Agenda: Community & Environment Committee

Date: Monday 12 August 2013

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 (e.g., 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).

Recommendation only to the Full Council:
- 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 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 Roads and Maritime Services.
- Matters not within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Residential Parking Schemes - Provision and Policies.

Delegated Authority:
- Community Services and Programs.
- Library Services
- Health.
- Licensing.
- Liquor Licences.
- Regulatory.
- Fire Protection Orders.
- Residential Parking Schemes (surveillance and administration).
- Traffic Management (Traffic Committee Recommendations).
- Waste Minimisation.
- 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 Meetings.
- 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 above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

Committee Membership: 7 Councillors
Quorum: The quorum for a Committee meeting is 4 Councillors.
WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

8 August 2013

To: His Worship the Mayor, Councillor Andrew Petrie ex-officio
    Councillors Deborah Thomas (Chair)
    Anthony Boskovitz
    Peter Cavanagh
    Anthony Marano (Deputy Chair)
    Elena Wise
    Susan Wynne
    Jeff Zulman

Dear Councillors

Community & Environment Committee Meeting – 12 August 2013

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council’s Community and Environment Committee to be held in the Council Chambers, 536 New South Head Road, Double Bay, on Monday 12 August 2013 at 6.00pm.

Gary James
General Manager
Additional Information Relating to Committee Matters

Site Inspection

Other Matters
# Meeting Agenda

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**Items to be Decided by this Committee using its Delegated Authority**

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*Note Annexure Circulated Under Separate Cover*

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

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**Item No:** D1  Delegated to Committee

**Subject:** Confirmation of Minutes of Meeting held on 22 July 2013

**Author:** Les Windle, Manager - Governance

**File No:** See Council Minutes

**Reason for Report:** The Minutes of the Meeting of Monday 22 July 2013 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 22 July 2013 be taken as read and confirmed.

Les Windle
Manager – Governance
Item No: D2  Delegated to Committee

Subject: Woollahra Local Traffic Committee Minutes – 6 August 2013

Author: Shirlene Yee Yet, Team Leader Traffic and Transport

File No: 595.G 2013

Reason for Report: For the Committee to consider the recommendations of the Woollahra Local Traffic Committee

Recommendation:

A. That the Recommendations Y2-Y6 contained in the minutes of the Woollahra Traffic Committee held on Tuesday 6 August 2013 be adopted.

B. That the Recommendation Z1 contained as an informal item in the minutes of the Woollahra Traffic Committee held on Tuesday 6 August 2013 be adopted.

Shirlene Yee Yet
Team Leader – Traffic and Transport

Tom O’Hanlon
Director Technical Services
Woollahra Local Traffic Committee Minutes

The meeting of the Woollahra Local Traffic Committee was held in the Council Chambers Room, Council Chambers, Double Bay, on Tuesday 6 August 2013 at 10.00am.

1. Attendance
Committee Members:

Present: Ms Shirlene Yee Yet (Chairperson) (Woollahra Municipal Council)
Mr Stephen Brown (Roads and Maritime Services)
Snr Const John Stone (Rose Bay Police)
Mr Jon Giblin (Gabrielle Upton MP Representative)

Staff: Ms Carla Hetherington (Woollahra Municipal Council)
Mr Colin DeCosta (Woollahra Municipal Council)

Observer: Mr Eric Graham (Transport NSW – State Transit)
Mr John McDonagh (Harbour View Residents Group)

Apologies: Mr Alex Greenwich MP (Member for Sydney)
Ms Cathy Edwards-Davis (Woollahra Municipal Council)
Mr Frank Rotta (Woollahra Municipal Council)

2. Minutes of Previous Meeting

The minutes of Meeting No.6/13 held in Council Chambers, Double Bay, on Tuesday 2 July 2013 were confirmed by Mr Stephen Brown and Mr Colin DeCosta.

3. Matters Arising from Minutes of Previous Meetings

Nil

4. Local Traffic Committee recommendations not adopted or amended by Woollahra Council Community & Environment Committee

Nil

5. Extraordinary Meetings

Nil

6. Late Correspondence

Item Y3: Queen Street, Woollahra – Gadens Reserve Amendment to Parking Plan
Email from resident Valerie Lawson expressing concerns with the parking plan.

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 Restriction Changes

Author: Frank Rotta – Traffic Engineer

File No: (Refer to Table 1)

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

Nil

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

Subject: Hopewell Street, Paddington - Temporary Road Closure for MAC Store Opening Event

Author: Shirlene Yee Ye – Team Leader Traffic and Transport

File No: T244

Reason for Report: Request from MAC Cosmetics for the temporary road closure of Hopewell Street between Oxford Street and Hopewell Lane, Paddington on Wednesday, 23 October 2013 for the opening of their new store

Officer Recommendation:

A. That subject to the approval of a Development Application for this event that approval be granted for the temporary road closure of Hopewell Street between Oxford Street and Hopewell Lane on Wednesday 23 October from 8am to 12am (midnight) for the MAC Store opening event.

B. That the above special event be categorised as a Category 3 event.

C. That approval of the above event and the associated road closure be subject to the following conditions:
   i. An Activity Application to the satisfaction of Council’s Compliance Section must be submitted. The applicant must comply with all conditions of this consent.
   ii. Approval to hold this event must be obtained from the NSW Police by completing a “Notice of Intention to Hold a Public Assembly” application.
   iii. Approval from the RMS Transport Management Centre (TMC) for the temporary road closure. The RMS require a Traffic Management Plan and Traffic Control Plan prepared by an accredited traffic consultant. The applicant must comply with all conditions of the RMS consent.
   iv. The applicant must inform all business proprietors, residents and other occupants within 200 metres of the Hopewell Street closure, at least fourteen (14) days before the event via a letterbox drop and an advertisement placed in the local paper at least seven (7) days before the event.
   v. The traffic controllers working on the day of the event must be instructed that residents within the closed section of Hopewell Street must have access to and from their homes on the day of the event and not unduly inconvenienced as a result of these closures.
   vi. The applicant must supply and erect any barriers and traffic signs necessary for the road closure and remove them at the completion of the event.
vii. Council must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public road reserve during the activities. A copy of Public Liability Insurance Cover to the value of $10,000,000 shall be provided to Council prior to the event and Council must be listed as an interested party on the insurance.

viii. Council must be reimbursed for the cost of repair of any damage caused to Council property as a result of the activities.

ix. The applicant must inform all Emergency Services of the proposed road closure (that is NSW Police, Fire Brigade, Ambulance, SES and the RMS) and must maintain a four-metre emergency vehicle lane at all times, with all services (eg. fire hydrants) remaining free of any obstruction.

x. Noise created by use of equipment or activity must be controlled as required by the “Protection Of The Environment Operations (Noise Control) Regulation 2000”.

xi. The applicant must make arrangements to remove all waste from the site at the end of the event.

xii. Woollahra Council reserves the right to cancel this approval at any time.

Committee Vote: Unanimous Support

Resolved to Recommend:

Adopt the Officer Recommendation

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

Subject: Queen Street, Woollahra – Gadens Reserve Amendment to Parking Plan

Author: Shirlene Yee Yet – Team Leader Traffic and Transport

File No: T373

Reason for Report: Changes to parking layout in the Edgecliff Road slip lane at Gadens Reserve

Officer Recommendation:

That the parking restrictions for the slip lane between Edgecliff Road and Queen Street at Gadens Reserve as approved at the Traffic Committee on the 5 February 2013 be amended as follows:-

i. Increase the “2P 8am-4.30pm Mon-Fri” timed parking restrictions on the southern side of the slip lane at the eastern end, by 5.5m to give a total length of 11m.

ii. Reduce “1/2P 8am-4.30pm Mon-Fri” timed parking restrictions on the southern side of the slip lane at the eastern end, by 5.5m to give a total length of 11.5m.

Committee Vote: Unanimous Support

Resolved to Recommend:

Adopt the Officer Recommendation
Item No: Y4  Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Subject: Vaucluse Road, Vaucluse – Installation of Bus Zone signs

Author: Shirlene Yee Yet – Team Leader Traffic and Transport

File No: T462

Reason for Report: To clearly demarcate Bus Stop areas on Vaucluse Road

**Officer Recommendation:**

That all the bus stops along Vaucluse Road be sign posted with Bus Zone signs in line with Australian Road Rule 195 that prohibits stopping within 20m on the approach and 10m on the departure of a bus stop to better delineate the bus stop length.

**Committee Vote:** Unanimous Support

**Resolved to Recommend:**

That all the bus stops along Vaucluse Road be sign posted with Bus Zone signs in line with Australian Road Rule 195 that prohibits stopping within 24m on the approach and 6m on the departure of a bus stop to better delineate the bus stop length.

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

Subject: Thorne Street, Edgeccliff – Resident Parking Boundary Adjustment

Author: Frank Rotta – Traffic Engineer

File No: 454

Reason for Report: Request for Boundary Adjustment at southern end of Thorne Street

**Officer Recommendation:**

That the signposting of Residents Parking Zones in the southern (east-west) section of Thorne Street which currently includes an exemption for residents of Area Edgecliff 1, be altered to include a resident exemption for both adjoining resident parking areas i.e. Area Edgecliff 1 and Area Paddington 6.

