

Council Meeting

Monday 11 February 2008

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Items Determined Under Delegated Authority by Council Committees

The following Items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Corporate & Works Committee Meeting held on Monday 4 February 2008

- D1 Confirmation of Minutes of Meeting held on 21 January 2008
- D2 Investments Update
- D3 Roads, Traffic and Transport Principal Activity - 2nd Quarter Management Plan Review

Development Control Committee Meeting held on Monday 4 February 2008

- D1 Confirmation of Minutes of Meeting held on 21 January 2008
- D2 DA606/2005 part 2 – 54 Kings Road, Vaucluse - Section 96 Application – Addition of plant room and addition of louvered opening – 12/9/2007
- D3 DA259/2007 – 2 Bayview Hill Road, Rose Bay – Alterations & additions including swimming pool & internal modifications – 27/4/2007
- D4 DA150/2007 – 101 Windsor Street, Paddington – 82A Review of Refusal – 28/9/2007
- D5 DA353/2007 – 103 Windsor Street, Paddington – 82A Review of Refusal – 27/9/2007
- D6 Register of Current Land and Environment Court Appeals for Development Applications

Urban Planning Committee Meeting held on Tuesday 29 January 2008

- D1 Confirmation of Minutes of Meeting held on 17 December 2007

Community & Environment Committee Meeting held on Tuesday 29 January 2008

- D1 Confirmation of Minutes of Meeting held on 17 December 2007
- D2 Community Services - Management Plan Quarterly Report
- D3 Parks & Public Space Principal Activity - **Error! Bookmark not defined.**2nd Quarter Management Plan Review
- D4 Natural Environment Principal Activity - 2nd Quarter Management Plan Review



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 11 February 2008 at 8.04pm.**

Present: His Worship the Mayor, Councillor Geoff Rundle
Councillors Anthony Boskovitz
John Comino
Claudia Cullen
Christopher Dawson
Tanya Excell
Wilhelmina Gardner
Julian Martin
Andrew Petrie
Isabelle Shapiro
David Shoebridge
Fiona Sinclair King
John Walker

Staff: A Coker (Director – Planning & Development)
G Clarke (Director – Corporate Services)
W Hatton (Director – Technical Services)
G James (General Manager)
K Walshe (Director – Community Services)
L Windle (Manager – Governance)
H Tola (Team Leader – Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Comino/Shoebridge)

- 1/2 THAT the Minutes of the Council Meeting held on 29 January 2008 be taken as read and confirmed.

Adopted

Leave of Absence

(Comino/Petrie)

- 2/2 THAT leave of absence for all meetings of the Council and its Committees be granted to Councillor John Walker for the period Friday 15 February 2008 to Friday 7 March 2008.

Adopted

Apologies

(Comino/Petrie)

- 3/2 Apologies were received and accepted from Councillors Marcus Ehrlich and Keri Huxley and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Mayoral Minute

Mayoral Minute No: 1

Subject: Australia Day Honours – 26 January 2008

Author: The Mayor, Councillor Geoff Rundle

File No: 13.G/5

Reason for Report: To inform the Council of the local recipients of the Australia Day Honours

(Rundle/Shoebridge)

4/2 Resolved without debate:

That letters of congratulation, signed by the Mayor and General Manager on Council letterhead, be forwarded to the following recipients of the 2008 Australia Day Honours:

- i. Mr William Duncan FERRIS, AC, AO
- ii. Lady Nancy FAIRFAX, AO, OBE
- iii. Mr Ross Kenneth ROLFE, AO
- iv. Professor Lesley Veronica CAMPBELL, AM
- v. Adjunct Associate Professor Alexander Eric CHURCHES, AM
- vi. Mr Peter Constantine COOMBES, AM
- vii. Mr John Reginald GRANT, AM
- viii. Emeritus Professor Tony VINSON, AM
- ix. Cantor Shimon FARKAS, OAM
- x. Mrs Susan FELLER, OAM
- xi. Associate Professor Suzanne Dorothy RUTLAND, OAM
- xii. Mr Roy WHITECROSS, OAM

I am pleased to inform the Council that twelve (12) residents of the Woollahra Municipality were among those persons honoured in the recent Australia Day Honours. They are:

Campanions (AC) in the General Division

- i. **Mr William Duncan Ferris, AC, AO**
For service to the community through a range of philanthropic endeavours, as a leader in support of medical research, and to business and commerce through ongoing roles supporting Australian exports, venture capital and private equity.

