



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 24 September 2007*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

20 September 2007

To: The Mayor, Councillor Geoff Rundle
Councillors Anthony Boskovitz
 John Comino
 Claudia Cullen
 Christopher Dawson
 Marcus Ehrlich
 Tanya Excell
 Wilhelmina Gardner
 Keri Huxley
 Julian Martin
 Andrew Petrie
 Isabelle Shapiro
 David Shoebridge
 Fiona Sinclair King
 John Walker

Dear Councillors

Council Meeting – 24 September 2007

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 24 September 2007 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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1.	Confirmation of adjourned Confidential Strategic & Corporate Committee Meeting Minutes	3 September 2007
	Confirmation of reconvened Strategic & Corporate Committee Meeting Minutes	10 September 2007
	Confirmation of Council Minutes – Ordinary Meeting	10 September 2007
	Confirmation of Confidential Strategic & Corporate Committee Meeting Minutes	13 September 2007
	Confirmation of Council Minutes – Extraordinary Meeting (6.30pm) (Open and Confidential Minutes)	17 September 2007
	Confirmation of Council Minutes – Extraordinary Meeting (8.00pm)	17 September 2007
2.	Leave of Absence and Apologies	1
3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	17 September 2007
	R1 Capital Project Status Report & Revotes	
	R2 Proposed release of an existing easement and creation of a new easement for stormwater drainage, Moncur St Reserve, Woollahra.	
	R3 Meeting dates for January 2008	2
9.2	Development Control Committee – Nil Items	17 September 2007
9.3	Urban Planning Committee	10 September 2007
	R1 Draft East Subregional Strategy	
	R2 Draft City of Sydney Late Night Trading Premises Development Control Plan 2007	4
9.4	Community & Environment Committee	10 September 2007
	R1 Guidelines for Local Traffic Committees	
	R2 Organics Trial Results	
	R3 Management of Woollahra Seniors Centre	6
10.	Rescission Motion	Nil
11.	Notices of Motion	8
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Leave of Absence

Item No: 1
From: Councillor Christopher Dawson
Reason for Report: Seeking leave of absence for all meetings of the Council and its Committees from Monday 24 September 2007 to Monday 1 October 2007 inclusive.

Recommendation:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Christopher Dawson for the period Monday 24 September 2007 to Monday 1 October 2007, inclusive.

Item No: 2
From: Councillor Isabelle Shapiro
Reason for Report: Seeking leave of absence for all meetings of the Council and its Committees from Wednesday 26 September 2007 to Saturday 13 October 2007 inclusive.

Recommendation:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Isabelle Shapiro for the period Wednesday 26 September 2007 to Saturday 13 October 2007, inclusive.

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 17 September 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Capital Project Status Report & Revotes**
Author: Michelle Phair, Team Leader Financial Services
File No: 331G 2006/2007
Reason for Report: To report on the status of capital projects in the 2007/2008 budget as at 31 August 2007 and recommend the revote of budget allocations for 2006/2007 projects not commenced before 30 June 2007

Recommendation:

1. That the item be deferred for further consideration at the next Corporate and Works Committee.

Item No: R2 Recommendation to Council
Subject: **Proposed release of an existing easement and creation of a new easement for stormwater drainage, Moncur St Reserve, Woollahra.**
Author: Anthony Sheedy, Property Officer
File No: 317.103
Reason for Report: To seek Council's endorsement for the release of an existing easement and grant of a new easement in favour of the owners of 103 Moncur St, in regards to the Moncur St Reserve, Woollahra.

Recommendation:

- A. That Council agree to the release of an existing easement by agreement with the owners of 103 Moncur St, Woollahra in respect of a 150mm wide portion of Moncur St Reserve, Woollahra, subject to the said owners paying all Council's costs.
- B. That Council agree to the granting of a new easement for sewer and stormwater drainage by transfer to the owners of 103 Moncur St, Woollahra as favouree in respect of a 1 metre wide portion of Moncur St Reserve, Woollahra, subject to the said owners paying all Council's costs.
- C. That the Common Seal of Council be affixed to the Section 47 (6A) Real Property Act, 1900 and 88B Conveyancing Act 1919 instruments, subject to certification from Council's solicitors that the document protects the Council's interests.

