



# Community & Environment Committee

**Agenda:** *Community & Environment Committee*

**Date:** *Monday 24 July 2006*

**Time:** *6.00pm*

## **Outline Of Meeting Protocol & Procedure:**

The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.

The Chairperson will commence the Order of Business as shown in the Index to the Agenda.

At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.

If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.

If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.

At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.

If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.

The Chairperson has the discretion whether to continue to accept speakers from the floor.

After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

## **Delegated Authority (“D” Items):**

Community Services and Programmes.

Health.

Liquor Licences.

Fire Protection Orders.

Residential Parking Schemes (surveillance and administration).

Traffic Management (Traffic Committee Recommendations).

Waverley/Woollahra Process Plant.

To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolution).

Confirmation of the Minutes of its Meeting.

Any other matter falling within the responsibility of the Community and Environment Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below.

Library Services

Licensing.

Regulatory.

Waste Minimisation

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

Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.

Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.

Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.

Matters delegated to the Council by the Traffic Authority of NSW.

Matters not within the specified functions of the Committee, or which are not the subject of a Business Agenda (current or past).

Matters reserved by individual Councillors, in accordance with any Council policy on "safeguards".

Parks and Reserve Plans of Management (Strategies, Policies and Objectives)

Residential Parking Schemes - Provision and Policies

**Committee Membership:**

7 Councillors

**Quorum:**

The quorum for a Committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

20 July 2006

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

Dear Councillors

### **Community & Environment Committee Meeting – 24 July 2006**

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 24 July 2006 at 6.00pm.**

Gary James  
General Manager

## Meeting Agenda

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

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

D1	Confirmation of Minutes of Meeting held on 10 July 2006	1
D2	Woollahra Bike Plan – Bicycle Working Party Minutes – 16 May 2006	2
D3	Minutes of the Environmental Levy Community Reference Group Meeting Tuesday 11 July 2006	6
D4	Cat Controls & Education Program – 557.G (Part 2)	28
D5	Oxford Street, Paddington – Bus Lane & Speed Limit – T349 & 261.G Part 6	42
D6	Woollahra Council Youth Photographic Award & Kids Day Out – 596.G	56

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

R1	Department of Environment & Conservation (DEC) Urban Sustainability Grants Program – 1142.G	65
R2	Adoption of the Community Cultural Relations Statement – 79.G CCRS	73
R3	Community Grants Program – 30.G/1142.G	87
R4	Sale of a portion of Trumper Park & Paddington Bowling Club – 214.G	105

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 10 July 2006**  
**Author:** Les Windle, Manager - Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 10 July 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Community and Environment Committee Meeting of 10 July 2006 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** D2 Delegated to Committee  
**Subject:** **Woollahra Bike Plan - Bicycle Working Party Minutes - 18 July 2006**  
**Author:** Warwick Hatton – Director, Technical Services  
**File No:** 256.G Working Party  
**Reason for Report:** For the Committee to consider the recommendations of the Bicycle Working Party.

**Recommendation:**

THAT the Recommendations contained in the minutes of the Woollahra Bike Plan – Bicycle Working Party meeting held on Tuesday 18 July 2006, be adopted.

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**Warwick Hatton**  
**Director – Technical Services**

# Woollahra Bike Plan – Bicycle Working Party Minutes

**18 July 2005**

The Woollahra Bike Plan – Working Party meeting was held in the Committee Room, Council Chambers, Double Bay on Tuesday 18 July 2006, at 10.00am.

## **1. Attendances**

### Committee Members:

Present:            Mr Warwick Hatton (Chairman)    (Woollahra Municipal Council)  
                      Ms Lorna Oliver                        (Woollahra Municipal Council)  
                      Mr Navin Prasad                       (RTA)  
                      Mrs Hylda Rolfe                        (Vaucluse Progress Association)  
                      Mr Adrian Boss                        (BIKEast)  
                      Mr Tom van Drempt                   (Sydney Buses)  
                      Mr Graeme McBarron                (Waverley Municipal Council)  
                      Ms Armodee Reece                    (Woollahra Municipal Council)

Apologies:        Mr John O’Neill                        (Bicycle NSW)

Absent:            Cr D Shoebridge                        (Woollahra Municipal Council)  
                      Cr C Dawson                            (Woollahra Municipal Council)  
                      Mr Alan Opera                           (Woollahra Municipal Council)

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## **2. Confirmation of Minutes of Meeting held on 16 May 2006**

The Minutes of the Bicycle Working Party meeting held on 16 May 2006 were confirmed by Hylda Rolfe of the Vaucluse Progress Association and Mr Warwick Hatton of Woollahra Municipal Council.

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## **3. Matters Arising from Minutes of Previous Meeting**

Nil

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## **4. Items from Previous meeting**

Nil

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## **5. Matters for consideration by the Working Party**

**Item No:** 5.1 Matters for Consideration by the Working Party – Recommendation to C&E for Consideration

**Subject:** **Status of the Implementation of Approved Works**

**Author:** Lorna Oliver - Traffic & Transport Planner

**File No:** 256.G

**Reason for Report:** Update on actions in Implementation Program

**Recommendation:**

- A. That the information be noted.
- B. That a report be prepared for the next meeting on Council procedures for grant applications to the RTA.

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**Item No:** 5.2 Matters for Consideration by the Working Party – Recommendation to C&E for Consideration

**Subject:** **Naming of Routes**

**Author:** Lorna Oliver - Traffic & Transport Planner

**File No:** 256.G

**Reason for Report:** To consider options for the naming of bicycle routes.

**Recommendation:**

- A. That bicycle routes be named by immediate destination.
- B. That instances in which it is considered appropriate to use the ultimate destination in addition to or instead of the immediate destination this is determined on a case-by-case basis.
- C. That a proposed plan for signage on bicycle route No.1 be reported to the Bike Working Party meeting.

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**Item No:** 5.3 Matters for Consideration by the Working Party – Recommendation to C&E for Consideration

**Subject:** **Route 2 (New South Head Road)**

**Author:** Lorna Oliver - Traffic & Transport Planner

**File No:** 256.G

**Reason for Report:** Update on Route 2 issues.

**Recommendation:**

- A. That options be explored to implement Route 2 on New South Head Road.



## **6. Next Meeting**

The next meeting of the Bicycle Working Party is scheduled for 10am on Tuesday 17 October, 2006.

Meeting concluded at 10:55am

**Warwick Hatton**  
**Chair**

**Item No:** D3 Delegated to Committee  
**Subject:** **Minutes of the Environmental Levy Community Reference Group Meeting Tuesday 11 July 2006**  
**Author:** Jamie Howieson – Project Manager Environmental Works  
**File No:** 1142.G  
**Reason for Report:** To report on the outcomes of the Environmental Levy Community Reference Group meeting held Tuesday 11 July 2006.

**Recommendation:**

- A. That the minutes of the Environmental Levy Community Reference Group meeting, held Tuesday 11 July 2006, be received and noted.
- B. That the Group members show their support at the local gutter talk meetings. (refer to Appendix B for event details).
- C. That the Group receive feedback from the gutter talk meetings.
- D. That the results of the pending EWP review be reported back to the Groups first meeting in 2007.
- E. That the Group supports the proposal to form a regional Council alliance with Waverley and Randwick Councils on the proposed 'Ecological Footprint' Program concept and future grant application.
- F. That a report to Council be submitted outlining the details of the Urban Sustainability Program referred to in Item E.

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**Background:**

In 2002, the Minister for Local Government gave approval for Council to implement an Environmental Levy for a three-year period. An approval to extend the levy for another two years was granted by the Minister in July 2005. This allows Council to implement a range of environmental improvements, which aim to preserve and protect the natural beauty of the Woollahra Municipality.

The role of the ELCRG is to:

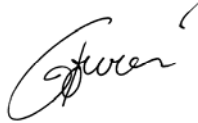
- receive and review progress reports on the implementation of the EWP;
- annually review the EWP;
- promote the EWP and its environmental objectives for the community;
- liaise with the community and provide feedback on the implementation of the EWP; and
- assist Council in seeking supplementary funding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

**Purpose:**

The purpose of this report is to provide the Community and Environment Committee with a copy of the minutes of the Environmental Levy Community Reference Group meeting held Monday 11 July 2006. The minutes will provide the Committee with an update on a variety of issues related to the implementation of the Environmental Works Program (EWP).

**Conclusion:**

Reporting on the minutes of the ELCRG will keep Council informed about the progress and main developments of the various projects and initiatives associated with implementing the EWP. The minutes include the actions recommended by the Group for the Committee's consideration for adoption.



Jamie Howieson  
Project Manager - Environmental Works

Warwick Hatton  
Director Technical Services

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**ANNEXURES:**

Minutes of the ELCRG meeting of Tuesday 11 July 2006.

**Item No:** D4 Delegated to Committee  
**Subject:** **Cat Controls and Education Program**  
**Author:** Tim Tuxford, Manager - Compliance  
**File No:** 557.G (Part 2)  
**Reason for Report:** This report has been prepared in response to a Council 'Notice of Motion' adopted on 14 November 2005 which requested a report on a cat education program.

**Recommendation:**

- A. That Council place on public exhibition for a minimum period of 28 days its intention to declare the following areas of remnant bushland 'wildlife protections areas' pursuant to the *Companion Animals Act 1998* and its intention to consider ordering the prohibition of cats from these areas pursuant to Section 30 of the Act;

Cooper Park  
Gap Reserve  
Harbour View Park  
Parsley Bay Reserve

Following the above public exhibition period that a further report be submitted to Council for consideration of any submissions and final consideration of the proposal.

- B. That Council improve its community education and awareness program for cat ownership based on the Victorian Department of Primary Industries' *'Cat Management Manual'*, including the;

Development of brochures and information sheets on;

- Responsible cat ownership;
- How to deter cats from coming into your property; and
- Action available in relation to nuisance cats.

Development of information for Council's website with links to useful resources such as the Cat Protection Society and Cat Rescue.

Inclusion of responsible cat ownership in the Council's schools' education program.

Inclusion of responsible cat ownership at Council's annual 'People & Pets Day'.

- C. That Council, pursuant to Section 32 of the *Companion Animals Act 1998*, continue its trapping program of unowned and feral cats, on an "as needs basis", in areas including, but not limited to, the following;

Public land adjacent to White City, Paddington  
Cooper Park  
Gap Reserve  
Harbour View Park  
Parsley Bay  
Trumper Park

- D. That Council enhance its existing trapping program of unowned and feral cats, to minimise the risk to owned cats by;
1. Erecting appropriate signage in areas where trapping may occur from time-to-time;
  2. Not locating traps closer than 30 metres to residential properties without first notifying the surrounding occupiers;
  3. Only providing cat traps to private property owners/occupiers adjoining open space areas for the sole purpose of trapping unowned and feral cats. Traps will not be provided for the trapping of owned cats;
  4. Requiring private property owners/occupiers who borrow traps from Council to sign a formal agreement requiring the owner/occupier to;
    - Formally notify adjoining neighbours that they will be trapping unowned and feral cats on their property;
    - Acknowledge their responsibilities pursuant to the *Prevention of Cruelty to Animals Act 1979*;
    - Surrender any seized cats to Council as soon as possible; and
    - Indemnify Council for any of their actions.

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### Notice of Motion:

At the Council meeting of 14 November 2005 the following notice of motion was adopted;

- “1. *That a report be brought forward to the Community and Environment Committee in relation to the possible imposition by Council of a cat educational program taking into account the following;*
  - (a) *Council’s regulatory authority;*
  - (b) *Methods of enforcement including by Council Rangers and by Council supplied cat traps to residents;*
  - (c) *Possible hours of operation of curfew – eg. from 10:00pm to 6:00am; and*
  - (d) *The potential environmental benefits of imposing cat controls.*
2. *That in compiling the report Council officers consider the experience of Victorian Councils such as Wyndham and Bendigo and, where considered appropriate, consult with relevant NGOs [non-government organizations] such as the Cat Protection Society, the RSPCA and relevant environmental groups.”*

### Background:

In preparing this report extensive research was undertaken and direct contact was made with the following organisations;

Various local government agencies in Victoria and New South Wales;  
The Cat Protection Society – NSW;  
The Royal Society for the Protection of Cruelty to Animals (RSPCA) NSW; and  
Cat Rescue.

The matter was discussed at the Council’s Animal Advisory Committee (AAC) meeting on 17 May 2006, and the following minutes were recorded;

*“Tim Tuxford provided a presentation regarding cat management as a result of Council’s Notice of Motion adopted on 14 November 2005*

*Colin Cheshire stated that the Companion Animals Act is very weak with regard to cat management and that a stronger model would be preferred.*

*Barrie Towers suggested that an education program highlighting the need for domestic cats to be kept in at night would be ideal.*

*Lyn Sanchez also stated that education is an important factor with regard to responsible pet ownership and this may be done through People & Pets Day and by visiting schools. Councillor Excell indicated that there was a concern with feral cats in Council’s parks and it was the intent of the notice of motion that the requested report should address this issue.*

*Tim Tuxford asked Committee members to send him their comments on the presentation over the next two (2) weeks.”*

No further comments have been provided by individual committee members.