Officer (AO) in the General Division

- ii. **Lady Nancy Fairfax, AO, OBE**
(Award wef 10 November 2006) For service to the community, particularly through philanthropic support of a range of organisations in the ethics, health, aged care, volunteering, church and arts sectors.
- iii. **Mr Ross Kenneth Rolfe, AO**
For service to the community through the development and implementation of major infrastructure policies and in the coordination of whole-of-government program initiatives in Queensland.

Member (AM) in the General Division**iv. Professor Lesley Veronica Campbell, AM**

For service to medicine as a clinician, academic and researcher in the field of endocrinology, to the development of the Diabetes Centre at St Vincent's Hospital, Sydney, and through professional organisations.

v. Adjunct Associate Professor Alexander Eric Churches, AM

For service to engineering, particularly the promotion and development of mechanical design, to education, and through professional organisations.

vi. Mr Peter Constantine Coombes, AM

For service to the community, to the construction industry, and as a supporter of a range of charitable organisations.

vii. Mr John Reginald Grant, AM

For service to the finance industry, particularly through the promotion of the venture capital sector, and through contributions to medical research and biotechnology organisations.

viii. Emeritus Professor Tony Vinson, AM

For service to social welfare through academic, government and community roles, as a contributor to state and federal policy formulation, and as a champion of social justice.

Medal (OAM) in the General Division**ix. Cantor Shimon Farkas, OAM**

For service to the Jewish community, particularly as the Cantor of the Central Synagogue, Sydney.

x. Mrs Susan Feller, OAM

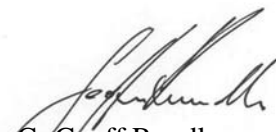
For service to children with intellectual disabilities, particularly through The Joseph Varga School.

xi. Associate Professor Suzanne Dorothy Rutland, OAM

For service to Jewish education and history through a range of higher education development roles and as an author and academic, and to the promotion of interfaith relations.

xii. Mr Roy Whitecross, OAM

For service to the welfare of veterans and their families, particularly through the Headquarters 8th Division Association, and to the community.



Cr Geoff Rundle
Mayor

Mayoral Minute No: 2

Subject: Leaders Forum Wednesday 30 January 2008

Author: Allan Coker, Director Planning and Development

File No: 696.G

Reason for Report: To report to Council the outcomes of the forum

(Rundle/Petrie)

5/2 Resolved without debate:

1. That the Mayoral Minute on the Leaders Forum held on 30 January 2008 be received and noted.
2. That the Council be kept informed of progress on the proposed Planning Reform Package.

Background:

On Wednesday 30 January 2008 the Local Government Association of NSW and the Shires Association of NSW hosted a Leaders Forum on the State Government's planning reform agenda, including proposed changes to developer contributions.

The meeting was held at the Portside Centre, Symantec House, 207 Kent Street Sydney from 10.00am to 12.00noon. The purpose of the forum was to update Mayors and senior staff on the Association's campaigns in response to the proposed changes, to hear from councils about their engagement with their communities, and to assist the Associations in preparing their submissions on the discussion paper. Submissions on the discussion paper were required to be submitted by 8 February 2008.

The forum was well attended by Mayors and senior staff from councils across NSW and was addressed by Cr Bruce Miller, President Shires Association of NSW, Cr Genia McCaffery, President Local Government Association of NSW and by John Mant, Planning Consultant. In addition to these speakers the forum provided an opportunity for Mayors to have their say. This opportunity was enthusiastically taken by various Mayors from both city and country councils across the state.

