

# Community & Environment Committee

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

**Date:** *Monday 27 May 2013*

**Time:** *6.00pm*

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

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (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).

## **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 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,
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Residential Parking Schemes - Provision and Policies.

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

- Community Services and Programs.
- Library Services
- Health.
- Licensing.
- Liquor Licences.
- Regulatory.
- Fire Protection Orders.
- Residential Parking Schemes (surveillance and administration).
- Traffic Management (Traffic Committee Recommendations).
- Waste Minimisation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolution).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Community and Environment Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

**Committee Membership:**

7 Councillors

**Quorum:**

The quorum for a Committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

23 May 2013

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

Dear Councillors

### **Community & Environment Committee Meeting – 27 May 2013**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Community and Environment Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 27 May 2013 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

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

D1	Confirmation of Minutes of Meeting held on 27 May 2013	1
D2	Yarranabbe Park Steering Committee Meeting – 226.G MP	2
D3	McKell Park & Darling Point Reserve Draft Plan of Management for Public Exhibition – 175.G MP	19*

**\*Note Annexure 1 will be distributed Under Separate Cover**

D4	Delivery Program 2009 to 2013 & Operational Plan 2012/13 (DPOP) Quarterly Progress Report March 2013 against Goal 1 – A connected & harmonious community, Goal 2 – A supported community, Goal 3 – A Creative & Vibrant Community, Goal 5 – Liveable Places, Goal 7 – Protecting our Environment & Goal 8 – Sustainable Use of Resources – 1229.G	21
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**\*Note Annexure 1 will be distributed Under Separate Cover**

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

R1	Boat & Trailer Parking – 900.G	24
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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 27 May 2013**  
**Author:** Les Windle, Manager - Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 27 May 2013 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Community and Environment Committee Meeting of 27 May 2013 be taken as read and confirmed.

Les Windle  
Manager – Governance

**Item No:** D2 Delegated to Committee  
**Subject:** **Yarranabbe Park Steering Committee Meeting**  
**Author:** Bruce Rann  
**File No:** 226.G MP  
**Reason for Report:** To note the minutes from Yarranabbe Park Steering Committee Meeting held on 23 April 2013

**Recommendation:**

That Council note the attached minutes from the Yarranabbe Park Steering Committee Meeting which was held on 23 April 2013

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Bruce Rann  
Manager – Open Space and Trees

Tom O’Hanlon  
Director – Technical Services

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**ANNEXURES:**

- 1 - Minutes from the Yarranabbe Park Steering Committee Meeting 23 April 2013
- 2 - Planting plan options presentation

**Woollahra Council**

**Yarranabbe Park Steering Committee**

Notes from Meeting Held On Tuesday 23 April 2013

**Present:**

Toni Zeltzer	Chair
Andrew Petrie	Mayor
Elena Kirillova	Councillor
Anthony Marano	Councillor
Deborah Thomas	Councillor
Dorinda Sullivan	Community Representative, Rushcutters Bay Park Enhancement Group (RuBPEG)
Kate Prendergast	Community Representative, Woollahra History and Heritage Society
Jasmine Steel	Community Representative, Darling Point Society (DPS)
Tom O'Hanlon	Director, Technical Services
Caitlin Moffat	Project Officer, Parks and Recreation
Bruce Rann	Manager, Open Space and Trees
Andrew Simpson	Team Leader, Tree Management

Meeting commenced 5:30pm

**1. Introduction by Councillor Zeltzer**

Councillor Zeltzer welcomed the committee and distributed the agenda for the meeting

Councillor Zeltzer asked Bruce Rann to give the presentation on planning plan options

**2. Planting plan presentation**

Bruce Rann gave a map based presentation on the following options:



### Option 1

Small tree – mainly one species

Single species small tree along the foreshore and one other species against the RANSA buildings.

The discussion and choices for this option was for either *Banksia integrifolia* (coastal banksia), or *Buckinghamia celissima* (ivory curl flower) along the foreshore path

And for *Melaleuca quinquenervia* (broad leaf paperbark) against the RANSA buildings

Some of the merits of this option which were discussed:

- We could stay with the exact number of trees in the exhibited masterplan by using small trees which would grow well in groups of 3
- There would be complete uniformity of the foreshore planting
- The eventual maximum height of these trees would be around 8 metres
- The taller and more densely foliated Melaleucas would be a good visual screen for the RANSA buildings

### Option 2

Small tree – mainly two species

Rather than being either Banksia OR Buckinghamia along the foreshore this option is for Banksia AND Buckinghamia along the foreshore

And for *Caesalpinia ferria* (leopard tree) against the RANSA buildings

Some of the merits of this option which were discussed:

- We could stay with the exact number of trees in the exhibited masterplan
- There would be some diversity in plantings and a less formal avenue look than option one
- The different species would flower at different times
- The Leopard tree would be somewhat see-through, giving some filtered views to the historic RANSA buildings

### Option 3

Medium size tree – mainly one species

As in option one this design is for a single species along the foreshore and one other species against the RANSA buildings

Unlike option one, both of the species being discussed, *Agonis flexuosa* (willow myrtle) OR *Dracena draco* (dragons blood tree) would have broad crowns and the design would have to come down to one tree in place of the groups of 3 for the foreshore plantings

