



Strategic & Corporate Committee

Agenda: *Strategic & Corporate Committee*

Date: *Monday 22 October 2007*

Time: 6.00pm

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Recommendation only to the Full Council (“R” Items):

Note: This Committee to function on the basis of referral with considerations to encompass functions and responsibilities from any other Committee.

Principal Considerations:

- Municipal Strategy
- Objectives Setting
- Policies and Codes Development
- Corporate Management
- Corporate Planning
- Woollahra Planning
- Community Services

Committee Membership:

- All Councillors

Quorum:

- The quorum for a committee meeting is 8 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

18 October 2007

To: His Worship The Mayor, Councillor Geoff Rundle, ex-officio
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

Strategic & Corporate Committee Meeting – 22 October 2007

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Strategic and Corporate Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 22 October 2007 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

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

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

R1	Community Consultation - Proposed redevelopment of the Rose Bay & Point Piper marinas	1
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Item No: R1 Recommendation to Council
Subject: **COMMUNITY CONSULTATION - PROPOSED REDEVELOPMENT OF THE ROSE BAY & POINT PIPER MARINAS**
Author: P Kauter, Executive Planner
File No: DA766/2006
Reason for Report: Council resolution on community consultation regarding the proposal to redevelop the Rose Bay & Point Piper marinas

Recommendation:

That the Council:

- A. in respect to the briefing and information forum stage of the community consultation process, determine how the forum is to be conducted having regard to matters raised in section 3 of this report.
- B. in respect to the evaluation and determination stage of the community consultation process:
- i. decide that the DA for the redevelopment of the Rose Bay and Point Piper marinas be considered at a specially convened meeting of the Strategic and Corporate Committee
 - ii. decide whether to hold the Strategic and Corporate Committee meeting over 2 or more evenings or on a Saturday and determine the dates and times for such meeting

Background:

The Council at its meeting on 24/9/07 resolved as follows in respect to a notice of motion regarding appropriate community consultation processes for the proposed redevelopment of the Rose Bay & Point Piper marinas:

That Woollahra's planning and development staff 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*
- *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*

Overview

The above resolution provides for a process which is outside the formal process which Council usually follows in the assessment and determination of development applications. It is an acknowledgement that the assessment and determination of this DA raises special challenges.

The formal process which Council is required to follow to fulfill its obligations as a consent authority, i.e. where the Councillors:

- have a merit assessment report from staff including a recommendation
- hear from interested parties
- debate the issues
- make a determination

also forms part of the community and consultation process.

Therefore this report canvasses the community consultation in 2 stages:

Stage 1 – Briefing and information forum (i.e. Council’s resolution of 24/9/07)

Stage 2 – Evaluation and determination (i.e. formal consideration and determination)

Stage 1 – Briefing and information forum

Community Consultation Policy:

Council’s *Community Consultation Policy* (the Policy) has been used to identify appropriate options for community consultation. It should be noted that the scope of the Policy states:

This policy relates to all activities undertaken by Council, with the exception of notifications in relation to development applications.

In relation to this DA public exhibition has been undertaken in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) as they apply to designated development.

The public exhibition requirements for designated development are more stringent than the requirements for notification and advertising of DAs under Council’s *Development control plan for advertising and notification of development applications and applications to modify development consents*. The time allowed for making submissions is extended from the normal 15 days to 30 days. This DA was publicly exhibited on 11/1/07 and we are continuing to receive submissions. Public exhibition also included letters being sent to property owners over an expansive catchment area, notices appearing in the *Wentworth Courier* and the placement of site notices at the marinas. We also sent notification letters to all people with boats stored on berths and commercial moorings at Rose Bay and Point Piper marina and on private moorings (operated by NSW Maritime).

In addition to the statutory processes required under the Act and Regulations for public exhibition of DAs for designated development we also carried out a letter box drop covering a much wider area than the letters sent to property owners. Detailed information about the proposal including plans, the EIS, other reports provided by the applicant, an independent report obtained by Council and comments from various referral bodies have been available on our web site. The web site information has been updated on a regular basis.

