



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 14 May 2007*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

10 May 2007

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

Dear Councillors

Council Meeting – 14 May 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 14 May 2007 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

		Page
1.	Confirmation of Minutes – Ordinary Meeting	30 April 2007
2.	Leave of Absence and Apologies	
3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager’s Report	1
9.	Reports of the Committees	
9.1	Corporate & Works Committee	7 May 2007
	R1 Rose Bay Promenade Upgrade	
	R2 2006/2007 Budget Review for the Quarter Ended 31 March 2007	3
9.2	Development Control Committee	7 May 2007
	R1 37 Wunulla Road, Point Piper – Demolition of existing dwelling & construction of a new part 2/part 3 storey residence & the refurbishment of the pool deck level – 27/1/2005	
	R2 18 Tivoli Avenue, Rose Bay - Merit Assessment - Without Prejudice Plans	
	R3 1-3 Prospect Street, Paddington – Section 82A Review of refusal – 17/11/2006	4
9.3	Urban Planning Committee	30 April 2007
	R1 Sydney Grammar School Tennis Courts Rezoning	
	R2 Draft Woollahra Local Environmental Plan 1995 (Amendment No. 61)	
	R3 Issues Encountered in Assessing Commercial Marina Developments	
	R4 Report on Notices of Motion: Roof Terraces; Mechanical Parking Installations; and Air Movement Systems	6
9.4	Community & Environment Committee	30 April 2007
	R1 Request for Proposals for the Supply of Energy Performance Contract Services – Assessment of Proposals	
	R2 Library Fine Amnesty (Submitted to Council 30 April 2007 as a Matter of Urgency)	9
10.	Rescission Motion	Nil
11.	Notices of Motion	10
12.	Questions without Notice	11

General Manager's Report

General Manager's No: 1

Subject: Draft 2007-2010 Management Plan - Approval To Advertise

Author: Gary James, General Manager

File No: 331.G 2007/2010

Reason for Report: For Council to authorise placement of the Draft Management Plan on public exhibition.

Recommendation:

That the draft 2007-2010 Management Plan be placed on public exhibition for 28 days from Wednesday 16th May 2007.

Background:

The Local Government Act requires that each year the Council prepare and adopt a Management Plan that sets out its proposed strategy together with its revenue policy.

The Management Plan includes information on the Principal Activities, Budget, Capital Works Program, Rating Structure and Fees and Charges.

The Act requires that the draft Management Plan be publicly exhibited for 28 days and the final Plan adopted by Council before 30 June.

Circulated separately is the draft management plan proposed for advertising. The draft plan comprises the information that has previously been adopted by Council through reports to Committees as follows:

Management Plan Component	Committee	Date
Roads, Traffic and Transport PA	C&W	2 April
Organisation Support PA	C&W	2 April
Environmental, Infrastructure and Stormwater Works Programs PA	C&W	2 April
Customer Service & Communication PA	C&W	23 April
Built Environment PA	UP	30 April
Natural Environment PA	C&E	30 April
Community Services PA	C&E	30 April
Parks & Public Space PA	C&E	30 April
Budget	Council	30 April
2007-2008 Rating Structure	C&W	7 May
2007-2008 Fees & Charges	C&W	7 May

The draft Management Plan also includes the usual supporting information and statutory supplementary information such as Council's Access and Equity Statement, commitment to equal employment opportunity and the State of the Environment Report.

Timetable for adoption

The proposed timetable for adoption of the plan so as to meet the statutory deadline for adoption is as follows:

Adopt a draft for advertising at Council Meeting	Monday 14 th May
Advertise Draft Management Plan for 28 days commencing	Wednesday 16 th May
Public submissions close	Wednesday 13 th June
Report to Corporate & Works Committee to consider submissions	Monday 18 th June
Management Plan adopted by Council	Monday 25 th June

Conclusion:

The proposed content of the management plan for each of the Principal Activities has been considered by the relevant Committee of council as outlined in the report. In addition to these considerations, the Draft 2007/2008 Budget, Rating Structure and Fees and charges have also been approved for inclusion in the management plan for the purposes of public exhibition.