**Committee Vote:** Unanimous Support

**Resolved to Recommend:**

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

Subject: Proposed Barriers for Synagogues in the Woollahra Municipality During the Jewish High Holidays

Author: Frank Rotta – Traffic Engineer

File No: T338 / T337 / 267 / 264 / T169 / 168

Reason for Report: Request for approval of water filled barriers on footpath and roadways

Officer Recommendation:

A. That approval be granted for the placement of 38 metres of water filled barriers and fencing on the footpath in front of the South Head Synagogue at 666 Old South Head Road, Rose Bay for the following periods:
   i. 2 September, 2013 – 29 September, 2013
   ii. 22 September, 2014 – 18 October, 2014
   iii. 11 September, 2015 – 7 October, 2015

B. That approval be granted for the placement of water filled barriers on the verge at the kerb line and adjacent to the footpath in Ocean Street, Woollahra, in front of the Emanuel Synagogue for the following periods:
   i. 2 September, 2013 – 29 September, 2013
   ii. 22 September, 2014 – 18 October, 2014
   iii. 11 September, 2015 – 7 October, 2015

C. That approval be granted for the closure of Kilminster Lane at the rear of No.11 Ocean Street, Woollahra, with water filled barriers for the following periods:
   i. 2 September, 2013 – 29 September, 2013
   ii. 22 September, 2014 – 18 October, 2014
   iii. 11 September, 2015 – 7 October, 2015

D. That approval be granted for a temporary ‘No Stopping’ zone being provided across the Ocean Street frontage of the Emanuel Synagogue to cover the barricaded area for the following periods:
   i. 2 September, 2013 – 29 September, 2013
   ii. 22 September, 2014 – 18 October, 2014
   iii. 11 September, 2015 – 7 October, 2015

E. That approval be granted for the placement of water filled barriers on the footpath at the kerb line in Kiaora Road in front of the Chabad Double Bay Synagogue for the following periods:
   i. 2 September, 2013 – 29 September, 2013
   ii. 22 September, 2014 – 18 October, 2014
   iii. 11 September, 2015 – 7 October, 2015

F. That approval be granted for a temporary ‘No Stopping’ zone being provided across the existing ‘No Parking’ zone across the driveway to the Post Office in Kiaora Road and the Kiaora Road frontage of the Chabad Double Bay Synagogue to cover the driveway to the Post Office and the barricaded area for the following periods:
   i. 2 September, 2013 – 29 September, 2013
   ii. 22 September, 2014 – 18 October, 2014
   iii. 11 September, 2015 – 7 October, 2015

G. That approval be granted for the closure of the kerb side lane across the property frontages of the Sephardi Synagogue in Fletcher Street and Fletcher Lane, Woollahra, with water filled barriers for the following periods:
   i. 2 September, 2013 – 29 September, 2013
   ii. 22 September, 2014 – 18 October, 2014
   iii. 11 September, 2015 – 7 October, 2015
H. That approval be granted for temporary ‘No Stopping’ zones being provided across the property frontages of the Sephardi Synagogue in Fletcher Street and both sections of Fletcher Lane, Woollahra for the following periods:
i. 2 September, 2013 – 29 September, 2013
ii. 22 September, 2014 – 18 October, 2014
iii. 11 September, 2015 – 7 October, 2015

I. That all approved water barriers be located so as to provide a minimum clear passageway of 1.8 metres for pedestrians on the public footpaths at all times.

J. That the applicant provides Council with an RMS approved Traffic Management Plan for each location that indicates the steps that will be taken to cater for the alterations to both vehicular and pedestrian traffic.

K. That all persons charged with controlling traffic be RMS Accredited Traffic Controllers.

L. That the applicant provides a written notification by letter-box drop of the approval and relevant timings to all residents/businesses whose property frontage is within 100 metres of each affected synagogue a minimum of two weeks prior to the installation of the barricades.

M. That the applicant indemnify Woollahra Council, and provide evidence of indemnity, to a value of no less than $10,000,000 against any Public Liability claims from accidents associated with these works.

Committee Vote: Unanimous Support/Majority Support/Split Vote/Minority Support/Unanimous Decline

Resolved to Recommend:

That the following be approved subject to approval by the RMS:

A. That approval be granted for the placement of 38 metres of water filled barriers and fencing on the footpath in front of the South Head Synagogue at 666 Old South Head Road, Rose Bay for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015

B. That approval be granted for the placement of water filled barriers on the verge at the kerb line and adjacent to the footpath in Ocean Street, Woollahra, in front of the Emanuel Synagogue for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015

C. That approval be granted for the closure of Kilminster Lane at the rear of No.11 Ocean Street, Woollahra, with water filled barriers for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015

D. That approval be granted for a temporary ‘No Stopping’ zone being provided across the Ocean Street frontage of the Emanuel Synagogue to cover the barricaded area for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015

E. That approval be granted for the placement of water filled barriers on the footpath at the kerb line in Kiaora Road in front of the Chabad Double Bay Synagogue for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015
F. That approval be granted for a temporary ‘No Stopping’ zone being provided across the existing ‘No Parking’ zone across the driveway to the Post Office in Kiaora Road and the Kiaora Road frontage of the Chabad Double Bay Synagogue to cover the driveway to the Post Office and the barricaded area for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015

G. That approval be granted for the closure of the kerb side lane across the property frontages of the Sephardi Synagogue in Fletcher Street and Fletcher Lane, Woollahra, with water filled barriers for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015

H. That approval be granted for temporary ‘No Stopping’ zones being provided across the property frontages of the Sephardi Synagogue in Fletcher Street and both sections of Fletcher Lane, Woollahra for the following periods:
   v. 22 September, 2014 – 18 October, 2014
   vi. 11 September, 2015 – 7 October, 2015

I. That all approved water barriers be located so as to provide a minimum clear passageway of 1.8 metres for pedestrians on the public footpaths at all times.

J. That the applicant provides Council and the RMS with a Traffic Management Plan for each location that indicates the steps that will be taken to cater for the alterations to both vehicular and pedestrian traffic. A copy of this Traffic Management Plan is to be provided to the NSW Police.

K. That all persons charged with controlling traffic be RMS Accredited Traffic Controllers.

L. That the applicant provides a written notification by letter-box drop of the approval and relevant timings to all residents/businesses whose property frontage is within 100 metres of each affected synagogue a minimum of two weeks prior to the installation of the barricades.

M. That the applicant indemnify Woollahra Council, and provide evidence of indemnity, to a value of no less than $10,000,000 against any Public Liability claims from accidents associated with these works.

N. That it be noted that the site outside no.666 Old South Head Road, Rose Bay, is within a bus zone and that this be considered as part of the Traffic Control Plan.

8. Informal Matters - For discussion by committee members and recommended to Community and Environment Committee by Council Officers

Item No: Z1      Traffic Matters on Local Roads – Recommendation to C&E for consideration.

Subject: Kiaora Lane, Double Bay – Reversal of One-Way Restriction

Author: Cathy Edwards-Davis – Manager Engineering Services

File No: 1209.G

Reason for Report: Request from Ganellen to reverse the One-Way restriction

Recommendation:

A. That Council raises no objections to the temporary reversal of the one-way restriction in Kiaora Lane, Double Bay such that it is modified from eastbound to westbound, as outlined in the email from Ganellen dated 24 June 2013 and subject to the following conditions:
i. The applicant must obtain approval from Roads and Maritime Services for the Traffic Management Plan (TMP) and comply with any conditions of consent.

ii. The applicant must inform all business proprietors, residents and other occupants in the vicinity of or with access to any parts of the section of Kiaora Lane, Double Bay, between Kiaora Road and Manning Road at least seven (7) days and then one (1) day before the reversal of the one-way restriction via a letterbox drop.

iii. The applicant is responsible for ensuring that all properties with existing off-street parking/loading from Kiaora Lane retain this access at all times.

iv. The applicant must supply and erect any barriers and traffic signs necessary for the reversal of the one-way restrictions as stipulated by the approved Traffic Control Plan (TCP) and remove them at the completion of the works.

v. Council must be reimbursed for the cost of repair of any damage caused to Council property as a result of the activities.

vi. The applicant must inform all Emergency Services of the reversal of the one-way restriction (that is NSW Police, Fire Brigade, Ambulance, State Emergency Services and the Roads and Maritime Services).

vii. Woollahra Council reserves the right to cancel this approval at any time.

viii. That bus movements on Manning Road approaching New South Head Road, Double Bay, be given priority over construction vehicles in Manning Road at all times.

B. Any modification to the kerb and gutter or drainage at the intersection of Kiaora Road and Kiaora Lane is subject to a separate s138 Roads Act approval.

9. Late Items

Nil

There being no further business, the meeting concluded at 10.36 am.

Shirlene Yee Yet
Chair
Item No: D3  Delegated to Committee

Subject: Draft Swimming Pool Inspection Program

Author: Tim Tuxford, Manager - Compliance

File No: 547.G


Recommendation:

A. That the draft ‘Swimming Pool Barrier Inspection Program’ prepared pursuant to Section 22B of the Swimming Pools Act 1992 be placed on public exhibition for a period of not less than 28 days, seeking submissions during the public exhibition period.

B. That Council considers submissions received and, where appropriate, incorporates changes in the final ‘Swimming Pool Inspection Program’ to be further considered by Council.

1. Background:

Legislative Change

The principal legislation that prescribes and controls the installation of swimming pool safety barriers in New South Wales is the Swimming Pools Act 1992 (the “Act”). The Act “applies to swimming pools (both outdoor and indoor) that are situated, or proposed to be constructed or installed, on premises on which a residential building, a moveable dwelling or tourist and visitor accommodation is located”.

Section 3 of the Act states that a “swimming pool means an excavation, structure or vessel:

(a) that is capable of being filled with water to a depth greater than 300 millimetres, and
(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act.”

During 2012 the State Government undertook a comprehensive review of the Act identifying a number of proposed amendments that were “designed to enhance the safety of children under the age of five years around private (‘backyard’) swimming pools”.

In October 2012 the amendments to the Act were passed by both Houses of State Parliament and on 29 October 2012 the Swimming Pools Amendment Act 2012 commenced.

The amendments to the Act have a staged implementation and can be summarised as follows;

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1 Section 4 of the Swimming Pools Act 1992
2 Division of Local Government website - www.dlg.nsw.gov.au
Pool Owners

- Swimming pool owners are required to register their swimming pool on an online register provided by the NSW State Government. The applicable state-wide Swimming Pool Register went live on 29 April 2013 and swimming pool owners have until **29 October 2013** to register their swimming pools.
- When registering their pool swimming pool, owners are required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard.
- A penalty applies for owners who fail to register a swimming pool. The maximum penalty will be $2,200, alternatively a penalty infringement notice of $220 can be issued.
- From **29 April 2014** swimming pool owners will be required to provide a valid swimming pool Certificate of Compliance before being able to sell or lease a property with a pool.
- Suitably qualified private certifiers accredited under the Building Professional Act 2005 may conduct swimming pool inspections at the request of the swimming pool owner.