Item No: R3 Recommendation to Council
Subject: Meeting dates for January 2008
Author: Les Windle - Manager Governance
File No:
Reason for Report: To consider options for meeting dates in January 2008

Recommendation:

That Council determine that opinion 1 (existing procedure – recommencing Monday 21 January 2008) be adopted as the meeting schedule for January 2008.

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 10 September 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Draft East Subregional Strategy**
Author: Chris Bluett - Manager Strategic Planning
File No: 1205.G
Reason for Report: To inform Council of the Draft East Subregional Strategy
To obtain Council's approval of a submission on the Draft East Subregional Strategy

Recommendation:

- A. That consideration of the submission be deferred to the Urban Planning Committee meeting on 24 September 2007 to enable a further report to be submitted to the Committee and a revised submission that includes comments raised by the Committee.
 - B. That the Committee's recommendation on 24 September 2007 be referred to the Council Meeting on 24 September 2007 as a matter of urgency.
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Item No: R2 Recommendation to Council
Subject: **Draft City of Sydney Late Night Trading Premises Development Control Plan 2007**
Author: John Davies – Strategic Planner
File No:
Reason for Report: To provide a submission to the City of Sydney Council on their Draft Late Night Trading Premises Development Control Plan

Recommendation:

- A. That the submission on Draft Late Night Trading Premises Development Control Plan 2007 be submitted to the Chief Executive Officer at the City of Sydney Council subject to deletion of the following paragraph:

“With the above two points in mind, I feel that the Local Centre Area should be extended to all properties on Oxford Street, Paddington currently zoned No. 10 Mixed Uses in the South Sydney Local Environment Plan 1998. This will complement the retail services and hotels on the Woollahra side of Oxford Street. I also feel that the Paddington Town Hall should also be included in the Local Centre area (annexure 2).”

- B. That a report be submitted to the Urban Planning Committee identifying locations in the Woollahra Municipality that could benefit from the adoption of a similar DCP.
 - C. That the report also consider reasonable and achievable requirements for low impact Place of Public Entertainment (POPE) approvals.
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9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 10 September 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Guidelines for Local Traffic Committees**
Author: Frank Rotta – Traffic Engineer
File No: 595.G
Reason for Report: Follow-up report in relation to the Guidelines for the operation of Local Traffic Committees and public attendance at meetings

Recommendation:

- A. That Council write to the RTA and the Minister for Roads to indicate its objection to the changes proposed by the RTA in relation to the attendance of the public at Local Traffic Committee meetings.

Item No: R2 Recommendation to Council
Subject: **Organics Trial Results**
Author: Mark Ramsay – Manager Depot and Waste Services
File No: 588.G
Reason for Report: To inform Councillors of the results of the organics trial

Recommendation:

- A. That the trial continue until the end of December 2007.
- B. That, subject to a further report and confirmation that a suitable facility is available to process the product after that time, the service become permanent.
- C. That, where feasible, the service then be expanded into other areas of the municipality
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Item No: R3 Recommendation to Council
Subject: Management of Woollahra Seniors Centre
Author: Kylie Walshe, Director Community Services
File No: 74.G
Reason for Report: To seek Council's approval to directly manage the Woollahra Seniors Centre.

Recommendation:

That upon a resolution of the Woollahra Senior Citizens Welfare Association requesting Council to directly manage the Woollahra Seniors Centre:

- A. Council revoke the delegation (care, control and management) given by Woollahra Municipal Council to the Woollahra Senior Citizens Welfare Association for the management of Woollahra Seniors Club on 17 July 1957.
- B. Council commence direct management of the community centre at the corner of Queen St and Edgecliff Road, Woollahra, at a date agreed by WSCWA and the General Manager.
- C. Council continue to provide club activities, including a meal service and recreation activities, for seniors at the Centre and that this be reviewed and amended by Council as required.
- D. The employees of Woollahra Senior Citizens Welfare Association are offered employment by Council, with length of service and entitlements transferred to Council, if accepted.
- E. Council establish a Liaison Committee to assist in the development of programs and activities provided to seniors at and from the Centre. Membership of this Committee to consist of Councillors, Council staff and voluntary representatives of Centre members / users.