The presentation to the AAC largely focused on issues associated with domestic cats. However following the presentation it became evident that it was the intent of the Council’s notice of motion to also have the issue of feral/stray/unowned cats considered.

Meetings were also held with staff from Council’s Ranger Section and David Sheils, Manager – Public Open Space and Bruce Rann, Manager – Parks & Street Trees.

### **Categories of Cats:**

For management and control purposes there are various definitions or categories used to describe cats in our society. The categories used by the NSW National Parks and Wildlife Services and the Federal Department of Environment & Conservation are;

Domestic cats – pet or house cats living with people, their ecological requirements are intentionally provided by humans. They are owned and cared for.

Stray cats – are those found roaming cities, towns and some rural holdings. They only rely partly on humans for the provision of their ecological requirements. They are dumped cats or cats living in urban fringe situations.

Feral cats – are those that survive without any human contact or assistance. They survive and reproduce in self-perpetuating populations.<sup>1</sup>

It is acknowledged that individual cats can shift between the above categories during their lifetime.

The RSPCA describe cats as either owned or unowned, grouping stray and feral cats into the latter category. The RSPCA state that the difference between owned and unowned cats is only in the degree of domestication and there is a fine line between a cat being a companion animal and a wild creature.<sup>2</sup>

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<sup>1</sup> ‘Predation by feral cats – key threatening process declaration’, [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au), and ‘The Feral Cat Fact Sheet’ Department of the Environment and Heritage, 2004.

<sup>2</sup> Page 20, ‘Companion Animals Policy & Position Paper’ 2006, RSPCA.

### **Benefits of Controlling Cats:**

It is generally accepted that cats should be controlled and should not be permitted to roam. Organisations such as the RSPCA, Cat Protection Society and Cat Rescue actively encourage owners of cats to ensure they keep their cats inside, especially during the night. Cats are nocturnal and are instinctively hunters.

The common forms of nuisance caused by roaming cats on private property include the following;

- General trespassing;
- Spraying by male cats;
- Defecating in garden beds;
- Noise due to cat fights, calling and crying;
- Fights with owned cats;
- Cause dogs to bark; and
- Attack wildlife.<sup>3</sup>

The common problems caused by cats in public places include;

- Killing wildlife;
- Spreading disease; and
- General nuisance.<sup>4</sup>

Of major concern is the impact of cats on our native wildlife. In this regard, Randwick Council lists the following information on their website and in their “*Where was your cat last night*” brochure<sup>5</sup>.

- Domestic cats kill wildlife up to their own size including;
  - 100 species of native birds
  - 50 mammal species
  - 50 reptile species
  - Numerous frogs & insects
- An average domestic cat kills about 25 native animals a year and scaling these figures mean about 75 million animals are killed each year.
- Animals being killed include;
  - Mammals such as Brushtail possums, Pygmy Possums, Sugar and feathertail gliders, bats, marsupial mice and native rats.
  - Birds, such as parrots, honeyeaters, pigeons, robins, kingfishers, quails, finches, willy-wag-tails, and wrens.
  - Frogs and several reptiles such as legless lizards, blue tongued lizards, bearded dragons, geckoes and skinks.

Similarly, a research report titled “*The Metropolitan Domestic Cat*”<sup>6</sup> concluded the following;

- Over 56% of domestic cats were reported to catch prey;
- 41% of domestic cats caught introduced mammals such as mice, rats and rabbits (vermin) and 2% caught native mammals such as possums or bats;
- 17% of cats caught reptiles or amphibians such as lizards, skinks, snakes or frogs;

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<sup>3</sup> ‘*Cat Management Manual*’, Victorian Department of Primary Industries, [www.dpi.vic.gov.au](http://www.dpi.vic.gov.au).

<sup>4</sup> ‘*Cat Management Manual*’, Victorian Department of Primary Industries, [www.dpi.vic.gov.au](http://www.dpi.vic.gov.au).

<sup>5</sup> [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au). Reference document, ‘*The Endangered Species Unit Australian National Parks and Wildlife Service – Cats in Australia Fact Sheet 1993*’

<sup>6</sup> Prepared by Reark Research Pty Ltd, April 1994

- 19% of domestic cats caught introduced birds such as sparrows and starlings and 7% caught native birds such as magpies or honey eaters.

With regard to feral cats the NSW National Parks and Wildlife Service states the following;

- Feral cats are carnivorous, capable of killing vertebrates up to 2-3 kilograms;
- Preference is for mammals and birds less than 200 grams;
- They do eat amphibians and invertebrates; and
- Predation by feral cats has been implicated in the extinction and decline of many species of mammals and birds on islands around Australia and in other parts of the world and in early extinction of up to seven species of small mammals on the Australian mainland.<sup>7</sup>

The Federal Department of Environment and Heritage supports the above view, especially in relation to the impact of feral cats on mammals and birds. They further state that “[F]eral cats carry infectious diseases such as toxoplasmosis and sarcosporidiosis, which can be transmitted to native animals, domestic livestock and humans.”<sup>8</sup>

Happy Paws Australia, a web-based resource for rescue groups needing assistance in the re-homing of their animals, has a section on their website titled ‘*Cat Myths*’ that question some of the above facts. The type of arguments advanced by Happy Paws includes the following;

- There is no evidence in any study yet produced in Australia that cats have caused the extinction of any mainland species of native animals or that they are more than a marginal threat to the survival of any mainland species of native animal.
- Virtually all studies of cat diet indicate that, where introduced prey are available, cats eat mainly rats, mice and rabbits (numerous studies listed).
- Most studies indicate that cats seldom eat birds (Jones and Coman 1980, Jones 1992) and a study of 513 threats to native birds indicated that cat predation was a factor in the threat to only three (Garnett 1992).
- Cats are territorial animals and do not let new cats into their territories. Once established in a territory, a cat population stabilises (C.A.T.S., 1995) therefore stray or dumped domestic cats do not increase the number of feral cat colonies.<sup>9</sup>

While the exact extent of the impact of cats on our native wildlife is unknown, it is still evident that there is an impact. All agree that cats are predators and they do kill wildlife. Also, all agree that cats are prolific breeders. Happy Paws state that one unspayed female cat and her offspring will produce 430,700 cats in a seven year period.<sup>10</sup>

### **New South Wales Legislation:**

Generally cats are controlled by local government in New South Wales (NSW) pursuant to the provisions of the *Companion Animals Act 1998* (the “Act”) and Companion Animals Regulation 1999 (the “Regulation”). The provisions that are specifically relevant to the current notice of motion include the following;

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<sup>7</sup> ‘Predation by feral cats – key threatening process declaration’, [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au).

<sup>8</sup> ‘The Feral Cat Fact Sheet’, Department of the Environment and Heritage, 2004.

<sup>9</sup> ‘Cat Myths’, posted February 2005, [www.happypaws.com.au](http://www.happypaws.com.au).

<sup>10</sup> ‘Cat Myths’, posted February 2005, [www.happypaws.com.au](http://www.happypaws.com.au).



<b>Summarised Provisions of the NSW Companion Animals Act 1998 and Regulation</b>	
<b>Section/Clause</b>	<b>Summarised Provision</b>
Section 9 of the Act & Clause 17 of the Regulation	All companion animals, including cats, are to be <b>registered</b> from the time the animal is 6 months. Cats born before 1 July 1999 are <b>exempt</b> for this requirement, other than a cat whose ownership changes after 1 July 1999.
Section 10A of the Act	An offence is committed when an unregistered companion animal is in a place other than where it is ordinarily kept.
Part 4 of the Act	'Responsibilities for control of cats'.
Section 29 of the Act	Cats must wear a form of identification such as a tag or a microchip, except when on the property where their owner lives or when exhibited in a show. ID must identify name of the cat and the address or telephone number of the owner of the cat.
Section 30 of the Act	<p>Cats are prohibited from food preparation/consumption areas and wildlife protection areas. A breach is subject to a penalty infringement notice (PIN) of \$110.</p> <p><b>Wildlife protection areas</b> mean "<i>any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority ordered that cats are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that cats are prohibited in or on that public place</i>".</p> <p>A local authority is authorised to make the orders contemplated by this section</p>
Section 31 of the Act	<ul style="list-style-type: none"> <li>• An authorised officer can declare a cat a <b>nuisance</b> if it; <ul style="list-style-type: none"> <li>- persistently makes a noise;</li> <li>- interferes with the peace, comfort and convenience;</li> <li>- repeatedly causes damage.</li> </ul> </li> <li>• If an authorised officer is satisfied a cat is a nuisance, the officer may issue an order requiring the owner to prevent the behaviour allegedly constituting the nuisance.</li> <li>• Must specify the behaviour required to be prevented and can specify more than one kind of behaviour.</li> </ul> <p>A nuisance order remains in force for 6 months.</p>
Section 31A of the Act	<ul style="list-style-type: none"> <li>• An authorised officer must give notice of intention of proposed 'nuisance order' to the owner of the cat.</li> <li>• Must set out <ul style="list-style-type: none"> <li>- requirements with which the owner will be required to comply</li> <li>- owner's right to object to the proposed order within 7 days</li> </ul> </li> <li>• No objection within the specified time may proceed to issue the order.</li> <li>• If the owner does object within the specified time, the authorised officer must consider the objection before deciding whether or not to issue the order.</li> <li>• A breach of a nuisance cat order is subject to a PIN of \$165.</li> </ul>
Section 32 of the Act	<ul style="list-style-type: none"> <li>• Any person may lawfully seize a cat if reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death.</li> <li>• Not required to comply with section 62 (Seized animals to be returned to owner or taken to council pound) if the person delivers cat to its owner or an authorised officer.</li> <li>• An authorised officer is not to give a direction under this section for the purpose of causing a cat to be taken to a council pound unless the authorised officer is satisfied that the owner of the cat cannot be identified.</li> <li>• Must comply with <i>Prevention of Cruelty to Animals Act 1979</i>.</li> </ul>

There is currently no provision in the NSW legislation to declare a 'cat curfew', which could prohibit cats being at large at specified times. In fact, the Department of Local Government specifically states that "*the Companion Animals Act does not contain any requirements for a cat curfew or for cats to be kept inside. However cat owners are encouraged to keep their cat inside at night as this can provide many benefits to both the cat itself and the general community.*"<sup>11</sup>

The Department also states the following;

- There is no legal notion of a stray cat and there is no offence in a cat straying. The owner of a premises may encourage a cat to leave their premises, but this must not involve any cruelty; and
- The Act is not designed to address the issue of feral animals, however feral cats can be seized if found in a wildlife protection area or if reasonable and necessary to protect a person or animal from injury or death.<sup>12</sup>

In this regard, the legislation and the Department provide little guidance on the type of public places that could be considered a 'wildlife protection area'. The wording of the legislation suggests, and could be interpreted, that only public areas set aside specifically for "*the protection of wildlife*" can be considered wildlife protection areas.

Conversely, it may be sufficient for a Council to have evidence that a natural area supports wildlife and the Council wishes to protect that wildlife.

Bega Valley Shire Council has used the 'wildlife protection area' provisions of the Act to protect the endangered Little Terns along the Bega Valley coastline. The Council has declared the breeding areas of the Little Terns a 'wildlife protection area' and prohibit dogs from the area from October 1 to April 30 each year.<sup>13</sup>

Similarly, Pittwater Council has declared the Western Foreshores of Pittwater a 'wildlife protection area' prohibiting all companion animals. Pittwater's stated aims for the declaration are;

*"To stop the spread of domestic and feral animals into the National Park.  
To preserve the complex biodiversity of indigenous wildlife and plant communities within Kur-ring-gai Chase National Park, Council's bushland reserves and private properties."*<sup>14</sup>

Nevertheless, whether a public area is declared a 'wildlife protection area' or not, it would be reasonable to trap feral or unowned cats because it is likely from the available evidence that they could cause injury or death to other animals.

### **Victorian Legislation:**

Cats are controlled in Victoria by local government pursuant to the provisions of the *Domestic (Feral & Nuisance) Animals Act 1994*. This legislation is quite different from the NSW *Companion Animals Act 1998*, as detailed below;

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<sup>11</sup> 'Chip In', [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au), Frequently Asked Questions.

<sup>12</sup> Page 2, 'Frequently Asked Questions - Cats Information Sheet 11', Companion Animals Advisory Board, March 2001.

<sup>13</sup> Page 1, 'NRM Update for Local Government in NSW', Edition 34, 23 August 2005

<sup>14</sup> Page 36, 'Development Control Plan No. LP19 -Scotland Island & Western Foreshores Locality Plan', adopted 24 September 2001.