Local council

- Councils are required to:
  - develop and implement a **swimming pool barrier inspection program** in consultation with their communities by **29 October 2013**;
  - report annually on the number of pool inspections undertaken and the level of compliance;
  - inspect swimming pools associated with tourist and visitor accommodation and multi-occupancy developments at three (3) year intervals. These mandatory inspections by councils are to commence by no later than **29 April 2014**;
  - at the request of a swimming pool owner, inspect swimming pools prior to sale or lease of premises on which a swimming pool is located. Such inspections are to commence by no later than **29 April 2014**; and
  - issue Compliance Certificates after each inspection which finds a swimming pool safety barrier compliant with the requirements of the legislation and relevant Australian Standard. Compliance Certificates are valid for three (3) years.
- A swimming pool subject to a relevant occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
- Councils may inspect any swimming pool that is the subject of a complaint to the council.
- Councils may charge a fee for each inspection undertaken up to a maximum of $150 for the first inspection and $100 for one re-inspection. No fees can be charged for any subsequent inspections.

Specifically with regard to the required ‘Swimming Pool Barrier Inspection Program’ that is the subject of this report Section 22B of the Act states the following:

"**22B  Mandatory pool inspection program by local authority**

(1) A local authority must, within 6 months after the commencement of this section, develop and adopt a program for the inspection of swimming pools in its area to ensure compliance with the requirements of this Part.

(2) Within 12 months after the commencement of this section, the program must make provision for the inspection, at least once every 3 years, of any swimming pool situated on premises on which there is tourist and visitor accommodation or more than 2 dwellings.

(3) The program is not to require the inspection of a swimming pool in respect of which there is a valid certificate of compliance or a relevant occupation certificate.

(4) A local authority must inspect swimming pools in its area in accordance with its program.

(5) The regulations may make provision for or with respect to the development and adoption of programs for the inspection of swimming pools including:
Woollahra Municipal Council
Community & Environment Committee
12 August 2013

(a) the form and content of programs, and
(b) the manner in which the public is to be consulted during the development of any such program, and
(c) the carrying out of inspections under the program.”

Furthermore, Clause 16 of the Swimming Pools Regulation 2008 states the following:

“16 Community engagement

(1) A local authority must establish and implement a strategy for engagement with the local community when developing a program for the inspection of swimming pools in its area.

(2) The strategy must be based on social justice principles of equity, access, participation and rights.

(3) The local community is to be consulted in accordance with the strategy in relation to the development of the inspection program (including in relation to any review of such a program).”

Division of Local Government Guidelines

The State Government state that councils must “develop and adopt a locally appropriate and affordable risk-based inspection program in consultation with their communities”3. Further in a series of workshops convened in June 2013 the Division of Local Government highlighted that the following points should be considered in developing an inspection program:

- The Council’s current pool inspection activities and budget (in accordance with the 4 year Delivery Program and 1 year Operational Plan);
- The proposed activities to be included in the inspection program – (eg. number of inspections based on the number of swimming pools, priority swimming pools, cross-referencing Council’s existing swimming pool data with the state-wide Register data);
- Funding options for the proposed activities based on revenue from inspection fees and Council’s existing budget; and
- Any other resource implications – additional staff, motor vehicles, office space.

During one of the workshops held at Randwick Council on 7 June 2013 a Division of Local Government officer stated that ‘Guidelines’ issued under Section 23A of the Local Government Act 1993 were to be issued by the Division in approximately four (4) weeks, covering a number of the legislative changes. At the time of preparing this report the proposed guidelines had not been issued to local councils.

A copy of the Division of Local Government’s ‘Frequently Asked Questions’ document is attached and marked as ‘Annexure 1’.

Swimming Pool Safety Barrier Exemptions and Standards

The Act generally requires all outdoor residential swimming pools to be surrounded by a swimming pool safety barrier at all times so as to separate the swimming pool from:

- Any residential building situated on the premises; and
- Any adjoining place.

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The required safety barrier is to be designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations.\(^4\) The applicable standard is set out in the *Building Code of Australia* and is currently Australian Standard ‘AS 1926.1-2012 - Fencing for swimming pools’.

However, before 30 June 2010 a number of exemptions existed to the above general provisions of the Act. The particular exemptions can be summarised as follows;

- Swimming pools constructed before 1 August 1990;
- Swimming pools on waterfront properties constructed before 1 July 2010;
- Swimming Pools located on properties with an area less than 230\( \text{m}^2 \) and constructed before 1 July 2010; and
- Swimming pools located on properties with an area of 2 hectares or more and constructed before 1 July 2010.\(^5\)

For swimming pool owners to retain the exemptions that were available at the time their swimming pool was constructed, the swimming pool safety barriers/means of access to the swimming pool area must continue to comply with the standard that was applicable at the time of construction. This primarily relates to the use of child-safe/child-resistant doors as a pool barrier, which the current standards no longer allow.

Critically, the above exemptions are void and the swimming pool must meet the current fencing requirements and standards if;

- the swimming pool safety barriers/means of access to the swimming pool area never complied; or
- a swimming pool owner has voluntarily fenced their swimming pool; or
- a swimming pool owner has made substantial changes to their swimming pool safety barriers/means of access to their swimming pool area.

Likewise, swimming pool safety barriers that were previously erected or altered in accordance with a previous standard (that was in force at the time) are not automatically required to be upgraded to the current standard, as long as the safety barriers continue to comply with the former standard. This is addressed in the amended legislation by the following Clauses of the *Swimming Pools Regulation 2008*;

“I22A Effect of changes to prescribed standards for existing complying swimming pool barriers and means of access

(1) In this clause, relevant amendment means:

(a) an amendment to this Regulation that amends or substitutes a standard prescribed for the purposes of a provision of Part 2 of the Act, or

(b) an amendment to a standard that is prescribed, as in force from time to time, for the purposes of a provision of Part 2 of the Act.

(2) If a child-resistant barrier for a swimming pool is required to comply with a standard prescribed under a provision of Part 2 of the Act and the standard is amended or substituted by a relevant amendment, the barrier is taken to comply with the amended or substituted standard so long as:

(a) immediately before the relevant amendment took effect, the barrier complied with the standard that applied to the barrier at that time and the barrier continues to comply with that standard, or

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\(^4\) Section 7 – ‘General requirements for outdoor swimming pools’ of the *Swimming Pools Act 1992*  
\(^5\) Sections 8, 9 & 10 of the *Swimming Pools Act 1992*
(b) if the barrier has been substantially altered or rebuilt, the barrier complied with the standard that applied to the barrier when it was so altered or rebuilt and the barrier continues to comply with that standard.

(3) If the means of access to a swimming pool are required to comply with a standard prescribed under a provision of Part 2 of the Act and the standard is amended or substituted by a relevant amendment, the means of access are taken to comply with the amended or substituted standard so long as:
  (a) immediately before the relevant amendment took effect, the means of access complied with the standard that applied to the means of access at that time and the means of access continue to comply with that standard, or
  (b) if the means of access have been substantially altered or rebuilt, the means of access complied with the standard that applied to the means of access when they were so altered or rebuilt and they continue to comply with that standard.”

“23 Existing complying swimming pools may continue to comply with earlier standards

(1) This clause applies to a swimming pool the construction or installation of which was completed before 1 September 2008.

(2) It is sufficient compliance with Part 2 of the Act for a swimming pool to comply with that Part on the basis of the requirements of Part 2 of the Swimming Pools Regulation 1998 (as an alternative to compliance on the basis of the requirements of Part 2 of this Regulation).

(3) However, this clause does not apply:
  (a) in relation to an outdoor swimming pool—if the child-resistant barrier by which access to the swimming pool is restricted is substantially altered or rebuilt, and
  (b) in relation to an indoor swimming pool—if the premises in which the swimming pool is situated are substantially altered or rebuilt in a way that affects the means of access to the swimming pool.”

2. Woollahra Local Government Area (LGA) Statistical Data & Estimates:

The 2011 Australian Bureau of Statistics data identifies that the Woollahra LGA has 25,876 private dwellings. 24.0% of the dwellings were separate houses, 22.5% were semi-detached, row or terrace houses, townhouses etc, and 53.0% were flats. 7,778 private dwellings were rented representing more than 30% of the total number of private dwellings.

The more than 13,700 flats in the Woollahra LGA are distributed among an estimated 1,450 strata and company title properties.

From Council’s 2011 aerial photographs it has been estimated that there are about 3,125 residential properties with swimming pools in the Woollahra LGA - up approximately 17% from the 2005 estimates. The estimated break-up of the type of residential properties on which a swimming pool is located is as follows:

- 92.64% or 2,895 are single dwelling properties (ie. separate houses, semi-detached, row or terrace houses); and
- 7.46% or 230 are strata or company title properties (ie. multi-occupancy).

Furthermore, approximately 50 construction certificate and complying development certificate applications that included a swimming pool or works to a swimming have been approved since 1 January 2011 for the Woollahra LGA.
Accordingly, based on the above information it is estimated that there would be at least 3,200 residential properties with swimming pools in the Woollahra LGA. About 92.5% (2,960) of these properties would be single dwellings, while the remaining 7.5% (240) would be multi-occupancy properties that have more than two (2) dwellings.

Therefore it is estimated that more than 1 in 4 or 25% of single dwelling properties in the Woollahra LGA has a swimming pool and about 1 in 6 or 16% of strata/company title properties have a swimming pool.

Woollahra LGA has a small number of tourist and visitor accommodation and only one (1) of these properties has a swimming pool.

Since 1 January 2011;

- 172 occupation certificates have been issued in the Woollahra LGA by Council and accredited certifiers for developments that included a swimming pool or works to a swimming pool;
- 31 customer requests relating to alleged deficient swimming pool fencing have been investigated by Council’s Building & Compliance Officers;
- 29 Swimming Pool Act Orders have been finalised by Council’s Building & Compliance Officers; and
- 21 Certificates of Compliance have been issued by Council’s Building & Compliance Officers pursuant to the Act.