Notices of Motion

Item No: 1
From: Councillor Huxley
Date: 13 September 2007
File No: 900.G

- A. That Woollahra's planning and development staff, in consultation with Councillors, prepare a report on an appropriate community consultation process for the Rose Bay and Point Piper Marina DAs, that includes;
- A briefing and information forum for the community to provide an opportunity for those who wish to make personal representations and be heard prior to a decision on the application
 - That the forum include presentations by Woollahra Senior staff, and independent experts,
 - And a question and answer session be conducted on all the relevant planning and environmental issues, traffic and parking reports, impacts on marine ecology and users of the public waterways, visual impact and the public domain, and other areas of the public interest
 - That a suitable venue be identified to accommodate the number of people who may wish to participate in this process
 - That Woollahra requests a representative of NSW Waterways be invited to attend the briefing and information forum and be available to respond to questions
- B. That the consultation framework provide for further community forum / fora to hear from the community after staff have determined their recommendation on the application.

Item No: 2
From: Councillor Cullen
Date: 19 September 2007
File No: 900.G

That a report be submitted to the Corporate & Works Committee with a view to varying Council's Code of Meeting Practice to limit the casting vote of Chairman of Committees to circumstances that progress the matter but do not finally determine the matter and in all circumstances where a casting vote would (if exercised) finalise the matter, the recommendations or alternate recommendations receiving equal votes be referred to the Council for its decision.

Item No: 3
From: Councillors Comino & Shapiro
Date: 20 September 2007
File No: 900.G

That a Report be brought to the appropriate Committee of Council addressing proposed improvement works, such to include a kiosk, to the Lyne Park Change Shed and Toilet Block and incorporating a program for implementation (subject to any DA requirements) by November 2007.

Item No: 12
Subject: Questions Without Notice
Author: Gary James, General Manager
File No: 467.G/Q01
Reason for Report: To provide a response to Questions without Notice from Council Meeting of 10 September 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Recommendation:

That the responses to previous Questions without Notice be noted.

Background:

The provision for Councillors to ask Questions Without Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

- (1) *As a standard practice, "Questions Without Notice" shall be listed in all agendas of Ordinary Meetings of Council*
- (2) *Questions shall be in writing.*
- (3) *The Mayor shall direct the question to the General Manager or responsible Division Head; or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.*
- (4) *If the answer to a question can be given immediately then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (whether in writing and direct to the Enquirer, or by means of a report to an appropriate Committee, or otherwise.)*
- (5) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions Without Notice" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions Without Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions Without Notice on 10 September 2007 are as follows:

Councillor Petrie asking:

I refer to a “Press Statement” by the Mayor of Waverley, George Newhouse, where he said “However the continuing decline in State and Federal Government Funding for Libraries is shameful and hurts the vulnerable”.

Can you write to Councillor Newhouse and help him from his embarrassing lack of knowledge of public funding of libraries? Noting that Federal Governments don’t fund libraries, State Governments do. Can you circulate your letter to all Councillors?

Mayor in response:

Letter sent to George Newhouse regarding his comments 17 September 2007 and copy placed into the Councillor Bulletin for Tuesday 18 September 2007.

Councillor Martin asking:

To the Director Technical Services

I forwarded you an email this week from a parent concerned about child safety at the corner of Glenmore Road and Cascade St. Many people are concerned the ability of cars to stop coming down the hill and blind spots in viewing the pedestrian crossings. How should we proceed with this?

Traffic Engineer in response:

Proposal being developed for presentation to October meeting of Woollahra Traffic Committee.