The *Eucalyptus heamastoma* (scribbly gum) against the RANSA buildings would be somewhat see-through

Some of the merits of this option which were discussed:

- Either of the foreshore species would have a very low and very predictable eventual height
- Either of the foreshore species would give good shade for park visitors
- Using a larger tree as a single trunk planting would give a less cluttered look

Some of the draw backs of this option which were discussed:

- The *Dracena* would probably be very hard to source
- The *Dracena* would be very expensive and very slow growing

#### **Option 4**

Large tree – mainly one species

This option recommends *Angophora costata* (Sydney red gum) along the foreshore

And *Agonis flexuosa* (willow myrtle) against the RANSA buildings

Some of the merits of this option which were discussed:

- *Angophora* is an iconic Sydney species often seen on the foreshore around the harbour
- *Angophora* is a large tree which would fit the scale of the park, but unlike some other large trees discussed *Angophora* becomes quite lacy and see-through as it gets older
- The use of *Agonis* against the RANSA buildings would provide a dense screening with a wide canopy for shade / picnicking uses

#### **Option 5**

Large tree – mainly two species

This option recommends a mix of two of the larger trees we have discussed along the foreshore; *Angophora costata* (Sydney red gum) and *Melaleuca quinquenervia* (broad leaf paperbark) used either alternating, or in some instances, in pairs to book-end park features

And a small tree, *Eleocarpus reticulatus* (blueberry ash) against the RANSA buildings.

Some of the merits of this option which were discussed:

- The large trees would be a good scale for this park
- The *Angophora* becomes quite lacy and see-through as it gets older
- The *Melaleuca* would tie in with similar plantings in Rushcutters Bay Park

- The Eleocarpus would provide some flowering interest and allow views of the historic RANSA buildings

Some of the draw backs of this option which were discussed:

- The Melaleucas tend to have a high and dense crown and may eventually be much higher and/or less see through than other species discussed
- The option of using Melaleucas was proposed for the 2005 POM, but was not popular with residents at that time

## Option 6

Mixed sizes – mixed species

This option has 3 different species used along the foreshore path. The species have been arranged in a way which staff believe make good use of their attributes with respect to size, shade and aesthetics

The 3 species for the foreshore are:

- *Angophora costata* (Sydney red gum)
- *Plumeria acutifolia* (Frangipani)
- *Banksia integrifolia* (Coastal banksia)

The tree proposed for against the RANSA buildings is *Alloxylon flammeum* (Tree waratah)

Some of the merits of this option which were discussed:

Trees of different heights and shapes can be used in different parts of the park

Trees with different flowering times and different effects throughout the seasons

Frangipani will be very fragrant during the summer months and deciduous and see through in the winter

An eclectic mix of well-known feature trees as was often seen in parks designed and planted in the late 1800s and early 1900s

### 3. Discussion on the species presented

Cr Zeltzer	Thanked staff for their work and asked for some general thoughts on prices, sizes and availability
Bruce Rann	Thought that all species, except Dracena would probably be available in advanced sizes If the group decides on Dracena there will be issues with finding enough advanced stock in nurseries and if they are available they will be very expensive
General discussion	Several committee members were concerned about the availability and very slow growth of Dracena
Kate Prendergast	Asked if all these species would flourish in this harsh situation and if there would be any soil testing
Bruce Rann	Advised that most species shown (excluding tree waratah) were known to grow this close to the harbour and advised that soil testing and amelioration could be undertaken if necessary.
General discussion – option 4	Several committee members said that Option 4 (mostly Sydney red gum) looked very promising. It was noted that this species, despite being large, would be quite see through and give a nice dappled shade
General discussion – option 5	It was noted that the addition of Paperbarks to the Angophoras (discussed above) could be a good link other nearby foreshore plantings
Cr Thomas	Thought it may be good to echo the plantings in Rushcutters Bay Park which look good on both the WMC and the City of Sydney sides of the canal
Bruce Rann	Advised the committee that the proposal of Paperbarks in the 2005 POM had not been popular with residents
General discussion – option 6	Several committee members indicated that they liked the mix of species in option 6 It was noted that the position next to the RANSA buildings may be the best for tree waratah if we are going to use this species It was noted that it would probably be easier to get super-advanced Frangipani but more difficult to get super-advanced Dracena
Kate Prendergast	Has not had much success with tree waratah in gardens near the harbour
Jasmine Steel	Commends the staff and contractors on the path works which look great
Cr Marano	Would like to see some pruning of the shrubs and trees around the playground
Kate Prendergast	Likes the sense of enclosure and lack of wind provided by the plants around the playground and would rather see the shade cloth option actioned and the shrub screening left
Bruce Rann	Said that in some areas we have had to uplift plants around playgrounds to eliminate antisocial behavior, but this had not been an issue here.

