical Services

Annexures:

1. Proposed dual names in Sydney Harbour
2. Geographical Names Board – Dual Naming Information Kit
3. Extract from Living Harbour Website

Item No: R1 Recommendation to Council
Subject: **Robertson Park Plan of Management and Masterplan**
Author: David Sheils - Manager Public Open Space
File No: 209.G
Reason for Report: To recommend to Council the adoption of the Robertson Park Plan of Management and Masterplan.

Recommendation:

That the Robertson Park Plan of Management and Masterplan version November 2004 be adopted.

Background:

Following the public exhibition of the draft Robertson Park Plan of Management and Masterplan (report contained in Annexure 1) and a review of the submissions received, the Council at its meeting of 23 February 2004, resolved:

- “1. That the matter be deferred for further community consultation and consideration and for detailed consideration by staff of the submission tabled during the committee meeting.
2. Because of its cultural and social heritage the bandstand/rotunda remain in its current location in the proposed Plan of Management and Masterplan and it be repaired as a matter of urgency.”

The Community and Environment Committee was subsequently provided an update report 3 May 2004, regarding the outcome of further detailed community consultation and the progress of the bandstand/rotunda repairs (Annexure 2).

As a result of the consultation process with key community representatives, a revised Masterplan - Version: September 2004, was developed and again placed on public exhibition during September 2004 (Annexure 3). One submission was received from the Vaucluse Progress Association (Annexure 4) and responses to comments are provided below.

Summary of submission	Response
Concern that existing diagonal path from Dunbar House to marine Parade is proposed to be removed and a replacement with a vertical path to Marine Parade.	The exhibited Masterplan indicated the existing diagonal path to be retained and did not illustrate the provision of a “vertical” path. There are written reference in the Plan of Management to the diagonal pathway being removed and replaced with a perpendicular pathway will be removed from the Masterplan.
Request to retain existing pathway from Clovelly Lane into the park.	Members of the community supported the deletion of this path. In particular community representatives at the meeting of 20 April 2004, endorsed the path’s removal. Mr Rolfe also provided a plan to Council dated May 2004, illustrating the deletion of the pathway. We do not believe the installation of the pathway is warranted.
Little or no value in the shareway whilst the fence is retained.	The exiting low timber ‘barrier’ fencing does not reduce the accessibility to the park for pedestrian but rather prevents vehicle access onto the park. We plan to replace this existing barrier with a more appropriate bollard treatment.
Does not agree with a shared pedestrian / roadway for Clovelly Street or a widened section of roadway in front of Dunbar House.	The shared roadway / pathway is seen as a desirable means to: <ul style="list-style-type: none"> ▪ slow traffic down using Clovelly Street; and ▪ improve the connection of Robertson Park with the park area around Dunbar House.

<p>Would prefer a dedicated pedestrian path.</p>	<p>The residents of Clovelly Street have also supported the shared roadway.</p> <p>The widened section of roadway in front of Dunbar House has also been proposed in direct response from residents seeking to eliminate road blockages caused by wedding vehicles setting down passengers.</p> <p>A dedicated pedestrian path would also further dissect Robertson Park from the park area surrounding Dunbar House.</p>
<p>Concerns regarding the level of tree retention and removal</p>	<p>The Masterplan proposes the planting of over 70 new trees. This represents more trees than exist in the park today.</p> <p>Existing trees that are proposed to be removed are:</p> <ul style="list-style-type: none"> ▪ poor specimens; ▪ located where they will in time block the main view corridor from The Gap; or ▪ inappropriate species such as Norfolk Island Hibiscus of which residents have sought removal. These trees can be phased out as the new tree planting is established.
<p>Request for avenue planting along pathway.</p>	<p>The Masterplan tree planting has been developed in direct consultation with the community. At the community representative's meeting of 20 April 2004, it was agreed to provide planting on one side of the pathway. Planting on one side with consistent spacing will provide rhythm in character with an avenue and the park.</p>
<p>Requests that no shade structure/s be installed with the playground.</p>	<p>It is most desirable for a regional playground to be provided with shade to protect children and parents alike and provide all day use of the facility. Wherever possible we attempt to make use of shade provided by trees. However, large mature trees are not always available. The new proposed playground at Robertson Park is likely to need some artificial shading at least until new tree planting on the northern side of the facility is established.</p> <p>The Watson's Bay Heritage Conservation Area DCP acknowledges the provision of shade structures in the park.</p>
<p>Relocation of playground not necessary</p>	<p>The playground has been relocated in response to the need to remove structures from the foreground of the main view corridor from The Gap and in direct response to the requests of the community.</p> <p>Community representatives at the meeting of 20 April 2004, endorsed the location and Mr Rolfe also provided a plan to Council dated May 2004, illustrating the Masterplan's proposed playground location.</p>
<p>Concerns that the new pathway network will not suitably cater for planned future bus stops and associated traffic generation.</p>	<p>We have assessed the current and proposed pedestrian movements generated by the proposed Military Road improvements works and are satisfied the proposed pathway locations will cater for pedestrian needs.</p> <p>The park currently retains numerous eroded 'goat tracks' in the eastern section of the park and graded access to the toilets and playground is not provided.</p>
<p>Asserts that the Masterplan proposals are not mandated by the existing or likely future use of the park.</p>	<p>Robertson Park demonstrates the need for astute planning and new infrastructure investment. This is illustrated by:</p> <ul style="list-style-type: none"> ▪ eroded 'goat tracks' through the park; ▪ toilets and playground facilities lack disabled access; ▪ lack of shade trees; ▪ light fixtures require replacement as many are defective and spare parts are no longer available; ▪ playground equipment is urgently required to be replaced to meet new standards; ▪ historic Clovelly House site compromised by the location of the toilet block; ▪ heritage trees continue to be negatively impacted by compaction of their root system; and ▪ park furniture is dated and inadequate to cater for current needs.