The Draft 2007-2010 Management Plan distributed (separately) with this report is submitted to Council for authorisation to be placed on public exhibition from Wednesday 16th May 2007.

Gary James
General Manager

Annexures:

1. Draft 2007-2010 Management Plan – distributed separately

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 7 May 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Rose Bay Promenade Upgrade**
Author: Sam Badalati – Project Manager Civil Works
File No: Tender 07/04
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That Council enter into a contract with Eco Civil Constructions Pty Ltd to carry out the work for Component A and Component B for the Rose Bay Promenade Upgrade for the Lump Sum price of \$2,806,336.35 excluding GST.
- B. That successful and unsuccessful tenderers be advised accordingly.
- C. That Council note that a cross-company guarantee has been provided by Eco Earthmoving and Plant Hire Pty Ltd, in relation to all contractual and financial obligations undertaken by Eco Civil Constructions with regard to the Rose Bay Promenade Upgrade project.
- D. That a further report be provided on the proposed light bollards including options.

Item No: R2 Recommendation to Council
Subject: **2006/2007 Budget Review for the Quarter Ended 31 March 2007**
Author: Michelle Phair – Team Leader Financial Services
File No: 331.G
Reason for Report: To report on the review of the 2006/2007 Budget for the quarter ended 31 March 2007

Recommendation:

- A. THAT the report be received and noted and the variations to the Budget be adopted.
- B. That a further report be provided on the appropriate level of funding employee leave entitlements including the \$134,000 not transferred.
- C. That future reports highlight any matters outstanding from previous budget reviews.

9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 7 May 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: 37 Wunulla Road, Point Piper – Demolition of existing dwelling & construction of a new part 2/part 3 storey residence & the refurbishment of the pool deck level – 27/1/2005
Author: Brett Daintry – Manager – Development Control
File No: DA29/2005
Reason for Report: In accordance with Council’s meeting procedures and policy this matter has been called to Full Council by Councillor Shoebridge for the reasons bulk, FSBL, heritage, neighbouring impacts, setbacks and excavation.

Recommendation:

THAT in relation to the appeal lodged with the Land and Environment Court against the Council’s determination to refuse development application Development Application No. 29/2005 for demolition of existing dwelling and construction of a new part 2/part 3 storey residence and the refurbishment of the pool deck level on land at 37 Wunulla Road, Point Piper, the following is recommended:

1. Council maintain its refusal and defence to these proceedings.
2. The confidential report and advice remain confidential for a period of 6 months or until the completion of the proceedings, whichever occurs last.

Item No: R2 Recommendation to Council
Subject: 18 Tivoli Avenue, Rose Bay - Merit Assessment - Without Prejudice Plans
Author: David Booth – Senior Assessment Officer
File No: DA407/2005
Reason for Report: In accordance with Council’s meeting procedures and policy this matter has been called to Full Council by Councillor Rundle for the reason that in the course of the deliberations on the subject matter policy decisions may need to be made that should be determined by the Full Council.

Note: The report from the DCC Site Inspection Meeting will be tabled at the meeting.

Item No: R3 Recommendation to Council
Subject: **1-3 Prospect Street, Paddington – Section 82A Review of refusal – 17/11/2006**
Author: Larissa Northridge – Senior Assessment Officer
File No: DA423/2005
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the recommendation of the Development Control Committee (Refusal) to the Officer’s recommendation (Approval).

Recommendation: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, refuse development consent to Development Application No. 423/2005 for alterations to existing brick cottages and construction of two storey rear addition on land at Nos. 1 to 3 Prospect Street, Paddington, for the following reasons:

