



Community & Environment Committee

Agenda: *Community & Environment Committee*

Date: *Tuesday 29 March 2005*

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

24 March 2005

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 March 2005

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 Tuesday 29 March 2005 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

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

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 14 March 2005	1
D2	2005 Reconciliation week – 722.G Forum	2
D3	Notification Policy for the Proposed Removal of Public Trees – 262.G	9

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

R1	Dog Control Issues – Vaucluse Beach (Beach Paddock) 206.G & 271.G	11
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 March 2005**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 14 March 2005 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 14 March 2005 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegation to Committee
Subject: **2005 Reconciliation Week**
Author: Jo Jansyn, Leisure and Cultural Development Coordinator
File No: 722.G Forum
Reason for Report: To report on Woollahra Council activities for 2005 Reconciliation Week

Recommendation:

1. That the hosting of the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum's 2005 Pauline McLeod Award for Reconciliation and the Schools Art Competition be noted.
 2. That Council endorse the flying of the Aboriginal and Torres Strait Islander flags from Council's Redleaf Building flagpoles during 2005 Reconciliation Week, 27 May - 3 June.
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Background:

Woollahra Council participates in the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF), which was established in 1999. ERLGATSIF membership consists of Councillors and staff from six Local Government Areas including City of Botany Bay, City of Sydney, Randwick City, Waverley, Leichhardt and Woollahra Councils. One of the key objectives of the Forum is to promote Reconciliation on a regional basis.

During 2000 and 2001, ERLGATIF launched a medium scaled project focussed on reconciliation which involved a poster art competition and exhibition in partnership with the Sydney Opera House. In 2004, EFLGATIF hosted the inaugural Eastern Region Local Government Award for Reconciliation which was awarded to Woollahra resident, the late Lynn Pollack.

2005 Reconciliation Week and ERLGATSIF

In 2005, Reconciliation Week takes place from 27 May to 3 June. The ERLGATSIF will be hosting the second Award for Reconciliation, now officially named the 'Pauline McLeod Award for Reconciliation' (Annexure 1). The Award is named in recognition of Pauline McLeod who was an ambassador for Reconciliation to the indigenous and non-indigenous community. In 2005, the Award has both categories for youth (under 25 years of age) and 25 years and over.

Award nominations close on 13 May 2005 and the Award will be presented on 1 June, as part of Reconciliation Week, at Waverley Council.

The ERLGATIF is also promoting a primary school art competition (Annexure 2) as part of Reconciliation Week. Entries for the competition close on Friday 29 April and a range of entries will be on display at the Reconciliation Awards presentation at Waverley Council on 1 June.

In addition, through ERLGATIF's negotiation with the Department of Education and Training, the topic of 'Reconciliation' has now been placed on State Senior Schools' debating calendar for 2005.

Relationship to Management Plan/Cultural Plan

The 2004 - 2007 Management Plan identifies that a key objective for the Community Services Division was 'To plan, coordinate and provide a range of activities and opportunities, which address local recreation and leisure needs and which reflect the cultural interests of the Woollahra community.' Under this objective, Council's membership of the ERLGATIF and participation in Reconciliation Week is highlighted as a service development and support project.

Furthermore, under its' Goal Two Strategy, Council's Cultural Plan indicates a strategy to maximise resources and provide increased community benefits in the cultural area by identifying and establishing cross Municipal partnerships. Councils' membership of the ERLGATIF represents its commitment to addressing issues and participating in activities on a regional level.

Income & Expenditure

Each of the six Councils involved in the ERLGATSIF have contributed \$2,500 plus GST in the 2004/2005 financial year towards the cost of employing a Forum Coordinator. The Forum was established in 1999 with the Forum Coordinator located at Randwick City Council. ERLGATIF members provide an ongoing annual contribution to maintain the Forum Coordinator position.

The cost of hosting the Pauline McLeod Award for Reconciliation is minimal and requires participating Councils to contribute to the manufacture of plaques. Venue hire and Award presentation catering have been subsidised by Waverley Council. Each Council will carry out promotion of the Award and School Art Competition through existing networks.

Conclusion

The Pauline McLeod Award for Reconciliation and the Reconciliation Week Schools Art Competition will be presented as part of 2005 Reconciliation Week by the ERLGATSI Forum, of which Woollahra Council participates.

