



# Community & Environment Committee

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

**Date:** *Monday 29 November 2004*

**Time:** *6.00pm*

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

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

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

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

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

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

## **Committee Membership:**

7 Councillors

## **Quorum:**

The quorum for a Committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

25 November 2004

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

Dear Councillors

### **Community & Environment Committee Meeting – 29 November 2004**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Community and Environment Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 29 November 2004 at 6.00pm.**

Gary James  
General Manager

## Meeting Agenda

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
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 15 November 2004	1
D2	Woollahra Traffic Committee Minutes held on 15 November 2004	2
D3	Woollahra Golf Course Wetland Proposal – 221.G	7

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

R1	Dog Control Issues – Vaucluse House and Vaucluse Beach (Beach Paddock) – 206.G and 271.G	13
R2	Sir David Martin Reserve Plan of Management – 787.G POM	36
R3	Draft Woollahra State of the Environment Report 2003/2004 – 883.G	46

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 15 November 2004**  
**Author:** Les Windle, Manager - Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 15 November 2004 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Community and Environment Committee Meeting of 15 November 2004 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** D2 Delegated to Committee

**Subject:** **Woollahra Traffic Committee Minutes**

**15 November 2004**

**Author:** John Stephens, Team Leader – Traffic & Transport

**File No:** See Traffic Committee Minutes

**Reason for Report:** For the Committee to consider the item requiring the decision of the Committee.

**Recommendation:**

1. THAT the Recommendations of the Extra Ordinary Woollahra Traffic Committee meeting held on Monday 15 November 2004, Item Y1-1, be adopted.
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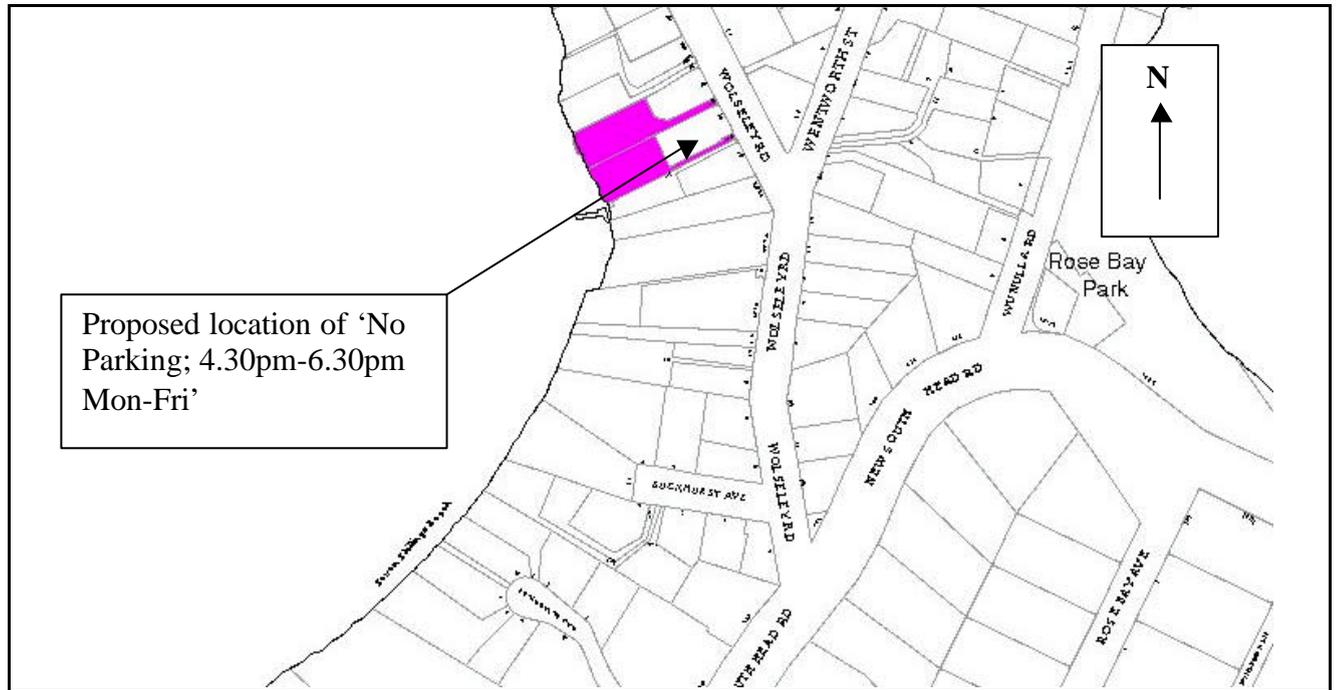
**Warwick Hatton**  
**Director – Technical Services**

Item No.	Subject	File No.	Recommendation	Reason for Change	Existing Restrictions	Proposed Restrictions	Source of Funds
71-1	34 & 38 Wolseley Road, Point Piper - 'No Parking'	DA 1010 / 2003	<p>1. THAT a 6m 'No Parking; 4.30pm – 6.30pm Mon-Fri' zone be installed south of the proposed entry driveway to the car lift of Nos.34&amp;38 Wolseley Road, adjacent to 30A Wolseley Road.</p> <p>2. THAT the above signposting be installed immediately following completion of the approved development.</p> <p>3. THAT the applicant meets the cost of the signage.</p>	<ul style="list-style-type: none"> <li>▪ This parking proposal was previously discussed with the RTA and Police representatives in July 2004 and in principle approval was given.</li> <li>▪ An application has been received from the developer of 34 &amp; 38 Wolseley Road, Point Piper for the installation of a parking restriction to satisfy Condition 1 and 56 of Council's Determination of 8 November 2004.</li> <li>▪ The Deferred Commencement Condition required the applicant to submit details to Council as shown below:  <i>“(a) The proposed method of access/queuing in Wolseley Road which is to be considered and approved by the Woollahra Local Area Traffic Committee.”</i></li> <li>▪ Condition 56 also indicates that the Woollahra Traffic Committee must approve provision of an on-street waiting bay. See attached <b>Annexure</b> for the Locality Plan, Site Photograph and copy of Applicant's Drawing.</li> <li>▪ The applicant has requested the provision of a 'No Parking; 4.30pm – 6.30pm Mon-Fri' car space adjacent to 30A Wolseley Road and to the south of the proposed entry driveway to the car lift.</li> </ul>	None.	'No Parking; 4.30pm – 6.30pm Mon-Fri'	The cost of the signage to be met by the applicant.