1. The proposal is not considered satisfactory as the only changes to the original proposal is a reduction in the roof height by twelve to thirteen inches with the introduction of shingles which the Committee did not consider to be a sufficient or appropriate response or change.
2. The proposal is not considered satisfactory under the provision of Clause 27 of the Woollahra Local Environmental Plan 1995.
3. The proposal does not comply with the objectives of maximum building height development standards prescribed in Clause 12AA of the Woollahra Local Environmental Plan 1995.
4. The proposal does not comply with Objective O1 and Guideline G1 under Part 5.1.1 – Street Frontages, of the Paddington Development Control Plan.
5. The proposal does not comply with Objectives O2 and O3 and Guidelines G1, G3 and G5 under Part 5.1.3 – Rear Elevations and Yards, of the Paddington Development Control Plan.
6. The proposal does not comply with Guidelines G1, G3 and G4 under Part 5.1.6 – Landscaping and Private Open Space, of the Paddington Development Control Plan.
7. The proposal does not comply with Objectives O1, O2 and O5 and Guidelines G1, G2, G3 and G4 under Part 5.1.7 – Building Height, Bulk and Scale, of the Paddington Development Control Plan.
8. The proposal does not comply with Guidelines G4 under Part 5.2.3 – Windows, Doors and Shutters, of the Paddington Development Control Plan.
9. The proposal does not comply with Objectives O2 and O3 and Guideline G1 under Part 5.3 – Building Type, of the Paddington Development Control Plan.
10. The proposal is not in the public interest.

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 30 April 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Sydney Grammar School Tennis Courts Rezoning
Author: Chris Bluett - Manager Strategic Planning
File No: 324
Reason for Report: To respond to a decision of the Council made on 16 April 2007

Recommendation:

1. That a draft local environmental plan be prepared to rezone Lot 1 DP 633259, being land owned by Sydney Grammar School located between Nield Avenue and Vialoux Avenue Paddington, from Zone No.2(b) (Residential "B" Zone) to Zone No.6 (Open Space Zone).
 2. That the Department of Planning be advised that the LEP is needed:
 - a. to ensure our planning instruments reflect the existing and preferred future built environment.
 - b. to protect precious open space in the Municipality.
 - c. as there is a paucity of open space in the Municipality which has one of the highest residential densities and lowest proportion of open space per resident of any municipality.
 3. That it is necessary to pursue the draft LEP at this time given the constant development pressure on open space in the Municipality.
-

Item No: R2 Recommendation to Council
Subject: **Draft Woollahra Local Environmental Plan 1995 (Amendment No. 61)**
Author: Peter Kauter, Executive Planner
File No: 1064.G (Amend 61)
Reason for Report: To report on the public exhibition of Draft Woollahra Local Environmental Plan 1995 (Amendment No. 61)

Recommendation:

- A. THAT Draft Woollahra Local Environmental Plan 1995 (Amendment No. 61) as contained in **Annexure 3** of the report to the Urban Planning Committee meeting of 30 April 2007 be referred to the Department of Planning for approval by the Minister and for gazettal, subject to any legal drafting alterations requested by Parliamentary Counsel and subject to Clause 37 (Savings and transitional provisions) being amended by adding the words “and any other consent granted consistent therewith” after the word “force”.
- B. The issues raised in the submission by Cranbrook School are not considered to be of such significance that they should be the subject of a public hearing under Section 68(1) of the *Environmental Planning and Assessment Act 1979*
-

Item No: R3 Recommendation to Council
Subject: **Issues Encountered in Assessing Commercial Marina Developments**
Author: Peter Kauter, Executive Planner
File No: 900.G
Reason for Report: Response to Notice of Motion

Recommendation:

That the information contained in the report by the Executive Planner on the Notice of Motion regarding issues encountered by Council in assessing commercial marina developments in the Municipality be noted.

Item No: R4 Recommendation to Council
Subject: **Report on Notices of Motion: Roof Terraces; Mechanical Parking Installations; and Air Movement Systems**
Author: Tom Jones, Urban Design Planner
File No: 1014.G WP/Part 2
Reason for Report: To respond to a council resolution (28 August 2006) regarding roof terraces, mechanical parking installations and air conditioners.

Recommendation:

1. That a draft development control plan be prepared and exhibited to amend the Residential Development Control Plan 2003 in the manner set out in **Annexure 2** of the report to the Urban Planning Committee on 30 April 2007 subject to the following amendments:
 - a. The note to Figure 5.8.5 to include the words “provided at least half of the separation is on the applicants land and the development otherwise complies with all other planning controls” at the end of the first sentence.
 - b. Control C5.5.7 to read “Awnings and coverings on roof terraces, if provided, must be within the height and other planning controls and must ensure the sharing of views.”
 - c. Control C5.9.18 to read “Council will only permit mechanical parking devices such as car lifts, turntables and stackers in situations where the topography does not allow for a non-mechanical parking arrangement, or where no other alternative for on site parking is available.”
 - d. Inclusion of an additional Control to read “All consents to provide an ongoing obligation to keep all mechanical parking devices in working order.”
 - e. Control C5.9.20 to read “A report from a suitably qualified traffic consultant is required for all applications using mechanical parking installations relating to the parking of more than 2 cars. The report should address: waiting time, maximum number of car movements and other relevant information required in assessing the application and the number of on-site waiting spaces required. Waiting spaces must not obstruct the driveway.