Seeks formal public exhibition of each stage of the Robertson Park works.	The Robertson Park Plan of Management and Masterplan has been subject to several public meetings and two exhibition periods. Further public consultation is not considered warranted as the final design has responded to resident concerns and requests. The seeking of further public comment would unnecessarily delay much needed improvements to the park.
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In response to the submission and completed repair of the rotunda roof amendments have been made to the Masterplan and Plan of Management documents which are distributed to Councillors separately as Annexure 5 and 6 respectively.

Identification of Income & Expenditure:

The complete repair and renovation of the rotunda roof previously identified in the exhibited Masterplan has been completed at a cost of \$30,000.

The Plan of Management and Masterplan define a number of actions, which are listed with a “High” priority ranking (refer to Section 5.2 *Works Action Plan* in the Robertson Park Masterplan).

The 2004/2005 Capital Budget allocates \$488,000 to be spent on the implementation of the Masterplan priority items. Typically these priorities are also those which provide the most immediate improvements to the Park and can be appreciated by residents and tourist alike such as tree planting, new pathways, lighting, playground equipment and park furniture. Consequently, it is recommended that the priority works listed below proceed.

ITEM	ACTION TYPE	INDICATIVE COST ESTIMATE	DESCRIPTION
<i>Tree planting / management</i>			
	Design / Capital Works	\$60,000.00	Detailed design: <ul style="list-style-type: none"> • select species / size / location • trickle irrigation design Plant procurement Install irrigation system Planting to park edges Tree thinning: <ul style="list-style-type: none"> • adjoining toilets, playground, Dunbar House • Remove Norfolk Island Hibiscus • Remove selected Norfolk Island Pine avenue Replacement planting to Dunbar House subject to heritage interpretation
<i>Archaeological Design (Work Plan)</i>			
	Investigation	\$3,000.00	<i>Clovelly Zenlieth</i>
Furniture Upgrade			
	Capital Works	\$40,000.00	Install Council park furniture
<i>Park Lighting</i>			
	Capital Works	\$60,000.00	Park detailed design for path layout. Coordinate lighting locations to path aligned Electrical / lighting level design
Fig Tree Seating Area			
	Design / Capital Works	\$100,000.00	Detailed design: <ul style="list-style-type: none"> • liaison with Arborist Construction: <ul style="list-style-type: none"> • decks and paving to protect root zones • sandstone pavement

<i>Path Reconfiguration</i>			
	Design / Capital Works	\$140,000.00	Internal path realignment. Detailed design: <ul style="list-style-type: none">• coordination with archaeological survey / interpretive study Demolition of existing pathways Construction: <ul style="list-style-type: none">• regrading of south eastern corner of park• pedestrian pavement
<i>Playground</i>			
	Design / Capital Works	\$85,000.00	Relocation of playground: Detailed design: <ul style="list-style-type: none">• including community consultation Construction: <ul style="list-style-type: none">• playground equipment• shade• softfall surface• park furniture and planting

TOTAL INVESTMENT 04/05	\$488,000
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Conclusion:

The Robertson Park Plan of Management and Masterplan have been subject to an exhaustive public consultation process. It is considered that both documents meet most, if not all of the community concerns.

It is therefore recommended that these strategic documents be adopted to enable new works such as the installation of park furniture, new playground equipment and tree planting to proceed (most appropriately carried out in autumn).

The Department of Lands has advised it will adopt the Robertson Park Plan of Management in this recommended version as one of their strategic documents. The Department of Lands is also supportive of the Robertson Park Masterplan.

David Sheils
Manager Public Open Space

Warwick Hatton
Director Technical Services

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1. Community and Environment Committee Report dated 23 February 2004
 2. Community and Environment Committee Report dated 3 May 2004
 3. Robertson Park Masterplan Version September 2004
 4. Submission from VPA
 5. Robertson Park Masterplan (distributed separately)
 6. Robertson Park Plan of Management (distributed separately)

Item No: R2 Recommendation to Council
Subject: **Holdsworth Street Community Centre - Relationship with Council**
Author: Kylie Walshe
File No: 126.G
Reason for Report: To consider the future relationship of Holdsworth Street Community Centre with Council.

Recommendation:

- A. That Council consider the proposed options regarding the future relationship of Holdsworth Street Community Centre with Council, and resolve to consider Options Two and Option Three as detailed in this report, as appropriate options for implementation.
 - B. That Council provide the Holdsworth Street Management Committee with the time required to determine the Option supported by the Association and its members. This to be forwarded to Council no later than 31 January 2005.
 - C. That a further report with a recommendation for the adoption of Option 2 or Option 3 be presented to Council in early 2005, with a proposed implementation plan.
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Aim of Report:

It is the aim of this report to provide Councillors with sufficient background and information to determine the future relationship of Holdsworth Street Community Centre with Council. This recommendation aims to support and continue much needed community services to the Woollahra community, whilst protecting Council's interests. This report is not reviewing the value or continuation of the services provided by HSCC or the large contribution and commitment of the volunteer Management Committee, but the relationship and management model used to provide these services.

Background:

Investigations have been ongoing since 2002 regarding Council's relationship with Holdsworth Street Community Centre Association (HSCC). At this time, concerns were raised particularly in relation to Council's legal obligations and risk management exposure under the present deed of delegation instrument, which defines its relationship with the HSCC.

HSCC is an association incorporated under the Associations Act 1984. Council's relationship with the association is defined within a Deed of Delegation under the Local Government Act 1993, Section 377. Within that Deed of Delegation, staff at the centre are nominated to be Council employees. However, HSCC staff do not appear on Council's payroll, are covered by insurance separately taken out by the Association and are issued with group certificates in the name of Holdsworth St Community Centre Woollahra Inc.