Jo Jansyn
Leisure and Cultural Development Coordinator

Kylie Walshe
Director - Community Services

Annexures:

1. Pauline McLeod Award for Reconciliation - Information
2. Reconciliation Week School Art Competition - Information

Item No: D3 Delegated to Committee
Subject: Notification policy for the proposed removal of public trees
Author: David Sheils - Manager Public Open Space
File No: 262.G
Reason for Report: To respond to a Notice of Motion seeking the steps required to amend our notification procedure relating to the removal of Council trees.

Recommendation:

- A. That we continue to trial for a period of six months the practice of signposting public trees proposed to be removed.
- B. That following the completion of a six-month trial period, if no substantive difficulties arise, adopt the procedure.
- C. That if difficulties arise during the trial period, a further report be prepared for Council's consideration.

Background:

Council at its meeting of 31 January 2005, adopted the following Notice of Motion:

“That a report be brought before the appropriate committee detailing the following:

1. *The steps and costs required to amend our notification policy for the proposed removal of public trees by requiring that all public trees that are proposed for removal by council be clearly identified as such by wrapping around their trunk a large green banner which clearly states:*
 - a) *That the tree is proposed for removal;*
 - b) *When it is proposed to remove the tree;*
 - c) *The reasons why the tree is proposed for removal;*
 - d) *Who residents can contact for further information; and*
 - f) *Where residents can send submissions in relation to the proposed removal.”*

Our current procedure regarding publicly notifying of our intention to remove public trees, involves sending a letter to the owners of surrounding properties. This practice is consistent with how we notify adjoining residents of development proposals. The letter describes:

- the location of the tree;
- the reasons why the tree is proposed to be removed;
- the species and size of the replacement tree (where a replacement tree is appropriate);
- who residents can contact for further information;
- where residents can send submissions in relation to the proposed removal (and replacement); and
- a date for residents to provide feedback.

Copies of these letters are provided in the Councillor Bulletin.

Recently we began trialing the placement of a notice on public trees proposed to be removed in conjunction with the resident notification. This process involves taping a laminated A4 size notice to the tree and includes the same information sent by letter to residents. The process of printing and installing these signs is not labour intensive and inexpensive to implement.

We are aware that it is possible that periods of wet weather or deliberate vandalism may cause the notice to be removed during the two-week notification period. However, this does not prevent us from continuing to trial improved methods of displaying the notice.

Conclusion:

The fixing of information notices to public trees proposed to be removed, may assist our current notification procedure in informing surrounding residents of trees proposed to be removed. We propose to trial the fixing of notices to trees for a period of six months, and, if proven successful, adopt it as our standard procedure. If however the fixing of a notice to trees is found to be problematic, a further report will be prepared for Council's consideration.

David Sheils
Manager Public Open Space

Warwick Hatton
Director Technical Services

Item No: R1 Recommendation to Council
Subject: Dog Control Issues - Vacluse Beach (Beach Paddock)
Author: Tim Tuxford, Manager - Compliance
File No: 206.G and 271.G
Reason for Report: To consider the submission from the Historic Houses Trust dated 4 February 2005, responding to the Council resolution of 13 December 2004. The Trust is proposing to impose 'Conditions of Entry' to Vacluse Beach (Beach Paddock), which are in conflict with Council's adopted dog control provisions for the area.

Recommendation:

- A. That Council receives and notes the Historic Houses Trust letter dated 4 February 2005 detailing the Trust's proposed 'Conditions of Entry' to the "*public place*" area of Vacluse House known as the Beach Paddock. The Council further notes that the Historic Houses Trust, as the authority with the care, control and management of the Beach Paddock will be responsible for enforcing their proposed 'Conditions of Entry'.
- B. That, in light of the proposed 'Conditions of Entry' of the Historic Houses Trust and the likely confusion and conflict that may be created, the Council give further consideration to the dog control provisions that should apply to the "*public place*" area of Vacluse House known as the Beach Paddock and determine which one of the following five (5) options should be adopted;
1. Defer the implementation of Council's resolution of 13 December 2004 and only enforce the general provisions of the *Companion Animal's Act* 1998.
 2. Defer the implementation of Council's decision of 13 December 2004 and commence further negotiations with the Historic Houses Trust in an endeavour to reach a compromise.
 3. Reaffirm Council's decision of 13 December 2004 and erect the required regulatory signage on the Council's land adjacent to the entrances to the Beach Paddock.
 4. Reaffirm Council's decision of 13 December 2004, but defer the erection of the regulatory signage required by Part F of the resolution until the Trust has completed its 12 month trial of its 'Conditions of Entry' and the results of the trial are available for consideration.
 5. Pursuant to the *Companion Animals Act* 1998, adopt new dog control measures for the Beach Paddock for a 12 month trial, consistent with the 'Conditions of Entry' proposed by the Historic Houses Trust.