	Also noted that in contrast to the 2005 POM exhibition we had not received any objections to erecting the shade-cloth.
Tom O'Hanlon	Confirms that the shade sail is in the POM as a high priority and could be actioned early next financial year if the committee wished.
Jasmine Steel	Believes that it would be useful to get a soil report from someone like SESL before planting
Bruce Rann	We do not have a specific soil analysis report for this area, but that can be done before planting
Jasmine Steel	Recently attended a presentation on the plans for the Barrangaroo site and thought we may be able to have our plans for Yarranabbe peer reviewed
Tom O'Hanlon	That should not be necessary with the level of in house expertise at WMC
Cr Thomas	Advises the group that the Public Art Trust is looking for good sites for sculptures by respected artists
Caitlin Moffat	Points out the 2 positions identified in the masterplan as potential public art sites
Crs Petrie and Kirillova	It appears we have some very good options and perhaps the group would like to make a decision tonight
Tom O'Hanlon	Recommends that the group take the info-packs away for consideration prior to making a decision
Cr Zeltzer	Recommends that the group should meet again soon in the park to review the options on site before making a decision
General discussion	The whole group agreed that it would be ideal to meet on site next week to discuss and pace out all the options, and then get together again at a more formal steering committee meeting as soon as possible before presenting recommendation(s) to C&E
Cr Petrie	Agrees that we need to keep progressing quickly with tree selections and have only a short time between the next couple of meetings
Cr Zeltzer	Asks Bruce Rann to organize the site meeting for next week and then the next YPSC soon after

#### 4. General Business

Jasmine Steel	Asks Bruce Rann if he has considered native grasses for Yarranabbe Park
Bruce Rann	Not for the main lawns but possibly under the new trees
Jasmine Steel	Would like the group to reconsider Livistona palms for somewhere in the park
General discussion	The group discussed the importance of tree watering and irrigation for the park in general
Bruce Rann	We are currently sinking a test bore and the initial indications are good for adequate bore water for Yarranabbe

## 5. Site Meeting notes

Site meetings to review and discuss the above options were held on Tuesday 30 April and Tuesday 7 May.

The **30 April meeting** was attended by staff, Councillor Zeltzer, representatives from RuBPEG, Darling Point Society, and local residents. There were a number of suggestions mostly relating to options 4 and 6 and to tree establishment issues.

Option 4 received many positive comments especially that the Angophoras would be:

- A good size tree for the park
- A local Sydney species
- Lowest branches quite high for people in the park to look out to the harbour
- Majority of the crown would be quite open and translucent for residents living above to see through
- Naturalistic in character
- Aligned with the New Beach Rd Figs to allow views through the park

We also had several positive comments on the use of Tree Waratah against the RANSA building

Several people attending the meeting were very concerned about the establishment of trees in this harsh sandy site. Bruce Rann indicated that we would have to have a watering and maintenance period of at least one year to get the trees well established.

Several people also commented on the dead grass adjacent to the new path. Bruce Rann said that the path contractors have agreed to replace this turf.

Option 6 also received several positive comments. Most of those comments were to leave this option as-is, or to perhaps put in a couple more Angophoras if space allowed.

The **7 May meeting** was attended by staff, Councillors Marano and O'Regan, a representative from RuBPEG and 2 other local residents who saw and approached the meeting.

Despite some negative feedback from the 2 residents about park maintenance issues there was a lot of discussion and support for Option 4.

At this meeting the only species considered for the foreshore plantings was Angophora, probably under-planted with some native grasses or groundcover shrubs

There was some discussion on the 3 trees to go near the RANSA buildings with Tree Waratah, Paperbark and Frangipani all considered. At the end of the meeting Frangipani was the most popular option.

## **6. Next Meeting**

The next meeting is scheduled for Thursday 23 May at 5:30pm in the Council Chamber

**Item No:** D3 Delegated to Committee  
**Subject:** **McKell Park and Darling Point Reserve Draft Plan of Management for Public Exhibition**  
**Author:** Paul Fraser - Team Leader Open Space & Recreation Planning  
**File No:** 175.G MP  
**Reason for Report:** To place the amended McKell Park and Darling Point draft Plan of Management (PoM) on public exhibition.

**Recommendation:**

- A. That Council adopt the amendments as discussed in the report and place the McKell Park and Darling Point Reserve draft Plan of Management (PoM) on public exhibition for not less than 28 days and that submissions be received for a period of not less than 42 days from the date the plan is placed on exhibition, in accordance with Section 113 (c) of the *Crown Lands Act 1989* and Section 38 of the *Local Government Act 1993*.
- B. That Council considers submissions received and, where appropriate, incorporates changes into a final PoM to be further considered by Council.

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**Background:**

The McKell Park and Darling Point Reserve draft Plan of Management (PoM) was prepared by Council with the assistance of Parkland Environmental Planners and Philips Marler in accordance with reference to the *Local Government Act 1993*, the *Crown Lands Act 1989*, and the *Roads Act 1993*.

On 27 August 2012 Council adopted the recommendation to place the draft PoM on public exhibition. Prior to exhibiting the plan we were required to receive the Ministers approval. We received this approval on the 17 December 2012 and then exhibited the plan on the 16 January 2013.

On 5 February 2013 Council received a Summons from the Supreme Court of NSW, informing Council that two adjoining residents were commencing legal action. The residents claimed that Council is in breach of the *Crown Lands Act* by granting licences for weddings and private functions which they argued were 'additional' rather than 'recreational' purposes. They argued that a PoM authorising such additional events must be prepared and adopted under the *Crown Lands Act*.

