



Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 4 December 2006*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

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

Delegated Authority (“D” Items):

- General financial and corporate management of the Council, except those specifically excluded by statute, by Council direction or delegated specifically to another Committee.
- Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.
- Quarterly review of Council's Management Plan.
- Finance Regulations, including:-
 - Authorisation of expenditures within budgetary provisions where not delegated;
 - Quarterly review of Budget Review Statements;
 - Quarterly and other reports on Works and Services provision; and
 - Writing off of rates, fees and charges because of non-rateability, bad debts, and impracticality of collection.
- Auditing.
- Property Management.
- Asset Management.
- Traffic Management - Works Implementation.
- Works and Services - Monitoring and Implementations.
- Legal Matters and Legal Register.
- Parks and Reserves Management.
- Infrastructure Management, Design and Investigation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agenda (and as may be limited by specific Council resolution).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Corporate and Works Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below.

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

- Such matters as are specified in Section 377 and within the ambit of the Committee considerations.
- The voting of money for expenditure on works, services and operations.
- Rates, Fees and Charges.
- Donations
- Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.
- Matters not within the specified functions of the Committee.
- Asset Rationalisation.
- Corporate Operations:-
 - Statutory Reporting; - Delegations.
 - Adoption of Council's Management Plans; - Policies.
 - Quality Service/Communications; - Tenders as per Regulation requirements.
 - Leases.
 - Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

30 November 2006

To: Her Worship the Mayor, Councillor Huxley, ex-officio
Councillors Julian Martin (Chair)
 Marcus Ehrlich
 Wilhelmina Gardner
 Isabelle Shapiro
 David Shoebridge (Deputy Chair)
 Fiona Sinclair King
 John Walker

Dear Councillors

Corporate & Works Committee Meeting – 4 December 2006

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Corporate and Works Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 4 December 2006 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

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

Items to be Decided by this Committee using its Delegated Authority

| | | |
|----|---|----|
| D1 | Confirmation of Minutes of Meeting held on 20 November 2006 | 1 |
| D2 | Minutes of the Assets Working Party Meeting Tuesday 8 November 2006 – 1143.G | 2 |
| D3 | 26-28 Royston Street, Paddington – Proposed Road, Closure & Sale – 395.26-28 | 7 |
| D4 | Rose Bay Park, Rose Bay – Occupation Licence – 210.G | 15 |

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

| | | |
|----|---|----|
| R1 | Floodplain Risk Management Studies – 626.G Grants | 19 |
|----|---|----|

Item No: D1 Delegated to Committee
Subject: **Confirmation of minutes of meeting held on 20 November 2006**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 20 November 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Corporate and Works Committee Meeting of 20 November 2006 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Minutes of the Assets Working Party Meeting Tuesday 8 November 2006**
Author: Zubin Marolia – Acting Director – Technical Services
File No: 1143.G
Reason for Report: To report on the outcomes of the Assets Working Party meeting held on Wednesday 8 November 2006

Recommendation:

- A. That the minutes of the Assets Working Party meeting, held on Wednesday 8 November 2006, be received and noted.
-

Background:

The Corporate and Works Committee meeting on 8 November 2006 when discussing the Property Asset Study, resolved as follows:

- A. *That the minutes of the Assets Working Party meeting, held on Tuesday 11 April 2006, be received and noted.*
- B.
- I. *That the Committee note that the Assets Working Party has endorsed the proposed Property Asset Study Brief and selected list of Council properties to be included in the Study, amended to include the Christison Park grandstand.*
- II. *That Lyne Park amenities building also be included in the list, for the reasons set out in the report.*
- C. *That the General Manager be authorised to commission the preparation of a Property Asset Study as a basis of a Property Asset Development and Community Facilities Strategy.*
- D. *That the Mayor be required to nominate a Councillor to participate in the evaluation of the tender to carry out the Study.*

Following the resolution above, quotations were invited from consultants earlier this year deemed suitable to undertake the work. The Mayor nominated Councillor John Walker to participate in the evaluation of submissions. The panel chose Elton Consulting to undertake the Property Asset Study.