<b>Summarised Provisions of the Victorian Domestic (Feral &amp; Nuisance) Animals Act 1994</b>	
<b>Section</b>	<b>Summarised Provision</b>
Section 23	It is an offence for a cat to be present on private property on more than one occasion without the permission of the owner or occupier of the property. The owner or occupier of private property or an authorised officer may seize the cat while it is present on the property. Council may issue a Notice on the owner of the cat and an offence is committed if the Notice is breached
Section 25	A Council may, by resolution, declare a 'cat curfew', restricting the time that cats are permitted to be at large. The owner of a cat found at large outside the curfew is guilty of an offence and liable, upon conviction, to a penalty.
Section 26	A Council may, by resolution, prohibit the presence of cats from any public place. The owner of a cat found in a declared prohibited place is guilty of an offence and liable, upon conviction, to a penalty.

The Victorian legislation has much stronger controls for the management of cats. It actively encourages the trapping of domestic cats by private property owners/occupiers and makes it much easier for local councils to prohibit cats from being at large at specific times and/or from specific public places.

#### **NSW Local Government Experience and Feedback:**

In preparing this report all NSW councils were contacted by email, however feedback was only received from the following councils;

- Ashfield Council
- Bega Council
- Byron Council
- Camden Council
- Coffs Harbour Council
- Hasting Council (Port Macquarie)
- Hawkesbury Council
- Kiama Council
- Ku-ring-gai Council
- Newcastle City Council
- Wollondilly Council
- Wollongong Council

None of the above Councils impose a cat curfew or hire cat traps. Also, none stated that they have "*wildlife protection areas*" declared in their local government area. All of the councils that responded indicated that they rely on education to control cats in their area.

Byron City Council has introduced a "*cat time zone*" from dusk to dawn, which is simply a voluntary system used in their cat education program to encourage residents to keep their cats in at night.

Wagga Wagga City Council, who did not initially respond to Council's general enquiry, does hire cat traps for both feral and domestic cats. They advised that traps are generally not provided for domestic cats (ie. owned cats) without the affected owner/occupier being required to first discuss the problem with the owner of the cat, if known. However, they confirmed there is no way of ensuring this happens.

In addition, Wagga Wagga City Council has produced a *'Helpful Hints on Deterring Cats'* brochure, which includes suggestions such as;

- Surround property with a fence that leans in the direction from which the cat will approach;
- Fix taut wire or string above the boundary fence;
- Install specially designed plastic spikes on the top of fences, shed roof etc.;
- Place ½ full plastic bottles in borders;
- String unwanted CDs between trees;
- Install spiked tree collars to prevent climbing;
- Place clippings from thorny or spiky plants around the yard;
- Use scented deterrents; and
- Use high frequency electronic deterrent devices.

Wagga Wagga City Council again recommended that affected property owners/occupiers make sure the offending cats do not belong to a neighbour and if it does, discuss the problem with the owner of the cat before using any of the listed deterrents.

Obviously many of the above suggestions would not be appropriate in our local government area.

### **Victorian Local Government Experience:**

The Victorian Department of Primary Industries (DPI) has compiled a web-based *'Cat Management Manual'* that is available for use by all Victorian councils. The manual is an extensive resource document that includes fact sheets, standard letters and procedures and practices. Examples of the topics covered by the manual include;

- Section 4 - Cats Causing Nuisance on Private Property;
- Section 5 - Cats in Public Places and Cat Confinement;
- Section 6 - Trapping Cats (includes a standard protocol and standard letters to residents);
- Section 12 - Community Education and Responsible Cat Ownership

As permitted under Victorian legislation, numerous Victorian Councils have declared *'cat curfews'* and actively hire cat traps, including Bendigo City, Wyndham and Yarra Ranges Councils.

Some inner city councils such as Yarra City and Monash Councils only hire cat traps, but have not declared a cat curfew. Further Monash Council also contracts the Cat Protection Society to trap cats on their behalf.

The action taken by individual councils varies depending on the location of the local government area and the perceived extent of the cat problem. Similarly, the curfews declared vary from area to area for the same reasons. For example, the Bendigo curfew applies from 8.00pm to 6.00am each day, while Wyndham's curfew operates from 10.00pm to 6.00am.

The hiring of cat traps and the trapping of cats by Victorian local councils is guided by the provisions of the DPI's *'Cat Management Manual'* which specifies the following;

Hirers of traps are required to enter hire contracts. The contracts highlight the need to comply with the provisions of the *Prevention of Cruelty to Animals Act* and require animals to be treated humanely. Contracts also indemnify the Councils from any actions of the hirer;

Traps are only hired for short periods, usually from 1 to 3 nights;

Generally trap hire and trapping is not permitted over weekends;

Adjoining residents (of varying numbers) are required to be notified by the resident undertaking the trapping, prior to the commencement of any trapping; and

Cats are to be surrendered to the Council as soon as possible.

## **Non-Government Organisations:**

### Cat Protection Society - NSW

The Cat Protection Society supports responsible cat ownership, desexing and “*self imposed cat curfews*”. With regard to curfews the Society states the following;

*“For your cat's protection and your peace of mind keep him/her in at night. Not only is your cat unlikely to be involved in cat fights or neighbourhood disputes, your cat is also safe from being hit by a car thus avoiding potentially costly vet bills.”<sup>15</sup>*

Ms Kate Kerr, the CEO of the Cat Protection Society in NSW estimates that keeping cats in at night would eliminate 99% of problems associated with owned cats.

The Society considers that education should be the first option for any local council. They believe that trapping of owned cats, as occurs in Victoria, is fraught with danger and could escalate already tense neighbourly relations.

Where there are ongoing problems with owned cats the Society refers affected residents to their local council. Ms Kerr states that the Society receives minimal calls for assistance from Eastern Suburb residents.

### The Royal Society for the Protection of Cruelty to Animals (RSPCA) NSW

The RSPCA has developed and adopted a number of Policy Statements and Position Papers relating to animal issues. Section 3.2 of the ‘*Companion Animals Policy & Position Paper (2006)*’ provides guidelines for developing control measures for cats. This section identifies that stray and feral cats are a major problem, however the RSPCA consider that any control measures must be addressed at both owned and unowned cat populations. The RSPCA highlights that it is important that unwanted cat populations are not replenished from uncontrolled urban cats<sup>16</sup>

The RSPCA position paper states that “*any program for controlling cats must have the following goals;*

*Protect the welfare of cats*  
*Recognise the value of the cat to society*  
*Reduce the impact of predation by cats on native wildlife*  
*Reduce the incidence of public nuisance by uncontrolled cats.”<sup>17</sup>*

The RSPCA highlights that owned or domestic cats provide a reservoir of breeding animals for unowned cat colonies, continually replenishing and increasing the population of established unowned colonies.

When the RSPCA was contacted directly they indicated that it was a property owner’s right to trap nuisance or uncontrolled cats that enter their property. However, they emphasised that trapping should only occur within the following guidelines;

Adjoining neighbours must be notified before any trapping commences;  
A trapped animal is not to be left in a trap for an extended period;  
Trapped animals must be surrendered to the local Council immediately; and  
Property owners undertaking trapping must comply fully with the *Prevention of Cruelty to Animals Act 1979*.

<sup>15</sup> ‘*Be a responsible cat owner*’, last updated July 2006, [www.catprotection.org.au](http://www.catprotection.org.au).

<sup>16</sup> Page 20, ‘*Companion Animals Policy & Position Paper*’ 2006, RSPCA.

<sup>17</sup> Page 20, ‘*Companion Animals Policy & Position Paper*’ 2006, RSPCA.

## Cat Rescue

Cat Rescue is a network of carers and vets who give up space in their own homes to care for and re-home neglected and abandoned animals. They work closely with local councils and community groups and rely on goodwill and donations to assist hundreds of animals.

Cat Rescue describe themselves as a “no kill” organisation that supports responsible pet ownership. They encourage desexing and consider that Council’s should target residents to discourage the dumping of unwanted cats that add to the existing unowned cat colonies throughout Sydney.

With regard to unowned cat colonies, Cat Rescue’s suggested solution is a program of ‘Trap/Desex/Return’, coupled with foster care for cats that can be re-homed and education.

### **Woollahra Council – Current Practices:**

As at May 2006, 1,274 cats were identified on the NSW Pet Register as being microchipped and living within the Woollahra Council local government area. Of these cats, only 655 were registered at that time.<sup>18</sup>

A review of Council’s Customer Request Management System reveals that only 119 requests had been logged for cat related issues for the period from May 2002 to May 2006. The type of requests that had been logged included;

Nuisance cat issues:	29 (average of 7-8 per year)
Lost cats:	33
Found cats:	8
Dead cats:	49

7 nuisance cat requests were recorded between July 2005 and May 2006.

Council’s Parks’ staff have witnessed cats in a number of Council’s public parks and reserves including Cooper Park, Gap Reserve, Harbour View Park, Parsley Bay Reserve and Trumper Park. Council currently has six (6) cat traps (cages) and one (1) fox trap (cage) and these have randomly been placed in the above areas when requested by the Parks staff.

There is also a known colony of unowned/feral cats in the White City, Paddington area. In an attempt to control this colony Council has been regularly placing traps in the area underneath the pathway at Edgecliff, near the Shell service station. In addition, traps have been provided to residents in the general area surrounding White City.

During the 2004/2005 financial year Council seized and impounded 61 cats, with the majority of these considered feral. Any animals seized by Council are impounded at the Sydney Dogs Home at Carlton. Council directly returned two cats to their owners and seven other cats were sold by the Sydney Dogs Home.

Council’s existing trapping activities have been ad hoc and the private users of Council’s traps have not been required to sign a hire agreement or an indemnification note.

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<sup>18</sup> Companion animal registration in NSW is a two step process. The first step is to microchip (ie. identify) the animal and when this occurs the details are recorded on the state-wide Pet Register. The second step is to formally register the animal and when this occurs the Pet Register is updated.

## **Cat Control Options for Woollahra Council:**

### Cat curfew

Having regard to the current limitations of the NSW legislation, it is not permissible to declare a 'cat curfew'. Nevertheless, any education program that is developed by Council should encourage cat owners to keep their pets inside from dusk to dawn and out of Council's parks and reserves.

### Prohibition of cats from designated public places

The *Companion Animals Act 1998* only permits Councils to prohibit cats from 'wildlife protection areas', being an area set aside for the protection of wildlife. None of Council's parks and reserves have currently been set aside specifically for the protection of wildlife. Although, it is acknowledged that these reserves provide ecological, recreational, cultural and aesthetic benefits to the community and the environment in general.

Council's remnant bushland areas in Cooper Park, Gap Park, Harbour View Park and Parsley Bay Reserve are known to support commonly occurring native wildlife that are not considered to be rare or endangered. Typical fauna includes commonly occurring birds, reptiles and amphibians. Brushtail and Ringtail Possums also occur in our parks and readily access private properties.

Having regard to the anecdotal evidence of the type of wildlife in the above reserves and the wording of the current legislation, there may be sufficient grounds for Council to declare its remnant bushland 'wildlife protection areas' and in turn, order the prohibition of cats pursuant to Section 30 of the *Companion Animals Act 1998*. However, to ensure there is appropriate community consultation and involvement, it is recommended that such an intention be placed on public exhibition before any formal declaration or order is adopted.

Nevertheless, whether a public area is declared a 'wildlife protection area' or not does not prevent Council from its current practice of humanely trapping unowned and feral cats. However if Council was to find an owned cat in one of Council's bushland areas, the owner of the cat would not be subject to any penalty unless the cat had already been declared a 'nuisance cat'.

### Trapping of owned cats

The private trapping of owned cats is not considered appropriate and is not supported by the current legislation. The Act provides a mechanism for dealing with owned cats that cause a nuisance, including the issuance of a "nuisance cat order." The private trapping of owned cats could lead to more serious neighbourhood disputes and as stated by the Cat Protection Society is fraught with danger.

### Development of an improved community education and awareness program

It is considered that the control of owned cats should be supported by the development of an improved community education and awareness program based on the Victorian DPI's '*Cat Management Manual*'. This could include the following;

- Development of brochures and information sheets on;
  - Responsible cat ownership;
  - How to deter cats from coming into your property;
  - Action available in relation to nuisance cats.

Development of information for Council's website with links to useful resources such as the Cat Protection Society and Cat Rescue.

Inclusion of responsible cat ownership in the Council's schools' education program.  
Inclusion of responsible cat ownership at Council's annual 'People & Pets Day'.

Trapping of unowned, stray and feral cats

Council is permitted to continue humanely trapping unowned and feral cats in public places as it is reasonable to consider, from the available evidence, that these cats may kill or harm an animal (other than vermin).<sup>19</sup> However, it is considered that Council's trapping program should be improved to ensure that owned cats are not trapped. The enhancements that should be introduced include the following;

Signs should be erected in Cooper Park, Parsley Bay, Gap Reserve, Harbour View Park and Trumper Park and in the public area adjoining White City, to indicate that the trapping of unowned, stray and feral cats will occur in these areas from time to time.