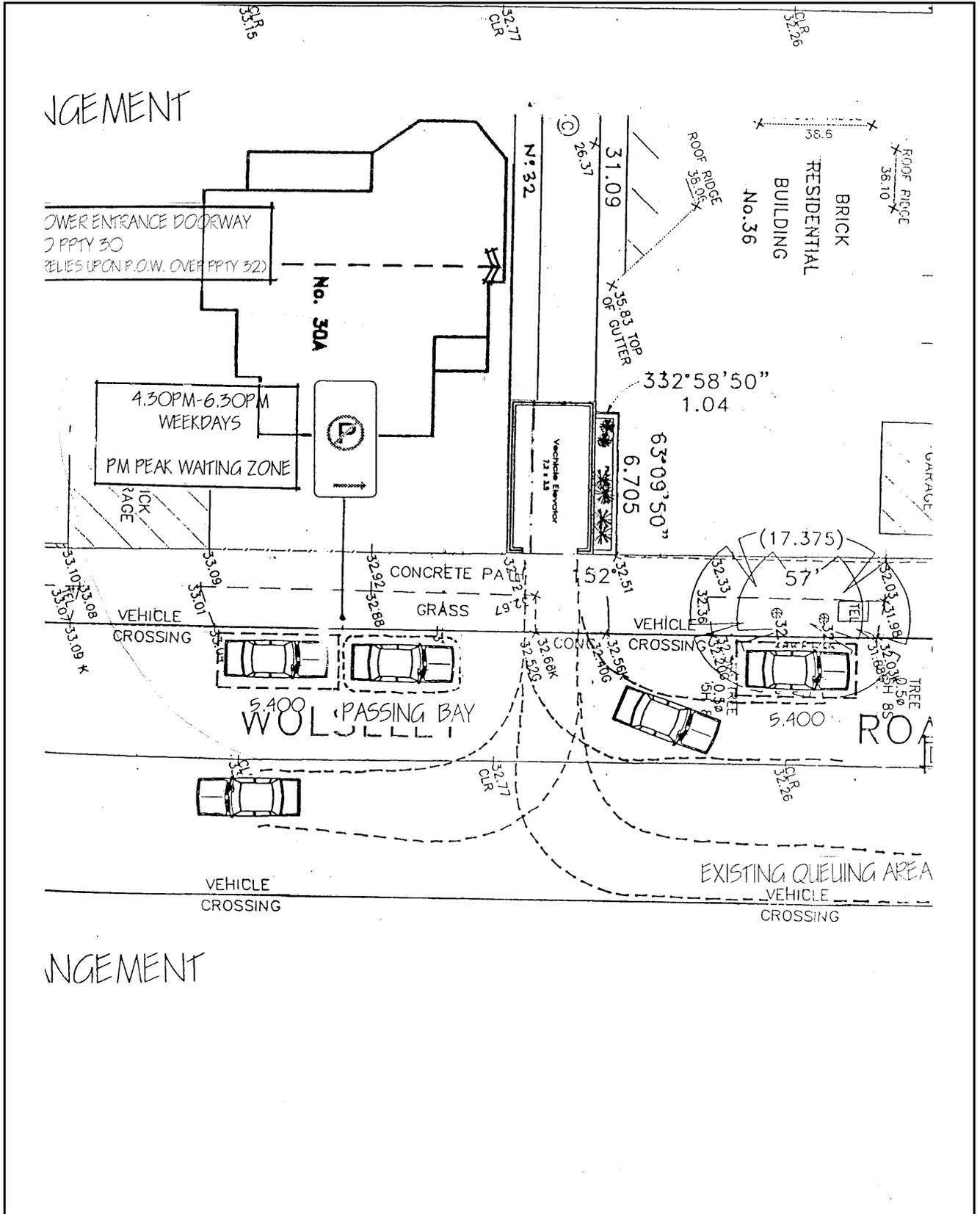
Item No.	Subject	File No.	Recommendation	Reason for Change	Existing Restrictions	Proposed Restrictions	Source of Funds
				<ul style="list-style-type: none"> <li>▪ This will provide a waiting queue area, when and if required, for a single vehicle to park safely on-street when a vehicle is using the on-site vehicle lift system.</li> <li>▪ It is expected that any queuing that may occur would be in the afternoon midweek peak period.</li> <li>▪ The applicant has also advised that the existing driveway adjacent to No.38 will be removed as part of the proposed development, thus gaining an additional on-street parking space.</li> <li>▪ A Locality Map, aerial photo and copy of the applicant's drawing are attached as an <b>Annexure</b>.</li> </ul>			

**Annexure**

**Site Locality Map – Nos.34 & 38 Wolseley Road, Point Piper**



**Copy of Applicant's Drawing**



**Item No:** D3 Delegated to Committee  
**Subject:** **Woollahra Golf Course Wetland Proposal**  
**Author:** Jamie Howieson - Project Manager Environmental Works  
**File No:** 221.G  
**Reason for Report:** To inform Council of Sydney Water's Stormwater Environment Improvement Program.  
  
**Recommendation:** That the information be noted.

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### **Background:**

Sydney Water Corporation is undertaking a comprehensive five-year Stormwater Environment Improvement Program (SEIP) with a total budget of 14 million dollars aimed at improving the quality of stormwater in its systems. The total program has around 21 proposed project sites, including two project sites identified in the Woollahra Local Government Area. The projects identified within Woollahra include a pollution control devices in Woollahra Golf Course and at Clarence Place (Lough Playing Fields, Double Bay). The options report for the Clarence Place pollution control device is to commence late November 2004 after which Council will be further consulted. The purpose of this report is to update Council on the proposed linear wetland identified for Woollahra Golf Course.

### **Proposal:**

Sydney Water has engaged a consultant to design and construct a pollution control device within the Woollahra Golf Course. To date, preliminary investigations have recommended that a linear wetland be constructed on the Sydney Water trunk drainage line located within the Woollahra Golf Course (refer to Annexure 1 for site location). A description and concept layout of the proposed wetland is contained in the letter received from the consultant and is attached in Annexure 2. As shown on the concept layout, part of the proposed wetland is sited in Woollahra Park on land under the care and control of Council. The installation of a wetland was identified as a suitable pollution control device in the Port Jackson South Stormwater Management Plan, July 1999.

As part of the implementation of the linear wetland, the following ancillary works are proposed:

- Removal of the weir and sluice gates and replacement with removable stop-boards
- Removal of exotic vegetation such as willow trees, palm trees and coral trees and replacement with native trees. Restoration at the site would be to a standard equivalent or superior to the current site appearance
- Replacement of rock bars and riffle zones within the existing channel
- Removal of the concrete grout mat that currently lines part of the channel bank, and replacement with a flatter bank vegetated with low level riparian vegetation such as *Lomandra longifolia*.

Sydney Water has consulted with Council staff and the Woollahra Golf Club and is seeking further comments prior to finalising the options report.

**Consultation:**

Sydney Water proposes to inform stakeholders of the proposal once the options report for the site is finalised. Key stakeholders identified so far include Woollahra Council, Woollahra Golf Club and its members, Cranbrook School, environmental interest groups, such as the Environmental Community Reference Group coordinated by Council and the local residents living in Manion Ave, Elanora Street and Iluka Street.

A Review of Environmental Factors (REF) will be prepared identifying all potential environmental impacts and recommended actions to be taken in the design and during construction to mitigate adverse impacts. All environmental and community issues identified will be addressed in the prescriptive Site Community and Environmental Management Plan.

Construction is projected for February 2005.

**Options:**

A this stage, the consultant has proposed a linear wetland as the most appropriate pollution control device. This option has had high support within Sydney Water and from the Woollahra Golf Club and its members. Given a great proportion of Sydney Water's SEIP involves the construction of Gross Pollutant Traps, this project has been given a high profile within the SEIP.

**Identification of Income & Expenditure:**

Sydney Water will take responsibility for all construction and maintenance costs for the project, funded by their SEIP. There is no cost implication for Council's budget.