From Council’s rating records it is estimated that there were more than 710 unit sales and 520 single dwelling sales in the Woollahra LGA in the 2012/13 financial year. At least 120 of those sales are likely to have been for premises on which a swimming pool was located.

**Existing Staffing Levels**

The following existing Compliance staff are currently responsible for administering the Act and undertaking swimming pool safety barrier inspections;

- Two (2) Senior Building & Compliance Officers;
- Three (3) Building & Compliance Officers; and
- Two (2) Assistant Building & Compliance Officers

The enforcement of the provisions of the Act is only one of the tasks undertaken by the above staff who are also responsible for performing the following functions;

- The processing of construction, complying development, strata subdivision and land subdivision certificate applications;
- The provision of Principal Certifying Authority (PCA) services;
- The processing of building certificate applications;
- The processing of activity applications under Section 68 of the *Local Government Act 1993* (LGA) and hoarding applications under the *Roads Act 1993*; and
- The provision of an enforcement program to rectify works that are either defective, unauthorised or not in accordance with consent conditions, including the investigation of complaints, the issuing of notices and orders, the issuing of penalty infringement notices and the commencement of legal proceedings.
3. Developing a Swimming Pool Barrier Inspection Program:

A draft ‘Swimming Pool Barrier Inspection Program’ has been developed pursuant to Section 22B of the Act for public exhibition, consultation and comment. The draft inspection program is attached to this report and is marked as ‘Annexure 1’. The issues that were considered in the preparation of the draft inspection program are explained below.

Issues and Potential Impacts

While it has been possible to estimate the number of residential premises on which a swimming pool is located in the Woollahra LGA, Council will not know how accurate these estimates are until all swimming pools have been registered on the state-wide register. Owners have until 29 October 2013 to register their swimming pool, which is the same date by which Council is to have adopted a “locally appropriate and affordable risk-based inspection program”.

In addition to not knowing the exact number of residential swimming pools that exist in the Woollahra LGA, there are a number of other unknowns that will impact on any inspection program developed by Council, including:

- How many existing swimming pool safety barriers are compliant and will require only one (1) inspection?
- How many inspections per property will Council need to carry out before a non-conforming swimming pool safety barrier is made compliant? It is considered in the initial round of inspections most swimming pools could require between two (2) to four (4) inspections to achieve compliance.
- How many owners of swimming pools will utilise the services of accredited certifiers to issue Compliance Certificates, thereby reducing the reliance on Council’s resources?
- What additional income will Council receive in swimming pool barrier inspection fees in the 2013/14 financial year and future years? It is likely that Council’s income this financial year will be low with the mandatory inspections on premises with more than two (2) dwellings and the need for a valid Compliance Certificate with newly leased and sold properties not commencing until 29 April 2014.
- What level of enforcement action will Council need to initiate to ensure swimming pool safety barriers are compliant? Will there be an increase in Council’s legal expenditure?
- How many applications for barrier exemptions will be lodged with Council pursuant to Section 22 of the Act? An exemption can only be granted if the Council is “satisfied, in the particular circumstances of the case:
  (a) that it is impracticable or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements, or
  (b) that alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.”
- How many Land & Environment Court appeals will be lodged with regard to the following actions of Council;
  (a) refusals to grant an exemption under section 22 of the Act;
  (b) imposition of conditions on an exemption under section 22 of the Act;
  (c) refusals to grant a Certificate of Compliance under section 22D of the Act; and
  (d) directions issued under section 23 of the Act?
- What is the likely availability of suitably qualified persons if additional staff are required? Since the introduction of accredited certifiers most councils have had trouble recruiting qualified Building and Compliance Officers.
Therefore, Council’s draft inspection program does not attempted to be too ambitious and takes a cautious approach until more is known with regard to workloads, additional income and additional expenditure. As identified by the Division of Local Government, any inspection program must be “appropriate and affordable”. Additionally it needs to be flexible and a level of flexibility has been built into the Council’s draft inspection program.

Risk Management Principles
It is considered that the legislative amendments introduced by the State Government apply risk management principles because the legislation distinguishes between those inspections that are mandatory and those inspections that are not. As such, the State Government must consider that there is more risk associated with premises that have a swimming pool located on them that have more than two (2) dwellings in comparison with single dwelling properties.

The draft inspection program reinforces these risk management principles and in ‘Section 4.3 – Inspection Regime’ all mandatory requirements are included to be completed within the prescribed timeframes while random checks from the state-wide Swimming Pool register will only be undertaken as resources permit.

Similarly, a greater emphasis has been given to actioning complaints and identified deficient swimming pool safety barriers within the statutory timeframes prescribed rather than undertaking random checks of swimming pools associated with single dwelling properties.

Nevertheless, priority will always be given to known life threatening circumstances and action will be initiated to eliminate or reduce the level of risk associated with those circumstances.

Community Engagement and Consultation
Council recently adopted its current strategic documents including ‘Woollahra 2025 - our community, our place, our plan’ (Woollahra 2025), the ‘Delivery Program 2013 to 2017’ and the ‘Operational Plan 2013/14’. Extensive community consultation was undertaken by Council in the preparation and adoption of these documents including;

- Community Capacity Survey;
- A review of Council’s Social and Cultural Plan;
- An Intercept Survey of over 1,000 participants, administered across the Council area;
- An Online Survey hosted on Council’s website;
- A Photo Survey for primary and secondary students at local schools;
- Two Community Group Workshops;
- A random telephone Community Satisfaction Survey of 800 residents conducted in 2009 and a follow up Survey of 600 residents in 2012;
- Public exhibition between 15 May and 12 June 2013; and
- Various reports to Council Committees on Integrated Planning and Reporting.

The outcomes of the above consultation, as reflected in Council’s adopted strategic documents, have been considered in the preparation of the draft inspection program, with specific references included in the draft inspection program as relevant.

Further community consultation will be undertaken before the adoption of Council’s inspection program, with the draft inspection program being placed on public exhibition for a period of not less than 28 days. During the exhibition period the community will be invited to make submissions. Any submissions made will be considered before the final ‘Swimming Pool Barrier Inspection Program’ is adopted by Council.
Income and Expenditure

At this time, for the reasons identified above, it is not possible to predict the additional income that Council may receive under the swimming pool barrier inspection program. Also, while the inspection program is to be adopted and implemented by 29 October 2013, the mandatory inspections associated with premises with more than (2) dwellings and the need for a valid Compliance Certificate with newly leased and sold properties do not commence until 29 April 2014.

Therefore the adopted 2013/14 budget has a modest income of $2,500 with regard to inspection fees and associated applications, up from the 2012/13 budgeted income of $1,400 and actual income of $1,737. Pursuant to Clause 18A Swimming Pools Regulation 2008 the swimming pool inspection fees were adopted by Council in the 2013/14 ‘Fees & Charges Schedule’ at $150 for the first inspection and $100 for a second inspection. The legislation current prohibits Council from being able to charge for a third and subsequent inspections.

Income during the current financial year will be monitored closely with a more accurate assessment being included in the 2014/15 budget.

Similarly, the predicted increase in expenditure during the 2013/14 financial year is also modest as no staffing increases are foreseen at this time. An additional $7,500 was included in the 2013/14 budget and at the time of the budget preparation was identified as “Consultation program for swimming pool inspection policy”. However, the allocated funds are more likely to be used to promote the changes to the legislation and Council’s inspection program and purchase 4,000 copies of a ‘Pool Safety Information Booklet - NSW’ prepared by Sutherland Council. The Sutherland Council information booklet will cost no more than $4,500 for the 4,000 copies and, at this time, is to be used by the following NSW councils:

- Ashfield
- Bankstown City
- Botany Bay City
- Burwood
- City of Canada Bay
- City of Canterbury
- Hurstville City
- Kogarah City
- Leichhardt
- Marrickville
- Randwick City
- Rockdale City
- City of Sydney
- Sutherland Shire
- Waverley
- Wollongong City
- Woollahra

Expenditure will also be closely monitored during the 2013/14 year, to determine if additional funds will be required in the 2014/15 and subsequent years.
Target Inspection Rates

Through the assessment of building certificate, construction certificate and complying development certificate applications and the investigation of complaints, it is estimated that Council’s Building & Compliance staff are currently visiting about 100 properties per year on which a swimming pool is located. This number is likely to increase as the legislative changes take effect towards the end of the 2013/14 financial year, but not to an unmanageable level.

As the mandatory inspection regime commences it is also likely that a number of property owners may elect to engage the services of accredited certifiers. In other functions were accredited certifiers can be utilised, Council’s market share is as low as 7% for construction certificate applications and Principal Certifying Authority appointments and as high as 20% for complying development certificates. Based on these trends, there is no reason to consider that Council’s market share on requested swimming pool barrier inspections will be above 40%.

The draft inspection program has been formulated based on Council visiting approximately 220 premises per year from 2014/15 as follows;

- Investigation of complaints: 50 premises
- Building Certificate applications for premises with a swimming pool: 50 premises
- Inspection requests by owners including mandatory inspections of premises with more than two (2) dwellings and premises to be leased or sold: 100 premises
- Random checks from the state-wide swimming pool register: 20 premises

In addition, because the “program is not to require the inspection of a swimming pool in respect of which there is a valid Certificate of Compliance or a relevant occupation certificate”\(^6\), it is also important to consider the level of activity that may be undertaken by accredited certifiers. In this regard it is estimated that accredited certifiers are likely to issue a further 200 - 250 Certificates of Compliance or relevant occupation certificates per year under the following circumstances;

- Occupation Certificates for newly constructed swimming pools: 60 - 80 certificates
- Inspection requests by owners including mandatory inspections of premises with more than two (2) dwellings and premises to be leased or sold: 140 - 170 certificates.

The result is that about 420 - 470 premises should be inspected per year from 2014/15 and all current residential premises with a swimming pool should be inspected within 6-7 years which is considered a reasonable timeframe having regard to all the issues identified throughout this report.