Traps should not be located within close proximity to residential properties (closer than 30 metres) without first notifying the surrounding occupiers that a trapping program is being undertaken.

Cat traps should only be provided to private property owners adjoining open space areas for the trapping of unowned and feral cats. A formal agreement, similar to that developed by the Victorian DPI, would need to be signed by the property owner/occupier. The agreement would require the user of the trap to;

- Formally notify adjoining neighbours that they will be trapping unowned and feral cats on their property;
- Acknowledge their responsibilities pursuant to the *Prevention of Cruelty to Animals Act 1979*;
- Surrender any trapped cats to Council as soon as possible; and
- Indemnify Council for any of their actions.

Tim Tuxford  
Manager - Compliance

David Sheils  
Manager – Public Open Space

Allan Coker  
Director - Planning &  
Development

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<sup>19</sup> Section 32, *Companion Animals Act 1998*.



**Item No:** D5 Delegated to Committee  
**Subject:** **Oxford Street, Paddington - Bus Lane and Speed Limit**  
**Author:** Greg Stewart - Manager Public Infrastructure  
**File No:** T349 and 261.G Part 6  
**Reason for Report:** Council resolution calling for a report on the Oxford Street bus lane and a request received from the City of Sydney Council for this Council's support for a reduction in the speed limit along Oxford Street.

**Recommendation:**

That Council support a combined submission with the City of Sydney Council to the Roads and Traffic Authority for :

- a) a reduction in the hours of operation of the bus lane along the northern side of Oxford Street, Paddington, so as to commence at least 3.30pm Monday to Friday rather than 3pm as is presently the case, and
- b) a reduction in the speed limit of Oxford Street from Hyde Park to Centennial Park from 60km/hr to 50km/hr.

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***Issue 1 - Bus Lane along the northern side of Oxford Street***

Council, at its meeting of 10 April 2006, when considering a report on the recommendations of the Oxford Street Paddington and Double Bay Commercial Centre working parties, resolved inter alia:

- “3. *That the Director Technical Services report to the Corporate and Works Committee on the progress of negotiations with the RTA on limiting the operation of the clearway along Oxford Street.* “

Although the above resolution calls for the report to be presented to the Corporate and Works Committee, this report has been submitted to this Community and Environment Committee as it is this Committee that considers traffic management measures.

The following information is provided in response to the above resolution.

**Background:**

Between the hours of 3.00 pm and 7.00pm, Monday - Friday, the northern kerbside parking lane of Oxford Street, Paddington, operates as a Bus Lane. During this period, there is no period-parking available for this shopping centre along the northern side of Oxford Street.

In early 2004, the Paddington Chamber of Commerce engaged Sinclair Knight Merz to undertake some preliminary modelling of the traffic along Oxford Street, Paddington. The purpose of this modelling was to determine the merits of retuning the bus lane in the pre-peak period, this being between 3.00pm and 4.00pm, to period parking, in conjunction with the anticipated reduction in traffic flows along Oxford Street, Paddington, associated with the introduction of the Cross City Tunnel. The conclusion reached in 2004 by Sinclair Knight Merz, as a result of this study, was that the *“release of the current eastbound ‘bus only’ lane to general parking during the pre-peak shoulder period would seem to be warranted, subject to further assessment of current traffic and detailed bus operations”*. They further recommended that the project continue, with detailed traffic counts and refined modelling being carried out together with further discussions with the Roads and Traffic Authority and the State Transit Authority.

Following the receipt of the above report by the Paddington Chamber of Commerce, the Paddington Chamber of Commerce requested Council to continue the project as recommended by Sinclair Knight Merz.

In late 2004, a meeting was held with representatives of the State Transit Authority, the Roads and Traffic Authority, Sinclair Knight Merz and the Paddington Chamber of Commerce to discuss the possible relaxation of the pre-peak hours of operation of the bus lane. The main outcomes of this meeting were as follows:

The State Transit Authority advised that they were concerned that a reduction in the hours of operation of the bus lane in Oxford Street would have a negative impact on their travel times and, therefore, their timetable reliability; and that any proposal to alter the times of operation of the bus lane would need to demonstrate that the Level of Service for buses would remain unchanged.

The Roads and Traffic Authority advised that they would be prepared to consider the proposal.

Following the above meeting, Council engaged Arup Transport Planning to undertake field surveys and traffic analysis to independently investigate the feasibility of the proposal. Arup undertook traffic surveys on Oxford Street on Wednesday 27 July 2005 between 2.00pm and 5.00pm to assess the operating characteristics of the eastbound Oxford Street bus and traffic lanes between Taylor Street and Queen Street. The timing of the surveys was structured to capture one hour either side of the hour in question (3pm – 4pm) on a typical weekday. The survey comprised two parts, the recording of bus travel times between Taylor Street and Queen Street as well as the recording of traffic volumes in each traffic lane at key locations.

The findings and recommendations of the Arup Transport Planning report (Annexure 1) were as follows:

*“The survey data and bus travel times indicate that private traffic and bus operations between 2pm-3pm and 3pm-4pm are similar. It is likely that bus operations would be relatively unaffected by the proposed change in Bus Lane hours of operation. However, wider issues of consistency of the time period would need to be addressed in providing a non-standard Bus Lane. That said, the recently installed Bus Lane on Elizabeth Street in Surry Hills, between Central and Cleveland Street, operates between 3.30pm and 6.30pm.*

*If the time frame was adjusted at this location, it would potentially provide a precedent for other similar shopping strips across Sydney.*

*One of the reasons for commencing the Bus Lane operation at 3pm is to assist with clearing the parked vehicles away as early as possible prior to the evening peak commuter traffic build-up after 4pm. The issue with carrying the time allocations across Sydney is that drivers will not differentiate this location when parking.*

*It is envisaged that current parking between 2pm and 3pm would be used by parents shopping before or after collecting children from school, however the demographics of those that would use potentially available parking between 3pm and 4pm is not as easily identifiable."*

A copy of the Traffic Assessment Report prepared by Arup Transport Planning was sent to the Roads and Traffic Authority in November last year together with a request that the Roads and Traffic Authority agree to relax the hours of operation of the bus lane from 3pm-7pm to 4 pm-7pm. In response to this request, the Roads and Traffic Authority have advised:

*"Oxford Street is identified as a strategic bus corridor in the NSW Government's "Review of Bus Services". The number of buses travelling along Oxford Street is therefore likely to increase with the proposed implementation of an integrated bus network, incorporating strategic bus corridors in the region. As a result, the demand for the bus lane in Oxford Street from 15:00 to 19:00 hrs will increase in the coming years.*

*Furthermore, it is the RTA policy to align all bus lane operating hours with the standard clearway operating hours. The main benefit of retaining the same standard operating times for bus lanes and clearways is that it will make it easier for drivers to recall two standard operating periods for these facilities (eg 06:00 to 10:00 hrs and 15:00 to 19:00 hrs), except the 24 hrs bus lanes. It is also worth noting that the PM bus lanes on Oxford Street replaced a clearway, which operated from 15:00 hrs to 19:00 hrs. In addition, commencing the bus lanes at 15:00 hrs provides sufficient time to clear the parked vehicles occupying the kerb side bus lanes prior to the build up of peak traffic at around 16:00 hrs.*

*As noted in Arup's report, there are inconsistencies with regard to the hours of operation of PM bus lanes in Sydney CBD. The RTA is currently in negotiation with City of Sydney Council to bring the operating hours of PM bus lanes in line with the standard clearway operating hours.*

*At present, the NSW Government is also working towards improving the bus travel times and reliability. If we attempt to relax the bus lane operating hours, many benefits associated with the bus lanes may not be achieved.*

*In light of the above, the RTA is unable to support the proposal to commence the bus lane operation in Oxford Street in the PM peak from 16:00 hours in lieu of the current 15:00 hrs commencement time."*

### **Consideration:**

The finding of the Arup report was that it was likely that bus operations would be relatively unaffected by a change in the hours of operation of the bus lane in Oxford Street from 3-7pm to 4-7pm.

Also, as stated in the Arup report and in the response received from the Roads and Traffic Authority, there are inconsistencies with the Roads and Traffic Authority's standard operating times for bus lanes in the Central Sydney Area where all the afternoon bus lanes operate between 3.30pm and 6.30pm.

The City of Sydney Council has opposed the extension of the operating hours of the bus lanes in the Central Sydney Area and has advised that they will continue to do so. They have taken this stance on the basis of a need to balance the needs of the shopkeepers and businesses in these areas with the needs of public transport.

**Recommendation:**

Having regard to the above and the advice received from the City of Sydney Council that it would support a reduction in the hours of operation of the bus lane in Oxford Street, it is recommended that Council support a combined submission with the City of Sydney Council to the Roads and Traffic Authority for a reduction in the hours of operation of the bus lane along the northern side of Oxford Street, Paddington.

Because of the stance taken to date by the Roads and Traffic Authority and having regard to the hours of operation of the bus lanes in the Central Sydney Area, it is considered that it is unlikely that the Roads and Traffic Authority will approve of the bus lane commencing at 4pm. There is however a case for the bus lane commencing at 3.30pm as is the case in the Central Sydney Area and accordingly, it is recommended that we seek an alteration to the hours of operation of the bus lane so that it commences at 3.30pm rather than 3pm as is currently the case.

***Issue 2 – Speed Limit along Oxford Street***

**Background:**

The City of Sydney Council has reviewed the speed limit along Oxford Street and has identified some anomalies with signs which currently indicate a 60km/hr speed limit from Flinders Street, Taylors Square to Centennial Park. The section of Oxford Street from Taylors Square to Hyde Park appears to be 60km/hr into the City and 50km/hr out of the City.

As part of the City of Sydney Council's Oxford Street upgrading works, an application was submitted by the City of Sydney Council to the Roads and Traffic Authority, who approve speed limits, for the Oxford Street speed limit to be changed from 60km/hr to 40km/hr between South Dowling Street at Hyde Park. At this stage, the Roads and Traffic Authority has not confirmed the approval of any change to the speed limit and this matter is being followed up by the City of Sydney Council staff.

The City of Sydney is seeking this Council's support in making a combined submission to the Roads and Traffic Authority for a reduction in the speed of Oxford Street between Hyde Park and Centennial Park to 50km/hr.

**Consideration:**

The City of Sydney Council supports a lower speed limit along Oxford Street through Paddington because of the significant pedestrian activity associated with the ribbon shopping centre, school students, churches, theatres, etc.

Whilst the City of Sydney Council would like to see a 40km/hr speed limit along Oxford Street, this appears unlikely to receive the Roads and Traffic Authority's support and, therefore, it is considered that the most appropriate speed limit would be 50km/hr.

In a recent report prepared by Jamieson Foley Traffic and Transport Pty Ltd for the Roads and Traffic Authority on a review of the traffic management arrangements proposed in conjunction with the implementation of a 40km/hr speed limit in Paddington, it was identified that there was a very strong crash concentration along Oxford Street.

A review of the accident history for eastbound traffic only, for Oxford Street between Barcom Avenue and Queen Street for the nine year period 1 July 1996 to 1 July 2005, has been carried out. During this nine year period, there has been a total of 294 reported accidents, 89 of which have involved pedestrians. These accidents involving pedestrians resulted in 90 people being injured and three fatalities. We do not have the accident history for westbound traffic along Oxford Street as the Municipal boundary is the centreline of Oxford Street.

A reduction in the speed limit along Oxford Street would result in a reduction of the high number of accidents and persons injured. It would also provide a much safer environment for pedestrians.

A reduction in the speed limit along Oxford Street to 50km/hr would also, once the 40km/hr speed limit throughout Paddington is introduced, reduce the speed differential between Oxford Street and the side streets from 20km/hr to 10km/hr improving safety.

**Recommendation:**

As a reduction in the speed limit of Oxford Street from 60km/hr to 50 km/hr would provide a much safer environment for pedestrians and reduce the number of accidents and injuries, it is recommended that Council support a combined submission with the City of Sydney Council to the Roads and Traffic Authority for a reduction in the speed limit of Oxford Street from Hyde Park to Centennial Park from 60km/hr to 50km/hr.

**Identification of Income & Expenditure:**

Nil. The proposal will only require staff time to prepare a submission to the Roads and Traffic Authority.

Greg Stewart  
Manager Public Infrastructure

Warwick Hatton  
Director Technical Services

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**ANNEXURES:**

Arup Transport Planning Report

**Item No:** D6 Delegated to Committee  
**Subject:** **Woollahra Council Youth Photographic Award and Kids Day Out**  
**Author:** Faye Lawrence – Manager Library Services  
**File No:** 596.G  
**Reason for Report:** To provide information to Council on two significant upcoming library cultural events namely the Woollahra Council Youth Photographic Award to be presented on Wednesday 13<sup>th</sup> September 2006 and the Kids Day Out set for Sunday 29<sup>th</sup> October 2006.