Council received legal advice stating that weddings and special events were lawful under the purpose of the reserve, however to avoid a potentially lengthy and costly legal proceedings it was considered prudent that staff re-exhibit the draft PoM stating additional purposes.

A letter of support from Crown Lands dated 25 March 2013 agreed with Council's proposal to withdraw the current draft PoM from exhibition, include the additional purposes and readvertise the amended PoM.

On 28 March 2013 the matter came before the Senior Deputy Registrar of the Supreme Court where Council confirmed re-exhibition of an amended PoM.



On 13 May 2013 Council received a letter from the Deputy Premier, The Hon. Andrew Stoner MP (Minister for Trade and Investment & Minister for Regional Infrastructure and Services) in support of Council's proposal as Reserve Trust Manager to withdraw the current draft PoM and to amend it to include the additional purpose of 'weddings and other functions'. It was further explained that Council could then make the amended changes and place it on public exhibition for community consultation to commence again. Once the Council is satisfied that the community supports the draft PoM the Minister will then be in a position to consider adoption. The Minister had no other requirements in terms of the draft PoM.

### **Amendments to draft PoM**

In consultation with Crown Lands and Council's Lawyers amendments were made to the draft PoM (Annexure 1) which addressed the following issues:

- Additional purposes added to the PoM to include 'weddings and other functions'.
- Remove the wording, *is not situated on the water's edge*, to better explain the category of the community land being Lot 1 DP 850200. At the time of drafting the PoM this was an incorrect phrase and did not properly describe the area.
- Deletion of the wording referring to the use of Canonbury Cottage being, *'Upstairs office hired out as an office/ consultation room 7 days a week but not used this often.'* This statement is not valid.
- Deletion of references associated with Canonbury Cottage to do with commercial uses.

### **Conclusion:**

The amended draft PoM is recommended to be re-exhibited in accordance with the *Local Government Act 1993* and the *Crown Lands Act 1989*.

It is reiterated that we believe that the holding of weddings and other functions in the park are lawful under the reserve purpose however it was considered prudent to withdraw the current draft PoM from exhibition and re-exhibit an amended PoM to avoid a potentially lengthy and costly legal proceedings.

Paul Fraser  
Team Leader – Open Space & Recreation  
Planning

Tom O'Hanlon  
Director – Technical Services

Bruce Rann  
Manager – Open Space & Trees

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### **Annexures:**

1. McKell Park and Darling Point Reserve draft Plan of Management, May 2013.

**Item No:** D4 Delegated to Committee

**Subject:** **Delivery Program 2009 to 2013 & Operational Plan 2012/13 (DPOP) Quarterly Progress Report March 2013 against Goal 1 - A connected & harmonious community, Goal 2 - A supported community, Goal 3 - A creative & vibrant community, Goal 5 - Liveable places, Goal 7 - Protecting our environment and Goal 8 - Sustainable use of resources.**

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

**File No:** 1229.G

**Reason for Report:** To review the status of the Priorities and Actions in Council's Delivery Program 2009 to 2013 and Operational Plan 2012/13 for the three months ending 31 March 2013.

**Recommendation:**

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

**Background:**

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

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

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

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

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

**Theme: A healthy environment**  
Goal 7: Protecting our environment.  
Goal 8: Sustainable use of resources.

**Theme: Local prosperity**  
Goal 9: Community focused economic development.

**Theme: Community leadership and participation**

Goal 10: Working together.

Goal 11: A well-managed Council.

**Annexure 1** to this report is Council's Quarterly Progress Report for the period 1 January to 31 March 2013 for Goals 1, 2, 3, 5, 7 and 8, being most relevant to the Community and Environment Committee (C&E).

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

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

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

**Adopted notices of motion and other decisions of the Council:**

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

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

During the period 1 January to 31 March 2013 no new notices of motion have been identified as strategic and/or project based in nature.

**Conclusion:**

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

Kylie Walshe  
Director Community Services

Tom O'Hanlon  
Director Technical Services

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**Annexures:**

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

**Item No:** R1 Recommendation to Council  
**Subject:** **Boat & Trailer Parking**  
**Author:** Cathy Edwards-Davis, Manager Engineering Services  
**File No:** 900.G  
**Reason for Report:** Mayoral request for an update

**Recommendation:**

- A. That Council continue to lobby the State Government regarding the issue of boats and trailers being parked for long periods of time in the public road.
- B. That Council request the following legislation changes:
- That Roads and Maritime Services grant delegation to Councils under Section 12 of the Road Transport (Vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area.
  - The NSW Government considers modifying the Impounding Act 1993 such that “unattended” is defined as, “A vehicle which has been left unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise”, or similar wording as appropriate.

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**Background**

In response to resident correspondence regarding boats parked in Kiaora Road, the Mayor has requested that an updated report be provided to the Community & Environment Committee on boat and trailer parking.

Regulation 200 of the NSW Road Rules 2008 permits a registered trailer or boat trailer (less than 4.5 tonnes and less than 7.5 metres long) to park in a built-up area in accordance with any parking restrictions. In unrestricted parking areas these trailers and boat trailers may legally park for an indefinite period. Vehicles greater than 4.5 tonnes or longer than 7.5 metres may only stop in a built-up area for 1 hour.