The current Delegation of Authority between Council and HSCC states:

"Council agrees to delegate to the Association all the Council's functions associated with managing the Centre and the delivery of services provided at the Centre."

This Delegation of Authority document was signed on 8 December 2000 and due to cease on 31 December 2006. (Annexure 1)

At present, because of the deed of delegation instrument by which Council defines its relationship with the Association, Council would appear to have all the liabilities associated with the staff with no capacity for their control and direction. Council does not supervise their activities on a day to day basis and they are not accountable to Council for the performance of their duties.

In October 2003 an undertaking was given to review the operations of aged and disability services supported by Council, including HSCC, and that the relationship would be determined after this was completed. This review and its recommendations were adopted by Council on 1 November 2004 and it is now time to determine the relationship matter.

Factors to Consider

In considering the appropriate relationship of HSCC with Council, a number of factors should be considered:

- Legal status of delegation agreement.
- Liability for the operations of HSCC.
- The rationale for the establishment of the delegation.
- The effectiveness and efficiency of HSCC in the delivery of services.
- Management of Council funds.
- Council's role in community services.

Each of these factors provides Council with important information that will assist the adoption of the most appropriate relationship and management model for HSCC.

Legal Advice – Legal status and Liability

In 2003, legal advice was sought in relation to Council's position and options for a clearer definition of Council's relationship with the Association. As noted in this advice "we think the Delegation is a wholly inappropriate basis for the Council to allow the Association to occupy the premises at 64 Holdsworth St, Woollahra and to operate the HSCC on the Council's behalf." (Point 12 of Annexure 2) On the question of liability, "Council is and remains legally liable for all actions of the Association properly undertaken under and in accordance with the Delegation despite its lack of management control over the day to day operations of the HSCC". (Point 28 of the Annexure 2)

The terms of the Delegation are then reviewed in some detail and it is concluded that "it is ... an unacceptable document to govern the relationship between the parties" and that the 6-year term of the delegation is in contravention of section 380 of the Act.

That legal advice is attached for Council's information and formed the basis of discussions with the Association. (Annexure 2). In response to this advice HSCC received advice from Freehills (Annexure 3) which offers a different viewpoint on the legality of the delegation. However, this advice does not detail the implications for Council of retaining the current delegation or the legal liabilities associated with it. The main issue raised by the legal advice for Council is not the debate over the legality of the delegation but the liabilities that rest with Council despite the lack of management control with the current relationship.

Based on this legal advice the current delegation model is not acceptable to Council or recommended for continuation.

The establishment of the delegation

In order to fully appreciate the operations of HSCC and make an informed decision on the relationship with Council, it is important to understand the history of the relationship of the Centre with Council. See Table 1 below.

Date	Activity
1971 –1973	Holdsworth Street Playground operates unsupervised.
14 December 1973	A pilot scheme was commenced to provide holiday and after school care at the Holdsworth Street Centre, with the care, control and management of the playground and building vested in a community management committee until the end of May school vacation period.
April 1974	Council received advice from solicitors that it would be legally competent for the care, control and management of the playground to be vested in a community committee.
27 May 1974	Council formally vested the care, control and management of the Centre at Holdsworth Street to the persons that constitute the Management Committee.
7 October 1987	Holdsworth Street Community Centre becomes an incorporated body.
1974 -1997	Council formally vests the care, control and management of Holdsworth Street Centre to the persons elected to the Management Committee, on an annual basis.
8 December 2000	Current delegation of authority adopted and agreed between Holdsworth St Community Centre and Council.
11 November 2002	Report to Council regarding the legal advice to be requested in relation to the relationship with Holdsworth Street Community Centre Incorporated.
24 January 2003	Legal advice received by Council from Phillips Fox solicitors.
24 March 2003	Report to Council outlining the legal advice received in relation to the relationship with Holdsworth Street Community Centre Incorporated.
20 August 2003	Legal advice received by Holdsworth Street Community Centre from Freehills solicitors, and forwarded to Council.
October 2003	Abraxa Consulting appointed to review aged & disability services supported by Council, including HSCC. Decision to finalise the relationship after the completion of this review.

Table 1: Relationship History

Since it's inception in 1974, HSCC has developed from a small neighbourhood centre to a centre that provides services Municipal wide, with some services catering for the whole Eastern Suburbs region. In fact, some of the services provided by HSCC cater predominately for residents outside of the Woollahra Municipality.

In the 1980s and 1990s HSCC was viewed as the Community Services arm of Council, with a statement in the 1990 HSCC Annual Report stating:

“While Council has no Community Services Department and no policy for providing services direct from Council, it has supported and assisted with the development of the Centre.” Other evidence of this was the establishment of an Access Committee, a role that is now one of the Community Services Department of Council.

It was the vision of a number of community members and the support provided by Council that has resulted in the development and delivery of valuable services by HSCC for many years. The relationship between Council and HSCC has and continues to be important for Woollahra residents. Since the commencement of HSCC Council has relied heavily on the dedication and commitment of volunteers to manage direct service provision in children's, family, aged and disability services. This extraordinary effort is commended and has been highly regarded by Council and the community over the past 30 years. A continued relationship with the community is vital to any community service and must be encouraged regardless of the formal relationship with Council.

Whilst supporting HSCC, Council determined to establish a Community Services Department, with the employment of a Community Services Manager in 1995 and a Director Community Services in 2002, with associated staff. Through these actions Council has shown a commitment to the direct provision of community services. In 2003 Council also accepted responsibility for the management of Woollahra Kindergarten, which was previously managed by a volunteer Management Committee, as the Committee viewed that the responsibilities to operate this service were most appropriate to sit with Council. A voluntary parent committee still retains active involvement in the services provided, without the overall management responsibility.