**Recommendation:**

That the report on the Woollahra Council Youth Photographic Award and Kids Day Out be received and noted.

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**1. WOOLLAHRA COUNCIL YOUTH PHOTOGRAPHIC AWARD 2006.**

**Background:**

This award commenced in June 1994 and this year marks the thirteenth year of its operation. The original idea came from Robert Ives of the Waverley-Woollahra Arts Centre who expressed an interest in working in co-operation with the Council to support a creative activity for youth in the area. He approached the Library about it and after discussion, the Library Manager presented a report to Council recommending this joint sponsorship of a Youth Photographic Prize which was endorsed.

The competition has evolved over the years to fit in with changing technologies and the high school curriculum. It is now called the Woollahra Council Youth Photographic Award and consists of a range of prizes as follows:

1<sup>st</sup> Prize \$200 Narrative Image/s – Senior Secondary – donated by Woollahra Council.

1<sup>st</sup> Prize \$150 Local Subject – Open Secondary – donated by Woollahra Council.

1<sup>st</sup> Prize \$100 Playing With Light – Junior Secondary – donated by Waverley Woollahra Arts Centre.

**Zonta Short Film Prize:**

1<sup>st</sup> Prize \$350 – donated by Zonta Club Sydney East.

Highly Commended \$150 for each category – Junior Secondary and Senior Secondary – donated by Zonta Club Sydney East.

\$150 Encouragement Prize for a female film maker – donated by Zonta Club Sydney East.

The flyer for this year's competition which includes the conditions of entry is attached.

A major development in the history of the award came about in 2004 when a representative of the Zonta Club of Sydney East approached the Library with a view to adding a youth short film component to the award which they offered to sponsor. Zonta is an international service organisation with a brief to advance the status of women. The Zonta club of Sydney East was also interested in services to youth overall.

After discussion with Zonta and consultation with local teachers and various officers of Council a proposal was drawn up and presented to Council. Zonta had agreed to a proposed sponsorship of \$2,500 (Inc GST) per year for each of three years to pilot this Short Film Prize as a part of the Woollahra Award. Council endorsed this sponsorship which is now in its third year. As an indication of the growing success of this segment - there were 10 entries in the short film prize in the first year, 2004 and 27 entries in the second year, 2005.

There were 89 photographic entries from a range of schools in the municipality in the photographic sections of the Award in 2005, up from 70 in 2004.

### **Administration of the Award:**

The library staff have overall administrative responsibility for the competition including organising the presentation evening, maintaining communications for all enquiries and arranging publicity. Waverley Woollahra Arts Centre staff has undertaken the liaison with the schools including collection of entries, organising the entries, arranging for independent judges of the different sections of the competition, drawing up the catalogue of entries and assisting with the exhibition each year. With the addition of the film prize they have undertaken the collection of entries, liaison with schools and specific art and film teachers, arranged for the production of the composite DVD for the judges and for the library collection.

Waverley Woollahra Arts centre have been paid a fee of \$1,500 for their considerable input to the organisation of this competition of recent years.

The presentation evening will be held on Wednesday 13 September 2006 at 6:00pm in the Committee Room at Woollahra Council with the Mayor presiding.

Winning photographs and the films will be retained in the Local History collection.

### **Option to be considered later this year:**

This year will be the last of the three years of the original Zonta sponsorship. If the Zonta Club do not continue with the sponsorship after the agreed three years Council will need to decide if it will continue with the short film segment at its own costs or seek other sponsorship. Zonta will be making its decision later this year.

### **Outline of Income & Expenditure:**

The costs of the Youth Photographic Award are \$5,100 per annum, which includes \$1,600 prize money. The sponsorship money is \$2,300 (ex GST), and when this is deducted from the total cost, the net annual cost to Council of the Youth Photographic Award is \$2,800. This expenditure is included in the Library events budget.

The sponsorship from the Zonta Club of Sydney East completely covers the expenses of the Zonta short film prize.

## **2. KIDS DAY OUT**

### **Background**

The first Kids day Out was held on 10<sup>th</sup> November 2002 on a Sunday 2 – 5 pm. It was a very successful event which targeted young children and highlighted the library's services for children. The focus was a fun, family day. The event was planned by a group of mothers from the Friends of the Library and library staff. The programme included schools performances, interactive drumming,

a juggler, fire engine, children's authors and an illustrator, storytelling, participative crafts and an art and poetry competition for children.

A special feature of the event was the successful use of the Redleaf, Blackburn Gardens and Library venue. There was an estimated attendance of around 1,000 people who enjoyed the entertainment and moved around the beautiful grounds for a relaxed, informal afternoon out.

The second Kids Day Out was held on Sunday August 29, 2004 11am to 1.30 pm in the library and Blackburn Gardens. It was organised on a smaller scale than the first one but still included authors, a clown, interactive drumming and presentation of Bookweek competition prizes. It attracted participation of around 400 adults and children. It was timed to celebrate the new Children's Library renovations which had been recently completed.

The success of these two Kids Days Out as relaxed family events, highlighting the Councils services and facilities, have led to the Community Service Division planning for this occasion as a biennial event in its community calendar.

Flyers of the events in 2002 and 2004 are attached. The children's library logo, which is used for all children's library activities, was designed gratis by the children's illustrator Stephen Michael King for the 2002 event.

### **Plans for 2006**

The Kids Day Out will be held this year on Sunday 29 October for approximately three hours in the early afternoon. The aim of the event will remain as a fun family day out highlighting the Council facilities and services.

The target group for the entertainment is children 12 years and under.

This year the event will coincide with the Small Sculpture Prize Exhibition which will be a further feature of the day.

The programme will be a full one and include children's authors talks, cartooning workshop for children, school poetry competition and prize giving, interactive drumming, crafts for children, food stalls, guided tours of the small sculpture exhibition for children and families, a fire engine with firemen, jumping castle, hoola hoop instructor and storytelling in the library.

James Valentine will be the MC. The activities will be spread throughout the gardens, terrace, Council Chambers and library.

Volunteers from the Friends of the Library and the Sculpture Prize committee will be assisting staff for the day.

### **Outline of income and expenditure:**

A budget of \$8,000 has been provided in the Community Services Library Budget for this biennial event which will cover the expenses of the planned programme. The Small Sculpture Prize Committee is also seeking sponsorship for additional artist's involvement on the day with the children and families.



**Conclusion:**

The Woollahra Council Youth Photographic Award and the Kids Day Out are two successful community activities which focus on children, young people and families. Both of these activities have featured co-operative community involvement in the planning and organisation of them and are now clearly branded and well established events.

They both commenced under the library administration but have broader Council service components and outcomes.

Costing for the Kids Day Out is about \$4,000 per year or \$8,000 biennially. The cost of the Woollahra Council Youth Photographic Award is \$2,800 net. However as noted the sponsorship for the short film segment is \$2,300 (ex GST) and if this is not available for the coming year, Council will need to take a decision on the funding of this or endeavour to seek further sponsorship.

Faye Lawrence  
Manager – Library Services

Kylie Walshe  
Director – Community Services

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**ANNEXURES:**

1. Woollahra Council Youth Photographic Award 2006 – back and front of the flyer.
2. Kids Day Out flyer, Sunday, November 10, 2002.
3. Kids Day Out flyer, Sunday, August 29, 2004.

**Item No:** R1 Recommendation to Council  
**Subject:** **Department of Environment & Conservation (DEC)  
Urban Sustainability Grants Program**  
**Author:** Melanie Tasker - Project Officer Environmental Works  
**File No:** 1142.G  
**Reason for Report:** To report to Council the DEC's Urban Sustainability Program and proposal to form an alliance with Waverley and Randwick Councils to apply for environmental grant funding under that program.

**Recommendation:**

- A. That Council acknowledge the potential environmental benefits and opportunities the program could bring the community.
- B. That the alliance between Woollahra, Waverley and Randwick Councils be formed to allow a joint application under DEC's Urban Sustainability Program to provide a regional focus and to maximise potential grant funding.
- C. That Council prepare and lodge an application as part of the regional alliance by the due date of 4 August 2006.
- D. That Council resolve, in principle, to allocate \$225,000 from the EWP as Woollahra Municipal Council's financial contribution towards the program, subject to the grant being successful.
- E. That the Committee's recommendations arising from this report be considered as a matter of urgency and be referred to the Council meeting held 24 July 2006, to allow the application to be finalised and lodged by the closing date of 4 August 2006.
- F. That, following a successful grant application, further details be reported back to the committee on setting up arrangements for joint administration of the program.

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**Background:**

The DEC's new Urban Sustainability Program, as outlined at the recent workshop attended on Wednesday 21 June 2006, aims to '*facilitate projects of significant environmental benefit to NSW, delivered by local government organisations in partnership with other government agencies, local businesses, community organisations and householders*'. The Urban Sustainability Grants Program is a recent program which opened for applications Tuesday 30 May 2006.

The program has a long-term focus, offering grant periods of up to three years and aims to instigate *systemic organisational change*. A briefing document outlining the discussions from the workshop is attached in Appendix 1.

In summary, the Urban Sustainability Program consists of two funding streams;

1. Seed funding for urban sustainability plans
2. Urban sustainability major projects grants

The seed funding is specifically for the *initial* development of urban sustainability plans. Grants in this funding stream are up to \$20,000 for individual councils and up to \$50,000 for alliances of councils.

The major projects' grants are '*for urban sustainability projects that will resolve various environmental issues and will deliver sustainable environmental, social and economic outcomes*'. Major projects' grants for individual councils range between \$100,000 and \$250,000 and, for alliances of councils, between \$100,000 and \$2 million in total.

Following the workshop, Council's Environmental Protection Co-ordinator, Rebecca Peacock, was contacted by Randwick Council regarding an opportunity for a regional alliance of councils and subsequent joint Urban Sustainability grant application. Rebecca Peacock and Melanie Tasker attended a meeting held at Randwick Council on Wednesday 5 June 2006. The meeting was also attended by Peter Maganov - Manager Sustainability, Tony Watson - Team Leader, Strategic Planning and Anne Warner - Senior Sustainability Officer from Randwick City Council; Nicki Carey from Waverley Council and Kelly Walters, Senior Project Officer - Urban Sustainability Program, DEC.

### **Proposal:**

The proposal is that a regional alliance between Randwick, Waverley and Woollahra Councils be formed and that a joint application be prepared and lodged with the grant theme of '*Reducing the ecological footprint of the Eastern Suburbs of Sydney*'.

An ecological footprint is a way of measuring the area of the earth required to supply all the resources we use to support our lifestyle. These resources include; what type of accommodation we live in, transport we use, food we eat, waste we produce and our water and energy consumption. An ecological footprint is an excellent tool for increasing community awareness and is a broad theme allowing us to incorporate a variety of sustainability-based projects individually and in partnership with Randwick and Waverley Councils.

The advantage of applying as part of an alliance of councils is the opportunity to apply for maximum funding, being \$2M over a grant period of three years. Final allocation between councils will be determined by size and complexity of projects managed by each Council. There is also a greater chance of success applying as part of an alliance, as '*demonstrated establishment of effective partnerships with other government agencies*' is included in the assessment criteria.

The Urban Sustainability Grants are designed to be flexible. They provide opportunities for some of the projects already programmed in our Environmental Works Program (EWP), or other related environmental works, to form part of the grant program if our application was successful, depending on the individual projects alignment with program objectives. Timing is also flexible, and grant facilitators accept that key projects may not be implemented until Year 2 of the program.

Generally, Year 1 of the grant would be spent cultivating partnerships, ensuring baseline ecological footprint data is in place for future evaluation and identifying and developing key projects addressing grant objectives. Project identification will happen in conjunction with a strategic review of the source documents for the EWP in Year 1. Year 2 would be spent implementing projects and Year 3 evaluating completed projects, including re-calculation of ecological footprint to assess the results, ensuring knowledge sharing between councils and longevity of the project. Throughout the three year grant period and beyond, the program will focus on how to generate systemic organisational change.

At the first alliance meeting, Kelly Walters (DEC), was very positive about both the regional alliance of councils and the suggested grant theme of '*Reducing the ecological footprint of the Eastern Suburbs of Sydney*'.

### **Consultation:**

The background and proposal outlined above was presented to the Environmental Levy Community Reference Group at the Group's meeting on Tuesday 11 July 2006. The Group was supportive of the regional alliance of councils and suggested the program theme - *'Reducing the ecological footprint of the Eastern Suburbs of Sydney'*.

There has also been communications between General Managers of Randwick, Waverley and Woollahra Councils involved in the proposed alliance and each has expressed their interest in the program. A letter from each council, confirming participation in the alliance, will be required at the time of accepting the grant, if the application is successful.

It is envisaged that the community would play an important role through the development and implementation of individual projects. Having a regional focus will allow a wider audience to be engaged and to raise awareness of the project.