The demand for parking in inner urban and dense residential areas, such as Woollahra, is extremely high. The amenity of residents is being increasingly eroded as the limited and valuable parking resource is being taken up by boats and trailers. The parking cannot therefore be used by residents, their guests, tradespeople or other visitors to the area. Parked boats can also be perceived as unsightly. Some of these boats may be parked for weeks or months on end, without being utilised or moved.

**Previous Lobbying**

The issue of boat and trailer parking on public roads has been of concern to all Councillors for a long period of time. From 2004 to 2013 there have been 4 Notice of Motions/ Council Questions on general boat and trailer parking issues and legislation, 17 Notice of Motions/ Council Questions regarding boat and trailer parking in specific streets/ locations, 4 Council reports and 12 Traffic Committee reports.

Council has previously requested that boats and trailers less than 4.5 tonnes and/or 7.5 metres long also have a time restriction imposed. The intention of these changes was not to restrict the parking of these legally registered vehicles on a public road, it was to restrict the time frame for which they could park. It was hoped that this would ensure the turnover of vehicles in areas along the Harbour foreshore where parking is in high demand.

In July 2009, Council made formal representations to the NSW Government to establish a taskforce with the intention of amending the legislation regarding the parking of boats, trailers and advertising vehicles. The State Government, through the RTA, was not supportive of any action on this matter.

Subsequently, in August 2010, Council wrote to the then Premier (Kristina Keneally MP), the then opposition leader (Barry O'Farrell MP), the then Minister for Roads (David Borger MP) and the then Shadow Minister for Roads (Andrew Stoner MP) proposing a change to Regulation 200 of the NSW Road Rules.

At the Council meeting on the 28 November 2011 it was resolved:

That the Mayor write to the Councils listed in the report seeking their endorsement to approach the Premier and the Minister for Roads and Ports to amend Regulation 200 of the NSW Road Rules 2008 such that time limits are placed on the parking of registered trailers, boat trailers and advertising trailers in built-up areas.

Since this earlier resolution, Council and the Minister for Roads and Ports, the Hon. Duncan Gay MP have been in correspondence regarding this issue.

Auburn, Canada Bay, Hornsby, Hunters Hill, Hurstville, Ku-ring-gai, Lane Cove, Leichhardt, Manly, Mosman, North Sydney, Randwick, Rockdale, Ryde, Strathfield, Sydney City, Warringah, Waverley and Willoughby Councils have written to Woollahra Council indicating that they endorse and support placing time limits on the parking of registered trailers, boat trailers and advertising trailers in built-up areas. Support has also been received from the Northern Sydney Regional Organisation of Councils.

### **Boat Trailer Working Group**

As a result of Woollahra Council's lobbying, the Office of Boating Safety & Maritime Affairs, within Transport for NSW, has formed a Boat Trailer Working Group to investigate the matter. Initial membership of the group includes:

- Office of Boating Safety & Maritime Affairs
- Transport for NSW Legal Services
- Division of Local Government, Department of Premier and Cabinet
- City of Canada Bay Council
- Woollahra Municipal Council

The Manager Engineering Services has been attending these meetings on behalf of Woollahra Council.

The intention of the Working Group is to investigate the issues and prepare a recommendation to the Minister for Roads and Ports. The scope of the Working Group is as follows:

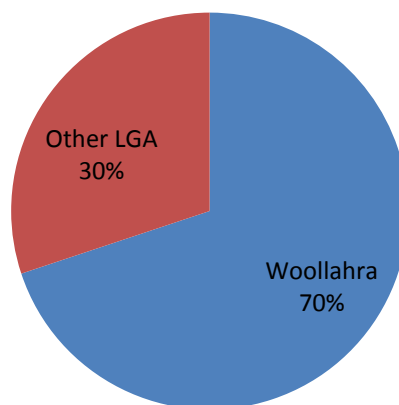
- Undertake a survey with local councils to collect trailer registration details and use RMS databases to confirm the extent to which unattended trailers are being left by people residing outside the local area, as opposed to local residents. Analysis of this information may assist development of more targeted solutions.
- Achieve a common understanding of the existing powers available to Councils and the effectiveness of these powers in reducing the incidence of unattended trailers.
- Examine the feasibility of an awareness campaign advising boat owners of the potential legal options available to Councils to deal with unattended trailers.

The Working Group has acknowledged that there are no easy or quick resolutions to this issue that will be satisfactory to all stakeholders. However, all parties did agree to work cooperatively to develop appropriate solutions.