**Conclusion:**

Based on the information submitted to Council to date, it is recommended Council support the objectives of the project, which are consistent with Council's Environmental Works Program. The project has sound environmental benefits for improving stormwater quality and native habitat. Sydney Water has identified Council as a key stakeholder and has given an undertaking to provide regular updates on its progress throughout implementation. Further updates will be reported back to Council in due course.

Jamie Howieson  
Project Manager – Environmental Works

Warwick Hatton  
Director Technical Services

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**Annexures:**

1. Site Plan
2. Letter from CHBM Water – 11 November 2004.

**Item No:** R1 Recommendation to Council

**Subject:** **Dog Control Issues - Vacluse House and Vacluse Beach (Beach Paddock)**

**Author:** Tim Tuxford, Manager - Compliance

**File No:** 206.G and 271.G

**Reason for Report:** This report is in response to the Community & Environment Committee resolution of 12 July 2004 and to consider the proposed changes suggested by the Historic Houses Trust to their Dog Control Policy at Vacluse House and Beach.

**Recommendation:**

- A. That Council receives and notes the Historic Houses Trust letters dated 10 September and 13 October 2004 and the Trust's position paper on its "Dog Policy at Vacluse House" dated 11 October 2004.
- B. That Council, pursuant to the provisions of Section 14 of the *Companion Animals Act* 1998, order the prohibition of dogs from the "public place" area within Vacluse House known as the "Pleasure Gardens", being the fenced area immediately in front of the main house.
- C. That Council, pursuant to the provisions of Section 13(6) and Section 14 of the *Companion Animals Act* 1998 and for a minimum trial period of 12 months;
  1. Order the prohibition of dogs from the "public place" area of Vacluse House known as the Beach Paddock, to the north of Wentworth Road Vacluse, between the hours of;
    - (i) 8.30am to 4.30pm eastern standard time; and
    - (ii) 8.30am to 6.00pm daylight saving time.
  2. Declare that outside of the above hours dogs are permitted in the "public place" area of Vacluse House known as the Beach Paddock, subject to being held on leash while on the grassed area and being permitted to be off leash on the beach sand only.
- D. That the 12 month trial period specified in paragraph C above is to commence when the required regulatory signs have been erected to reflect the restrictions adopted under that paragraph. Until that time, Council will continue to enforce the general provisions of the *Companion Animals Act* 1998, as they apply to the "public place" area of Vacluse House known as the Beach Paddock.
- E. That at the conclusion of the 12 month trial period specified in paragraph C above the restrictions adopted under that paragraph are to remain in force until the matter has been put back before Council for further consideration.
- F. That Council formally notify the Historic Houses Trust of the Council's decision in relation to the above dog control matters for Vacluse House and seek their co-operation to introduce these changes as a matter of urgency, for the benefit of the community. If agreement can not be reached with the Historic Houses Trust on the above dog control measures or if the required regulatory signage is not erected within sixty (60) days from the date of Council's decision, Council should erect required signage on Council's land, adjacent to the entrances to the Beach Paddock.

### **Reason for Report:**

The Community and Environment Committee at its meeting of 12 July 2004 resolved as follows;

- “A. That the Mayor be requested, on Council’s behalf, to meet with representatives of the Historic Houses Trust to discuss appropriate companion animal control requirements for Vaucluse House and Vaucluse Beach.
- B. That following the meeting of the Mayor and the Trust a further report be prepared for the consideration of the Community and Environment Committee.”

In response, the Historic Houses Trust wrote to Council detailing the following revised dog control measures that they would consider implementing at Vaucluse House for a trial period of 12 months;

- “(i) That there be no change to the current policy in relation to the garden and grounds other than the Beach Paddock.
- (ii) *That access to dogs in the company of responsible owners be allowed to the Beach Paddock before 8.30am and after 4.30pm (6pm during daylight saving time).*
- (iii) *That dogs must be leashed at all times other than when on the sand beach.*
- (iv) *That the Trust would not provide bins or bags thus encouraging owners to remove their own litter.”*

### **Background:**

In June 2003, the Historic Houses Trust amended the conditions of entry to Vaucluse House on a trial basis by prohibiting dogs from the following areas;

- The Beach Paddock, being the reserve and beach to the north of Wentworth Road;
- The “Pleasure Garden”, a fenced area immediately in front of the main house; and
- The 10 metre area around the Tea House.

Prior to the introduction of the above trial, dogs were required to be held on leash at all times, as per the general provisions of the *Companion Animals Act 1998*. However, representatives of Vaucluse House have advised Council that the area was inadequately sign posted and the restrictions on dogs could not be enforced. As such, it appears local residents considered and used the Beach Paddock area as an unofficial off leash exercise area.

Over the following months, residents strongly opposed the above restrictions and made representations to the Trust and Council. At the Animal Advisory Committee meeting of 27 August 2003 an update on the trial was provided by Mr Collins, the curator of Vaucluse House and it was confirmed that the Historic Houses Trust would convene a meeting to hear from people for and against the changes.

The Trust convened a meeting on 11 September 2003 with selected community representatives to hear both sides of the argument. Council was represented at this meeting by Councillor Comino, the Mayor of the day and Colin De Costa, Council’s Senior Regulatory Officer. The meeting did not result in any change to the trial restrictions.

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The trial restrictions were again raised with Council at the Animal Advisory Committee meeting of 19 May 2004, where representatives of the community group known as “DOGS” (Dog Owners Group Support) presented their opposition to the dog restrictions in the Beach Paddock area. The following issues were raised at the meeting;

- The trial prohibition of dogs from the grounds of Vaucluse House and Vaucluse Beach is due to finish on 3 June 2004;
- In the residents’ opinion there is no grounds for the prohibition;
- The residents have made representations to the Historic Houses Trust, but they believe the Historic Houses Trust Board are going to reaffirm the prohibition without any regard to their representations;
- While the restriction of dogs from this area is not a matter for Council, Council is obliged to enforce the restrictions, pursuant to the requirements of the *Companion Animals Act 1998*;
- The residents have sought Council’s support to have Vaucluse House and Vaucluse Beach re-opened to dogs; and
- This matter should be brought before Council so Council can take a position.

In response to the above concerns, the matter was discussed in a report on the extension of the off leash area for dogs at Lighthouse Reserve Vaucluse, presented to the Community & Environment Committee meeting of 15 June 2004. The matter was referred to the Council meeting of 28 June 2004, where it was resolved, in part, as follows;

“B. That further investigation of the Council’s role in the control of dogs in Vaucluse Park, pursuant to the requirements of the *Companion Animals, 1998*, be undertaken and reported to a future meeting of the Community and Environment Committee.”

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

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

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

A legal opinion was obtained from Michael Connell of Michell Sillar Lawyers in relation to how the *Companion Animals Act 1998* would apply to Vaucluse Park and Vaucluse Beach. The opinion detailed Council’s role in “ordering” the prohibition of dogs from any “public place”, as defined by the Act, even if that area is not under the care, control and management of Council.

Michell Sillar’s legal opinion and the letter from the Historic Houses Trust dated 22 June 2004 were reported to the Community & Environment Committee meeting of 12 July 2004 where it was resolved as follows;

“A. That the Mayor be requested, on Council’s behalf, to meet with representatives of the Historic Houses Trust to discuss appropriate companion animal control requirements for Vaucluse House and Vaucluse Beach.