9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 30 April 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Request for Proposals for the Supply of Energy Performance Contract Services – Assessment of Proposals
Author: Rebecca Peacock – Environmental Protection Coordinator
File No: Tender 07 06
Reason for Report: To recommend to Council the acceptance of a proposal.

Recommendation:

- A. THAT Council enter into a Detailed Feasibility Study Agreement with Energy Conservation Systems.
 - B. THAT the outcome of the Detailed Feasibility Study be reported to Council with a recommendation as to whether Council should proceed to enter into an Energy Performance Contract, and if so, on what terms.
-

Notices of Motion

Item No: 1
From: Councillor Comino
Date: 30 April 2007
File No: 900.G

A report be prepared with a view to Councils car parking DCP and any other relevant Environmental Planning Controls being amended to increase the minimum parking provision required from one (1) space to two (2) spaces for each unit of two bedrooms or more, in new mixed use residential flat buildings built in Business General 3(a) Zones and other Business Zones abutting residential areas.

Item No: 2
From: Councillor Boskovitz & Comino
Date: 30 April 2007
File No: 900.G

A report be brought to the appropriate Committee examining the possibility of Council lodging a S96 to alter the conditions of the development application applying to 'Redleaf' the Woollahra Municipal Council Chambers, so as to allow for the hiring out of the downstairs Committee Room for functions, to private or commercial users.

Item No: 3
From: Councillor Shoebridge & Excell
Date: 7 May 2007
File No: 900.G

That there be a prompt review of the subdivision and minimum lot size controls in the LEP that considers:

- (i) Lot size objectives including limiting density, maintaining open space, deep soil constraints, minimizing driveway lengths, maintaining existing green canopies and maintenance of heritage curtilage; and includes
- (ii) Consideration of site constraints in terms of building envelopes and footprints in light of the location of utilities including sewerage, storm water and the like, that will impact on any future development of the proposed subdivided lots.

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 30 April 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 30 April 2007 are as follows:

Councillor Comino asking:

Is it true that serious issues have arisen in the implementation of Council's new notification process, in particular that:

- a. Many applicants have failed to collect and display site signs in accordance with the Notification DCP.
- b. this failure necessitates further payment of advertising and notification fees, requiring re-advertising and notification again from scratch.
- c. This will result in delays in processing DA's, confusion in neighbours receiving multiple notification letters and other consequences including possible legal challenges by neighbours.

Can this problem be avoided?

Director – Planning & Development in response:

It is true that we have run into some difficulties with the notification process, in so far as it relates to the erection of site notices on properties under the DCP as resolved by Council. The responsibility for the erection of site notices was placed on applicants. In response to that Policy, we have prepared the site notices and we have either telephoned and/or written to applicants to advise them of the need for the erection of the site notices.

Despite that advice, and including the advice about the consequences if those site notices are not erected, there have been a number of occasions where those site notices have not been erected and that has necessitated the readvertising of some of the development applications.

Director – Planning & Development further in response:

I can further advise that our letter advising applicants of our new requirements was further checked and found to be satisfactory.

Councillor Comino asking:

Can you circulate a memorandum to Councillors or a report to DCC on the latest statutory changes to existing use rights legislation?

Director – Planning & Development in response:

Copy of our procedure on Existing Use Rights has been forwarded to Councillors in the Councillors Bulletin.

Councillor Petrie asking:

Some time ago after the last State Election, all the political parties said that all their signs had been taken down. Can you please ask the Green People could they kindly take 2 signs that are still outside the Double Bay Public School which has got "Vote 1 Labour Greens for Education". Can you ask the Green People to take them down?