### Survey of Boats and Trailers in Woollahra

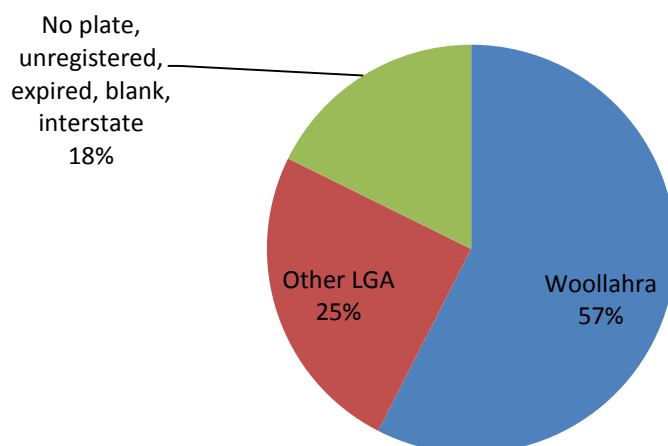
Council staff undertook a survey of the boats and trailers parked on roads in the Woollahra Municipality on Thursday 8 November 2012. A total of 113 individual boat trailers were parked within the LGA. RMS was able to match 93 of the plate numbers to valid, current registrations. Of the plates where the owner could be identified, 65 trailers were found to belong to residents of suburbs in the Woollahra LGA and 28 were found to belong to owners from other LGA's (11 of these were from suburbs bordering Woollahra). These results are displayed in Figure 1 below.

Figure 1: Residential postcode of boat trailer owner where rego details can be identified - Woollahra (n=93)



There were a further 20 trailers surveyed in Woollahra for which RMS could not match the plate to a valid owner or registration. Of these, 7 were not displaying registration numbers or could not be readily identified by Council staff. One was from interstate. The other 12 trailers that returned blank results on the DRIVES database were either expired/unregistered, or a data error may have occurred when recording plate details. Figure 2 shows the number of trailers where the residential postcode can be identified as well as the trailers that cannot be identified for various reasons. Staff also identified 3 trailers that were over 7.5m in length.

Figure 2: Residential postcode of boat trailer owner & non-compliant trailers -  
Woollahra (n=113)



## Legislation

As discussed above, Council has previously requested modifications to Regulation 200 of the NSW Road Rules 2008.

Rather than restricting its review to Regulation 200, the Working Group has examined a number of pieces of legislation to determine what the various potential options may be. The options considered, including the positives and negatives from Council's perspective are outlined in the following table:

	Legislation	Powers for Council	Positives	Negatives
1	<p>Road Rules 2008</p> <p><b>Section 205 Parking for longer than indicated</b> (1) A driver must not park continuously on a length of road, or in an area, to which a <i>permissive parking sign</i> applies for longer than the period indicated by information on or with the sign...</p> <p><b>Section 205A Parking outside times indicated</b> If a <i>permissive parking sign</i> indicates that it applies at particular times, or at particular times on particular days, a driver may park on the length of road, or</p>	<ul style="list-style-type: none"> <li>• Council may install parking restrictions such as 2 Hour Parking which restricts the parking of vehicles (including boats and trailers) for particular lengths of time or for a period of time on a particular day.</li> <li>• These powers, in conjunction with resident parking permits, are generally used as a parking management tool to achieve turnover of parking. These restrictions are generally used in areas such as Paddington where</li> </ul>	<ul style="list-style-type: none"> <li>• Council has experience installing these types of restrictions</li> <li>• The community is generally familiar with these types of restrictions</li> <li>• Council has in the past installed these restrictions to deal with individual localised issues of parked boats and trailers</li> </ul>	<ul style="list-style-type: none"> <li>• These types of restrictions often result in the boats or trailers just moving to another nearby location "around the corner"</li> <li>• The signage can create visual amenity issues.</li> <li>• If the signage is installed on a larger scale to cover an entire area, this can start to have cost implications.</li> <li>• Nearby residents and their visitors must also comply with the parking restrictions. This may be onerous on the community if otherwise there are no parking issues which need to be addressed</li> <li>• Residents and their visitors may be fined for not complying with the parking restrictions, if they forget to move their vehicle</li> <li>• Restricted parking is a blunt instrument that impacts on all vehicles, not just the boats and trailers which are</li> </ul>