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- B. That following the meeting of the Mayor and the Trust a further report be prepared for the consideration of the Community and Environment Committee.”

A copy of the report to the above meeting is attached to this report as “Annexure 1”.

On 16 July 2004, Councillor Rundle, the Mayor and Tim Tuxford, Council’s Manager - Compliance meet with Mr Peter Watts of the Historic Houses Trust, where it was generally agreed that;

- “1. *The Trust would get the community views from the proposed meeting on 27 July 2004;*
2. *The Trust would make its decision;*
3. *The Trust would write to Council informing Council of its decision, providing reasons for the decision;*
4. *Staff would prepare a report on the Trust’s decision and submit it to the Community & Environment Committee, before the matter is presented to Council. Cr Rundle explained that Council’s decisions are made in public and the community will have the opportunity at the Committee meeting to express their views on the matter, before a decision is reached;*
5. *If the position of Council differs from the Trust, Council will only enforce the requirements of the Companion Animals Act in accordance with the Council’s position; and*
6. *It is in everyone’s interest to reach common ground on this matter.”*

On 27 July 2004 the Historic Houses Trust convened the meeting proposed in its letter of 22 June 2004. The attendees included;

- Three (3) community representatives who supported the dog restrictions;
- Two (2) community representatives who opposed the dog restrictions (3 representatives were invited);
- Councillor Comino representing Council; and
- Five (5) representatives from the HHT.

All parties were provided the opportunity to present their position on the trial restrictions that were under review by the Trust. Discussion then centred on a possible compromise, with the meeting focusing on the following variables;

1. Hours
2. Days
3. Leash/Off Leash
4. Bags/Bins
5. Professional Dog Walkers
6. Enforcement
7. Trial

No formal position was taken at the meeting and it was noted that the Historic Houses Trust would consider their position on 16 August 2004, after which time they would hold discussions with Council.

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At the Animal Advisory Committee meeting of 18 August 2004, Mr Collins, the curator of Vacluse House reported that the trial period for prohibiting dogs from the Beach Paddock concluded at the end of June 2004. He said the Trust had reached a draft position and would be putting this to Council for consideration. Mr Collins stated that until a final position is adopted by the Trust, the Trust would continue to prohibit dogs from the Beach Paddock.

Councillor Rundle also addressed the Animal Advisory Committee, explaining Council's position as the regulatory authority responsible for enforcing the regulations at Vacluse House under the provisions of the *Companion Animals Act 1998*.

Council received a letter from the Historic Houses Trust dated 10 September 2004, which stated the following;

*“At its meeting on 16 August the Board of the Trust agreed that it would be prepared to consider amending the Conditions of Entry to Vacluse House, in relation to use by dogs, generally in the following ways;*

- (i) That there be no change to the current policy in relation to the garden and grounds other than the Beach Paddock.*
- (ii) That access to dogs in the company of responsible owners be allowed to the Beach Paddock before 8.30am and after 4.30pm (6pm during daylight saving time).*
- (iii) That dogs must be leashed at all times other than when on the sand beach.*
- (iv) That the Trust would not provide bins or bags thus encouraging owners to remove their own litter.”*

*The Trust resolved that these proposed conditions of entry should be trialed for a period of 12 months and be reviewed at that time taking into consideration the following;*

- The level of cleanliness of the Beach Paddock*
- The level of usage of the Beach Paddock by different sectors of the community*
- The number of incidents reported to the staff at Vacluse House/Council involving dogs*
- Feedback from the local community including exit surveys carried out during the 12 month trial period”*

The Trust indicated in its letter that it would not determine its final position until the Trust had received Council's formal response to the above suggestions.

To assist Council to better understand the Trust's position, Council wrote to the Trust on 21 September 2004 requesting that they provide Council with the reasons and/or basis for the suggested restrictions. The Trust provided this information in a letter to Council dated 13 October 2004, which was accompanied by the Trust's position paper on the matter. A copy of the Trust's letter and position paper are attached to this report as “Annexure 2” and “Annexure 3” respectively.

#### Animal Advisory Committee Meeting of 17 November 2004

The matter was reported to Council's Animal Advisory Committee (AAC) on 17 November 2004. In addition to the Committee members, eight (8) local residents from the community group DOGS (Dog Owners Group Support) and Mr Collins, the curator of Vacluse House were present. Mr Russell Cooper, Mr Graham Lowry Jones and Mr Barnabas Barko addressed the AAC on behalf of the dog owning residents, indicating that the residents did not consider the suggestions put forward by the Historic Houses Trust went far enough. The dog owning residents requested that;

1. There be no variation to the proposed access times during the daylight saving period; and
2. The off leash area be extended to include the grassed area of the Beach Paddock.

Concern was also expressed by the residents that agreement may not be reached with the Historic Houses Trust or that there maybe a delay with the erection of any required signage.

The AAC fully supported the position of the DOGS group and resolved as follows;

- “A. That the Animal Advisory Committee notes the proposed changes suggested by the Historic Houses Trust to the Dog Control Policy at Vaocluse House and requests that Council adopt the following modified changes;*
- (i) That there be no change to the current policy in relation to the garden and grounds other than the Beach Paddock.*
  - (ii) That access to dogs in the company of responsible owners be allowed to the Beach Paddock before 8.30am and after 4.30pm*
  - (iii) That dogs be permitted off leash on both the grassed area and sand beach between the times specified in item (ii) above.*
  - (iv) That the Trust would not provide bins or bags thus encouraging owners to remove their own litter.*
- B. That the Animal Advisory Committee supports the trial of any change to the Dog Control Policy at Vaocluse House for a period of 12 months.*
- C. That the Animal Advisory Committee note that the proposed changes suggested by the Historic Houses Trust to the Dog Control Policy at Vaocluse House will be reported to the Council’s Community & Environment Committee meeting on 29 November 2004.”*

### **Consideration:**

The land associated with Vaocluse House, which is under the care, control and management of the Historic Houses Trust, is separated into the following two (2) distinct areas;

1. The grounds of the main house, to the south of Wentworth Avenue and bounded by Wentworth and Olola Avenues. For the purpose of this consideration this area will be described as Vaocluse House; and
2. The Beach Paddock, the reserve area to the north of Wentworth Avenue, leading to Vaocluse Bay.

These areas are clearly shown on the aerial photograph attached to this report as “Annexure 4”.

As reported to the Community & Environment Committee meeting of 12 July 2004, the above areas are considered “public places” for the purpose of the *Companion Animals Act* 1998. As such, dogs are permitted on leash in these areas at all times (Section 13(1)), unless;

1. Specifically prohibited by Section 14 of the *Companion Animals Act* 1998. The Act prohibits dogs from being within 10 metres of any playing apparatus (Section 14(1)(a)) or food preparation/ consumption area (Section 14(1)(b));

2. The area is identified in Section 14 of the *Companion Animals Act* 1998 and the local authority has ‘ordered’ that dogs are prohibited. Such areas include recreation areas (Section 14(1)(c)) and public bathing areas (Section 14(1)(c)).
3. The area is declared an off leash area by the local authority pursuant to Section 13(6) of the *Companion Animals Act* 1998.