The objectives of HSCC should also be reviewed in relation to the alignment of HSCC objectives with the objectives of Council. The Management Plan 2004-2007 states the following objective; *To plan, facilitate and provide a range of community services and activities responsive to the needs of people who work and live in our area, and the key outcome; Services are provided in an efficient and cost effective manner and are well targeted to meet the needs of people who live and work in our area.*

The objectives of HSCC include the provision of a range of services for people in Woollahra and surrounding local government areas. Over the past 12 months HSCC has been very successful in attracting State and Federal funding for the coordination of regional programs covering up to six local government areas. Although this must be commended, especially as some Woollahra residents will receive these programs, it may not be viewed as consistent with the objectives of Council. By accepting this type of funding in the past HSCC has used Council funds to fill the gaps in new services, committing Council to fund and take responsibility for services for residents outside the Woollahra boundaries without any reference to Council for approval.

Effectiveness and efficiency of HSCC in the provision of services

Consideration needs to be given to the findings of the Review of Aged and Disability Services, undertaken by Abraxa Consulting, in determining the relationship. This review was adopted by Council on 1 November 2004 and informs Council of the efficiency and effectiveness of HSCC. It was apparent in this study that HSCC is not accountable for the expenditure of Council's funds and that a service level agreement is necessary between Council and HSCC to improve this accountability. It also highlighted that there is no method of determining if the services provided by HSCC are those that are most needed by the Woollahra community.

On balance, the Review highlighted some inefficiencies and concerns over management practices at HSCC, but also noted the level and quality of services that HSCC provides to the community. Relevant findings from this review regarding HSCC are:

- HSCC has poor performance monitoring and reporting processes in place but these are currently being reviewed and refined. HSCC does collect information to monitor performance and report to the Management Committee but only at the highest level. In general information is being captured, mainly because of DADHCS reporting requirements, but it is not being effectively used to monitor and improve delivery.
- HSCC has limited information and reporting requirements to Council. Council has not yet established a performance and monitoring framework to ensure that their objectives are being met in an efficient and effective manner.
- Has no internal priorities or criteria for allocating funds.
- The current method of applying funds to programs, effectively pools all funds and does not discriminate between Woollahra and non-Woollahra residents, this results in a cross subsidisation, which in the case of disability services is significant.
- Systems could be more effectively used in the provision of this service.
- Has higher than average administration and overhead costs.
- The review also highlighted the efforts of the volunteers and the voluntary management committee in managing this complex service. Comments included:
- Has a good membership base and is servicing the majority of suburbs within Woollahra.
- Services are well planned and executed. Planning is always more difficult whenever there is a reliance on volunteers. HSCC has consistently been able to attract a large pool of volunteers and has therefore largely mitigated this issue.
- In general the Centre offers a wide variety of activities that are well supported by its members.
- Management is proactive in monitoring information from funding bodies and newspapers, which advertise government grants, to ensure the financial viability of this service and to ensure it has the necessary resources to meet the varying needs of the community.
- Members are regularly consulted about the preferences via survey or other means and are always involved in the development of new initiatives or the refinement of existing services.

Overall this service is well managed and run. Services are well planned and executed, the Social Plan is used to guide program development and funds, which are required to provide services, are actively sought.

These findings highlight some issues in relation the management of HSCC that should be considered when adopting a new relationship with Council. The inefficiencies raised can all be overcome with the appropriate mechanisms, commitment and relationship with Council.