	<b>Legislation</b>	<b>Powers for Council</b>	<b>Positives</b>	<b>Negatives</b>
	in an area, to which the sign applies at a time, or at a time on a day, when the sign does not apply...	there is high demand for parking		of concern. <ul style="list-style-type: none"> <li>Restricted parking impacts on all boats and trailers (rather than just those which are parked long term), including those parked in front of a resident's own property.</li> </ul>
2	Road Rules 2008  <b>Section 200 Stopping on roads-heavy and long vehicles</b> (2) The driver of a heavy vehicle, or long vehicle, must not stop on a length of road in a built-up area for longer than 1 hour...	<ul style="list-style-type: none"> <li>Currently a heavy vehicle is defined as greater than 4.5 tonnes and a long vehicle is defined as greater than 7.5 metres. These vehicles may not park for longer than 1 hour in the Woollahra Municipality.</li> <li>Council has previously requested that boats and trailers less than 4.5 tonnes and/or 7.5 metres long also have a time restriction imposed.</li> </ul>	<ul style="list-style-type: none"> <li>The forced turnover of these vehicles may assist in dispersing the problem and/ or it may encourage boat and trailer owners to store their private vehicles off-street in their own properties rather than leaving them parked near Harbour and beach-front areas.</li> <li>This does not require the installation of expensive and visually intrusive signage</li> <li>This does not impact on the parking of resident vehicles</li> </ul>	<ul style="list-style-type: none"> <li>This impacts on residents who park their boat or trailer in front of their own property. It is noted that 57 to 70% of boats parked within Woollahra belong to Woollahra residents</li> <li>This impacts on people throughout NSW, not just in harbour/ coastal areas where concerns are being raised by residents. The Division of Local Government, Department of Premier and Cabinet has indicated that they do not support legislation that only applies to part of NSW (eg. metropolitan Sydney)</li> <li>This requires people who are utilising a boat ramp to return to their parked trailer within the one hour (or the time period selected).</li> <li>Transport for NSW has received letters of opposition from various people and boating groups who are opposed to this option</li> </ul>
3	Road Transport (Safety and Traffic Management) Regulation 1999  <b>124 Parking permits</b> A parking authority may issue a permit authorising the parking of a vehicle without charge or time restrictions in a parking space...	<ul style="list-style-type: none"> <li>This legislation allows Councils to issue and administer parking permits schemes, such as resident parking permits or boat parking permits</li> <li>Boat parking permits would only be of use if implemented in conjunction with parking restrictions, such as 2 Hour Parking restrictions. As above, this</li> </ul>	<ul style="list-style-type: none"> <li>This would allow Council to issue boat and trailer permits to residents only. Other boats and trailers would be subject to the time restrictions. It is noted that 57 to 70% of boats parked within Woollahra belong to Woollahra residents</li> <li>This would allow Council to develop specific dedicated boat</li> </ul>	<ul style="list-style-type: none"> <li>If Council creates a specific dedicated boat parking area for residents with permits, people without permits may just park their boat or trailer nearby, outside the designated boat parking area.</li> <li>The signage can create visual amenity issues.</li> <li>If the signage is installed on a larger scale to cover an entire area, this can start to have cost implications.</li> <li>Nearby residents and their visitors must also comply with the parking restrictions. This may be onerous on the community if otherwise</li> </ul>

	<b>Legislation</b>	<b>Powers for Council</b>	<b>Positives</b>	<b>Negatives</b>
		restricts the parking of vehicles (including boats and trailers) for particular lengths of time or for a period of time on a particular day.	<p>parking areas</p> <ul style="list-style-type: none"> <li>• Council has experience managing permit parking schemes</li> <li>• The community is generally familiar with permit parking schemes</li> </ul>	<p>there are no parking issues which need to be addressed</p> <ul style="list-style-type: none"> <li>• Residents and their visitors may be fined for not complying with the parking restrictions, if they forget to move their vehicle</li> <li>• Restricted parking is a blunt instrument that impacts on all vehicles, not just the boats and trailers which are of concern.</li> <li>• This would require Council to administer a Boat Permit scheme, with associated costs</li> <li>• RMS have recently changed the permit parking guidelines, and they no longer allow permits for boats and trailers</li> </ul>
4	<p>Local Government Act 1993</p> <p><b>Section 632</b> <b>Acting contrary to notices erected by councils</b> (1) A person who, in a public place within the area of a council, fails to comply with the terms of a notice erected by the council is guilty of an offence.</p>	<ul style="list-style-type: none"> <li>• This legislation allows Councils to install signage to prevent specific behaviours, such as drinking in parks.</li> <li>• This legislation may be used to prevent the parking of vehicles (including boats and trailers) in locations <i>other</i> than a public road.</li> <li>• This legislation specifically does not allow Council to restrict the parking of vehicles (including boats and trailers) on a public road. This was a deliberate decision to prevent the LGA encroaching on the relevant roads legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• This legislation provides strong regulatory powers to Council, which can be utilised in locations other than public roads</li> </ul>	<ul style="list-style-type: none"> <li>• There are limited locations where this legislation would be of use within Woollahra.</li> </ul>
5	<p>Impounding Act 1993</p> <p>Section 15</p>	<ul style="list-style-type: none"> <li>• If a vehicle (including a boat or trailer) is</li> </ul>	<ul style="list-style-type: none"> <li>• This legislation can be utilised to remove boats and</li> </ul>	<ul style="list-style-type: none"> <li>• Rangers are not able to act if the owner says the boat or trailer is not abandoned,</li> </ul>

	<b>Legislation</b>	<b>Powers for Council</b>	<b>Positives</b>	<b>Negatives</b>
	<p><b>Abandoned and unattended articles can be impounded</b> An impounding officer may impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended.</p>	<p>unregistered, Council's Rangers may commence the process to declare a vehicle abandoned. Section 16 of the legislation provides specific procedures which must be followed.</p> <ul style="list-style-type: none"> <li>• Currently, even if a vehicle is unregistered, if the owner of the vehicle advises that they have not abandoned the vehicle, then Council's Ranger's cannot continue with the procedure to impound the vehicle.</li> </ul>	<p>trailers where the owner does not respond to the Ranger's contacts and/ or where the owner does not declare that the boat or trailer has not been abandoned.</p>	<p>even though it may not have been moved in months.</p>

## Discussion

As outlined in the table above, there are various positive and negative aspects associated with the different legislation.

In the past, Council has supported making modifications to section 200 of the Road Rules 2008. Having been through the review of legislation with the Working Party, it now appears that there are a significant number of negative issues associated with this option. Further, it seems unlikely that changes to section 200 of the Road Rules will be supported by the State Government and by some members of the community.