While Vaucluse House and the Beach Paddock are under the care, control and management of the Historic Houses Trust, for the purpose of the *Companion Animals Act* 1998 the Trust can not ‘order’ the prohibition of dogs (if not specifically prohibited by the Act) and can not declare an area to be off leash. Only Council, as the local authority, can make such orders and declarations.

However, where Council is considering making prohibition orders or off leash declarations for a “public place” that is not under the Council’s direct care and control, it is considered appropriate that the Council have regard to the views, opinions and objectives of the authority who is responsible for the land.

The Trust’s position with regard to dog control issues at Vaucluse House and the Beach Paddock is clearly outlined and explained in their letter to Council dated 13 October 2004 (Annexure 2) and the accompanying position paper dated 11 October 2004 (Annexure 3).

When the Historic Houses Trust first prohibited dogs from sections of Vaucluse House and the Beach Paddock over 12 months ago, they were criticised for not acting transparently and for not consulting with the community. It is considered the compromise now being put by the Trust to Council reflects due consideration of the community’s concerns and the Trust have satisfactorily justified their position.

#### Prohibitions Within the Grounds of Vaucluse House

There appears to be little community opposition to the prohibition of dogs from the following areas at Vaucluse House;

- The ‘Pleasure Garden’ area, which is the fenced area immediately in front of the main house; and
- The ten (10) metre area surrounding the Tea House.

As explained previously, dogs are specifically prohibited from the area surrounding the Tea House by Section 14(1)(b) of the *Companion Animals Act* 1998 and as such no order needs to be made for this area. However, the Council would need to order the prohibition of dogs from the ‘Pleasure Garden’ area pursuant to Section 14 of the *Companion Animals Act* 1998. It is considered appropriate that such an order be made based on the information provided by the Historic Houses Trust.

#### **Beach Paddock**

With regard to the Beach Paddock sections of the community strongly opposed the prohibition of dogs from this area and the DOGS group has been campaigning to have dog access reinstated. In response, the Historic Houses Trust has now suggested trialing restricted dog access to the Beach Paddock, including an off leash period for dogs on the beach area.

During the trial, dogs would be permitted on leash in the Beach Paddock from 4.30pm (6.00pm during daylight saving time) to 8.30am. Also during this time dogs would be permitted off leash on the sand beach. Outside of these hours, dogs would be prohibited from the Beach Paddock. It is proposed by the Trust that the trial runs for a period of 12 months.

The Trust have endeavoured to provide a balance between the different users of the Beach Paddock, recognising that it is an area used by dog owners, picnickers, families and children wading in the shallow waters of Vacluse Bay, to name a few.

In relation to children wading, the Committee's attention is drawn to Section 14(1)(d) of the *Companion Animals Act 1998*, which states;

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

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

#### Hours of Access for Dogs to the Beach Paddock

Given the location and use of the Beach Paddock, it is considered it would fit the above description. However as the water is very shallow, the main swimmers would be small children and it is unlikely they would be swimming before 8.30am or after 4.30pm (6.00pm during daylight saving time).

The DOGS group and Council's AAC do not support extending the prohibition period during daylight saving time to 6.00pm. They consider that the prescribed time for permitting dogs onto the Beach Paddock should be from 4.30pm to 8.30am all year round. This would ensure the Beach Paddock is inline with the dog control restrictions applied to the remainder of the Municipality.

This is a sound and reasonable position and it would be a definite benefit for Council's Rangers who need to enforce the restrictions. However, the Beach Paddock is a distinctly different type of reserve to the other areas within the Municipality that have a 4.30pm time restriction. The majority of these areas, including Christison Park, Lyne Park, Lough Playing Field, Lower Cooper Park and Rushcutters Bay Park have playing fields and are used for organised sport. The only exception is Dumaresq Reserve in Rose Bay.

While Dumaresq Reserve adjoins the foreshore, it is at the bottom of a dead-end street, with limited parking and poor accessibility. It is not a known swimming area and it is not considered that it would attract picnickers to the same extent as the Beach Paddock at Vacluse House. The Beach Paddock is directly opposite a renowned tourist attraction, has parking available and is readily accessible by public transport. The Historic Houses Trust has stated in their submissions that the recreational uses of the Beach Paddock are particularly high in the summer months and this usage would extend beyond 4.30pm.

Accordingly, the hours suggested by the Trust are considered reasonable under the circumstances.

### On Leash and Off Leash Areas within the Beach Paddock

The DOGS group and the AAC have requested that dogs also be permitted off leash on the grass area, and not be limited to the sand beach only. They consider that the sand beach is not sufficiently sized, with the available off leash area being affected by the tide.

The Historic Houses Trust have indicated in their submissions that they wish to have dogs leashed at all times when on the grassed area of the Beach Paddock to ensure that dogs are under the direct control of their owners/handlers. They believe this would be beneficial for the following reasons;

1. Dog owners/handlers would be more likely to pick up after their dogs; and
2. Dogs would be kept away from other recreational users of the grassed area thereby minimising any conflict.

Having regard to the recreational usage of the Beach Paddock and the possible conflicts that could arise, the Trust's suggestion to require dogs to be on leash is considered reasonable. While dog owners/handlers are required to pick up after their dogs whether they are leashed or not, in practice this may not occur. As the Trust is responsible for the upkeep of this area, their past experience in this regard is respected.

It is considered the Trust have tried to achieve a rational compromise between the dog-owning and non-dog owner sections of the community in relation to the usage of the grassed area.

### **Other dog friendly areas within the Vacluse/Watsons Bay area**

The other parks and reserves that are currently available for dogs in the Vacluse/Watsons Bay area (ie north of Towns Road) include the following;

#### *Type B – Dogs held on a leash permitted at all times*

- Camp Cove Reserve
- Forsyth Park
- Samuel Park
- Signal Hill Reserve

#### *Type C – Dogs on leash permitted at all times and unleashed between 4.30pm and 8.30am*

- Christison Park

#### *Type D – Unleashed dogs permitted at all times*

- Lighthouse Reserve

### Trial period for dog policy within the Beach Paddock

The suggestion of the Historic Houses Trust to trial any change to their dog policy in relation to the Beach Paddock is sound and the 12 month period recommended is considered appropriate. In this regard, it is recommended the 12 month trial period commence when the required new regulatory signage is erected, reflecting the restrictions formally adopted by Council, pursuant to the *Companion Animals Act* 1998. Until the new signage is erected, Council would only be permitted to enforce the general requirements of the *Companion Animals Act* 1998, which would include permitting dogs on leash in the Beach Paddock at all times.

At the conclusion of the 12 month trial period, it is considered the restrictions adopted by Council should remain in force until the matter is put back before Council for reconsideration. It would be inappropriate to revert to the Trust's current position, which prohibits dogs from the Beach Paddock at all times. This position has not been formally adopted by Council and therefore could not be regulated by Council pursuant to the provisions of the *Companion Animals Act 1998*.