The Director General's requirements for the preparation of the EIS provided that the EIS must detail the results of consultations including consultation with community groups and potentially affected residences and how any of their issues have been addressed. As a result the applicant organised a community information and feedback session which was held at the Royal Motor Yacht Club on Saturday 14/10/06.

As a result of the DA being public exhibited and the other measures which have been taken to inform the community about the proposal over 1,400 written submissions have been received to date.

Our Community Consultation Policy objectives include:

Use the Community Consultation Guidelines (the Guidelines) that accompany this Policy to enable a consistent approach to consultation and ensure that appropriate and relevant methods are used.

Under *Implementation* the Policy states:

This Policy will be supported by Community Consultation Guidelines that will guide 'when' and 'how to' consult with the community for different situations.

The Guidelines will assist in assessing what level of impact the issue could have on the community, and appropriate methods of consultation having regards to this impact assessment.

The Guidelines provide that 6 steps be undertaken to determine whether communication and/or consultation should be undertaken, and if so how (considering the terms of the Council's resolution and the public exhibition that has been undertaken regarding the DA some of the steps are evident):

Step 1 – identification of the issue

The issue is the potential impact on the environment of the proposed development.

Step 2 – identify the stakeholders

In this case the stakeholders comprise the applicant, people who made submissions and the general community. There have been in excess of 1,400 written submissions received to date.

Step 3 – assess the level of impact

The Guidelines include 4 levels of impact. Based on the criteria contained in the Guidelines the most appropriate level of impact is considered to be *level 4 – high impact, Woollahra wide*

Step 4 – determine the level of participation

Based on the criteria contained in the Guidelines and the terms of Council's resolution the most appropriate type of participation is considered to be *consultation*

Step 5 – the method of communication

The most appropriate method of communication is considered to be through a *public meeting* having regard to the criteria contained in the guidelines and the terms of Council's resolution. The Guidelines include the following benefits and constraints associated with public meetings:

*Gathering of large numbers of people to inform them of an issue or enable comment or input.
Open to anyone who has an interest.
Requires good facilitation and management.
Risk of capture or disruption by interest groups/individuals*

Step 6 – implementing the communication

Consultation requires:

- a) Consultation action plan – this is discussed below
- b) Implementation – the Guidelines provide for this to be undertaken by staff or an external facilitator. This is discussed below.
- c) Monitoring and evaluation – this relates to the process and to inform future communications/consultations
- d) Make a decision – in relation to the DA determination will be made at a future Council Meeting
- e) Report the results – feedback to participants will occur through the assessment report and notification of the Council's decision on the DA to the applicant and to those people who made submissions

Consultation action plan

The Council resolution provides that the consultation process include 5 requirements. Each requirement is discussed below.

As the requirements include a briefing and information forum and a question and answer session an initial decision on who would chair these sessions is necessary. The Mayor has indicated that he is prepared to chair the forum.

The briefing and information forum and presentations

The 1st and 2nd requirements are for a briefing and information forum that includes presentations by Woollahra senior staff and independent experts. A suggested format for the forum and presentations is:

1. welcome, introduction & explanation of the forum (Mayor)
2. explanation of the planning framework and matters to be considered (Council staff)
3. summary of key issues and findings:
 - parking (Sinclair Knight Merz)
 - traffic (Sinclair Knight Merz)
 - loading and servicing arrangements (Sinclair Knight Merz)
 - visual impact (Council staff)
 - marine ecology (The Ecology Lab)

- waterway management (NSW Maritime)
- 4. summation

Independent expert advice has been obtained from 2 companies:

- Sinclair Knight Merz regarding traffic and parking
- The Ecology Lab regarding marine ecology

Both companies have indicated that they are willing to be involved in the process, including the forum and the question and answer session.

The question and answer session

The 3rd requirement is for a question and answer session on all relevant planning and environmental issues.

The role of the question and answer session needs to be made clear. The role of the session could encompass all or some of the following:

- Provide information to the community
- Allow questioners to make position statements
- Allow debate between questioners and experts
- Inform the staff's assessment
- Incorporating outcomes into the staff's assessment report

The intended role of this session will have implications in terms of finalising the assessment report following the forum.