Both the section 94 and planning reforms were widely condemned by the forum. Some of the key points made in relation to section 94 were:

- There is a lack of detail about the proposed section 94 reforms
- Councils won't be able to provide proper services if s.94 funding is withdrawn
- Councils need to do an impact audit on the implications of the loss of s.94 funding
- The State is not aware of local infrastructure requirements
- Councils need to explain to their communities what s.94 is all about
- Many local community projects will not proceed without s.94 funding
- Councils should refuse to hand over their s.94 contributions to the state.

Some of the key points made in relation to the planning reforms were:

- Councils should strongly oppose the removal of ‘Mums and Dads’ rights to have a say
- Most of the problems experienced in efficiently administering the planning system are due to poor legislation
- At the next local government elections there should be a referendum on State intervention into local planning
- All councils in NSW need to get behind the campaign
- The Minister is acting in the interests of developers over the interests of local communities
- The proposed reforms will result in more regulation and more complexity
- The system of private certification should not be extended since private certifiers have a conflict of interest that cannot be resolved
- Only councils should issue construction certificates
- Private certifiers could be used to do the assessment work but councils should decide
- All discretionary judgements should be made by government (and not by the person who is paid by the developer)
- State prepared codes will result in a loss of local character
- The Associations support the concept of 1st stage DAs provided subsequent stages are retained by councils
- The Associations support the introduction of 3rd party appeal rights
- Regional Planning Panels will add another layer of administration
- The Associations support the introduction of the Planning Assessment Commission to largely take over the role of the Minister for Part 3A matters
- Councils should decide whether or not to introduce Independent Hearing and Assessment Panels (IHAPs)
- Planning Arbiters will add another layer of complexity
- The Associations will present an alternative reform model
- Reforms should be undertaken with proper engagement
- More time is required for a realistic debate

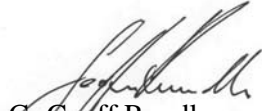
Following the presentations and inputs by various Mayors the forum unanimously passed the following resolution and asked that it be brought to the attention of all Mayors as a matter of urgency.

- “1. That the meeting supports the actions of the Presidents and Executives of the Local Government and Shires Associations in mounting a campaign on the NSW Government’s proposed planning changes, including both the issue of section 94 developer contributions and the recommendation in the Government’s discussion paper, and preparing an alternative reform package as a basis for discussion with the Government, councils, stakeholders and the community.
2. The meeting calls on all NSW councils to refuse to cooperate with the NSW Government if requested to transfer section 94 funds held in trust by councils, to the Government.
3. The meeting supports in principle the proposal that the Associations seek contributions from member councils towards the costs of engaging high level lobbying and media representation to formulate and assist with the implementation of a continuing public campaign.”

The letter from the Associations on this matter is attached.

Comment

On 29 January 2008 the Urban Planning Committee considered a detailed report and draft submission on the proposed planning reforms. Council, on the same evening, endorsed the submission subject to some changes recommended by the Committee. That submission has been completed and was submitted to the Department of Planning on 7 February 2008. Our submission largely supports the position taken by the Associations.



Cr Geoff Rundle
Mayor

Annexures:

1. Letter dated 30 January 2008 from the Local Government Association of NSW and the Shires Association of NSW.

Annexure 1

Local Government
Association of NSW



Shires Association of NSW

Our ref: R04/0066.dh Out-15720
30 January 2008

To all Mayors and Administrators

PLANNING CHANGES: OUTCOMES OF LEADERS FORUM

Thank you to all mayors, councillors and staff who attended our Leaders Forum in Sydney today to discuss the NSW Government's proposed planning changes. The forum was well attended, the debate enthusiastic, and a great example of Local Government working together.

The meeting made the following resolution and asked that it be brought to the attention of all mayors as a matter of urgency:

1. That the meeting supports the actions of the Presidents and Executives of the Local Government and Shires Associations in mounting a campaign on the NSW Government's proposed planning changes, including both the issue of section 94 developer contributions and the recommendations in the Government's discussion paper, and preparing an alternative reform package as a basis for discussion with the Government, councils, stakeholders and the community.
2. The meeting calls on all NSW councils to refuse to cooperate with the NSW Government if requested to transfer section 94 funds held in trust by councils, to the Government.
3. The meeting supports in principle the proposal that the Associations seek contributions from member councils towards the costs of engaging high level lobbying and media representation to formulate and assist with the implementation of a continuing public campaign.