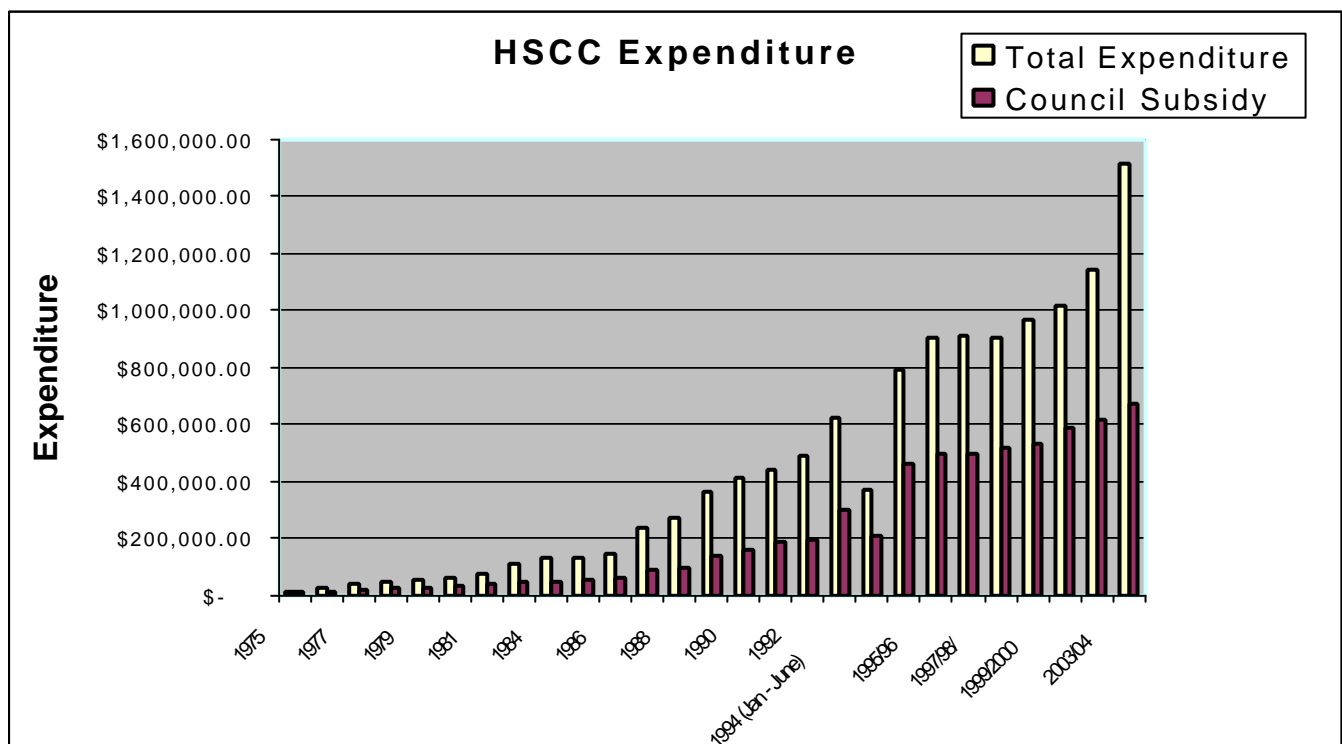
Management of Council funds

Holdsworth Street Community Centre has been the recipient of an annual donation from Council since the 1970s, under Section 356 of the Local Government Act 1993.

This amount has varied over the years, with approximately \$670,000 per annum allocated for the past three years. The accounts were first audited in 1991, with the donation from Council since 1987 shown in Table 2 below. By contrast the original donation in 1976 was \$12,000.

Year	Amount
1987	\$94,801
1988	\$95,124
1989	\$137,092
1990	\$161,534
1991	\$190,653
1992	\$198,635
1993	\$303,000
1994 (Jan – June)	\$212,465
1994/95	\$461,000
1995/96	\$461,000
1996/97	\$465,000
1997/98	\$465,000
1998/99	\$534,000
1999/00	\$590,000
2000/01	\$618,523
2001/02	\$633,000
2002/03	\$670,737
2003/04	\$670,637
Budget 2004/05	\$670,000

Table 2: Subsidies to HSCC



The graph above shows total expenditure of HSCC since 1975 and the level of subsidy provided by Council.

In comparison, Council also subsidises a number of other organisations, with the Management Plan 2004-2007 including a total donations budget of \$802,00 in 2004/05. In addition to this donation, estimates are shown below that include the cost of general maintenance, insurance, repairs, water rates and electricity of each facility, based on the costs incurred in 2003/04. The total value of the subsidies to these organisations is not able to be determined, as the value of the subsidised accommodation or rent has not been assessed.

Organisation	Donation/ Funding from Council for services	Estimated operational cost of the facilities	Total estimated cost to Council – 2004/05
Holdsworth Street Community Centre	\$670,000	\$8,700	\$678,700
Woollahra Senior Citizens Welfare Assoc.	\$65,000	\$7,200	\$72,200
Meals on Wheels	\$5,070	\$5,100	\$10,180
Section 356 Donations to 11 organisations (average of \$4,000 each)	\$49,300	N/A	N/A
Total	\$789,370	\$21,000	\$810,380

Table 3: Council subsidies to community organisations 2004/05

In comparison, it is clear that HSCC receives the largest subsidy by far from Council. Over the years Council has not specifically tied the subsidy or stipulated the areas it should be expended. However, HSCC has presented a budget to Council per annum indicating the level of Council funds that are allocated to each program area.

The End of Year Accounts 2003/04 and Budget 2004/05 were provided to Council in early September 2004. Tables 4 and 5 below detail the breakdown in the 2002/03 and 2003/04 budgets versus actual expenditure and the 2004/05 budget.

Table 4: 2002/03 Budget and Actual Expenditure

Program	Total income	WMC funding	Expend.	Surplus/ deficit
Disability Services	\$ 310,166	\$ 50,255	\$ 294,702	\$ 15,463
Aged Services	\$ 116,323	\$ 83,313	\$ 106,555	\$ 9,768
Neighbourhood Services	\$ 147,029	\$ 74,406	\$ 120,549	\$ 26,479
Family Support	\$ 74,743	\$ 39,140	\$ 71,918	\$ 2,825
Community Transport	\$ 276,826	\$ 148,958	\$ 276,378	\$ 447
After School Care	\$ 90,358	\$ -	\$ 100,936	-\$ 10,578
Vacation Care	\$ 112,698	\$ -	\$ 103,533	-\$ 9,165
Centre Management *	\$ 339,549	\$ 274,665	\$ 297,719	\$ 42,170
	\$1,467,692	\$ 670,737	\$ 1,372,290	\$ 95,402

Table 5: 2003/04 Budget and Actual Expenditure

Program	Total income	WMC funding	Expend.	Surplus/ deficit
Disability Services	\$ 527,075	\$ 213,584	\$ 459,165	\$ 67,910
Aged Services	\$ 513,001	\$ 307,060	\$ 473,194	\$ 39,807
Neighbourhood Services	\$ 149,400	\$ 46,702	\$ 173,702	-\$ 24,301
Family Support	\$ 141,841	\$ 99,266	\$ 143,099	-\$ 1,257
Community Transport	\$ -	\$ -	\$ -	\$ -
After School Care	\$ 77,254	\$ -	\$ 116,641	-\$ 39,387
Vacation Care	\$ 106,202	\$ -	\$ 145,263	-\$ 39,061
Centre Management *	\$ 16,113	\$ -	\$ 16,113	
	\$ 1,530,886	\$ 666,612	\$ 1,527,177	\$ 3,711

* there is no surplus or deficit in Centre Management as \$184,004 was recovered from the other programs in 03/04. There has been some movement in where the expenditure is accounted for over the years. Eg: Community transport is spread across the programs that use transport services, with only individual transport showing in 2004/05 and Centre Management is spread across programs in 2003/04 & 2004/05.