Reason for report:

The Historic Houses Trust have responded to Council's resolution of 13 December 2004 by indicating that they are going to impose 'Conditions of Entry' to the "*public place*" area of Vacluse House known as the Beach Paddock, which are more stringent than the Council's adopted controls. The current position of both authorities is summarised in the following table;

Council Resolution of 13/12/2005	Trust	Companion Animals Act 1998 General Provision
Dogs are permitted to access the Beach Paddock on leash at any time .	Dogs are prohibited from the Beach Paddock between 8.30am - 4.30pm (6.00pm during daylight saving time). Dogs are permitted on leash outside of these hours	Unless otherwise declared or ordered , dogs permitted to access the Beach Paddock on a leash at any time.
Dogs are permitted off leash within the Beach Paddock between 4.30pm – 8.30am. This relates to both the grassed area and the sand beach .	Dogs are permitted off leash on the sand beach area only between 4.30pm (6.00pm during daylight saving time) – 8.30am. During these times dogs are permitted on leash on the grass area of the Beach Paddock.	

As explained later in this report, both the above positions have been lawfully adopted and can therefore be enforced by the respective authority. However, it is considered that having dual controls for the Beach Paddock will be confusing for the community and could lead to conflict and difficulty enforcing either set of restrictions.

Background:

This matter was last before the Community & Environment Committee meeting of 29 November 2004 and the Council meeting of 13 December 2004, where it was resolved as follows;

- 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) of the Companion Animals Act 1998 and for a minimum trial period of 12 months, resolve to permit dogs on leash at all times and unleashed between 4.30pm – 8.30am on the “public place” area of Vacluse House known as the Beach Paddock to the north of Wentworth Road, Vacluse.*
- 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 Vaocluse 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."*

A copy of the report presented to the above meetings is attached as "Annexure 1". That report provides a detailed history of the matter.

The Historic Houses Trust was advised of the above decision by letter dated 23 December 2004 and in response the Historic Houses Trust wrote to Council on 4 February 2005 indicating that the Council's position does not align with the Trust's position. The letter states that the Trust have determined to impose 'Conditions of Entry' to the Beach Paddock area in accordance with the provisions of Section 8(1)(c) of the *Historic Houses Act 1980*. The conditions the Trust proposes to enforce are as follows;

- "(a) That there be no change to the current policy in relation to the garden and grounds of Vaocluse House other than the Beach Paddock.*
- (b) That access to dogs in the company of responsible owners be allowed on the Beach Paddock before 8.30am and after 4.30pm (6.00pm during daylight saving time).*
- (c) That dogs must be leashed at all times on the Beach Paddock other than when on the sand beach."*

The Trust further proposes to trial the above 'Conditions of Entry' for a period of 12 months and to provide an uniformed Ranger to enforce the conditions.

A copy of the Trust's letter dated 4 February 2004 is attached as "Annexure 2".

The Trust's letter was circulated to the Council's Animal Advisory Committee at its meeting of 16 February 2005. An extract of the Committee's minutes in relation to this matter is provided below;

"Greg Radford distributed the Minutes from Council Meeting on Monday 13 December 2004 regarding Dog Control Issues – Vaocluse House and Vaocluse Beach (Beach Paddock) and also a letter from Historic Houses Trust in reply to Council's resolutions.

Greg Radford advised that Tim Tuxford is going to seek advice following the Historic Houses Trust's reply.

Some Committee members questioned the Vaocluse's Houses claims that 100's of people have been using the beach over summer.