We reported to the meeting that the preparation of a paper had commenced, with the assistance of Mr John Mant, planning consultant, scoping an alternative reform package. We will distribute this paper to all mayors in early February for your review and comment, and hopefully your endorsement, as the basis for our campaign to ensure that any reforms made to NSW planning legislation are in the best interests of councils and our communities.

As you are aware, our campaign to date has included Local Government's open letter to the Premier, published in metropolitan and selected regional newspapers prior to Christmas, and the ongoing media campaign which marries our template media releases and messages with your local experiences. Local Government media exposure has been frequent and sustained throughout the summer, and we congratulate all councils on your successes in capturing media and public attention.

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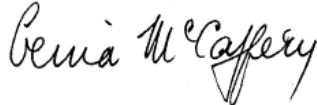
Further, we have released our preliminary response to the Government's discussion paper and aim for our alternative reform package to be similarly released shortly, with a view to generating widespread and constructive discussion across the state. You can read the speech from today's forum outlining the framework for our alternative package on our website at www.lgsa.org.au.

Many of the mayors who spoke at today's forum stressed that it is essential our campaign has the support of every mayor and council in New South Wales, and that Local Government must be united against this serious attack on good governance and our communities. We cannot agree too strongly. United support and action will be the crucial components of our campaign.

We would be pleased if you would seek a resolution of council endorsing the three points above, and advise us as soon as this has occurred.

Thank you again for your support. We look forward to working with you on this important issue.

Yours sincerely



Cr Genia McCaffery
President
Local Government Association of NSW



Cr Bruce Miller
President
Shires Association of NSW

Corporate & Works Committee

**Items with Recommendations from the Committee Meeting of Monday 4 February 2008
Submitted to the Council for Determination**

Item No: R1 Recommendation to Council
Subject: **Design and Construction of Multi-Function Poles along New South Head Road, Double Bay**
Author: Trent Scrivener – Project Engineer
File No: Tender No 07/21
Reason for Report: To recommend to Council the acceptance of a Tender

(Petrie/Shoebridge)

6/2 Resolved without debate:

That consideration of the tender be deferred until the next Corporate & Works Committee so that a report can be prepared on:

1. The legislation and probity requirements for further negotiations with one or more of the tenderers.
 2. The additional information before the Committee.
 3. The impact on the budget having regard to the tender prices.
 4. The design finish and aesthetics of the various poles tendered
 5. The impact on timing of the works in Double Bay if changes to the process or form of tender are proposed.
-

Item No: R2 Recommendation to Council
Subject: **Floodplain Risk Management Studies**
Author: Myl Senthilvasan - Asset Management Engineer - Drainage
File No: 626.G Grants
Reason for Report: For Council to accept the grant funding offer from the NSW State Government for the preparation of flood and floodplain risk management studies for Double Bay, Rushcutters Bay and Rose Bay catchments

(Petrie/Shoebridge)

7/2 Resolved without debate:

- A. THAT Council accept the grant funding offer totalling \$47,000 by the NSW Government for the preparation of flood and floodplain risk management studies for Double Bay, Rushcutters Bay and Rose Bay catchments.
 - B. THAT Council thank the Minister for Climate Change, Environment and Water for approving grant funding for Woollahra floodplain management initiatives.
-

Community & Environment Committee

**Items with Recommendations from the Committee Meeting of Tuesday 29 January 2008
Submitted to the Council for Determination**

Item No: R1 Recommendation to Council
Subject: **Organics Collection**
Author: Mark Ramsay – Manager Depot and Waste Services
File No: 588.G
Reason for Report: To recommend to Councillor to adopt the collection of food and garden organics as a permanent service.