Councillor Dawson asking:

An advertisement has appeared on the Floating Restaurant at Rose Bay offering the hulk for sale. A Jason Gribble is the agent. Can this Council make its position entirely clear on the future of this decaying eyesore?

Director – Planning & Development in response:

The Council’s position on that is set out in a number of resolutions of Council, and that position is that the facility should be removed from this Municipality as soon as possible.

Councillor Shapiro asking:

Is it correct that the PCYC developer demolished the building and has been working on site for 4-5 weeks without lodgement of a construction management plan? Do we believe it is appropriate for large double trucks to be going down the narrow streets of Paddington and what action has Council taken?

Director – Planning & Development in response:

There are a number of elements to that complicated issue, and I will take that On notice.

Mayor in further response:

It is really unacceptable for the size of the trucks that have been belting down Heeley Street at risk to the child care centre and the people in the very narrow street. It is quite unbelievable that they have been doing this work but there is a proposal underway to solve the problem by keeping the construction trucks only to the short bit of road off Oxford Street which is quite wide and hopefully we will be able to get RTA and Buses approval and Police and everybody else and that will stop them from having to send these trucks down Heeley Street.

Director – Planning & Development in further response:

A construction management plan (CMP) was submitted with the privately issued Construction Certificate for the demolition work, however it had not been approved by Council's Traffic Section. Therefore, Council issued written instructions on 3 September 2007 to the builder to cease work until the CMP was approved by Council. The CMP is currently being assessed by Council's Traffic Section and no work is occurring on site.

Councillor Sinclair King asking:

Is Council considering planting replacement trees in Rushcutters Bay Park and Reserve where a number of poisoned trees and burnt palm trees have left gaps in the landscape? What trees and when will they be planted? What is Council's Tree Replacement Policy and how is it applied in areas where views of residents conflict with amenity and greening of our public parks?

Manager - Parks & Street Trees in response:

Council staff will be replacing the two poisoned Hill's Figs in Yarrannabee Park with the same species to preserve the uniformity of the Avenue. The Palm tree which was burnt has been trimmed and appears to be recovering. Where possible significant views are taken into account when planting public trees. In certain circumstances residents may pay for a view pruning service to maintain an existing view.

Councillor Boskovitz asking:

I have received further correspondence from some of the residents at Queens Avenue Vacluse detailing the level of litter that is starting to be left outside their homes and in the reserve. All their complaints go back to the placement of the bin in an alternate location from where it once was.

Why was the location of the bin changed and could we please put it back in its original location.

Manger – Parks & Street Trees in response:

The original National Parks owned bin was removed after it was vandalised. Woollahra Council staff have installed a new bin on nearby Council owned land. A request for a new bin on National Parks land has been directed to the NSW National Parks and Wildlife Service.

Councillor Boskovitz asking:

Another concern the residents of Queens Ave have is that the no stopping sign has been moved to a different location and does not have the effect that the old signs used to. The residents have argued that there is a correlation between the movement of the no stopping sign and the levels of anti social behaviour that have occurred since it was moved.

Could we please put the no stopping sign back in its original location as well as retaining it in its new position so that it is more easily noticeable?

Director – Technical Services in response:

That matter has been dealt with and responded to and the opinion of the Traffic Engineer is that it is not desirable to put the sign back in that location. However, it will be investigated again.

Traffic Engineer further in response:

The existing sign is appropriately installed on the ELP at this location in accordance with Council's Parking Signs Policy which states that when performing maintenance of damaged, lost or faded signs, due consideration is to be given to the existing layout of signs to ensure the efficient use of signs and the use of the least number of signs.

Inspection shows that all signs are fully visible to drivers and there is no justification for the introduction of an additional, superfluous sign at this location.

The suggestion that there is a correlation between the location of the signs and the incidence of antisocial behaviour is questionable.

It has been noted that one sign has been removed by persons unknown and an instruction (CRMS) has been issued for its reinstallation ASAP.