Emily Scott, Environmental Services Manager at Waverley, has stated they will be reporting to Council on 1 August 2006 regarding the Urban Sustainability Grants Program and proposed alliance. It was not necessary for the program and proposed alliance to be reported to Randwick Council, as, it was considered that the application could be undertaken under officer delegation. Randwick Council intends to proceed with the alliance and joint application, pending resolutions from reports to Waverley and Woollahra Councils.

### **Options:**

Project options will be developed, in accordance with grant guidelines and objectives, and in conjunction with Randwick and Waverley Councils. As outlined in the proposal, projects selected to be completed as part of the grant will be those best meeting the grant objectives and which are aligned with Council's existing environmental programs. The objectives are as follows;

1. Improve urban water management with particular focus on stormwater and urban runoff to achieve sustainable water quality and conservation outcomes.
2. Improve resource conservation through effective waste management, avoidance, reuse, recycling and support for sustainable products and services.
3. Improve and protect urban bushland and creeks, urban wildlife and habitats of rare and endangered flora and fauna
4. Improve the quality of the local urban environment, through integrated approaches that address a combination of the following examples: air quality, noise, odour, chemical use, biodiversity, litter and dumping.
5. Improve the sustainability performance of local councils, small businesses and community organisations and householders in urban areas.

A suggested structure is that each council complete three projects as part of the grant, one major, one minor and one joint project. Each of these projects will primarily address one of the grant program objectives.

The aim is to address all five Urban Sustainability Program objectives, either through individual projects or projects in partnership with participating councils. Further detail about the aims, objectives, application and assessment processes can be found in the grant guidelines available at <http://www.environment.nsw.gov.au/resources/uspguidemajor.doc>

### Identification of Income & Expenditure:

The proposed joint grant application will request the maximum funding of \$2M. As part of the grant guidelines, each council is encouraged to contribute either financially or in-kind. The alliance group has suggested the following levels of contribution to maximise the chances of success:

<b>Contributor</b>	<b>Financial support</b>	<b>In-kind</b>
Randwick City Council	\$50,000 / year	\$25,000 / year
Waverley Council	\$50,000 / year	\$25,000 / year
Woollahra Municipal Council	\$50,000 / year	\$25,000 / year

Under this proposal, Woollahra Municipal Council would be required to fund a total of \$150,000 financial contributions and an additional \$75,000 in-kind contributions over a three year period. In-kind could include non-cash contributions, eg staff hours spent on projects or voluntary work by community groups or projects already programmed and paid for by Council. Further in-kind contributions will be provided by project partners such as The School of Physics at the University of Sydney, an international player in the establishment of Global Performance Standards for Ecological Footprint analysis.

It is proposed that the total funding of \$225,000 be funded by the Environmental Levy and, therefore, changes to the 2006/07 EWP are required. The Projects nominated to be deferred in the 2006/07 EWP are also recommended to be placed on a forward program to be considered in a future combined Environment & Infrastructure Levy and/or new Stormwater Management Service Charge for next year's management plan. This proposed funding strategy would be subject to ministerial approval for a combined Environment and Infrastructure Levy. If our application resulted in reduced grant funding being offered, i.e. less than the maximum \$2M, the program would be reconfigured in consultation with other participating councils and changes reported to Council.

The following table outlines the suggested projects in the 2006/07 EWP to be deferred and placed on a forward program to allow for Woollahra Municipal Council's required financial and in-kind contributions for the Urban Sustainability Grants Program:

<b>2006/07 EWP Nominated Project</b>	<b>Financial allocation</b>	<b>In Kind allocation</b>
Water Quality Treatment components for stormwater infrastructure projects incorporating WSUD		\$75,000
Thorne St/Cameron St/New McClean St, Paddington, Interallotment drainage scheme to protect Trumper Park remnant bush areas	\$120,000	
Cooper Park Water Quality Pond stormwater treatment and ancillary environmental works	\$30,000	

**Conclusion:**

The DEC's Urban Sustainability Grants Program offers an excellent opportunity to partly fund and implement projects of significant environmental benefit to the Woollahra and neighbouring Randwick and Waverley Council's Local Government Areas' (LGAs). The objectives of the grant program are also consistent with Council's current environmental programs and corporate vision for Woollahra Municipality.

If successful, our application has the potential to bring in up to \$660,000 for each participating council over a three year period. The grant application is comprehensive and must be submitted by Friday 4 August 2006. As such, we suggest that the Committee's recommendations arising from this report be considered as a matter of urgency and be referred to the Council meeting immediately following this meeting at 8.00pm 24 July 2006.

Melanie Tasker  
Project Officer - Environmental Works

Warwick Hatton  
Director - Technical Services

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**ANNEXURES:**

Workshop briefing document

**Item No:** R2 Recommendation to Council  
**Subject:** **Adoption of the Community Cultural Relations Statement**  
**Author:** Lotta Jackson  
**File No:** 79.G CCRS  
**Reason for Report:** Presentation of submissions received following the public exhibition period and recommending amendments to the draft Community Cultural Relations Statement.

**Recommendation:**

- A. That Council adopt the Community Cultural Relations Statement with the amendments as recommended.

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**Background:**

At the Community & Environment Committee meeting of 15 May (Annexure 1), the Committee resolved:

- A. *That Council approve the release of the draft Community Cultural Relations Statement for a public exhibition period of 28 days.*
- B. *That a further report be presented back to Council in consideration of submissions received during the public exhibition period.*

Following this resolution the draft document was released for public exhibition for 28 days.

**Proposal:**

It is recommended that Council adopt the Community Cultural Relations Statement with minor amendments in line with the submissions received from community members.

**Consultation:**

In an attempt to ensure as many residents and stakeholders had the opportunity to comment on the proposed Community Cultural Relations Statement, a number of communication methods were used, including:

Notification was placed in the Wentworth Courier, Mayoral Column during the exhibition period.

The draft document and an invitation to comment on the documents were placed on Council's website.

The draft document and invitations to comment were posted to a range of members of Council committees that included community representatives, such as the Community Safety Committee.

The draft documents and invitations to comment were posted to resident and community groups.

The draft documents and invitations to comment were posted to a range of stakeholders that Council regularly consults and communicates with, such as schools, religious organisations, social groups and sporting clubs.

Despite the distribution of over 300 invitations and draft documents over the 28 day exhibition period a total of only five (5) submissions were received. These were submitted by resident groups and individuals. Overall, the submissions support the draft document, with the majority of comments concerning the lack of inclusion of Indigenous Culture which will be addressed separately through the development of a Reconciliation Statement as per Council's adopted Management Plan 2006/2009 (p93) by September 2006. This is noted in the proposed updated draft Statement.

In addition, one of the submissions pointed out that the Australian Government has a policy statement in relation to Multiculturalism. This policy is in line with the objectives and strategies within the draft Community Cultural Relations Statement and it is proposed that the principles and strategic directions of this policy be included in the draft document under the section "Relationship with other Policy/Planning Documents" as outlined below:

*In addition, the Australian Government's current multicultural policy statement "Multicultural Australia: United in Diversity" (issued on 13 May 20003) supports and compliments the objectives and strategies in this Statement. This policy reaffirms the fundamental principles of the New Agenda for Multicultural Australia, and sets strategic directions for 2003-2006.*

*Four principles underpin this multicultural policy:*

***Responsibilities of all*** - all Australians have a civic duty to support those basic structures and principles of Australian society which guarantee us our freedom and equality and enable diversity in our society to flourish

***Respect for each person*** - subject to the law, all Australians have the right to express their own culture and beliefs and have a reciprocal obligation to respect the right of others to do the same

***Fairness for each person*** - all Australians are entitled to equality of treatment and opportunity. Social equity allows us all to contribute to the social, political and economic life of Australia

***Benefits for all*** - all Australians benefit from the significant cultural, social and economic dividends arising from the diversity of our population. Diversity works for all Australians.

*Further, this policy provides a framework for maximising the social, cultural and economic benefits that cultural diversity brings to all Australians. The strategic directions focus on Community Harmony, Access and Equity and Productive Diversity (economic strength) which is in line with the key strategies in this document.*

Each submission has been summarised in Annexure 2 and are available for full viewing on request, and the amendments, as recommended above, are included in the revised draft Community Cultural Relations Statement (Annexure 3).

### **Identification of Income & Expenditure:**

The adoption of this recommendation will have no impact on income or expenditure.

### **Conclusion:**

The Community Cultural Relations Statement will guide Council in its activities and ensure compliance with relevant sections in the Local Government Act and with the Principles of Multiculturalism as highlighted within the Community Cultural Relations Act 2001. In addition the Statement is in line with Council's Management Plan, Social Plan and Cultural Plan as well as the Australian Government's multicultural policy statement.



Lotta Jackson  
Manager Community Development

Kylie Walshe  
Director Community Services

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**ANNEXURES:**

Annexure 1: Report to Community & Environment Committee on 15 May 2006

Annexure 2: Summary of Submissions received during exhibition period

Annexure 3: Amended Draft Community Cultural Relations Statement

**Item No:** R Recommendation to Council - Annexure  
**Subject:** **Draft Community Cultural Relations Statement**  
**Author:** Lotta Jackson  
**File No:** 79.G CCRS  
**Reason for Report:** The attached draft Community Cultural Relations Statement has been developed to ensure Council complies with the relevant legislation in relation to planning and the provision of inclusive services for people from Culturally and Linguistically Diverse backgrounds.

**Recommendation:**

- C. That Council approve the release of the draft Community Cultural Relations Statement for a public exhibition period of 28 days.
- D. That a further report be presented back to Council in consideration of submissions received during the public exhibition period.

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**Background:**

All Councils in New South Wales are obligated to plan for and implement strategies for people from Culturally and Linguistically Diverse (CALD) backgrounds in addition to Social Planning strategies for this target group. Woollahra Municipal Council is currently guided by the Social Plan 2002-2007 in relation to this target group, and has carried out activities relating to diverse cultures over the years. In order to ensure Council meets all its obligations under relevant legislation, the attached Draft Community Cultural Relations Statement (also known as Local Ethnic Affairs Priorities Statement) has been developed for consideration by Council.

The following Acts and regulations apply to the attached draft Policy Statement:

- 1) Local Government Act (1993) Section 8 (1) requires the Council to:  
“exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism”.
- 2) The Local Government (General) Amendment (Community and Social Plans) Regulation (1998) requires Local Councils to incorporate access and equity activities in their management plans and to monitor and report on these activities in their annual reports.
- 3) The NSW Community Relations Commission and Principles of Multiculturalism Act (2000) (previously the Ethnic Affairs Commission Amendment Act 1997).  
This Act legislates for the NSW Charter of Principles for a Culturally Diverse Society. The Community Relations Commission (former Ethnic Affairs Commission) and the Principles of the Multiculturalism Act (2000) recognise and value the differences of people of linguistic, religious, racial and ethnic backgrounds of NSW and promotes equal rights and responsibilities for all residents of NSW. All NSW government agencies are guided by the Principles of Multiculturalism contained within the Act.

**Proposal:**

It is proposed that Council approves the attached draft Community Cultural Relations Statement to be placed on public exhibition for the mandatory 28 days for public comment prior to adoption as a Policy of Council, and that the strategies within the Statement are implemented through the development of an action plan.

Although Council has already implemented some activities in relation to the proposed strategies, Council has not had a policy position in regards to people from various cultural and linguistic backgrounds, and subsequently activities have at times been unplanned and delivered ad hoc. The proposed draft Community Cultural Relations Statement would ensure that Council has an adopted policy direction on the matter, and as such, Council would in effect meet its obligations under the relevant legislation.

The proposed strategies within the Policy Statement are as follows:

*Community Harmony:*

1. To celebrate Woollahra's cultural diversity via relevant and appropriate cultural programs and activities as well as recognising the participation of cultural and religious leaders.
2. To promote community harmony, aim to eliminate discrimination, and promote the diverse cultures of Woollahra.
3. To raise awareness of cultural diversity within Woollahra Municipality.

*Access and Equity:*

4. To ensure services are provided in the community in a culturally sensitive manner.
5. Work in partnership with local organisations on mutual beneficial initiatives to provide services to CALD communities.

*Economic and Cultural Opportunities:*

6. To recognise and promote the cultural diversity of the Woollahra population and heritage in all Council policies and activities.
7. To promote the richness of cultural diversity within our community and utilise the cultural and linguistic assets of the population to facilitate economic development in the local area.

*Leadership:*

8. To ensure that cultural community relations are integrated into Council's core business through its management plan and appropriate accountability in all levels of the organisation.
9. To use authority to influence, endorse and support the promotion of the equal rights and responsibilities of all residents in the municipality within a cohesive and harmonious multicultural society.

It is further proposed that an action plan be developed in relation to the strategies. This action plan will then be incorporated into Council's Management Plan activities and reported in Council's Annual Reports, as required under section 428(2) (j) of the Local Government Act.