(Excell/Shoebridge)

8/2 Resolved without debate:

- A. That the collection of food and garden organics become a full time service.
 - B. That, where feasible, the service be expanded into other areas of the municipality.
 - C. That the Manager – Depot & Waste Services, report on the options available for the service.
 - D. That consideration of the allocation of funds be deferred until the report in C is tabled.
-

Notice of Motion

Item No: 1
From: Councillor Shoebridge
Date: 5 February 2008
File No: 900.G

(Shoebridge/Gardner)

9/2 That staff bring by way of report proposed amended wording to Council's Code of Meeting Practice so as to require:

1. That Council and its Main Standing Committees record in the minutes reasons when adopting a motion that is contrary to, or in any material way deviates from, the recommendation on the Council's or Committee's agenda;
2. That the minutes record the names of the Councillors who voted for, against, or abstained from, any motion adopted (including, where applicable by noting the resolution was adopted unanimously).

Adopted.

Note: A Division was called by Councillors Boskovitz and Shoebridge

For the Motion

Councillor Boskovitz
 Councillor Gardner
 Councillor Martin
 Councillor Walker
 Councillor Dawson
 Councillor Excell
 Councillor Shapiro
 Councillor Cullen
 Councillor Shoebridge
 Councillor Petrie
 Councillor Rundle

Against the Motion

Councillor Comino
 Councillor Sinclair King

11/2

Questions Without Notice Tabled Answers

Item No: 11

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 29 January 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Motion moved by Councillor Cullen

Seconded by Councillor Comino

10/2 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Comino asking:

What are Council's criteria for determining if load limits apply to local roads in the municipality?
How are those load limits determined and recorded?

Director – Technical Services in response:

On notice.

Councillor Dawson asking:

A miserable blue car of indefinite make without windows and flat tyres lies in New South Head Road by the Royal Sydney Golf Club opposite the Rose Bay RSL. It could be set alight. Can it be removed?

Director Planning and Development in further response:

We do have powers under the Impounding Act, certain pre-conditions have to be in place and we have to notify the owners. I will take that on notice and advise what action have been taken in relation to that vehicle.

Councillor Dawson asking:

What regular action does the Council take about posters? Surely poster stickers are as much as menace as graffiti artists? Can we commend and support those of our residents who take them down.

Director Planning and Development in response:

On notice.

Councillor Excell asking:

Will Council be supporting the national apology being made to the indigenous community for their stolen generation by raising the Aboriginal flag on Wednesday?

Mayor in response:

The Aboriginal flag flies when we do fly it, there is no Council resolution one way or the other. Whether we raise the flag or not doesn't mean we support it or not is we often raise the Aboriginal flag. We are not either supporting it or opposing it.

Councillor Sinclair King asking:

Could we please have an update on the advertising of the Development Application for the Bay Marina?

Director Planning and Development in response:

That Development Application will commence advertising in the last week of February and the reason for the delay is due to the fact that we are also notifying a number of the owners with swing moorings in Double Bay and it has taken us some time to get full details in relation to the owners of those moorings and also because of the wide notification the preparation period required for the large number of notices to be issued.

In the meantime I can advise that the model of the proposed development is within our Customer Services Centre and our webpage will be updated to coincide with the advertisement of the Development Application.

Mayor in further response:

It is also proposed that there be a 15 minute briefing of Councillors, shortly before a DCC meeting so that all Councillors can understand what the development involves. The reason why it is only going to be that short time is because most people understand the issues, reasons for the Rose Bay marina aspects and so it will be just more identifying what this development is about.

Councillor Shoebridge asking:

Will we be raising the Aboriginal and/or Torres Strait Islander flag this Wednesday?

Mayor in response:

I have no idea.

Councillor Cullen asking:

Can you organise to raise the flag on Wednesday please?

Mayor in response:

I will consider it.

There being no further business the meeting concluded at 8.27pm.

We certify that the pages numbered 254 to 271 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 11 February 2008 and confirmed by Council at the ordinary Meeting of Council on 25 February 2008 as correct.

General Manager

Mayor