Councillor Boskovitz asking:

Could the Council write a polite letter to the local police to ask that they patrol Queens Ave on the weekend as there has been a large amount of anti-social behaviour of late? Just this weekend I understand that both public and private property was damaged. The public property which was damaged was the no stopping sign.

Traffic Engineer in response:

Letter to police being prepared. Action to replace missing sign currently being undertaken.

Councillor Boskovitz asking:

There are a number of Council barriers placed on the footpath on the east side of Hopetoun Avenue close to The Crescent which creates a very very dangerous situation for pedestrians. Pedestrians are forced onto the road which at one point is almost a blind corner

Could you please update us on what works are being undertaken and when they will be completed.

Manager – Public Infrastructure in response:

These barricades have been placed as the private wall in this location has failed and there is the danger that pedestrians may be hit by falling rocks. Compliance is in the process of serving an order on the owner. Signs directing pedestrians to cross the road will be installed.

Councillor Boskovitz asking:

What progress has been made on the report in regards to the alternative mechanisms for paying parking meters?

I recently received an email in regards to a company called CelloPark which provides for a GPRS mechanism for payment. Will the report be investigating all mechanisms such as the technology that CelloPark offers?

Manager – Public Infrastructure in response:

This matter will be dealt with in combination with adopted Notice of Motion of 10 September 2007. This is under investigation and will be reported to Corporate & Works Committee.

Councillor Shoebridge asking:

Can we please have a response on record as to the concerns raised in this correspondence from the proprietors of Finlandia Pty Ltd regarding notice they were given.

Team Leader – Infrastructure Asset Management in response:

Response to proprietors of Finlandia Pty Ltd sent on 11 September 2007. The following details the consultation and notice that the proprietors of Finlandia Pty Ltd were given regarding the proposed works:

"The improvement works to the Queen Street Carpark have been the subject of an extensive consultation and design process which began in February 2004. We advertised the proposed concept design in March 2004 and during this advertising period received only one objection, from yourself. The concept design was considered by Council's Community and Environment Committee in September 2005. The Committee resolved to adopt the plan in principle, and to develop the adopted concept plan into a detailed design, once funds became available. The funds were provided in the 2006/2007 budget and subsequently, we developed a detailed design, and held discussions with the Queen Street West Woollahra Association and Zigolini's Restaurant. We notified all neighbouring property owners in August 2007 detailing the intent to commence the works."

Councillor Shoebridge asking:

When are you intending to answer Councillor Excell's Question without Notice from the last Council Meeting as to the list of environmental initiatives you have tried to implement and attempts you have made to move the Council to a carbon neutral stance over the past 3.5 years?

Mayor in response:

On notice.

Councillor Shoebridge asking:

Can we please have the ambiguity as to the heritage status of 18 Bathurst Street, Woollahra clarified prior to and separate from any DA application for this property?

Manager Strategic & Planning in response:

A detailed response will be forwarded to Councillors by memo.

The Mayor, Councillor Huxley asking:

Given what has happened in Heeley Street, some of the pedestrian crossings that have gone in and issues that have arisen since they have been put in such as lighting over Cascade and the dangerous nature of the one that Councillor Martin has referred to, when will you schedule the next meeting of the Paddington Traffic Working Party?

Director – Technical Services in response:

It is not proposed to call a meeting of the PTWP at this time. These matters do not justify the calling together of the seven Committee members as:

1. The matter in Heeley Street is a DA matter and has been passed on to Compliance for appropriate action (including stop work orders). We are awaiting a response from the developer in respect of the deficiencies identified in the CMP for this site and this will subsequently be assessed by Council officers prior to construction commencing.
 2. We are unaware of the problems referred to at some of the pedestrian crossings and require further details before we can investigate.
 3. The matter also raised by Councillor Martin (ie. Glenmore/Cascade pedestrian safety) is already being investigated and a report including a proposal to improve safety will be forwarded to the Traffic Committee at its October meeting. This is far speedier than calling a meeting of the PTWP, and the members of the WTC are also members of the PTWP.
-

Gary James
General Manager

Annexures: Nil