Facilitation/management of this session requires close consideration due to:

- The public interest which the development has generated
- The large number of public submissions which have been received both in support of the development and opposed to it – the possibility of capture or disruption by interest groups/individuals
- The likelihood of questions being directed to staff, independent consultants and the NSW Maritime representative (see requirement 5)
- The role of Councillors
- Time constraints

The manner in which the question and answer session is conducted needs to be carefully considered including:

- Whether questions are in writing or from the floor
- If the questions are in writing who will read them
- If the questions are in writing when are they to be submitted
- Limitation on speaking time
- Whether or not participants will be limited to asking questions or whether they will be permitted to put statements of position, i.e. when is a question not a question
- Will questions be asked on an issues basis
- The potential for the meeting to go into debate and lose the aim of providing information
- Recording of questions and answers to inform the staff's assessment
- Avoiding different questioners asking the same questions, i.e. displaying the questions which have been asked

A suggested agenda is annexed. In relation to item 3, *summary of key issues and findings*, it allows 15 minutes for presentations followed by 30 minutes question time on each issue.

The 4th requirement is identification of a suitable venue to accommodate the number of people who may wish to participate in the process. As there have been over 1,400 written submissions received a venue sufficient to accommodate at least 450 people would be needed. Considerations other than size are the venue's layout and security.

Venue options to date include the Stamford Plaza, Double Bay and Cranbrook School, Bellevue Hill. The availability of these venues is discussed below.

The 5th requirement is that we request a representative of NSW Waterways (Maritime) to attend the briefing and information forum and be available to respond to questions.

We have written to NSW Maritime asking if they would send a representative to attend the briefing and information forum and be available to answer questions. We are waiting on their response.

Stage 2 – Evaluation and determination

The hearing of submissions and DA determination refers to the formal processes that Council needs to follow based on its decision making powers. This stage of the process involves:

- consideration of an assessment report on the merits of the proposal
- hearing submissions
- debate
- determination

Whereas the briefing and information forum is not part of the required assessment and determination processes stage 2 involves the Council's statutory obligations in its role as the consent authority for the DA.

Strategic and Corporate Committee

With certain major developments it is our practice to convene a special meeting of the Strategic and Corporate Committee. At these special meetings the only item on the agenda is the major development proposal. Because the Strategic and Corporate Committee is a committee of the whole all Councilors can attend and hear from interested parties, participate in the debate and vote on a recommendation. The Strategic and Corporate Committee's recommendation is then referred to a meeting of the Full Council for consideration/determination.

The protocols of the Strategic and Corporate Committee accord with Council's Code of Meeting Practice. It would therefore be an appropriate committee to consider this DA.

There are logistical matters associated with the level of public interest in the proposal which are discussed below.

Logistical matters

The usual practice is to give interested parties 2 weeks written notice of a Strategic and Corporate Committee meeting. The staff's assessment report would also be made public 2 weeks before the meeting.

The number of people who will want to address the Committee raises issues of time constraints and venue suitability. Using the Cranbrook School DA as a guide, 22 objectors spoke at the Strategic & Corporate Committee meeting. That meeting went for 5 hours. We do not know how many people will want to speak on the marinas DA.

If the Strategic and Corporate Committee meets in the evening, as is the usual practice, allowance should be made for more than 1 sitting. An alternative is to have 1 sitting starting on a Saturday morning and finishing after all submissions have been heard and a recommendation has been made.

Managing the people who wish to speak could be either by prior registration or by people indicating their intentions before the start of the meeting.

Prior registration would require people to provide notice of their intention to speak some time before the day of the meeting. It has the advantages of:

- We would know in advance how many people wish to speak
- Identifying speakers representing interest groups who could be given some priority as they could cover common issues

However, it could prove problematic in situations where people wish to speak but for some reason were unable to register.

By permitting people to indicate their intention to speak at the start of the meeting would allow more flexibility and be easier to administer. However, the number of speakers would not be known until the start of the meeting.

In relation to a suitable venue for the Strategic and Corporate Committee meeting the Council's meeting rooms are not big enough to accommodate the number of people who will want to attend. Therefore the Stamford Plaza should again be considered as a suitable venue.