4. Conclusion:

It is considered that the attached ‘Draft Swimming Pool Barrier Inspection Program’ has been developed in compliance with all relevant provisions of the *Swimming Pools Act 1992* and should be placed on public exhibition for a minimum period of 28 days. At the conclusion of the exhibition period a further report will be presented to Council seeking the adoption and implementation of a ‘Swimming Pool Barrier Inspection Program’ before 29 October 2013.

Once adopted, the inspection program will be monitored annually with regular mandatory reporting to the Division of Local Government. Due to the flexibility of the program adjustments will be possible if any variation to the estimates and assumptions advanced by this report are detected.

\(^6\) *Section 22B (3) of the Swimming Pools Act 1992*
The draft inspection program includes a provision for the formal review of the program within five (5) years of adoption to ensure the program is achieving its objectives and remains relevant.

Annexures:

1. Division of Local Government ‘Frequently Asked Questions’ responses
2. Draft Swimming Pool Inspection Program
Item No: D4 Delegated to Committee

Subject: Review of the dog off-leash hours for parks in Woollahra

Author: Paul Fraser, Team Leader - Open Space & Recreation Planning

File No: 900.G

Reason for Report: To respond to an adopted Notice of Motion regarding a review of dog off-leash hours for parks and a review of Council’s approach to regulation.

Recommendation:

A. That Council approve for public exhibition the following changes to the current dog regulations:
   i. Extension of hours of the Category C regulations from 3.30pm to 10.30am for Rushcutters Bay Park, Lyne Park, Royal Hospital for Woman Park and Christison Park.
   ii. Implement a 24hr dog off-leash area along the Rose Bay Foreshore from Dumaresq Reserve to Percival Park.

B. Council exhibit the two proposals via a consultation period of no less than 28 days and report submissions received back to the Community & Environment Committee.

C. That Council Staff make representations to external Land Managers in the review of their regulations in-line with Council’s proposal in particular, Vaucluse Beach/ Paddock.

Background:

On 12 November 2012, Council adopted the following Notice of Motion:

That a report be brought to the Community & Environment Committee investigating the following:
1. A review of the dog-off-leash hours for parks in the municipality (including identification of dog-off-leash areas); and
2. A review of our approach to our regulation of dogs-off-leash policies (including promotion of said regulations).

Woollahra Council has a range of sportsfields, gardens, parks and bushland reserves that the community has the opportunity to utilise for many varied purposes. It is Council’s role to provide these parks in a well maintained state and to cater for as many user groups as possible in a safe and equitable manner.

There are strongly divided opinions on the appropriate level and type of controls that companion animals, particularly dogs, should be afforded by their owners in public open space.

Traditionally, Council has received few complaints regarding its current dog management within open space with the main problems being communicated to Council include:
- Unleashed dogs interfering with the leisure experience of other park users.
- Dogs being exercised off leash in inappropriate areas.
- Uncollected dog droppings.
- Damage to turfed areas and disturbances of plantings in bushland regeneration areas.
- Insufficient 24hr off-leash areas.
- The regulated times at some parks are insufficient for owners to exercise their dogs.
Companion Animals Act 1998

Woollahra Council is responsible for the implementation of the NSW Companion Animals Act 1998 in our local area. This includes planning, community education and enforcement. The Act prescribes the following responsibilities for companion animal owners which include:

- ‘Preventing your animal from causing a nuisance through continuous and persistent barking, roaming the neighbourhood or causing damage to others property;
- Ensuring your pet does not harm or threaten any other person or animal;
- Making sure your dog is on a lead at all times when in public, except in a Council designated off-leash area;
- Ensuring your dog or cat does not enter public bathing areas, school grounds, children’s playgrounds, shopping complexes, food preparation areas and similar public places where prohibitions are in force;
- Always picking up your dog’s waste when in public;
- Keeping your dog secure;
- Keeping your cat inside at night to ensure it does not cause harm to our local wildlife; and
- Making sure your cat or dog wears a collar with a tag clearly showing the name of your pet and your address or telephone number.’

Council’s Current Regulations

Council currently operates four categories of dog control which have been in place for approximately 10 years:

A. Dogs Prohibited
Very small parcels of open space, children’s playgrounds, formal gardens, lookouts, environmentally sensitive areas, reserves associated with aquatic recreation and enclosed ovals.

B. Dogs Permitted if Leashed
Areas are generally medium sized parks where controlled access of animals is unlikely to have an impact on the enjoyment of other park users.

C. Dogs Allowed Unleashed between 4.30pm and 8.30am
Council saw the need to allow for exercise areas for unleashed dogs. To avoid clashes with the hiring of sporting fields, this standard restriction was implemented. To avoid confusion from the general public and regulatory officers the times were consistent across all parks under this category.

D. Unleashed Dogs Allowed at all times
Under the Companion Animals Act 1998, Council is required to provide at least one off-leash area. The Council approved three off-leash areas to assist to cater for the whole municipality.

A list of public open space to which dog regulations apply, as published in Council’s “People and Pets Guide”, is attached as Annexure 1.

These categories are communicated via Park signage (as shown) and via Council website and the People and Pets Guide.
Other Land Managers within the Municipality

Throughout Woollahra there are other agencies that manage land that have specific dog regulations including:

- Sydney Harbour National Park (National Parks & Wildlife Services) – South Head & Nielsen Park; dogs are prohibited.
- Vaucluse Beach (Historic Houses Trust); dogs unleashed before 8.30am and after 4.30pm. Leashed all other times.

Animal Advisory Committee

Woollahra Council has re-configured the Animal Advisory Committee to assist with the refinement of general policies, services and development of plans and issues relating to companion animals. The Committee reports to the Community and Environment Committee.

On 24 April 2013, the Animal Advisory Committee were presented an overview of Council’s Dog Regulations in response to this Notice of Motion. Upon preparing this report we sought feedback from the Committee on the 17 July 2013 and their comments have been included. The Committee were very supportive of the following proposal.
Proposal:

As part of the Woollahra review Council staff completed an evaluation of other Council’s regulations to investigate other management options for dog regulations within parks. It was evident that all Council’s differ. The differences are mainly due to the amount of open space that the particular Council has to offer and the usage levels that the open space are occupied by either recreational use or organised sports use.

It should be noted that Centennial Parklands which is in very close proximity to the Paddington and Woollahra area is one of the most dog-friendly public parks in Sydney with approximately 43% (or 154 hectares) of its open space available as off-leash areas. This is a unique resource for all people of Sydney, in particular people of the Woollahra Municipality. It is recommended that Council staff update the Council’s website and Pet Guide promoting Centennial Parklands off-leash areas as an area that can be utilised all year round.

Proposed Extension of Hours to Category C Regulations

As previously stated the current regulations have been implemented so to provide a balance for all park users. It is proposed that the Category C regulations in the stated parks are slightly extended in hours to allow residents more time to exercise their dogs. The parks and times that we propose are the following:

<table>
<thead>
<tr>
<th>Park Name</th>
<th>Location</th>
<th>Hours</th>
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<tbody>
<tr>
<td>Rushcutters Bay Park</td>
<td>Rushcutters Bay</td>
<td>10.30am – 3.30pm</td>
</tr>
<tr>
<td>Lyne Park</td>
<td>Rose Bay</td>
<td>10.30am – 3.30pm</td>
</tr>
<tr>
<td>Christison Park</td>
<td>Vaucluse</td>
<td>10.30am – 3.30pm</td>
</tr>
<tr>
<td>Royal Hospital for Woman Park</td>
<td>Paddington</td>
<td>10.30am – 3.30pm</td>
</tr>
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</table>

The proposed changes to these parks are supported by the AAC and will allow residents and their pets additional hours in the morning and afternoon which we have received constant requests for. The major issue that residents have with the current C regulations is that the 8.30am time is too early for morning exercise and the 4.30pm time is too late especially during the winter months. The extension of these times will offer more hours for dog exercise and not overly impact organised sports and informal recreational usage.

It should be noted that any organised sport bookings, group bookings and/ or community events on the sports ovals being Christison Park, Lyne Park and Rushcutters Bay Park get priority over off-leash dog exercise within the extended hours. This is similar to the current arrangements that occur (and work well) within Council parks especially on sportsfields. Formalised bookings are given a permit which can be presented to Council’s Regulatory staff during their times of formalised bookings to control these areas.

Proposed Off-Leash Access to Rose Bay Foreshore

Council staff have received recent representations from the AAC and from some residents requesting that Council provide a beach area for off-leash access for dog exercise. Currently there is no access for dogs on Council’s foreshores or no specific regulations due to an issue surrounding the ownership of the foreshore due to the property boundaries below the Mean High Water Mark.
Council staff has received advice from Roads & Maritime Service (RMS) regarding the implementation and management of dog controls on the Rose Bay Foreshore which is under their ownership. They informed us that they do not have the resources to police compliance of dog management and often delegate to Local Council’s to enforce. Furthermore they stated that should Council wish to pursue compliance we are required to formally write to RMS advising that Council will invoke their powers under the Local Government Act to extend Council’s enforcement provisions to State Government owned land being the Rose Bay Foreshore.

It is proposed that the foreshore along Rose Bay (shown below) be managed as a 24hr off-leash area. The area is affected by extreme tidal movements which at low tide extends the usability of the foreshore for public recreation including dog exercise. It is a less populated stretch of foreshore with no facilities for beach users. It is not regularly used for swimming and there is no patrolling of the foreshore. The area is a scheduled site for beach cleaning which gets serviced weekly. The area that we are proposing to manage as off-leash extends from Dumaresq Reserve to Percival Park and can be accessed at 4 major points being Dumaresq Reserve, Fernleigh Avenue steps, Caledonian Road and Percival Park.