The Working Party is generally of the opinion that the legislation which may provide the best option, albeit a compromised option, may be the Impounding Act. The procedure to impound a vehicle is well defined under section 16 of the Act. However, the definition of "abandoned" and "unattended" vehicles is not currently outlined under the legislation. The Working Party has suggested that if "unattended" were defined, this may provide an option for removing boats and trailers which have been parked for some time. It has been suggested that "unattended" may be defined as being unmoved within a specified period of time. The definition may be worded as follows (or similar):

A vehicle which has been left unmoved in a public place for a period greater than four weeks (or three months or six months, etc.). A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise.

The benefits of defining “unattended” are:

- Rangers may now target boats or trailers which have been parked for some time and for which Council has received complaints.
- This would allow residents to have their boat or trailer parked in front of their own property for several weeks or months (depending on the time period selected).

The negatives associated with this option are:

- It may impact on residents who have gone overseas and left their car parked on a street for an extended period of time.
- Where a boat or trailer is parked in front of another person’s house, it will take several weeks or months (depending on the time period selected) before the Rangers can act.
- Gathering sufficient evidence to determine a boat and trailer has been left unmoved will be labour intensive and errors may be made if an owner returns their boat to the same location.
- It will be simple for the owner of a boat and trailer to overcome the suggested “unattended” definition by moving the boat and trailer every now and again, even if it is only a small distance.
- Councils may face claims for damages where boats and trailers have been disposed of pursuant to the Impounding Act if it is later proved that the boats and trailers were moved by the owners in the time prior to the articles being impounded.

It should be noted that the Rangers are unlikely to make use of this legislation in the absence of resident complaints.

As noted above, there are certainly still negative issues associated with making changes to the Impounding Act. However, at this stage, this would appear to be the best compromise solution that all members of the Working Party could agree on.

At the Community & Environment Committee on the 4 February 2013 it was resolved:

That Council provides support to modify the Impounding Act 1993 such that “unattended” is defined as, “A vehicle which has been left unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise”, or similar wording as appropriate.

## **Discussion Report and Options Paper**

The Working Group has prepared a Discussion Report and Options Paper dated March 2013. This report was presented to the Hon. Duncan Gay, Minister for Roads and Ports. It is understood that the Minister intends to place this report on public exhibition shortly.

Woollahra and Canada Bay Councils have made the following comments in the conclusion to the Discussion Report and Options Paper:

### **BTWG [Boat Trailer Working Group] Councils**

The BTWG Councils recommend:

1. That Roads and Maritime Services grant delegation to Councils under Section 12 of the Road Transport (Vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area.

2. The NSW Government considers modifying the Impounding Act 1993 such that “unattended” is defined as, “A vehicle which has been left unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise”, or similar wording as appropriate.

The first recommendation above removes the current anomaly which prevents Rangers from issuing infringements to unregistered vehicles. It also means that Councils can manage these issues, without having to rely on the resource-stretched RMS and NSW Police.

The second recommendation allows Rangers to target trailers which have been parked for some time and for which Council has received complaints. This would still allow residents to have their boat or trailer parked in front of their own property for three months without needing to move it. This recommendation appears to represent the best compromise for managing the issue of trailers parked for long periods, given that there appears to be limited support for modifications to the Roads legislation.

### **Boat Storage Strategy**

The Office of Boating Safety & Maritime Affairs, within Transport for NSW has also prepared a Sydney Harbour Boat Storage Strategy dated April 2013. As part of this Strategy, the NSW Government is exploring options to develop dry-stack storage facilities near Sydney Harbour.

In 2010 there were approximately 17,400 registered recreational boats in Sydney. This is expected to increase to approximately 22,400 by 2021. There are currently 10,300 boat storage spaces in Sydney. Therefore approximately 7,100 boats are stored on trailers. Some of these boat trailers are stored on private property (eg. driveways). However, many are also stored on residential streets.

It is anticipated that the majority of the 5,000 additional recreational boats expected in Sydney Harbour by 2021 will be stored on trailers (>2,800 boats). The Boat Storage Strategy notes the following:

While the majority of trailerable vessels will continue to be stored on private property in garages and driveways, there will also likely be an increase in the number of trailers parked on suburban streets. This will particularly be the case in areas where housing density is already high, or is expected to increase by 2021.

The introduction of dry-stack storage facilities may assist by providing an affordable form of secure boat storage for owners of smaller boats, who do not have sufficient space on their own property.

The establishment of dedicated off-street boat trailer parking will also be targeted. In late 2012 the Government approached a number of local Councils in the metropolitan area with a view to conducting a trial whereby the Government provided assistance to help Councils establish off-road parking sites. Initial discussions revealed Council concerns about a lack of available land, especially in high density areas.

The Boat Storage Strategy acknowledges that the parking of boats in residential streets is likely to continue and indeed the number of boats parked in residential streets is expected to increase. This makes the above suggested legislation changes all the more important.

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

As identified under the various options reviewed above.

### **Conclusion**

It is recommended that Council continue to lobby the State Government regarding the issue of boats and trailers being parked for long periods of time in the public road and to lobby for the legislation changes outlined above.

Cathy Edwards-Davis  
Manager Engineering Services

Tom O'Hanlon  
Director Technical Services

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### Political Donations – matters to be considered by Councillors at Meetings