Actions if Agreement not Reached

Concern was expressed by the residents who attended the Animal Advisory Committee meeting on 17 November 2004 that the Trust may not accept Council's position or there maybe a delay with the erection of the required regulatory signage. Considering the Trust's recent actions and the information contained in their written submissions, this view is not supported. It is considered that the Trust have shown that they are willing to resolve this matter.

Furthermore, the differences between the parties are not as great as they once were. There is general agreement that dogs should be prohibited from the Beach Paddock from 8.30am. to 4.30pm. The difference is whether the prohibition should extend to 6.00pm during daylight saving time, as suggested by the Trust, or should remain at 4.30pm all year, as proposed by the AAC and DOGS group.

There is also general agreement that dogs should be permitted off leash on the sand beach area. The difference is whether this should be extended to include the grassed area of the Beach Paddock, as recommended by the AAC and DOGS group, or should it be limited to the sand beach only, as suggested by the Trust.

While it is considered that an agreement is possible, it would be open to Council to resolve to erect the required regulatory signage on Council's land, adjoining the entrances to the Beach Paddock, if any undue delay was encountered. This has been verbally confirmed with Council's Director – Technical Services and has been included in the draft recommendation.

**Conclusion:**

It is unlikely that all members of the community will be happy with the Trust's proposal, however the Trust have demonstrated that they have considered all the significant issues, including the usage patterns of the Beach Paddock and the general safety of the community. Therefore, the Trust's position, as the authority with the care, control and management of Vaucluse House and the Beach Paddock should be respected and it is considered the proposed compromise of the Trust should be supported and trialed for a minimum period of 12 months.

Tim Tuxford  
Manager - Compliance

Allan Coker  
Director – Planning & Development

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Annexures:

1. Report to the Community & Environment Committee meeting of 12 July 2004
2. Letter from the Historic Houses Trust dated 13 October 2004
3. Position Paper of the Historic Houses Trust on its Dog Policy at Vaucluse House dated 11 October 2004
4. Aerial photograph of Vaucluse House and the Beach Paddock

**Item No:** R2 Recommendation to Council  
**Subject:** **Sir David Martin Reserve Plan of Management**  
**Author:** David Sheils - Manager Public Open Space  
**File No:** 787.G POM  
**Reason for Report:** To recommend to Council the adoption of the Sir David Martin Reserve Plan of Management.

**Recommendation:**

That the Sir David Martin Reserve Plan of Management version November 2004 be adopted.

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**Background:**

The Community and Environment Committee at its meeting of 13 September 2004, resolved to place on public exhibition the draft Plan of Management (PoM) for Sir David Martin Reserve. The plan was exhibited for 28 days with submissions closing 27 October 2004.

**The need for a new Plan of Management:**

In August 1997, the then Rushcutters Bay Maritime Reserve Trust adopted a Plan of Management (PoM) for the site. Since the adoption of the PoM a number of significant issues have arisen that has generated the need for Council to adopt a new and updated PoM (Annexure 1 - distributed separately). These issues include:

- some buildings have been removed as authorised by the existing PoM;
- a significant marine handstand facility and disabled lift access to the Drill Hall Extension has been constructed as a legacy of the Sydney 2000 Olympics;
- Council has been appointed to manage the Reserve Trust (2001); and
- an Expressions of Interest process has been undertaken by Council seeking uses of the reserve and the marina / handstand area.

In addition to above, the Minister of Planning on 24 January 2003 made the Woollahra LEP 1995 (Amendment No.38). This amendment rezoned the site from 5(a) Special Uses to 6 Open Space including some additional purposes. Councils development control table for Zone No.6 (Open Space) in Woollahra LEP 1995, Part 5 states:

“5. *Development which may be carried out only with development consent*  
*Development for the purpose of:*  
**Community facilities; recreation areas; recreation facilities; roads; uses of buildings associated with development permitted in the zone without development consent; utility installations (other than gas holders or generating works).**”

Schedule 1 of Woollahra LEP 1995 defines **community facilities** as:

“... a building or place owned or controlled by the Council, a public authority, a religious organisation or a body of persons associated for the physical, social, cultural, economic, intellectual or religious welfare of the community, which may include -

- (a) *a public library, rest rooms, meeting rooms, recreation facilities, a child care centre, cultural activities, social functions or any similar building, place or activity; or*
- (b) *a community club, being a building or place used by persons sharing like interests, but not a registered club, whether or not that building or place is also used for another purpose.*

The additional purposes outlined in LEP Amendment 38 are stated as:

- “(a) *The necessary management and operational support facilities for the Olympic legacy marina required to operate a ten-berth marina and hardstand facility, subject to the conditions that:*
  - (i) *the marina and hardstand are to be used only for community purposes, and*
  - (ii) *the facilities must be used to advance community access to the sport of sailing, in particular for people with a disability, and*
- (b) *...RANSA – use for the same purposes as it was being used immediately before the commencement of the Woollahra Local Environmental Plan 1995 (Amendment No.38), and*
- (c) *a café, and*
- (d) *a kiosk.”*

Therefore we have drafted the PoM to permit appropriate uses for the Reserve consistent with that contained in the LEP amendment. The PoM also seeks to balance the provision of public recreation, social and cultural uses of the reserve with the conservation of the physical and heritage attributes of the site. The PoM will provide a basis for our ongoing management, and maintenance of the Reserve and provide a suitable basis for long-term decision making.

Key actions authorised to be completed by this draft plan in the short term include:

1. *Amend the purposes allowed in the Reserve in conjunction with the Department of Lands.*

In 1987 the State declared the reserve purpose for the site “*For Public Recreation and Maritime Purposes.*” As outlined above the rezoning of the site to No.6 (Open Space) and the additional uses permitted by the LEP Amendment 38, have expanded the use of the site to include community purposes. Therefore, we seek to add *Community Purposes* to the Reserve’s declared purposes.

Discussions with the staff from the Department of Lands have indicated that for the purpose of Section 87(1) of the Crown Lands Act 1989, the proposal to amend the Reserve Purpose would be supported.
2. *Prepare a landscape plan that maintains landscape elements and foreshore pedestrian links.*

We will prepare a landscape plan that will define landscape elements such as furniture, paving, signage, lighting etc. The plan will be compatible with Rushcutters Bay Park and Yarranabee Reserve and reflect the cultural and heritage values specific to the Reserve.
3. *Upgrade park furniture.*

An opportunity exists to provide a small amount of seating, replace bollards, improve fencing and the like, as contained in the landscape plan.

4. *Install and upgrade place name and interpretative signage.*  
We will install interpretative signage that will assist in highlighting the rich heritage of the site. This includes consulting with relevant community groups and former naval personnel who served at the site.

**Submissions:**

Three submissions were received during the exhibition period and a late letter of support for the PoM was provided by the Darling Point Society. An outline of the comments received and responses are provided below.