While Council’s Companion Animals Officer does receive a small amount of complaints regarding dogs on the foreshore no dog attacks have been reported to Council.
Rose Bay Foreshore at high tide from Dumaresq Reserve

Rose Bay Foreshore at low tide from Dumaresq Reserve

Should these new regulations be supported and implemented Council staff would ensure that the proper signage and implementation of new signs at affected parks are updated and installed.
Consultation:

It is suggested that any new proposal be consulted with the community for 28 days. Residents and park users will be encouraged to review the proposals and make a submission assisted by:

- Undertaking a letter box drop to neighbouring residents and stakeholders;
- An advertisement placed in the local newspaper;
- Notification signs placed in the park and at all entries;
- Woollahra Council’s web page;
- Copies of the proposals being available for viewing at the Woollahra Libraries and at the Council Chambers

Following the exhibition period all submissions will be reviewed and a further report prepared for Council consideration.

Identification of Income & Expenditure:

The various costs that would be associated with this new proposal includes:

- Cost of the reproduction of People and Pets Guide $2500
- Cost of the reprinting of regulation sign posting $5000
- Bags and Bins on the foreshore $1000

Under Council’s Open Space & Trees Capital Budget we are allocated $20,000 for Park Signage Improvements (00777). The cost of updating the People and Pets Guide is an annual publication and can be updated through this process.

Conclusion:

Council staff are committed to providing a balance for all park users who utilise Council managed open space. It is recommended that the Council support the proposal and provide the community with an opportunity for public comment. All submissions received will form the basis of a further Council report for further consideration.

Annexures:

Item No: D5  Delegated to Committee
Subject: Library Annual Report for the Period July 2012 to June 2013
Author: Vicki Munro, Manager, Library and Information Services
Reason for Report: To review the operations of Woollahra Library & Information Service for the period 1 July 2012 to 30 June 2013.

Recommendation:

That the annual report of the library service for the year 1 July 2012 to 30 June 2013 be received and noted.

________________________________________________________________________________

This report reviews Woollahra Library & Information Service’s activities and projects for the period 1 July 2012 to 30 June 2013, including detailed statistical analysis, as well as the final progress update of the Library Strategic Plan, The Way Forward. Five year trend graphs have also been incorporated for key statistical areas.

1.0 Library Usage

To gain a better understanding of the Library usage, this report compares statistics for the period 1 July 2012 to 30 June 2013 with those of the previous year – 1 July 2011 to 30 June 2012. See Annexure 1 for all statistical figures.

Significant points to note include:

1.1 Lending Services

- As at 30 June 2013, Woollahra Library & Information Service had 13,654 active members. Active membership is defined as borrowers who have used the service within the last two years. This is a small decrease of 2% in comparison to the previous year.


<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Active Membership</th>
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<tbody>
<tr>
<td>2008 - 2009</td>
<td>15,227</td>
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<tr>
<td>2009 - 2010</td>
<td>15,015</td>
</tr>
<tr>
<td>2010 - 2011</td>
<td>14,487</td>
</tr>
<tr>
<td>2011 - 2012</td>
<td>13,979</td>
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<tr>
<td>2012 - 2013</td>
<td>13,654</td>
</tr>
</tbody>
</table>

Over the last twelve months Watsons Bay Library has continued to attract new customers. There has been a consistent rise in Active Adult Members culminating with 13% increase in Quarter 4 2012/2013.
To address the falling membership overall, the library undertook a review of all marketing collateral (launched in August 2012), commenced a membership drive in the Paddington area and actively encouraged membership for program attendance and PC usage. As a result there has been an overall increase of 43% in new membership in Quarter 4 2012/2013.

- The percentage of borrowers to population currently sits at 23.99% based on the Woollahra LGA population of 56,906 (2011 LGA population).
- There has been an increase of 7% in circulation across all service points from 395,036 in 2011/12 to 421,399 this financial year. The key collections to have seen increases in circulation over the last twelve months are Magazines, Talking Books, Junior Fiction and the DVDs.
- Over the last twelve months, the Library has expanded our eResources collection and has seen an overall increase in circulation from 234 loans annual total in 2011/12 to 2,034 annual total in 2012/13. Limited comparative statistics are available due to the gradual implementation of these new resources.
During the year the library launched a new Fast Reads collection which consists of bestsellers and high demand items, has a 1 week loan period and cannot be reserved or renewed. Circulation in this area has steadily increased from 818 in Quarter 1 2012/2013 to 1,268 in Quarter 4 2012/2013. This represents an increase of 55% for Fast Reads usage across all Library service points.

In examining the three Library service points, Double Bay Library has shown an increase of 16% over the last twelve months whilst unfortunately the branches show a decrease. This is largely a result of the Double Bay Library renovations which took place in August – September 2011 and impacted Quarter 1 and 2 figures by artificially increasing Paddington and Watsons Bay loans in Quarters 1 and 2 2011/12 and then decreasing them in Quarters 1 and 2, 2012/13 when customers returned to using their usual/normal branches.

Online membership was launched in October 2012. This new service enables customers to register online 24/7. Customers using this option can access our online databases and eResources instantly. Online Memberships have been well received with more than 250 registrations at the end of June 2013.

As stated in the previous reports, there have been difficulties with recording door count statistics and as such there are inconsistencies in the Annexure 1 reporting table. This has made analysing between the quarters difficult. Accuracy has improved with rollout of the RFID system at Double Bay and Paddington libraries.

In October 2012, the Library’s public wireless internet was upgraded with the installation of new wireless access points. Previously the service had been outsourced but is now being provided “in-house” in partnership with Council’s IT and library staff. As a result, there has been an annual total increase in Wireless Internet usage of 34% from 11,970 in 2011/12 to 16,076 in 2012/13.

1.2 Information Service and Research

Total information and general customer enquiries have decreased by 6% over the 2012/13 period in comparison to 2011/12. The number of enquiries from library customers was 88,894 in 2012/13 compared to the previous year of 94,783 enquiries.

As stated in the previous reports, problems were experienced with the integrated search engine used for searching the online databases during 2011/12. This was rectified in April 2012, resulting in a significant increase in database usage statistics of 406% when comparing the two financial years. In 2012/13 there has been a steady increase in the number of searches performed over the year totalling 181,191 searches.

Novelist (literature database which is linked to the catalogue to provide information about each book title) experienced the highest use, followed by Book Index with Reviews and Ancestry database. New titles purchased this year include Credo Reference (full-text online versions of nearly 1200 published reference works in every major subject) and Business Source Complete.

The number of YourTutor sessions (online homework help) has decreased (124 sessions) compared to this time last year (150 sessions). More active promotion will occur at all service points and staff will be providing marketing and training directly to local teacher librarians who are keen to retain this service.
• The main projects for the Local History Centre in 2012/13 include:
  
  o Further development and additions to the Image Management database. The Image Management database allows hard copy resources including plaques, photographs, maps and historic Council records to be digitised and made available 24/7 via the library website to the public. Digitisation this year has included the addition of 1,502 photos to the database and enhancement of 300 plaque records to include a typed transcription for each plaque. In 2013, there have been 3,154 photographs viewed through the Image Management database as well as 1,166 historic Council records.
  
  o The roll-out of the Woollahra Plaques Scheme. The aim of the scheme is to commemorate people or places which are historically or culturally significant in the history of the Woollahra Municipality or Australia as a nation. The Woollahra Plaques Scheme web page, developed by Local History staff during this year, was launched on 24 October 2012 calling for nominations. Twenty three submissions were received of which four have been presented to Council for consideration of a plaque. This includes the following nominees - Dr Elwyn Lynn AM, Rudy Komon OBE, Sir John Robertson and the Cnr of Fletcher and Small Sts, Woollahra – bombardment of Sydney Eastern suburbs by Japanese submarine I.24 on 8 June 1942

1.3 Community Learning Programs

• The Children’s program is a popular service which varies in attendance throughout the year. It consists of Rhyme Time for 0-2 years, Storytime for 3-5 years and Kid’s Club for 6-10 years.

Double Bay and Watsons Bay Rhyme Time and Storytime sessions continue to be well attended over the last twelve months. Paddington Library attendance has fallen, resulting in a review of the sessions and the introduction of Storytime kits, rotating staff facilitators and promotion of the service to local residents.

Guest presenters have contributed to engaging and entertaining the audiences – including authors Stephanie Dowrick and Tina Matthews, veterinarian Lea Dunstone and the musical ‘Mr Palindrome’. Firefighters and their trucks; a Council environment officer; and Centennial Park officer also visited. ‘Teddy Bears Picnics’ held at all library locations attracted enthusiastic children and carers alike.

Teddy Bears Picnic at Blackburn Gardens – May 2013
During the last 12 months, the Children’s and Young Adults team were responsible for many successful activities and events. Some of the significant events were:

- Children’s Book Week in August 2012 themed Champions read was celebrated at Double Bay, Paddington, Watsons Bay Libraries, with special Storytimes featuring stories shortlisted in the Early Childhood category; 65 children attended sessions.
- Summer Reading Club encouraging children to read during the summer holidays ran from December 2012 to January 2013; this year’s theme was Untangled tales. Across the three libraries over 107 children registered for the program, and read over 1,200 books.
- NAIDOC Week was celebrated in July 2012, with Storytimes featuring Katrina Germein and Bronwyn Bancroft’s Big rain coming, and presentations with a thunder drum and rainstick. At Paddington Library, a striking exhibition of entries from the ERLGATSI Forum schools’ art competition with the theme ‘Just one mob’ was displayed for an extended period.
- Harmony Week celebrations in March 2013 featured Earthbeats children’s music which presented special interactive sessions ‘Harmony train: some people are different & some are the same’ at all library locations; 110 children took part in the sessions. Children were invited to join in with dancing, and playing various drums from around the world.
- Throughout the year popular Writers and Readers for Young People workshops were hosted with author and illustrator Emma Magenta, and Manga artist David Lovegrove.
- The library celebrated National Simultaneous Storytime during Library and Information Week in May 2013. The Wrong Book by Nick Bland was chosen this year to be read across the country. A total of 91 children attended scheduled storytime sessions across all service points. At Double Bay Library staff dressed up in costumes and bought the book alive by acting out the story.
- Ride the HSC wave is a cooperative project with Waverley, Randwick City and Botany Bay Library Services. In May 2013 two sessions were hosted by Woollahra Library at the Cosmopolitan Centre in Double Bay. The two sessions English Advanced Module A: Comparative study of texts and context (Frankenstein and Blade Runner), and Acing the HSC: Effective exam preparation with Rowan Kunz, were attended by a total of 41 students.