**Consultation:**

Consultations on the draft Community Cultural Relations Statement were conducted through informal discussions with service providers in the local area, through a review by Community Services Staff and MANEX, and through surveys to service providers.

**Options:**

Council could decide not to adopt the draft Community Cultural Relations Statement, however, Council could be considered non compliant with relevant legislation as outlined earlier in this report.

**Identification of Income & Expenditure:**

There are no funding implications for the recommendation of this report.

**Conclusion:**

This Policy Statement will guide Council in its activities and ensure compliance with relevant sections in the Local Government Act and with the Principles of Multiculturalism as highlighted within the Community Cultural Relations Act 2001.

Lotta Jackson  
**Manager Community Development**

Kylie Walshe  
**Director Community Services**

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**ANNEXURES:**

Annexure 1: Draft Community Cultural Relations Statement

## Community Cultural Relations Statement – Summary of Submissions

No.	Submission from	Comments	Recommended Amendments
1	Michael Rolfe, President, The Vaucluse Progress Association	Does not support the proposal. The association “do not support expansion of the Council’s optional activities at the expense of rate payers”.	No amendments. The Statement is in compliance with the requirements under the Local Government Act and the NSW Community Relations Commission and Principles of Multiculturalism Act (2000) and as such is not an optional activity.
		The draft Statement has no reference to the indigenous culture that pre-dates all cultures in this area.	A separate Reconciliation Statement is in the process of being drafted as per Council’s Adopted Management Plan 2006/2009. Reference to this will be included in the Statement.
2	Elizabeth Carpenter	In relation to Community Harmony: “I would like to see our aboriginal community recognised and celebrated in our cultural diversity”	Comment as above.
3	Brigadier Derek Sharp	In relation to Community Harmony: “In my view, the emphasis should be on integrating all cultures into the Australian community “	Noted, no amendments recommended. Strategy2 (page 5) adequately covers this concern with ‘to promote cultural harmony’.
4	Morris Seamonds	Believes the Statement is satisfactory.	Noted
5	Colin Rosenfeld, Community Development Officer, Multicultural Services, Randwick City Council	Commends Council on this initiative and points out that the Australian Government has a policy statement titled: <i>Multicultural Australia: United in Diversity</i> .	Reference to the Australian Government policy statement included in the updated draft Community Cultural Relations Statement.

**Item No:** R3 Recommendation to Council  
**Subject:** **Community Grants Program**  
**Author:** Kylie Walshe  
**File No:** 30.G / 1142.G  
**Reason for Report:** To give consideration to applications for Section 356 Community Grants from local community groups /services.

**Recommendation:**

- A. That the recommendation be adopted in relation to the allocation of Community Grants for 2006/07 under Section 356 of the Local Government Act, and in accordance with Council's adopted policy objectives and selection criteria.
- B. That Council adopt the recommendations in relation to the Community Environmental Grants for 2006/07 under Section 356 of the Local Government Act, and in accordance with the selection criteria.
- C. That a function be organised to present and celebrate the awarding of the Community Grants and Community Environmental Grants to successful organisations.

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**Background:**

This report covers the long standing practise of providing community grants to support community organisations to provide services and activities to the Woollahra community, and the new Community Environmental Grants introduced this year for the first time.

**1. Community Grants, General**

Council has a long history of providing grants and support to local community organisations. It is through assisting these organisations that the Woollahra community will be enhanced and strengthened. In line with the Social Plan 2002-2007, Council reviewed the Community Grants Policy in 2003 and again on 10 April 2006. A copy of the adopted Policy is attached in Annexure 1.

Council currently has an allocation of \$50,000 for small community grants in addition to the \$670,000 provided to Holdsworth Street Community Centre and \$65,000 to Woollahra Senior Citizens Centre. Of this \$50,000 allocation, \$700 is annually allocated for recognition awards at primary schools within the Woollahra Municipality, of which there are 14.

**PROCESS:**

The Community Grants Program for 2006/7 was advertised throughout May and June and closed on 30 June 2005. A total of 26 applications totalling \$160,647 excluding GST were received. These applications, comments by relevant staff and officer recommendations are provided in Annexure 2.

Each application has been assessed in reference to the objectives and selection criteria adopted by Council and this process has been enhanced by individual officer's experience in and knowledge of the sector in which applicants operate. The grants have also been assessed in accordance with the needs and priorities in the Social Plan 2002, the Cultural Plan 2003 and the Social Needs Study, which includes the Ageing and Disability Services Strategy and the Children's Services Strategy, adopted on 8 August 2005.

The applications recommended for funding are all projects that provide substantial benefit to high priority groups in Woollahra. The funds have been allocated in the following proportions to organisations providing services to the target groups of:

- Children & Families (\$5,200)
- Young people (\$20,000)
- Older people & people with a disability (\$14,524)
- Cultural Development Activities for the broader community (\$9,500)

A large proportion of funds is recommended to fund youth projects as youth services and facilities has been identified as an area of high importance and high need in a number of community research projects, such as the Community Attitudes Survey 2000, and the Social Plan 2002-2007. Council also provides limited services to youth with one Council officer working in this area. Another large proportion of funds are recommended to fund projects that address high priority needs identified in the Social Needs Study, the Ageing and Disability Services Strategy and the Children's Services Strategy.

There are a number of organisations that have not been recommended for funding, such as the Sydney Schubert Society and Vision Australia. These include organisations with other means of raising funds and attracting grants from other government agencies to fund their operations.

Another organisation that has not been recommended for funding is the Queen St & West Woollahra Association. This is one that does not meet the guidelines as it is a resident association. A similar activity by the Bellevue Hill Public School Parents & Citizens Association may be argued that it meets the criteria but is not recommended for funding as it is not equitable if Council supports one and not the other. Also, all funds raised at this event will be donated to the school, which is not in keeping with the intent of the Community Grants Policy. Despite the resident group not being eligible for a grant under the Community Grants Program, these events may be supported by Council under Section 356 of the Local Government Act for civic purposes if it should desire to do so.

### **Proposal:**

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

Recommended allocations for Community Grants are summarised below:

Australian Centre for Photography	\$2,000
Bondi Beach Cottage	\$4,500
Bondi Community Street Project	\$4,500
Eastern Suburbs Organisation for Reconciling Australia	\$ 500
Miroma	\$4,224
Paddington Eddie Dixon Centre	\$2,500
Point Zero Youth Services	\$5,000

A Unique Hug	\$1,800
Serenity NSW	\$ 500
Sir Roden Cutler Charities	\$2,000
Sisters of Charity Outreach	\$2,500
Technical Aid to the Disabled	\$1,000
Urban Arts Base	\$5,000
Waverley Woollahra Arts Centre	\$3,000
Waverley Action for Youth Services(WAYS)	\$5,000
Woollahra-Vaucluse Lions Club	\$ 500
Woollahra Philharmonic Orchestra	\$4,000
14 schools within Woollahra LGA	\$ 700
TOTAL	<b>\$49,224</b>

## 2. Community Environmental Grants

In 2004-05, Council commissioned the development of an Environmental Education & Action Program (EEAP), and in 2005-06 engaged two environmental consultants, GEMS Pty LTD & Molino Stewart to implement strategies addressing key target groups. Included in GEMS proposal was a recommendation that Council develop an environmental grants or awards scheme, a strategy designed to support local community groups and schools complete environmental improvement projects.

The resulting *Community Environmental Grants* for schools and community groups commenced this year. For simplicity and ease of application processes and to allow streamlining of administration support required, the Community Environmental Grants have been included as a new component of Council's existing Community Grants Program. See Annexure 3 for Guidelines for Community Environmental Grants.

For this first year of the Community Environmental Grants, a total of \$5,000 was available; 8 x \$250 grants for local schools and \$3,000 for local community groups, funded by the Environmental Levy.

### Process:

Similarly to the Community Grants Program, the new environmental grants were advertised throughout May and June and closed on the same date, 30 June 2005. A total of ten (10) applications totalling \$10,250.00 were received. An outline of the applications, comments and recommendations by the assessment panel are provided in Annexure 4.

The grants have been assessed in accordance with the objectives and selection criteria outlined in the Community Grants Application Guidelines and, more specifically, the objectives and selection criteria outlined in the Community Environmental Grants Guidelines, Annexure 2. It must be noted that the Guidelines for this component actively encourages submissions from schools that have their core business funded by other government agencies. These organisations are only eligible for the citizenship component of the general Community Grants Program. This is main difference in the two streams of the grants program, and there are also additional objectives used for the Community Environmental Grants specific to the objective of increasing environmental protection and awareness in the community.

### Proposal:

It is proposed that the recommendations in relation to applications for the new Community Environmental Grants be adopted. In addition to broad objectives of the Community Grants Program, the specific objectives of the Community Environmental Grants Program are;



1. To encourage schools and community groups to identify and implement programs that protect and enhance Woollahra's unique natural and built environment
2. To develop the skills and knowledge of participants that will encourage them to play an active and ongoing role in protecting Woollahra's unique natural and built environment
3. To develop in all participants an understanding that protection and management of the local environment is everyone's responsibility.

Recommended allocations for Community Environmental Grants are:

Community Groups

Harbour View Bush Care Group	\$2000
Bushcare Woollahra	\$1750

Schools

Vaucluse Public	\$250
The Scots College	\$250
Double Bay Public School	\$250
Vaucluse Public	\$250
Vaucluse Public	<u>\$250</u>
Total	\$5,000

Each of these projects meets the aims listed in the Guidelines in Annexure 2.

**Consultation:**

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

The assessment panel for environmental grants consisted of Jamie Howieson - Project Manager Environmental Works, Rebecca Peacock - Environmental Protection Co-ordinator and Melanie Tasker - Project Officer Environmental Works.

**Identification of Income & Expenditure:**

The total allocation available for Community Grants for community and cultural activities is \$50,000. 17 organisations and 14 local primary schools are recommended for funding totaling \$49,224.00.

The total allocation for Community Environmental Grants for 2006-07 is \$5,000. Two (2) organisations and three (3) schools are recommended for funding totalling \$5,000. This year's Community Environmental Grants, a strategy outlined in the Environmental Education & Action Program (EEAP) and part of the Environmental Works Program (EWP), is funded by Council's Environmental Levy.

**Conclusion:**

Through the provision of Community Grants Council is playing a pivotal role in the development of the Woollahra community whilst demonstrating Councils commitment to environmental protection, community and cultural services. As the worthy recipients of these grants are key organisations in the Woollahra community it is recommended that a presentation ceremony be scheduled to present the grant cheques to these groups. The Community Service Grants policy of Council aims to *“encourage the development of local community based services which meet identified needs of people living and working in the Woollahra Local Government Area”*. The application of Council policy objectives and selection criteria has resulted in a recommendation for the funding of organisations to a total of \$48,224.00

In addition, the new Community *Environmental* Grants component has resulted in a recommendation for \$5,000 funding for environmental projects by local schools and community groups. Despite the limited funds available, an excellent response was received, this being the first year of the Environmental grants component. It is hoped that the program will continue for many years to come and become an integral part of the Community Grants Program.

Kylie Walshe  
**DIRECTOR, COMMUNITY SERVICES  
ENVIRONMENTAL WORKS**

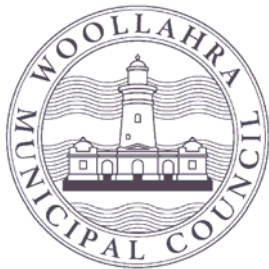
Melanie Tasker  
**PROJECT OFFICER –**

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**ANNEXURES:**

- Annexure 1 - Council Policy adopted 10 April 2006.
- Annexure 2 – Community Grants - Summary of applications, comments and recommendations
- Annexure 3 - Environmental Community Grants Guidelines 2006
- Annexure 4 – Community Environmental Grants - Summary of applications, comments and recommendations

Annexure 1: Council Policy adopted 10 April 2006



# Community Grants Policy

**Version No:** 2  
**Approved By:** Council  
**Approval date:** 10 April 2006  
**Responsible Officer:** Director Community Services

## Our policy

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

### Background

This is a **non-recurrent small grants program** made available to non-profit community based organisations which provide a service which is of benefit to the residents of the Woollahra municipality - or to particular target groups - and which strengthen community networks and self supporting community relationships. The grants may be in the form of funding for one-off projects or direct operational expenses associated with the provision of a service. This does not include indirect costs, or exceptions detailed in this policy.