Summary of submission	Response
<b>Rushcutter Group – Brian Cleary, Commodore RAN (Ret'd), Chairman Rushcutter Group</b>	
<i>Firstly we note that this plan purports to update and replace the 1997 Plan (para 1.2 of the Draft). Whereas the 1997 Plan places a strong emphasis on the cultural heritage of the Navy occupation of the site and stresses the desirability of the involvement of Naval personnel to interpret the site, the draft plan provides no such emphasis.</i>	Section 4.7 and 5.12 of the PoM has been amended to specifically include reference to the need to consult with relevant community groups including former naval personnel.
<i>The cultural history as outlined in this draft Plan (para 2.7) completely ignores the facts set out in the 1997 Plan and presents what is purported to be early history of the NSW Colonial Naval Forces on the Rushcutter site. As set out in the 1997 Plan there was no Navel activity on site before 1901. It is clear the authors of this Draft Plan have been misled by misinformation set out in the Register of the National Estate Database (Draft Plan Appendix D), which is greatly at variance with the historical summary given in the Design 5 Conservation Plan.</i>	Section 2.7 of the PoM has been amended to delete reference of the site being used by Naval forces until 1901, in accordance with the Conservation Management Plan (revised 2004).
<i>Thirdly the Draft Plan refers to a Landscape Plan (para 5.6), an Interpretive Plan (para 5.11) and a Revised Conservation Management Plan (para 5.12) as parts of the implementation of the approved Plan of Management. As these plans could have a major impact upon the management of the Sir David Martin Reserve we would expect them to be made available for public scrutiny and comment before being endorsed by Council.</i>	The PoM identifies the need to develop a Landscape Plan and Interpretive Strategy consistent with the Plan and the Conservation Management Plan.  These documents will be publicly exhibited and public submissions will be sought prior to seeking Council adoption of the respective plans.
<b>Woollahra History and Heritage Society – Peter Poland, President</b>	
<i>With reference to buildings on the Reserve in Section 5.10 any work on these should be referred back to the revised Conservation Management Plan.</i>	Section 5.10 has been amended to include specific reference to works being undertaken in accordance with the Conservation Management Plan.
<i>Throughout the Plan the objective of achieving public access along the foreshore of Rushcutters Bay should be maintained. Section 4.6.3.3 is of particular relevance to this.</i>	Section 4.6.3.3 has been amended to include reference to investigate opportunities for the harbour foreshore walk to extend across the Slipway to d'Albora Marina.
<b>Rushcutters Bay Foreshore Protection Association – Morris Seamonds, Secretary</b>	

<p><i>“Changing Reserve Purpose” as proposed on page 2 of the Draft POM cannot include “Cultural, Social and educational activities” as this is in breach of the Transfer Agreement between the Commonwealth and the State Governments and the reservation of the land under the Crown Lands Act. These state that the purpose and usage of the land is for “Public Recreation and Public Maritime purposes.</i></p>	<p>The PoM proposes to alter the reserve purpose in consultation with the NSW Department of Lands.</p> <p>Altering the reserve purpose to include community purposes will align the reserve with Council’s LEP for the site which was approved by the NSW Minister of Planning.</p> <p>These matters have been raised previously by Mr Seamonds and addressed in previous Council reports.</p>
<p><i>Figure 3.0 shows total area of the Reserve as being 5972m<sup>2</sup>. Terms of the Reserve in the Government Gazette No. 10 16/1/87 shows 5931m<sup>2</sup>.</i></p>	<p>Our survey data prepared by a registered surveyor (2003), indicates that the site is 5,975.1 m<sup>2</sup>. We do not have access to the land survey data that supported the 1987 Government Gazette for comparison, however, the minor area discrepancy is not considered relevant to the overall management of the site as set out by the PoM.</p>
<p><i>Proportion of the open space to the west of the RANSA building is incorrectly included as open space recreation. The Commonwealth Transfer Agreement states that RANSA could occupy the area they then occupied. Therefore it is assumed that this is part of their current lease and as such the public does not have access.</i></p>	<p>Figure 4 has been amended to exclude the RANSA lease area from the open space calculation.</p> <p>Notwithstanding this, there are no fences or signs that prevent the public from accessing this area when not in use by RANSA members.</p>
<p><i>The verandahs of the Cottage are roofed areas, and with the Garden area surrounding the Cottage, are incorrectly included as Open Space Public Recreation area.</i></p>	<p>Figure 4 has been amended to exclude the verandas of the Cottage. However, the garden area around the Cottage is considered to be public open space.</p>
<p><i>The Cottage has vehicle parking spaces as part of its lease. This is not an Open Space Public Recreation area.</i></p>	<p>Limited parking spaces for the use of the site’s buildings and vehicle accessways are considered to form part of the open space recreation area.</p>
<p><i>The driveway from the entrance gate to the Cottage parking spaces cannot, in any way, be classified as an open space public recreation area.</i></p>	<p>As discussed previously above.</p>
<p><i>The Drill Hall Extension has roofed verandahs that are incorrectly included as Open Space Recreation areas.</i></p>	<p>Figure 4 has been amended to exclude the veranda areas from the calculations.</p> <p>Notwithstanding this, the public have full access to these areas and particularly make use of them in summer for shade.</p>
<p><i>RANSA has permission for garbage vehicles etc. to enter the northern gate and drive up to the RANSA building. This is a driveway and not available for Open Space Public Recreation.</i></p>	<p>As discussed previously above.</p>
<p><i>The proposed changes from the 1997 POM are in direct breach of the Transfer Agreement and as such Clause (iii) of the Attachment to the Agreement comes into force. This means the NSW Government will have to pay the Commonwealth Government the Market Value of the land.</i></p>	<p>These matters have been raised previously by Mr Seamonds and addressed in previous Council reports.</p>
<p><i>Point 4.6.3.1 The draft POM presented to the Rushcutters Bay Working party did not include as possible uses “Café and Kiosk”. These we believe are not permissible uses.</i></p>	<p>These uses were specifically included as part of the Woollahra LEP Amendment No.38 and are permissible uses with Development Consent.</p>
<p><i>The POM does not really take into consideration how the proposed uses affect the surrounding neighbourhood. New Beach Road has reached its capacity years ago with regard to noise, traffic, parking, pollution etc. as the CYC and d’Albora Marine’s expansion over the years has made Rushcutters Bay the most populated boating bay in Sydney.</i></p>	<p>The PoM identifies the need to ensure the site’s uses take into consideration the amenity of nearby residents with regard to noise, traffic and parking.</p>
<p><i>The results of the Contamination Reports have not been made available to the public for comment.</i></p>	<p>A Stage 1 preliminary contamination assessment was undertaken as part of the site’s rezoning process. This assessment identified the need undertake further detailed investigations.</p>

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	<p>To date site investigations have been completed supporting each of the development applications that have been submitted for the use of the site's buildings in accordance with the requirements of the LEP.</p> <p>A detailed investigation of the whole site is currently being concluded and a report from the appointed site auditor is yet to be provided to Council.</p>
<p><i>We believe that the Legal Opinions from Michel Sillar and Deacons should have been attached to the Draft POM so that all interested parties are fully informed.</i></p>	<p>It is not considered necessary.</p>
<p><b>The Darling Point Society – Charlotte Feldman, Vice President</b></p>	
<p><i>The committee would like to let you know that it unreservedly approves of the plan to improve facilities in this area of our magnificent harbour foreshore. The plan shows a great deal of foresight and addresses in detail every aspect of the community needs including the disabled and elderly and will give the residents and visitors a great deal of enjoyment.</i></p>	<p>The support of the Darling Point Society is noted</p>

### **Conclusion:**

The draft Plan has been subject to review by the former Rushcutters Bay Working Party. This review process included two meetings where specific contents of the draft plan were received and amendments made. A meeting with staff from the Department of Lands has been undertaken and comments included in the draft plan.