The 2003/04 End of Year Accounts were scrutinised to gain a greater understanding of how Council funds were expended in 2003/04 and how funds plan to be allocated in the coming year. It was clear from this assessment that Council funds were used as deficit funding for programs determined by the HSCC Management Committee. Council has had little or no input into how the funds were expended and accounted for. For example, the after school care and vacation care programs have been operating at a deficit for two years, (approx. \$80,000 per annum) resulting in Council funds being used to balance these programs. This was confirmed at a meeting with the Director and Accountant of HSCC. These program areas may not be high priority but the current relationship has not provided Council with the ability to influence the operation of this service or the allocation of funds.

A total of \$670,000 has again been allocated in the 2004/05 Community Services budget with the first quarter paid to the Committee in August 2004. Table 6 details the budget allocated to each program, as provided to Council by HSCC.

Table 6: 2004/05 Budget

Program	Budget Income	WMC Funding	Budget Expenditure.
Disability Services	\$ 453,721	\$ 217,488	\$ 453,849
Aged Services	\$ 288,310	\$ 228,440	\$ 288,440
Neighbourhood Services	\$ 287,513	\$ 86,293	\$ 286,519
Family Support	\$ 112,439	\$ 58,264	\$ 112,395
Community Transport	\$ 177,129	\$ 80,285	\$ 177,620
After School Care	\$ 114,789	\$ -	\$ 115,360
Vacation Care	\$ 137,007	\$ -	\$ 136,360
Centre Management *	\$ -	\$ -	\$ -
	\$ 1,570,908	\$ 670,770	\$ 1,570,543

Options Two and Three detailed in this report will protect Council's interest in the future by providing mechanisms, either directly or indirectly, that ensure Council manages the allocation of its funds. Both would include strict reporting and approval mechanisms for the allocation of Council's funds. This is an important reason for Council to adopt either Option Two or Three as the preferred relationship with HSCC.

Council's Role

In order to determine the appropriate model for the management of HSCC, it is imperative that Council considers the role it plays in community services. It could play any or all of the following roles:

- Direct Service Provider
- Provider of funds to community organisations to provide direct services
- Strategic Planning
- Advocacy
- Partnership

Council has not resolved to play a particular role in the past but has indicated its desire to play all of these roles in various service types. This is shown in the establishment of the Community Services Directorate in 2002 to provide strategic planning, advocacy and funding roles and accepting responsibility for direct service provision in the management of Woollahra Kindergarten. In relation to the relationship adopted by Council, serious consideration needs to be given to the role it wishes to play in community services. It should be noted that the Social Needs Study, currently underway, will provide recommendations on the role that Council should play in community services, due for report to Council in early 2005. The final decision should be made on the basis of which option provides the most efficient, effective and appropriate community services to the people of Woollahra in the long term, whilst building community capacity and social capital.

Under Section 8 of the Local Government Act 1993 all Councils have a charter to follow. This charter details some specific responsibilities that Council has in the area of community services, such as the planning and provision of services that meet the needs of children. These all have to be considered when reviewing the relationship of HSCC with Council. Whatever relationship is chosen it must meet the following criteria:

- Provision of equitable and appropriate services to the community, either directly or indirectly.
- Provision of services that are effective and efficient.
- Community Leadership.
- Involvement of the community in the decision making process.
- Keep the community informed about its activities.
- Be accountable for the management of community assets.

Some of the above have not been achieved in the relationship with HSCC in the past, as indicated in the findings of the Review of Aged and Disability Services, but may be met through the adoption of an appropriate relationship.

Proposal:

It is considered that there are three options, or variations of these, that Council could pursue in this matter, with two considered to be the most appropriate for Council. These are detailed below, with the implications of each of these:

Option 1 – Holdsworth Street Community Centre retain Delegated Authority.

The first option is a continuation of the current delegation model with the Centre providing services on behalf of Council. This option would require the Association to report directly to Council, not the General Manager, as the delegation would be given directly to the Association.

The consequence of this option would include:

- HSCC remains as a community operated organisation, managed by the Management Committee.
- Council is the major funding body of HSCC, with no direct control over the activities of HSCC.
- Council will continue to be held legally liable for the actions undertaken by the Association in accordance with the delegation, despite its lack of adequate management control.
- Council is unable to employ staff directly, as the employment of staff cannot be delegated to anyone other than the General Manager, under Section 335 of the Local Government Act.
- Council can only delegate the ‘function’, according to Section 377 of the Local Government Act. The Association will report directly to Council, not the General Manager or Council staff, with the responsibility resting solely on the elected representatives. This means that HSCC will submit reports directly to Council.
- There may be the ability to have charitable status, which could assist in attracting funding from private individuals.
- Council can revoke the delegation at any time.

- The income earned and expenditure incurred by the Association must be included in Council's financial statements, as under delegation the management of income and expenditure should be under the direction and control of Council. This is in conflict with the preferred method of operation by HSCC as it currently have direct control over all management activities, including income and expenditure.
- Fees and charges must be approved by Council under Section 608 of the Act.

This option is not acceptable for Council as it still retains full liability for the operation of HSCC, without the management control. The reasons for this are clearly stated in the legal advice received from Phillips Fox in Annexure Two. The responsibility can also not be delegated to the General Manager, with the elected Councillors being held responsible for the success or otherwise of HSCC. The recommendation of this report is that Council recognises the inappropriateness of this option.

Option Two – Transfer the operation of HSCC to the Association

The second option relates to Council formally transferring the operation of the Centre to the Association as an independent body that leases the premises and relates to Council on the basis of funding agreement for services that Council decides to purchase.

The implications of this option are:

- A formal agreement will detail the services to be provided with Council funds.
- There will a clear definition of the roles of HSCC and Council.
- Council's liability will be minimised to that of joint responsibility with the Association for public liability with all other liability belonging to the Association.
- Council is the major funding body of HSCC, with control over the activities funded by Council through a funding agreement.
- Reduced security for HSCC as Council takes the role as purely a funding body.
- Council will be able to direct the use of Council's funds but not the overall direction and objectives of HSCC.
- Council could ensure that the services funded by Council were predominately provided for Woollahra residents.
- HSCC would continue to operate independently and pursue it's own goals and directions.
- A continuation of HSCC as a 'grass roots' community organisation, with autonomy in its actions and methods of operation, within guidelines set by funding bodies for services funded.
- Continued community ownership of HSCC, with the ability to mobilise community support and assistance.