The Wrong Book story comes alive during National Simultaneous Storytime – May 2013
Other major cultural events hosted by Woollahra Library & Information Service during the year included:

- The annual Youth Photographic Award & Short Film Prize received 191 photographic entries, and a record 41 short films. Presentation night was held on 6 September 2012, attended by a crowd of 85 guests. The Wentworth Courier again sponsored the popular People’s Choice Award, giving the public a chance to vote for their favourite photograph on their website. After Presentation night, the photographs were displayed to a wider audience at Paddington Library.

- The 8th annual Local Writers’ Word Festival was held on 24 November 2012, with 40 people attending a variety of events, including a ‘Muse Marquee’ in the Blackburn Gardens, where audiences heard a series of inspirational talks by first-time authors; a memoir writing workshop with Patti Miller; and the Headline Talk of the day with bestselling author Robyn de Crespigny.

- In November 2012 a Woollahra Library Friends VIP night was hosted to provide an exclusive opportunity for Friends to view the Woollahra Small Sculpture Prize exhibition. Due to the popularity of this event with 25 people attending, VIP nights will now be held twice per annum.

- Writers & Readers hosted four presentations with a wide spectrum of topics: a ‘Foodies’ evening with Executive Chef Jean-Michel Gerst and food writer Loukie Werle; Crime: fact and fiction, examined by Glen McNamara and Stuart Littlemore; John Ogden highlighted Saltwater people of the fatal shore: Sydney’s Southern beaches; and Kate Forsyth revealed The wild girl story of history and romance. A total of 138 attended these sessions.

- Tea Topics, the Library’s series of free monthly daytime talks, continued during the year, encompassing a wide range of topics. Sessions included ultra-marathon athlete Pat Farmer; local identity and financier Henri Aram; a tour of the 2012 Woollahra Small Sculpture Prize exhibition and talk by finalist Fairlie Kingston; Tim Bowden The Changi Camera; Law Week presentation ‘Buying and selling your home’, and ‘What is music?’. Nine Tea Topics were held, with a total of 311 attending.

- The 55+ Club, a monthly social event for senior residents to have exclusive access to the library to view new books while enjoying a free morning tea, continued to be held at both Watsons Bay and Paddington Libraries. Attendance figures across the year averaged 9 at Paddington Library, and 8 at Watsons Bay Library.

- The annual Poets Picnic held February 21 with the theme ‘Dip into poetry’ was attended by 220 people who braved the inclement weather. Survey results recorded 43% of respondents described the event as ‘very good’, with 35% describing it as ‘excellent’. The poets, student poets and setting were enjoyed the most according to the survey, followed by the musical entertainment and Chalk Poetry Workshop for younger attendees.

- In May 2013 the Library held a number of events to celebrate Library and Information Week commencing with “Twilight at the Library” an event exclusively for the Woollahra Library Friends to get a ‘behind-the-scenes’ look at the Double Bay Library and an opportunity to promote, educate and demonstrate the library’s eResources. The event was well received, 25 Friends of the Library attended. The library also conducted information sessions for public in the use of Library databases, eResources using an iPad. A total of 29 people attended these sessions.

An open day was held at the Local History Centre with 10 clients undertaking tours of the Centre and training on relevant databases. The Biggest Morning Tea was also held during this week attracted 46 Home Library members and raised $151 for the Cancer Council. As a finale to Library and Information Week, the Library Book Fair was held during the weekend. The event attracted over 250 attendees and included a barbeque, face painting and music and raised over $11,000.
• Home Library Service made 2,479 visits over the year, of which 422 were made by volunteers. The visits were made to 146 individual members, and 5 institutions.

Home Library Service membership has fluctuated. In September 2012 the Special Clients officer conducted a survey of Home Library Service members to gather information regarding customer satisfaction, and needs regarding new technologies, to inform future planning.

In May 2013 a ‘Gatekeepers’ survey was conducted with health and aged services in the local community to evaluate their knowledge of the Home Library Service, and the number of their clients who are HLS members, to assist in determining how best to engage further Home Library Service members.

In keeping with the Home Library Service Review social inclusion recommendations, the Library hosted three events at Council Chambers which proved very popular with members and their carers. Morning tea and musical entertainment were provided for guests:

• December Festive Fun Party, with Jazz/swing singer Susan Gai Dowling, and pianist.
• Library Lovers Day celebrated on 14 February, with Jane Austen expert Susannah Fullerton, showcasing her new book Happily ever after.
• Biggest Morning Tea in May, with Rose Bay Secondary College Vocal Ensemble.
• A total of 149 attended the three events.

Thirteen volunteers provide valuable assistance with the Home Library Service; their roles include selection and delivery of resources, ‘computer buddy’, technology assistance, and social visits. Following training for several library staff with the School of Volunteer Management NSW, a Home Library Service Volunteer engagement strategy has been developed to encourage more volunteers to assist this service.

2.0 Library Strategic Plan – Progress update

The Library Strategic Plan “The Way Forward” was adopted by Council on 17 December 2007, as a 5 year plan, it was completed in December 2012. An update on its key strategies in the last 12 months are listed below:

• Buildings:
Planning for the New Double Bay Library in the Kiaora Lands Development continued with an expression of interest for the detailed design brief. Four architectural firms were shortlisted and it was announced in May 2013 that BVN Donovan Hill won the tender for the Double Bay Library Fit out Design. Staff are currently working closely with BVN Donovan Hill to ensure the best library design for the Woollahra community.
In May 2013 the Library also received a $50,000 State Library of NSW grant to go towards rejuvenating the Paddington Library. This is a joint project with the City of Sydney Council.

- **Collection:**
  A new Fast Reads Collection was launched during 2012/13 and progressively rolled out at all branches. This new collection of best sellers and high demand items has been well received and there has been a steady increase in circulation throughout the year.

  The Library has also expanded its eResources this year to include Overdrive which was launched in July 2012 and gives access to more than 1000 eBooks and eAudiobooks for adults and children. Also, Bolinda launched their eBooks in May 2013 and the library purchased 1,600 titles. Both companies have library Apps that make it easier for customers to access these collections. They can be downloaded 24/7 from home using a variety of devices including tablets and smartphones.

  The library is also looking at expanding this collection further in the coming year to include downloadable music and magazines.

- **Technology:**
  The Library Management System LIBERO was upgraded in August 2012. This involved a move to a web based system which reduces application maintenance and allows for greater control of the Library database. All staffs are trained and relevant policies and procedures updated. The new version of the system will see improvements in Inter Library Loans, Home Library service and shelf ready services.

  The library completed the Radio Frequency Identification Project (RFID) with the final stage implemented at Paddington Library in October 2012. Advantages include ability for Library customers to checkout their own items, freeing up library staff to offer enhanced customer service, improved security, automated door count and the ability to provide a more efficient means of collection management.

### 3.0 Community Information

### 3.1 Community Information Database (LINCS)

Community Information Database searches has decreased by 4% to last year (from 2,976 to 2,863). Promotion will continue in the form brochures, posters and links with relevant Council programs such as Easy PC to ensure ongoing usage. If a similar decrease continue in the next quarter LINCS searches will need to be reviewed.

### 3.2 New Resident’s Kits

The number of New Resident Kits requested increased in the last quarter of the year by 20%. Compared to previous year there has been a 48% increase (118 to 175). The number of kits generally requested fluctuates each quarter as it depends on the number of new residents moving to the area.
Conclusion:

The Woollahra Library & Information Service has had a successful year in 2012/2013 both in terms of the completion of many projects identified in the Strategic Plan and overall usage of the Library. In particular, the planning for the new Double Bay Library and final stage implementation of RFID technology and other digitization projects as well as the Woollahra Plaques scheme. The community are making positive use of the Library Service, not just of the collection, but through attendance at Library programs and key events as well as through the online resources and services.

Vicki Munro
Manager – Library and Information Services

Kylie Walshe
Director, Community Services

ANNEXURES:

Annexure 1: Library Statistics for 1 July 2012 to 30 June 2013
Item No: D6    Delegated to Committee


Author: Kylie Walshe - Director Community Services
        Tom O'Hanlon - Director Technical Services

File No: 1229.G

Reason for Report: To review the status of the Priorities and Actions in Council's Delivery Program 2009 to 2013 and Operational Plan 2012/13 for the three months ending 30 June 2013.

Recommendation:

THAT the June 2013 Quarterly Progress Report on Goal 1 (A connected & harmonious community), Goal 2 (A supported community), Goal 3 (A creative & vibrant community), Goal 5 (Liveable places), Goal 7 (Protecting our environment) and Goal 8 (Sustainable use of resources) of Council’s Delivery Program 2009 to 2013 and Operational Plan 2012/13 be received and noted.

Background:

Council adopted its Delivery Program 2009 to 2013 and Operational Plan 2012/13 (DPOP) in June 2012 in accordance with the Integrated Planning and Reporting Legislation for NSW Local Government. The Delivery Program and Operational Plan are two of the key strategic planning documents that comprise Council’s Integrated Planning & Reporting Framework.

It is a requirement under the Integrated Planning & Reporting Legislation that Council report on the progress of its Delivery Program at least every six months. In response to this requirement, and in order to ensure that Council’s reporting to the community is transparent, timely and manageable under the legislation, progress reports on the DPOP are presented to Council quarterly for the periods ending 30 September, 31 December, 31 March and 30 June each year.

The framework for quarterly progress reports is consistent with the structure of the Delivery Program and Operational Plan developed around the following interrelated themes and supporting goals:

Theme: Community well-being
Goal 1: A connected and harmonious community.
Goal 2: A supported community.
Goal 3: A creative and vibrant community.

Theme: Quality places and spaces
Goal 4: Well planned neighbourhoods.
Goal 5: Liveable places.
Goal 6: Getting around.