Time table

It will not be possible to confirm and notify a time table until after the Council has made a decision in respect of this report. A special Council meeting is to be held immediately following this Strategic and Corporate Committee meeting to consider its recommendations. Therefore we expect to have a decision on 22/10/07. Indicative time tables could be:

Information forum

Should Council decide to proceed with the forum then suitable notice would need to be given to the community. This could include notifying the applicant, each person who put in a written submission either for or against the proposal and a notice in the local newspaper.

At this stage the earliest Cranbrook School is available is 14/11/07. The earliest Stamford Plaza is available is 20/11/07.

Evaluation and determination

Scheduling the Strategic & Corporate Committee meeting will depend on whether the Council decides to hold the briefing and information forum and when it will take place. This is because the outcomes from the forum will need to be incorporated into the assessment report and the need to

adequately notify interested parties of the meeting. The earliest options for scheduling a Strategic & Corporate Committee meeting based on venue availability are:

- Cranbrook School Information Forum 14/11/07
 Strategic & Corporate Committee 17/12/07 week starting

- Stamford Plaza Information Forum 20/11/07
 Strategic & Corporate Committee ##/##/08

While the Cranbrook option would mean the Strategic & Corporate Committee could consider the DA this year the meeting would need to be held in the week leading up to the Christmas/New Year break when people are likely to have other commitments.

Following the Strategic & Corporate Committee meeting arrangements will need to be made for the recommendation to be considered at a meeting of the full Council.

Prior to the Council's resolution of 24/9/07 a tentative target date for the DA to be considered by the Strategic and Corporate Committee was 13/11/07. That date is no longer an option due to a number of factors (including the submission of a significant volume of additional documentation by the applicant). However the time involved in preparing and holding a briefing and information forum will impact on the practicability of meeting dates. [Note: all dates are subject to venue availability]

Options:

There is likely to be a number of suggestions for alternative ways of conducting the community consultation process when this matter is discussed. For example different requirements to those contained in the Council resolution may be considered as more appropriate.

These are primarily matters which the Councillors need to decide. However, based on the terms of the resolution and the formal process that Council needs to follow to fulfil its consent authority role this report outlines a means for achieving an appropriate level of community consultation.

Identification of Income & Expenditure:

The following income and expenditure relates to the briefing and information forum stage.

Income

There will be no opportunity for income generation.

Expenditure

Expenditure will involve the venue booking fee and attendance of independent experts. Inquiries indicate an estimate of expenditure for the information forum to be:

- Independent consultants = \$3,360.00
- Venue hire = \$4,350.00* [room only, additional charges will apply for audio visual equipment]
- Security =\$ 900.00 (based on 4 x security guards @ \$37.50 per hour for 6 hours)

Total estimate of expenditure = \$7,710.00

* Venue hire is based on the Stamford Plaza; costs related to Cranbrook School should be available at the time of the meeting

Additional costs associated with the evaluation and determination stage will involve the attendance of independent experts at the Strategic and Corporate Committee meeting, venue hire and security.

Peter Kauter
Executive Planner

Allan Coker
Director-Planning & Development

Annexure: Information forum draft agenda

Annexure

INFORMATION FORUM ###/###/#####
DRAFT AGENDA

ITEM NO.	TIME	MATTER	PRESENTER
1	6.00pm	Welcome and Introduction – explanation of how the forum will operate	Mayor
2	6.15pm	Explanation of the proposal	Council staff
2(a)	6.35pm	Questions	Chair - Mayor
3		Summary of key issues and findings	
3(a)	6.45pm	Parking, traffic, loading & servicing	Sinclair Knight Merz
3(b)	7.00pm	Questions	Chair - Mayor
3(c)	7.30pm	Visual impacts	Council staff
3(d)	7.45pm	Questions	Chair – Mayor
3(e)	8.15pm	Marine ecology	The Ecology Lab
3(f)	8.30pm	Questions	Chair – Mayor
3(g)	9.00pm	Navigation & waterway management	NSW Maritime
3(h)	9.15pm	Questions	Chair - Mayor
	10.00pm	Questions on other issues	Chair - Mayor
4	10.15	Summation	Mayor
	10.30	Finish	