Graeme Lowry-Jones added that he often walks his dog on the Beach and the dog walkers and the picnickers had only had positive interaction from his experiences.

The following motion was moved by Councillor Gardner and seconded by Erika Van Aalst:

- (a) That the Council reply to the Historic Houses Trust acknowledging their letter.*
- (b) That those members of the Committee wishing to express their concern of the Historic Houses Trust write to Tim Tuxford."*

On 11 March 2005, Council received a submission from Ms Lyn Sanchez, a member of Council's Animal Advisory Committee and a local Vacluse resident. Ms Sanchez states that her submission is in response to the claims of the Historic Houses Trust that 100's of people are at Vacluse Beach Paddock on a daily basis and there has been dramatic improvements of amenity.

Ms Sanchez independently undertook daily inspections of the Beach Paddock at random times between 11.30am and 3.30pm from Wednesday 16 February 2005 to Thursday 10 March 2005. Ms Sanchez's submission includes all of her daily report sheets together with twelve (12) photographs. A summary of Ms Sanchez's report is attached as "Annexure 3".

The regulatory signage required by Part F of Council's resolution of 13 December 2004 has not as yet been installed.

Consideration:

Public Place and 'Conditions of Entry'

While the area of Vacluse House known as the Beach Paddock is under the care, control and management of the Historic Houses Trust, for the purpose of the *Companion Animals Act* 1998, the area is considered to be a "public place". Section 5 of the *Companion Animals Act* defines a public place as follows;

"public place means:

- (a) any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden,*
and
- (b) any other place,*
that the public are entitled to use."

However, as previously advised by Council's Solicitor, and reported to the Community & Environment Committee meeting of 12 July 2004, the Trust are permitted to impose 'Conditions of Entry' to any part of a historic house, including the grounds appurtenant to the house. Such action is permitted by virtue of Section 8(1)(c) of the *Historic Houses Act* 1980, which states the following;

"8 Powers of Trust

(1) The Trust may:

- (c) subject to such conditions (whether relating to times or otherwise) as the Trust imposes, permit admission of the public to the whole or any part of a historic house,"*

Where such conditions are more stringent than the Council's adopted position under the *Companion Animals Act*, the Trust would be responsible for enforcing the more stringent conditions.

As previously commented by Council's Solicitor, *"this is a wide provision and would allow the Trust to deny access to parts of the land at its discretion and to impose conditions on how persons conduct themselves on the land. If the public is denied access to an area then it ceases to be a public place with obvious consequences in relation to the application of the [Companion Animals] Act."*

It is considered that the Trust is permitted to impose the 'Conditions of Entry' advanced in their letter of 4 February 2005, however, the Beach Paddock area is currently considered to be a 'public place', pursuant to the *Companion Animals Act* 1998. As such, Council is required to enforce the provisions of the *Companion Animals Act*, including any variations duly adopted by Council, from time to time.

Observation Report for the Beach Paddock by Ms Sanchez

Ms Sanchez should be commended for her thorough report. It illustrates that over the survey period, the Beach Paddock was not widely used in the middle of the day by any group. While this is considered accurate for the period surveyed, it may not be prudent to relate these results to the busier times of the year, such as the summer holiday period.

Council's Options

It is considered that the options available to Council include the following;

1. Defer the implementation of Council's resolution of 13 December 2004 and only enforce the general provisions of the *Companion Animal's Act* 1998.

The general provisions of the Act referred to would include, but are not limited to, dogs off leash, failure to remove and dispose of dog faeces and investigation of dangerous dogs, alleged dog attacks and nuisance dogs.

If Council's overall resolution was deferred, it could be argued that Council would have to take action if dogs were off leash within the Beach Paddock, irrespective of the time of day. This would be in direct conflict with Council's previous decision, where it was concluded that the area was suitable for dogs off leash between 4.30pm – 8.30am. This is not considered a desirable result.

2. Defer the implementation of Council's decision of 13 December 2004 and commence further negotiations with the Historic Houses Trust in an endeavour to reach a compromise.

It is definitely desirable for the Trust and the Council to have the same controls applying to the area, as this would eliminate any confusion or conflict with enforcement. If Council elected this option, Council would only be required to enforce the general provisions of the *Companion Animals Act*, until a compromise position was reached and adopted by both authorities.