Mayor in response:

Yes.

Councillor Rundle asking:

There maybe an opportunity to obtain an interest in White City land prior to 30 June 2007. What steps can Council take to put itself in a position to quickly act to purchase the land?

General Manager in response:

I am aware that there are two options in place in relation to the White City site. Clearly, we don't know the specific terms of each of those options but I would say as a response to the question, that the Council should take advantage of any opportunity that arises that might see an increase in land that would come into public ownership, particularly in this Municipality, given that the first option expires either 30 June or 28 June. There is not a lot of time so, I think it would need to authorise myself or the Mayor to have some discussions with the owner of the first option otherwise the day of that opportunity will soon pass. I would not be optimistic at all in terms of anything arising out of the second option and without knowing the conditions of the first option, I could not be overly optimistic that anything could arise but certainly worth pursuing.

Councillor Shapiro asking:

Can Council please ask the RTA to put a pedestrian crossing at the slipway where Old South Head Road branches into Banksia Road?

All Councillors received a letter from a local resident highlighting the danger of this corner (even though he mistakenly referred to it as where Birriga Road meets Old South Head Road).

Manager Public Infrastructure in response:

In response to our enquiries, the RTA has advised 3 May 2007 that pedestrian crossings are being installed or will be installed shortly by the RTA in three locations, namely:

1. In New South Head Road east of Bellevue Road (currently underway)
2. In Albemarle Avenue west of Old South Head Road
3. In Banksia Road north of Old South Head Road (also in Penkivil Street [Waverley Council area])

It should be noted that all three locations already have traffic signals and the RTA is adding one or more pedestrian phases to these signals. The RTA has given no prior notification that these works were to proceed. In response to Council's enquiries, the RTA has now advised that these projects have been under consideration for several years by the RTA following requests from members of the public. These projects have been on a waiting list, awaiting federal funding, which has only recently been approved. The RTA does not require Council's approval in respect to Traffic Signal installations or alterations, but nevertheless it is disappointing that Council was not consulted or forewarned of these works.

Councillor Shapiro asking:

In the Cross Street Car Park there is a commercially operated clothing bin. As our new Clothing Bin Policy only allows Charity Bins, can you please investigate this commercial bin on Council's property?

Manager Compliance in response:

This matter has been recorded in Council's Customer Request Management System (reference no. CRMS 301355498) and will be followed up by Council's Rangers.

Councillor Shapiro asking:

When will the report on the lighting for the Rose Bay Promenade come to Council and now that tenders for the promenade have closed when are the works likely to begin?

Manager Property & Projects in response:

A report on tenders for this project including information on the lighting was submitted for consideration by Corporate & Works Committee on 7 May 2007. The Committee resolved to add to the recommendation regarding the tenders a request for a further report on the proposed promenade lighting. This will be provided to Corporate & Works Committee in late May or early June, depending on information to be obtained from the consultants.

Once the contract is approved by Council, the works can commence within a couple of weeks of the contract documents being signed. The works should be underway by the end of June 2007.

Councillor Shapiro asking:

When will the sculptures from the Sculpture Prize be placed in various locations in Redleaf Chambers as requested by the Sculpture Prize Committee?

Cultural Development Coordinator in response:

Quotes have been sourced for secure plinths/tops so that sculptures can be displayed in various locations around the Council building. This project to be finalised by June 2007.

Councillor Shoebridge asking:

Will any staff member be attending the Green Capital Corporate Sustainability Going Carbon Neutral Forum that is being held for business and government organisations on 24 May 2007?

Director – Planning & Development in response:

Melanie Tasker, Sustainability Projects Coordinator will be attending the forum.

Councillor Shoebridge asking:

Could the bright yellow Edward Mandla Liberal posters throughout Paddington please be removed post haste?

Mayor in response:

Yes, it was just an oversight.

Councillor Shoebridge asking:

Could the ex-Liberal Leader, Mr Peter Debnam's political advisors please be requested not to place posters with his shining visage in the middle of zebra crossings outside public schools as he did at the last State Election? I can supply a photo of the offending material if it is requested.

Mayor in response:

Yes, we are now finding new lows.

Gary James
General Manager

Annexures: Nil