Theme: A healthy environment
Goal 7: Protecting our environment.
Goal 8: Sustainable use of resources.
Theme: Local prosperity
Goal 9: Community focused economic development.

Theme: Community leadership and participation
Goal 10: Working together.
Goal 11: A well-managed Council.

Annexure 1 to this report is Council’s Quarterly Progress Report for the period 1 April to 30 June 2013 for Goals 1, 2, 3, 5, 7 and 8, being most relevant to the Community and Environment Committee (C&E).

Progress comments for all Delivery Program Priorities and Operational Plan Actions are provided in the tables of Annexure 1. Council staff provide updates on these comments on an ongoing basis for internal management purposes, with the comments then collated at the end of the quarter for reporting to Council and the community. Generally, actions included in the Operational Plan relate to the current financial year, however there are a number of actions that extend beyond June 2013, as indicated in the Target Date column.

A tick in the final column of the tables in Annexure 1 headed “Updated Comments” indicates that the comments relating to that action have been updated since the previous quarterly report to Council. The purpose of the tick is to enable Councillors and other readers of the report to easily identify where an action status has been updated.

In considering the September DPOP Quarterly Progress Report at its meeting held on 19 November 2012, the Corporate & Works Committee requested that statistics be included in future Quarterly Progress Reports summarising the status of DPOP Actions. The Committee will note the inclusion of this additional information on Page ii) of Annexure 1.

Adopted notices of motion and other decisions of the Council:

To further improve the efficiency and transparency of Council’s Integrated Planning and Reporting procedures, notices of motion and other decisions of the Council which are strategic and/or project based are now included as additional actions in the DPOP and reported on through the Quarterly Progress Report.

Adopted notices of motion which are non-strategic in nature, such as placement of an additional agenda item on a meeting or writing a letter to an organisation, will be monitored administratively.

During the period 1 April to 30 June 2013 five (5) new notices of motion have been identified as strategic and/or project based in nature.
Conclusion:

It is recommended that the June 2013 Quarterly Progress Report against Goal 1 (A connected & harmonious community), Goal 2 (A supported community), Goal 3 (A creative & vibrant community), Goal 5 (Liveable places), Goal 7 (Protecting our environment) and Goal 8 (Sustainable use of resources) of Council’s Delivery Program 2009 to 2013 and Operational Plan 2012/13 be received and noted.

Kylie Walshe
Director Community Services

Tom O’Hanlon
Director Technical Services

Annexures:

1. DPOP Quarterly Progress Report June 2013 for Goal 1 (A connected & harmonious community), Goal 2 (A supported community), Goal 3 (A creative & vibrant community), Goal 5 (Liveable places), Goal 7 (Protecting our environment) and Goal 8 (Sustainable use of resources) – distributed separately.
Recommendation:

A. THAT the minutes of the Public Art Advisory Committee meeting held on Wednesday 17 July 2013 be noted, and endorse stage 2 of the Murray Rose Pool mural.

B. THAT Council discontinue the Public Art Advisory Committee and endorse the establishment of a Cultural Committee with Terms of Reference as detailed in this report.

C. THAT Council allocate $50,000 (2013/14 financial year budget) to the Woollahra Public Art Trust and consider the allocation of further funds during the 2014/15 budget process.

Council has demonstrated commitment to the provision and support of cultural activity and public art in the Woollahra Municipality for a number of years, with the establishment of the Public Art Advisory Committee in 2007 and the Public Art Trust in 2012. This report will provide a brief overview of these activities and propose new consultative and funding mechanisms to continue this commitment to cultural and public arts activities in the years to come.

Background:

Following an increased interest in and opportunities for public art, Council adopted its Public Art Policy in 2006 to provide a framework for the development of public art and public art opportunities in the Woollahra Municipality.

In 2007 the Public Art Advisory Committee (PAAC) was formed to advise on and facilitate public art projects and programs in the Municipality. The committee comprises of appointed councillors, art industry community representatives and council staff. Since its establishment the committee has initiated and overseen a number of public art projects, advising on the commissioning of public art works as well as developing community-based art projects.

In May 2012 the Woollahra Public Art Trust was established by Council. The aim of the Trust is to contribute to a vibrant community culture through public art. The funds of, or artwork donations to the Trust will directly encourage the cultural life of the local community, creating new opportunities for public art and building on already existing endeavours. The Public Art Trust received its tax deductible gift recipient status from the Australian Taxation Office (ATO) in July 2012. With the recent inclusion of the Trust in the Cultural Gifts Program in June 2013, the Trust is now able to receive gifts of artworks as well as monetary donations.

The Trust is a stand-alone entity but has the influence of Council through its two Trustees. The Trust also needs approval from Council in matters relating to the placement of art on Council owned or managed land or property.

The Trust comprises of five Trustees (two councillors and three community representatives):

1. Mayor Councillor Andrew Petrie
2. Councillor Deborah Thomas (Chair of PAAC)
At the Public Art Trust meeting in March 2013, the Trustees adopted the Trust’s Arts Strategy and Collection Policy. The Arts Strategy outlines the Trust’s key objectives:

i. To enrich the public domain in Woollahra through the display and presence of contemporary public art.
ii. To provide opportunities for artists to create public artworks for the benefit of the Woollahra community.
iii. To develop a visual arts collection of emerging artists.
iv. To foster general awareness of the visual arts in the Woollahra community and members of the general public.

The Trust’s Collection Policy identifies how to implement these key objectives. The Trust is currently pursuing a number of activities including new works on loan for a minimum of 3 years and the development of an artists’ brief for the commission of a trail of artworks along the Rose Bay Promenade, New South Head Road.

Proposal – Review of Committees:

Due to the establishment of the Woollahra Public Art Trust, it is time to review the structure and direction of the Public Art Advisory Committee as the majority of public art commissions and public art projects will be advised on and initiated by the Trust. It is proposed that the Public Art Advisory Committee be replaced by a new Committee to ensure that community input and expert opinion into the development of cultural activities is retained. It is recommended that the Cultural Committee, with new Terms of Reference, be formed and endorsed. The aim of the Cultural Committee will be to support, initiate and facilitate cultural development opportunities in the local community.

This proposal has been discussed extensively by the current Public Art Advisory Committee and at the PAAC meeting on 17 July 2013 it was minuted (Annexure 1) that the committee members supported the formation of a new Cultural Committee in place of the Public Art Advisory Committee with an emphasis on community cultural and arts development opportunities and projects. PAAC also supported the proposed Terms of Reference for the Cultural Committee (Annexure 2).

The division of roles and responsibilities are recommended to be as follows:

**Public Art Trust**
- Raising funds and encouraging the donation of art works
- Commissioning of public art works
- Selecting public artworks for loan
- Advising on public artwork matters

**Cultural Committee**
- Supporting and promoting arts, artists and cultural development within the local community
- Proposing and developing new cultural and arts initiatives
- Assisting in selection process for specific arts and cultural programs, such as the Traffic Signal Box Project and Artist in Residence program
Funding:

Since the 2009/10 financial year Council has allocated up to $100,000 from Section 94 per year to the installation of a major piece of public art. This has resulted in the completion of four (4) major public art works: *Renewal of Spirit* at Double Bay (2009), *Tidescape* at Watsons Bay Baths (2011), *Egg Swing* at the Royal Hospital for Women Park (2012) and *Seated Woman II* in Blackburn Gardens (2013).

The 2013/14 budget includes $50,000 for public art. At the recent Public Art Trust meeting on 17 July 2013, the Trust has requested that this amount be allocated to them to commence acquisition and installation of a number of artworks. The Trust also requests an additional $50,000 that is not in the budget (see Annexure 3). The adopted Public Art Policy to allocate up to $100,000 per annum of Section 94A funding to public art does not preclude the allocation of this funding to the Woollahra Public Art Trust. As with any funding allocation Council will need to consider future allocations to the Trust through the annual budget process and quarterly reviews. It is recommended that the Trust report on annual progress and indicate the projects that funding will support prior to allocation of any Council funds.

Conclusion:

Council’s continued commitment to public art in the Municipality is demonstrated through the establishment of the Woollahra Public Art Trust with its aim to enrich the public domain in Woollahra through the display and presence of public art. By disbanding the Public Art Advisory Committee and forming the Cultural Committee a broader approach and support of cultural development opportunities will be possible for the benefit of the community. By providing the Trust with funding, Council is clearly showing its commitment to the successful start of the Woollahra Public Art Trust’s activities.

Maria Lacey
Public Art and Cultural Development Officer

Kylie Walshe
Director – Community Services

Annexures:

1. PAAC Minutes 17 July 2013
2. Terms of Reference Cultural Committee
3. Correspondence from Woollahra Public Art Trust 5 August 2013
Political Donations – matters to be considered by Councillors at Meetings

**Matter before Committee or Council Meeting**

- Did the applicant, owner (if not the applicant) or someone close to the applicant make a donation in excess of $1,000 that directly benefited your election campaign? (Code of Conduct Cl 4.16b)
  - Yes
  - No

  **Action**
  - Declare a significant non-pecuniary conflict of interest, absent yourself from the meeting and take no further part in the debate or vote on the matter (Code of Conduct Cl 4.16b)

- Did the applicant or someone close to the applicant make a donation less than $1,000 that directly benefited your election campaign? (Code of Conduct Cl 4.2)
  - Yes
  - No

  **Action**
  - Consider appropriate action required. This could include limiting involvement by:
    1. participating in discussion but not in decision making (vote),
    2. participating in decision making (vote) but not in the discussion
    3. not participating in the discussion or decision making (vote)
    4. removing the source of the conflict

  **Action**
  - Declare a significant non-pecuniary conflict of interest, absent yourself from the meeting and take no further part in the debate or vote on the matter (Code of Conduct Cl 4.23)

  **Action**
  - Participate in debate and vote on the matter

**Staff to record decision process (motions/amendments) and Division of votes for the determinative resolution or recommendation in the meeting minutes.**

**Is the matter before the meeting a Planning Matter?**

- Yes
- No

**Staff to record decision process (motions/amendments) and Division of votes for the determinative resolution or recommendation in the meeting minutes.**