However, considering that both the Council and the Trust have clearly stated their positions and it is unlikely that a compromise would be achieved in the near future, this option may not be viable.

Nevertheless, irrespective of the action that the Council elects to take, it is appropriate that dialogue with the Trust continues in relation to this issue.

3. Reaffirm Council's decision of 13 December 2004 and erect the required regulatory signage on the Council's land adjacent to the entrances to the Beach Paddock.

The regulatory signs required by Part F of Council's resolution of 13 December 2004 are proposed to be erected on the public footpath, at each entry to the Beach Paddock. It is considered that the Trust will erect their own signage within the Beach Paddock to inform the public of their 'Conditions of Entry'. The messages on both sets of signs will be in conflict with each other and will be confusing for the public.

This is best illustrated by the following example. A visitor to the area arrives at the entry of the Beach Paddock in the middle of the day with their dog on leash. They read Council's sign at the entry the paddock, which indicates it is appropriate to take your dog into the reserve, as long as the dog is held on a leash. As soon as the visitor enters the reserve they are confronted by the Trust's uniform officer who draws the visitor's attention to the Trust's signs, which states dogs are prohibited at this time of day. The outcome is a very angry and confused visitor.

However, without the signage there could be conflict between the users of the Beach Paddock, as visitors, who are unaware of the Council's position, rely on the Trust's signs, while local residents adhere to Council's controls. It is considered that it would be up to the Trust's uniformed officer to address such conflict.

4. Reaffirm Council's decision of 13 December 2004, but defer the erection of the regulatory signage required by Part F of the resolution until the Trust has completed its 12 month trial of its 'Conditions of Entry' and the results of the trial are available for consideration.

The impacts of this option have, in part, been canvassed under option 3 above.

This option has the benefit of not creating confusion for the public by having 2 sets of signs with conflicting messages, although it could lead to conflict between users who do not have the same knowledge of the matter.

It also permits the Council to clearly identify to the Trust what restrictions the Council will and will not enforce. In this regard, it is considered that Council could enforce its restrictions without signage, as the Council's restrictions are less onerous than those of the Trust and do not prohibit dogs at anytime.

5. Pursuant to the *Companion Animals Act 1998*, adopt new dog control measures for the Beach Paddock for a 12 month trial, consistent with the 'Conditions of Entry' proposed by the Historic Houses Trust.

The benefit of this option is that it eliminates any confusion. It would also permit Council's Rangers to enforce the Trust's 'Conditions of Entry' under the terms of the *Companion Animals Act 1998*.

Option 5 was previously canvassed in the report presented to the Community & Environment Committee meeting of 29 November 2004 ("Annexure 1") and while acknowledging the earlier resolutions of the Community & Environment Committee and the Council, it remains the officer's preferred position, for the following reasons;

- It represents a compromise by the Historic Houses Trust, who had previously banned dogs from the area;
- It acknowledges that the Trust are the authority with the care, control and management of the Beach Paddock;
- It achieves a consistent approach between the Trust and the Council; and
- It eliminates potential conflict and confusion.

The previous decisions of the Community & Environment Committee and the Council were made before it was known that the Trust would impose more stringent and conflicting 'Conditions of Entry'.

Conclusion:

In response to Council's resolution of 13 December 2004, the Historic Houses Trust has indicated that they do not agree with Council's adopted dog control provisions for the Beach Paddock. The Trust, as the authority with the care, control and management of the area, have resolved to impose 'Conditions of Entry' that are more stringent than the Council's controls, which could lead to conflict and confusion amongst users of the Beach Paddock. As such, it is considered that the Council should give further consideration to this matter, in light of the position adopted by the Historic Houses Trust and select one of the five options advanced above.

Tim Tuxford
Manager - Compliance

Allan Coker
Director – Planning & Development

Annexures:

1. Report to the Community & Environment Committee meeting of 29 November 2004
2. Letter from the Historic Houses Trust dated 4 February 2005
3. Summary of Ms Sanchez's Observation Report for Vaucluse Beach and Beach Paddock submitted on 11 March 2005.
4. Aerial photograph of the "*public place*" area of Vaucluse House known as the Beach Paddock