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

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

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

## Objectives

The objectives of the Community Grants Program are:

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

## How this policy relates to our Management Plan

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

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

### Selection Criteria

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

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

### **ORGANISATIONS NOT ELIGIBLE FOR FUNDING**

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

Grants are not available for:

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

Gary James  
**General Manager**

**Item No:** R4 Recommendation to Council  
**Subject:** **Sale of a portion of Trumper Park and Paddington Bowling Club**  
**Author:** David Sheils - Manager Public Open Space  
**File No:** 214.G  
**Reason for Report:** To inform Council of the proposed sale of a section of Trumper Park and the Paddington Bowling Club by the NSW Department of Lands

**Recommendation:**

- A. That Council resolves that such a sale should only be considered after the Department has engaged in full consultation with all local stakeholders, and the Department has properly considered the views of all local stakeholders, including Council;
- B. That an urgent meeting be sought between the Mayor and the Minister for Lands to discuss Council's concerns, and to explore whether any alternative approaches exist;
- C. That in the meantime, that Council request that the Department should take no further action to progress the proposed sale of this land to the Club (other than to initiate the consultation noted above);
- D. That Council continue to prepare a plan of management for Trumper Park. This plan will incorporate all of Lot 541 DP 752011 (R39651) as part of Trumper Park, otherwise referred to as the "accessway" and currently proposed to be sold by the Department; and
- E. That the report be referred to full Council as a matter of urgency.

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**Summary:**

Last week Council was verbally informed by staff from the Department of Lands of the proposed sale to the Club of:

the Paddington Bowling Club site; and  
an area of Trumper Park located adjacent to the Bowling Club.

Currently the Club occupies its land pursuant to a lease from the Crown under the Crown Lands Act 1989. A letter was handed to Council staff (Annexure 1), advising that this sale has been negotiated for two years between the Department of Lands and the Club. This has occurred without any consultation with Council as the Local Government Authority, or as the Reserve Trust Manager for the adjoining Trumper Park, or with other adjoining owners, or with the community.

All of the land proposed to be sold is zoned Open Space. Adjoining the Bowling Club lease site, and proposed to be sold with it, is a portion of land which provides access to Trumper Park, and parking for users of Trumper Park and The Palms Tennis Centre, and Council depot staff. This land is identified as "Reserve for Municipal Purposes" in the Department's letter and is under the care, control and management of the Council as the Reserve Trust manager under the Crown Lands Act 1989.

However, the land identified by the Department as “Reserve for Municipal Purposes” in its letter appears from Council’s records to be incorrectly identified. A Government Gazette notice (Annexure 2) dated 15 October 1976, dedicates the land as Reserve for Public Recreation as an extension of Trumper Park. Therefore, the land proposed to be attached to the Bowling Club lease site for sale is in fact public Open Space with Woollahra Council as Trust Manager.

The suburb of Paddington retains one of the highest population densities in Sydney, with limited public open space. The sale of this land will further reduce the area of public open space, and as a consequence will no doubt be of great concern to the community.

The Department states that the current parking on the accessway of private vehicles by patrons of the tennis courts and the Bowling Club is unauthorised and inconsistent with “Municipal Purposes”. However, parking by the public as users of the tennis courts, and visitors to Trumper Park generally, is in our view consistent with the Public Recreation purpose.

With the Department’s concurrence, the Council in 1986 granted development consent for the six court Palms tennis complex, with a condition requiring provision of a car park of at least 34 spaces. This car park is located on the accessway land that is proposed to be sold. Accordingly, the Department could, by sale of this land, cause Council to be unable to fulfil this consent condition and thus be in breach of the EPA Act. The draft S88B Instrument, handed to Council (Annexure 3) with the letter advising the proposed sale, does not in our view adequately address this issue, and raises a number of questions regarding the future use of this site which Council has raised in a separate letter to the Department (to be provided as late correspondence).

When asked why the Council and the community had not been consulted, Department of Lands staff stated that they had undertaken an investigation and felt consultation was not warranted as this would not alter the view that the site should be sold. This position is clearly at odds with ICAC’s 1997 guidelines with respect to the purchase or disposal of assets by direct negotiation.

Whilst the Minister’s powers in relation to the sale of Crown land are acknowledged, it is considered that such a sale should only be considered after full consultation with all affected parties and local stakeholders. It is not appropriate that a decision be made about the future of this site until the Department has had the opportunity to properly consider submissions made on this issue by Council and local stakeholders.

Therefore an urgent meeting with the Minister of Lands, the Hon Tony Kelly, is being sought with the Mayor to discuss the matter further, and the Minister has been requested that no further action regarding the sale be taken prior to such a meeting (Annexure 3).

### **Background and Department of Lands proposal:**

The Department of Lands requested a meeting with Council officers on 11 July 2006, with John Filocamo - Program Manager and Greg Foster - Manager Crown Land Strategic Development & Marketing representing the Department. The agenda of the meeting was to allow the Department staff to outline the proposed sale of the Paddington Bowling Club site, and discuss possible implications of the sale, including Council’s current review of the Trumper Park Plan of Management.. Council staff were unaware of this agenda until the meeting commenced.

At this meeting two documents were provided to Council, being correspondence dated 6 July 2006 (Annexure 1) and a *draft Instrument pursuant to Section 88B of the Conveyancing Act, 1919* (Annexure 4).

To our surprise the Department advised that the Director General had agreed two months ago to the sale of the leased Bowling Club site (Lot 1597 DP 752011), and approximately 3,000 m<sup>2</sup> of Trumper Park (part of Lot 541 DP 752011) to the Club. The land is zoned open space.

This sale has been negotiated for two years between the Department and the Club and has occurred without any consultation with adjoining owners, the Manager of the Reserve Trust (the Council) or the community.

A plan of the site is provided in Annexure 5 which identifies the area of Trumper Park proposed to be sold to the Bowling Club.

The area of Trumper Park proposed to be sold is currently used to provide access for the public to Trumper Park, and parking for users of Trumper Park and The Palms Tennis Centre, and Council depot staff. The Council has landscaped the area, constructed road pavement, kerb and gutter, drainage system and parking spaces on the accessway. These improvements have been paid for by the Council, on behalf of the local community. The Department has not proposed any compensation to Council in lieu of the improvements made by Council, and the loss of this public asset.

When asked for a response on why the Council and the community have not been consulted, Department staff explained that they had undertaken an investigation and felt consultation wasn't warranted as this would not alter the view that the site should be sold.

The reason put forward by the Department justifying the sale of this public land was that current carparking was not permissible as the land was reserved for Municipal Purposes and the Club had sought to secure parking for its operations. Yet, Departmental staff have confirmed that no parking study, or examination of other means of parking regulation have been explored to address Club concerns. Council records indicate no request by the Club for Council assistance in altering the current parking arrangement in Trumper Park.

The area of Trumper Park land identified by the Department as "Reserve for Municipal Purposes" appears from our records (copy of Government Gazette notice – Annexure 2) to have been revoked 15 October 1976 and the land dedicated as Reserve for Public Recreation as an extension of Trumper Park. Therefore, the accessway proposed to be attached to the lease site for sale is in our view public open space with Woollahra Council as Trust Manager. We believe the Department has incorrectly identified the land as being Reserved for Municipal Purposes.

The Department states that the current parking on the accessway of private vehicles by patrons of the tennis courts and the Bowling Club is unauthorised and inconsistent with a "Reserve for Municipal Purposes". This argument has no merit, however, given that the land is public open space not a reserve for municipal purposes. In our view parking by the public as users of the tennis courts, and Trumper Park generally, is consistent with the Public Recreation purpose.

With the Department's concurrence, the Council in 1986, granted development consent for the six court Palms tennis complex (located within Trumper Park immediately adjacent to the accesswayland). This consent included a condition requiring provision of a car park of at least 34 spaces. This car park is located on the accessway land. Accordingly, the Department could, by sale of the Reserve land, cause Council to be unable to fulfil this consent condition and thus be in breach of the *Environmental Planning and Assessment Act 1979*. The Department's draft instrument under section 88B of the *Conveyancing Act 1919*, which was handed to Council with the letter dated 6 July, does not in our view adequately address this issue, and raises a number of questions regarding the future use of this site.

The Department also proposes to excise 240m<sup>2</sup> from the Trumper Park Reserve to create a public road. Whilst this does not require the physical construction of a road as the land is already a carriageway, the effect of this subdivision will be to provide the site to be purchased by the Club legal street access it doesn't currently enjoy.

The Department proposes that the accessway land will be subject to an easement which will give the Trumper Park Reserve Manager (the Council), users of Trumper Park and the Reserve Manager's lessees, qualified rights to access the area and to park vehicles in "specifically marked parking areas", but will exclude the area from general public use. No guarantee is provided that the number of parking spaces currently available on this accessway land will be available under the Department's proposed arrangements. Department officers suggested the Club might install a gate but were unclear about how access would be managed.

Council has a number of issues with the Draft S88B instrument (which will be used to create this easement). Firstly, it is not clear in the draft 88B instrument what (if any) obligation the Club has to contribute to the maintenance of the road and parking areas (given that the Club remains entitled to use these areas). If the condition of the accessway became unsatisfactory, the Council could effect repairs and improvements but would have no rights to reimbursement from the Club. Departmental staff were also unclear how the roadway would be maintained, and how this responsibility would be apportioned.

Secondly, the Draft S88B instrument proposes that the Club would have assigned to it an easement of support over the accessway land, which would give the Club the right to construct works on the accessway as reasonably necessary to support the Club's land "or any structure or works" on the Club's land.

In addition, the Draft S88B instrument proposes that the Club will have the right to drain water and carry out drainage works over the accessway land. Read together with the right to build on the land to be sold including the accessway there is potential for significant impact on the adjoining open space, particularly as this comprises a former landfill site of untested stability.

#### *Future use of the site*

Speculation exists to the ultimate motive for the land sale to the Club, in particular the potential for redevelopment of the site. Other than the s88B instrument (which is proposed to apply to the accessway land) there have been no assurances provided by the Department that any land use restrictions will be imposed with the sale of the land to retain public recreation use and access.

The Woollahra LEP zones the Bowling Club site and Trumper Park as Open Space with community facilities; recreation areas; recreation facilities; roads; uses or buildings associated with development permitted in the zone without development consent and utility installations may be carried only with development consent. The recent Court of Appeal judgement with Cranbrook School effectively has broadened the definition of Community Facilities. (Although note there is a proposed LEP amendment to address this).

Had Council or the Community been consulted on the sale of the Bowling Club, we would have had the opportunity to recommend certain safeguards on the title of the land for any future redevelopment of the site. This is an issue the Mayor intends to raise with the Minister at the requested meeting.

#### *Direct negotiations in procurement and disposals*

It appears that there has been exclusive direct negotiations between the Department and the Bowling Club. Staff from the Department have advised that the Director General has approved of the sale of land, yet Council as an adjoining owner and Trust Manager of land identified for sale has not been consulted.



ICAC, in its publication *DIRECT NEGOTIATIONS IN PROCUREMENT AND DISPOSALS: Dealing Directly with Proponents*, May 2006, advises:

*... "The term 'direct negotiations' refers to exclusive negotiations between an agency and a proponent without first undergoing a genuine competitive process. Direct negotiations are sometimes referred to as directly sourced, single-invited or non-competed contracts.*

*Because of the risks that accompany the process, direct negotiations, as a general rule, should be avoided.*

*The Commission has identified a number of circumstances (listed on pages 14–21) where direct negotiations may be appropriate. Agencies should, however, use these only as a guide to decision making and should always bear in mind that, just because these circumstances apply, direct negotiations may still not be the way to proceed. Agencies can often avoid direct negotiations, simply by opening up the process to some degree of competition.*

*Agencies should also ensure that they fully examine claims that direct negotiations are the most suitable course of action and that they explore any alternative courses of action."*

We have reviewed the publication and can not identify where the circumstances of this directly negotiated sale would be considered appropriate.

#### *Trumper Park Plan of Management (2006)*

Staff are currently preparing a Plan of Management for Trumper Park under the provisions of the *Crown Lands Act 1989* and *Local Government Act 1993*. For some time Council staff have been seeking details of land tenure from the Department without response. The proposed sale impacts on our ability to complete the plan.

We propose to continue to prepare a plan of management for Trumper Park inclusive of the accessway identified for sale. This accessway forms the main entry point to Trumper Park from the North-east and provides public unrestricted access to the park, and the tennis courts which is essential to public enjoyment of the park. Its proposed the draft Plan will be presented to Council in October 2006 with a recommendation that it go on public exhibition.

#### **Conclusion:**

The Mayor has written to the Minister with copies to the Premier and the Director General requesting not to proceed with the sale, pending a meeting with the Mayor (Annexure 3). Staff are also receiving legal advice which we will be incorporated into a response to the Director General regarding the requirements of the 88B instrument should the sale proceed (to be provided as late correspondence).

David Sheils  
Manager Public Open Space

Warwick Hatton  
Director Technical Services

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#### **ANNEXURES:**

1. Correspondence from Department of Lands dated 6 July 2006 (hand delivered 11 July 2006).
2. Correspondence from the Department of Lands dated 30 November 1975 with a copy of the Government gazette notice dated 15 October 1975.
3. Response from the Mayor dated 19 July 2006.
4. Draft Instrument pursuant to Section 88B of the Conveyancing Act, 1919.
5. Site Plan of land sale proposal