The plan was publicly exhibited and four submissions were received. Many of the comments raised by the submissions have been included in the final document. It is therefore recommended that the Sir David Martin Reserve Plan of Management be adopted.

David Sheils  
Manager Public Open Space

Warwick Hatton  
Director Technical Services

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### **Annexures:**

1. Sir David Martin Reserve Plan of Management (distributed separately)
2. Public submissions

**Item No:** R3 Recommendation to Council

**Subject:** **Draft Woollahra State Of The Environment Report 2003/2004**

**Author:** Rebecca Peacock – Environmental Protection Coordinator

**File No:** 883.G

**Reason for Report:** To introduce the Draft Woollahra State of the Environment Report 2003/2004

### **Recommendation**

- A. THAT the Draft Woollahra 2003/2004 State of the Environment Report be received and adopted.
- B. THAT the Draft Woollahra 2003/2004 State of the Environment Report be distributed to the following organisations and individuals: Council's libraries, schools within the Woollahra area, resident action groups within the Woollahra area, Chambers of Commerce within the area, adjoining councils and the Southern Sydney Regional Organisation of Councils, Woollahra Councillors and senior Council staff.
- C. THAT Council formally thanks the organisations that contributed to the preparation of the Draft Woollahra State of the Environment Report 2003/2004.
- D. THAT the Committee's recommendation be considered by the Council Meeting on the 29 November 2004 as a matter of urgency, as the State of the Environment Report is required to be adopted by 30 November 2004.

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### **1. Purpose**

The purpose of this report is to present Council's Draft Woollahra State of the Environment (SoE) 2003/2004 Report. The preparation and adoption of a SoE report by Council forms a part of Council's annual report. Council is required to adopt the SoE by 30 November 2004. The Draft 2003/2004 SoE report is a comprehensive report prepared in accordance with the requirements of the *Local Government Act 1993* (LG Act).

### **2. Background**

Section 428 of the LG Act specifies that within five months after the end of each financial year, a council is to prepare an annual report detailing its achievements with respect to the objectives and performance targets set out in its management plan for that year.

Section 428 (2) details the information that a council is to include in the annual report, with sub-section (2) (c) specifically relating to the preparation of the SoE report.

(c) *a report as to the state of the environment in the area, and in particular in relation to the following environmental sectors:*

- (i) *land,*
- (ii) *air,*
- (iii) *water*
- (iv) *biodiversity,*
- (v) *waste,*
- (vi) *noise,*
- (vii) *Aboriginal heritage,*
- (viii) *Non-Aboriginal heritage,*

*with particular reference, with regard to each such environmental sector, to:*

- (ix) *management plans relating to the environment,*
- (x) *special council projects relating to the environment,*
- (xi) *the environmental impact of council activities.*

The *Local Government (General) Regulation 1999* (the regulation) provides further clarification on the preparation of the environment report. The regulation states that a council is to prepare a comprehensive SoE report for the year following a council election. A council may choose to prepare either a comprehensive or supplementary report for the years between council elections.

The regulation specifies that comprehensive SoE reports are to:

- include relevant background information,
- apply relevant environmental indicators,
- report on all major environmental impacts and related activities, and
- identify data gaps and actions required to obtain that information.

Council has produced SoE reports each reporting year since 1993.

### **3. Draft Woollahra State of the Environment Report 2003/2004**

The Draft SoE report provides an update of environmental projects and initiatives undertaken by Council and other groups during the 2000 to 2004 reporting period, 1 July 2000 to 30 June 2004 inclusive. This reporting period incorporates the actions included in the 2000/2001, 2001/2002 and 2002/2003 supplementary reports. Many of the projects have now progressed further than the stage reported in this SoE report. The progress of these projects will be outlined within the next SoE report covering the 2003/2004 period.

Although comprehensive reports are to identify data gaps and the actions required to obtain that information, the SoE report is primarily a reporting document.

The information provided in this report is presented under the following environmental sectors, all of which (except the Environmental Works Program) are consistent with chapters presented in previous SoE reports:

- land
- biodiversity
- waste
- heritage
- water
- air quality
- noise
- environmental works program.

Environmental indicators have been included for each environmental sector. The use of environmental indicators allows Council and the community to monitor environmental trends over time. Details of the implementation of the Environmental Works Program are being included in the SoE report.

The text for the Draft 2003/2004 SoE report is attached as **Annexure 1**. The report will be published in a simple, concise and reader-friendly format, suitable for the report's primary target audience, the community.

The Draft 2003/2004 SoE report has been collated and written by the Council's Environmental Protection Coordinator, with officers of Strategic Planning, Public Infrastructure, Works and Services, Compliance, Public Open Space and Open Space Works providing valuable information and assistance.

The document is widely distributed and provided to interested parties upon request. It is recommended that the report be distributed to the following:

- Council's libraries,
- schools within the Woollahra area,
- resident action groups within the Woollahra area,
- Chambers of Commerce within the Woollahra area,
- adjoining councils and the Southern Sydney Region of Councils,
- Woollahra Councillors, and
- senior Staff within the Council.

Hard copies of the 2003/2004 SoE report will be available for distribution from the Council Chambers and libraries and will be included on Council's website.

#### **4. Consultation**

Community input was sought in preparing the Draft 2003/2004 SoE report, through correspondence targeted to active community groups and general advertisements placed in the Wentworth Courier inviting community participation. No community responses were received. However, Sydney Water, National Parks and Wildlife Service and the Environment Protection Authority provided information for the report.

The Draft 2003/2004 SoE report was circulated to councillors, the general manager and directors for comment on the 16 November 2004, prior to the scheduled Community and Environment Committee meeting on the 29 November 2004. The extra time allowed to review the draft report was in recognition of the size of the document and the tight statutory timeframes for adoption. Respondents were encouraged to provide comments prior to the scheduled meeting.

The Director Technical Services provided comments. These comments have been included in the version of the Draft 2003/2004 SoE report attached as **Annexure 1**. The changes are highlighted in the text as tracked changes (strike through and underlined) and are found on pages 15, 16, 28, 35, 38 and 41.

## **5. Conclusion**

State of the environment reporting forms a part of Council's annual report. As the SoE report is required to be adopted by Council by 30 November 2004, it is requested that the Committee's recommendation be considered by the Council Meeting on the 29 November 2004, as a matter of urgency.

Woollahra's Draft 2003/2004 SoE report is a comprehensive report, prepared in accordance with the LG Act annual reporting requirements. The Draft 2003/2004 SoE report provides Council and the community with a report to monitor the implementation of environmental projects and initiatives undertaken during the 2003/2004 reporting period. The use of environmental indicators for each environmental sector provides a mechanism to monitor trends in the environment over time. It is recommended that copies of the adopted SoE report be widely distributed to organisations and groups within the region. Hard copies will also be available at the Council Chambers and libraries and available to download from Council's website.

**Rebecca Peacock**  
Environmental Protection Coordinator

**Chris Bluett**  
Manager – Strategic Planning

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### **Annexure**

1. Draft Woollahra State of the Environment Report 2003/2004