To initiate this option Council will need to:

- Prepare an instrument of revocation of the Delegation.
- Enter into a lease or license for the premises at 64 Holdsworth St. As the site is Council owned 'community' land, this would also require the preparation of a Plan of Management to expressly authorise this lease or license.
- Enter into a funding agreement for the purposes of Council providing a grant.
- Enter into a deed in relation to transitional matters including but not limited to staffing and liability issues.

This option would limit Council's liability and allow HSCC to assume full responsibility for its actions as an independent organisation. A detailed funding agreement could also provide the required reporting and accountability for the expenditure of Council funds provided to HSCC for the purchase of services. It is anticipated that the funding agreement would include the following:

- Clear detail on the purpose for the subsidy, giving an explanation on how the funds are to be expended and the outcomes that will be directly and indirectly obtained from these funds.
- Organisational standards that must be met, including financial, records, management reporting etc.

- Improved accountability for the expenditure of Councils funds, with the inclusion of specific and comprehensive standards in the funding agreement.
- Commitments for the continued relationship between HSCC and Council in areas such as strategic planning and service provision.

This option will continue the 'grass roots' community organisation and ensure that Council is accountable for the expenditure of its funds. The risk in this option is the separation of HSCC and Council, requiring a commitment to a continued relationship and communication between these two organisations.

Option Three – Council accepting direct responsibility

Under this option Council would accept direct responsibility for the operation of the Centre and its programs, which it presently delegates to the Association. Council could delegate the operation of HSCC activities to the General Manager, and the Association could act as an advisory committee to Council in accordance with Section 355 of the Local Government Act.

The HSCC Management Committee has developed HSCC into a very successful organisation, providing valuable services to many groups in the community and attracting high levels of funding from other government agencies to broaden its role. Without the outstanding achievements, dedication and commitment of this volunteer management committee Woollahra would not have received much needed services for the past 30 years. All past and present members of HSCC Management Committee are highly valued and are integral to the continuation of appropriate services to the people of Woollahra. The adoption of this option would not mean that the work and effort of volunteers and a volunteer committee are no longer required or valued. If anything, the continued contribution by volunteers and the community is vital to successful community development, the development of social capital and the provision of appropriate services to those most at need in our community. This option would release these volunteers from directly managing a large organisation to that of providing valuable links with the community, strategic planning for services and fundraising. Council would then accept responsibility to meet all legislative and funding guidelines and manage the staffing, finances and management details in accordance with the strategic direction of HSCC, as set by HSCC members in consultation with Council.

The implications of this option include:

- Council would have direct management of all activities of HSCC, including the employment of staff. This would align the objectives of HSCC with Council, with the provision of services that are well integrated with council services and community needs.
- Council would have greater influence over the future direct direction of the Centre, with strategic planning for HSCC aligned with the goals of Woollahra Council. This would involve HSCC members in the development of strategic directions and objectives.
- Council could ensure that the services were predominately provided for Woollahra residents.
- HSCC would no longer be controlled by a committee representing HSCC members, which could impact on community support for the Centre.
- The establishment of an Advisory Committee with HSCC members would ensure community input into service provision and the quality of service. It would also change the focus of the Committee from one that manages the detailed operations of the Centre to one of high level strategic planning and fundraising. The value of community input cannot be understated with the continued volunteer effort pivotal in the success of the continuation of HSCC services.
- Community members volunteering on the advisory committee will not be legally liable for management actions, including the large budget, with the ability to put efforts into service development, fundraising and community development activities.
- Any liability incurred by Council will be a consequence of its direct management and control of HSCC.
- Council will be able to redirect funds as required by changes in community needs.

- HSCC will be secure as a service provided by Council. As the HSCC Management Committee may change each year, this could influence and impact on the services provided. With a stable management base, this option will encourage a turnover in committee members and volunteers to maximise community involvement in the services provided.
- Cost savings in particular areas, such as insurance, accounting, information technology, risk management and human resources resulting in improved efficiency of service.
- Ability for the services to be supported by the infrastructure of Council, providing assurance that the services will be provided in accordance with all legislative requirements and community needs.

To initiate this option Council will need to:

- Consult with the HSCC Management Committee and members.
- Prepare an instrument of revocation of the Delegation.
- Enter into a deed in relation to transitional matters including but not limited to staffing and liability issues.
- Delegate the employment of staff to the General Manager.
- Employ existing HSCC staff or employ new staff.
- Take occupation of the HSCC premises and assets.

This option would need to be handled with great sensitivity as some members of the community have a high level of ownership of HSCC. It would, however, demonstrate the commitment of Woollahra Council to community services and the provision of services and facilities that best meet community need. If Council pursues this option a number of guarantees are recommended to reassure the community that Council is seeking a more efficient service with their needs of top priority. This could include the following:

- A guarantee of permanent staff positions for a period of time. E.g.: in recent local government area amalgamations legislation states that permanent staff positions have a minimum of 3 years without forced redundancies or a change in work conditions, except with the agreement of the staff member. This may be a good guide to use in this instance.
- A guarantee that the services provided by HSCC will not be changed without prior consultation with members, service providers and the general community.
- That Council establish an Advisory Committee with HSCC members prior to the change in management of the centre.
- That Council give an undertaking that it will not reduce the level of funding to HSCC services for a period of 2 to 3 years, during which time a detailed review on the most appropriate level of funding be undertaken.

This change from volunteer management committee to Council management has been undertaken in a number of other Councils. In particular, Mosman Council worked closely with three community committees to accept the liabilities and responsibilities of aged, family and children's services, with the continuation of community committees to provide advice, fundraising and valuable links with the community. This has resulted in a reduced liability and workload on the volunteer committee members, improved accountability to the community for the expenditure of Council, State and Federal funding and improved quality of service. The risk in this option is that members of the community may not be as willing to assist and support a Council run organisation as they will a community organisation. A community participation process will need to be developed to ensure that this community ownership and commitment to HSCC is not lost in the transition.

Options Discussion:

Of the three options, Options Two and Three are the most secure for Council and ensure the continued provision of services to the community. They will both provide a clear demarcation of the responsibilities and liabilities of both parties and ensure control of services funded by Council, either directly or indirectly. Whether Council adopts Option Two or Three will be influenced by the role that Council wishes to have in community services, that of direct service provider or primarily a planning, advocacy or partnership role. If Council believes that it should be held directly responsible to the community for the expenditure of this large subsidy, and so directly provide services to the community, it will adopt Option Three. Council is the custodian of public assets and funds and is ultimately responsible for the management and expenditure of these funds and is charged with ensuring these are adequately reported and managed. The adoption of Option Two or Three, with the appropriate communication and reporting mechanisms would enable Council to achieve this.

Should Council adopt Option Two it should be on the condition that a review is conducted in 12 months time, assessing the operation of HSCC against the performance measures included in the funding agreement. In consideration that HSCC has just elected a new management committee this is an acceptable outcome, with the proviso that if the performance measures are not met that Council will then accept responsibility for the management of HSCC.

Whichever option is ultimately determined a transition phase would need to be entered into. During this transition phase the relevant documentation would be drawn up and sufficient consultation with the community undertaken to ensure that all HSCC members and the broader community understand the decision. It is anticipated that the new arrangement will come into place in discussion with the HSCC Management Committee, with an implementation program drawn up and commenced as soon as possible to provide a quick and smooth transition to the new arrangements. Any major change in the relationship would also require a constitutional change for HSCC, which requires a general meeting of HSCC members prior to implementation. This requirement will need to be included in any transitional plans for the new relationship.

Different Councils have adopted different roles in community services but regardless of which option is chosen the relationship between HSCC and Council can and will be strengthened through working in collaboration to provide services to address high priority needs in the community. The most transparent and accountable method of achieving this is to adopt Option Three.

Consultation:

The legal advice regarding Council's existing relationship with the HSCC and options for the future formed the basis of discussions with HSCC, as detailed in Annexure 2.

Discussions have been held over an extended period since 2002 with the Management Committee of HSCC, with the Centre steadfast in its preference to retain the relationship as one of Delegation from Council until the recent Annual General Meeting. See Annexure 4 for correspondence from the previous management committee, dated September 2004.

At this Annual General Meeting and re-election of the Committee in September 2004 there was a significant change in Committee members. All of the Committee members have shown commitment to the resolution of this issue since their election. Council staff have held a number of meetings since this time with the Committee to specifically discuss the relationship, on 13 October and 10 November 2004. At these meetings it was made clear to Committee members that Option One is not an acceptable option for Council, as it does not protect Council's interests. Despite this, the Committee considered all options, with Options One and Two the most preferred option of individual committee members. There is the belief that the delegation can continue with a redrafted agreement and clear performance measures and reporting. The legal advice received by Council does not support this. A unanimous decision was not reached at either of these meetings, although the Committee is committed to reaching a consensus after further discussions.

It was clear at the most recent meeting on 10 November that the Committee will be requesting Council to allow them sufficient time to determine a united view on the issue and to canvas the opinion of HSCC members regarding any possible change in the relationship with Council.

Conclusion:

The legal advice is clear in relation to the flawed nature of the existing deed of delegation, with Council being liable for all actions of the Association and its staff with limited capacity to control and direct those activities. Based on this Option One is not an acceptable option for Council.

Option Two is an acceptable option, as it will provide clear delineation of the responsibilities of Council and HSCC and an accountable process for the allocation of the substantial Council subsidy per annum. It would also ensure that Council was purchasing or providing appropriate services in an efficient manner for the people of Woollahra. This certainty would not be provided in Option One, especially if the management and financial control remained as it is currently. It will also allow HSCC the autonomy to direct their future and continue the long association with the community it has developed over 30 years.

Option Three is also acceptable as it provides a long-term commitment to the provision and management of community services by Council. Under the Charter in the Local Government Act 1993 Council has a responsibility to ensure that efficient, effective and appropriate services are provided to the community. It also has an obligation to ensure that government funds are expended in an open and accountable manner, to provide community leadership and include the community in its decision making process. Option Three will provide Council with the appropriate control to ensure that it meets these obligations in community services. Council also has the infrastructure required to manage a service of this size and complexity, providing security for the continuation of services to Woollahra residents.

In relation to the option chosen by Council, Council needs to seriously consider the role it wishes to play in community services. The final decision should be made on the basis of which option provides the most efficient, effective and appropriate community services to the people of Woollahra for the long term, whilst building community capacity and social capital.

The recommendation is that Council consider Options Two and Three, considering the information contained in this report and allowing HSCC the time they need to determine a position on this issue through consultation with HSCC members. A report will then be presented back to Council in February 2005 with a recommendation for adoption and implementation plan for the new relationship.

Kylie Walshe
Director Community Services

Annexures:

Annexure 1 – Delegation Agreement dated 8 December 2000.

Annexure 2 – Legal Advice re Council's relationship with Holdsworth Street Community Centre

Annexure 3 – Legal Advice provided by HSCC to Council.

Annexure 4 - Correspondence from Holdsworth Street Community Centre outlining the Committees preferred option.