Property Asset Study:

The purpose of this report is to provide the Corporate & Works Committee with a copy of the agenda and minutes of the meeting held on Wednesday 8 November 2006 to which all Councillors were invited. The minutes provide the Committee with an update on the various matters discussed, with the main issue being the identification of the paramount objectives for the Council. The key themes identified to attain or achieve were:

- Equitable and efficient outcomes for the community
 - Financial sustainability
 - Operational efficiencies for staff and service delivery
-

- Informed decision making
- Financial and environmental sustainability to inform Council's decisions

It is proposed that the consultants will undertake an overarching consultation process and complete the property matrix after cross referencing it to the paramount objectives. A draft issues and options paper is scheduled to be issued in mid February 2007.

Conclusion:

Reporting of the minutes of the Property Asset Study will keep Council informed on the progress and highlight any development initiatives associated with Council owned and/or controlled assets which are being considered by the Assets Working Party. Any actions recommended by the Working Party will be submitted for the Committee's adoption.

Zubin Marolia
Acting Director – Technical Services

Gary James
General Manager

Annexures:

1. Minutes of the Assets Working Party of Wednesday 8 November 2006

Item No: D3 Delegated to Committee
Subject: **26-28 Roylston Street, Paddington - Proposed Road Closure and Sale**
Author: Anthony Sheedy, Property Officer
File No: 395.26-28
Reason for Report: To give consideration to the closure and subsequent sale of unmade roadway adjoining the property.

Recommendation:

That the site be inspected prior to the Corporate and Works Committee meeting of 11 December 2006.

Background:

Council has received a request from Mr Paul Cohen, owner of 26-28 Roylston Street, Paddington to purchase an irregular shaped section of unmade road adjoining the owner's property (Annexures 1 & 2). The subject land is unusual in that although it adjoins Mr Cohen's property, it forms a subterranean stratum of Sutherland Avenue. This portion has an estimated average width of 0.75 metres, length 11 metres, and is approximately 8.25 square metres in size.

In accordance with DA 889/2001, Mr Cohen created 'private structures' on the adjoining unmade road portion of Sutherland Avenue; primarily to improve the security of his property. These structures comprise an access doorway, pebble covered walkway and brick fencing at both ends of the subject land portion (Annexure 3). Consent condition 45 of DA 889/2001 requires Mr Cohen to enter into a S88E covenant with Council for the private structures on Council land (road reserve). I understand that Mr Cohen's Solicitor is currently negotiating with Council for their client to execute the said S88E instrument and positive covenant.

Notwithstanding the requirement for a positive covenant, Mr Cohen would in addition like to purchase the unmade road portion. The subject stratum of Sutherland Avenue forms a natural cave like structure, which is highlighted by the striking colours and texture of the sandstone wall (Annexure 4). Mr Cohen has built into the adjoining boundary wall a set of glass sliding doors which allow physical access into the cave like opening. When the doors are open it becomes a de facto patio area, and when closed forms a unique 'feature wall' for observers on the ground floor of 26-28 Roylston St.

I note that the topography of the subject land makes it practically unusable for general pedestrian access over the road reserve portion.

The Manager of Public Infrastructure and I inspected the site on 18 October 2006. He advised that the land may be sold subject to:

1. The sale being for a stratum below the roadway (i.e. Council is selling "part" of the road only).
2. An easement being created to provide access for Council maintenance of the road above the designated stratum and preventing the construction of permanent structures in the easement without council's concurrence.
3. A covenant similar to that in place with the DA which removes Council liability resulting from any use of this stratum of land.

The Manager further stated that “the sale of this parcel of land will have no effect on adjoining owners or members of the public, or on Council infrastructure.”

Because the subject land stratum is contained within a cliff face that is stabilised by rock anchors and retains this part of Sutherland Avenue; it is important that an easement for support and access be used across the land to ensure access by Council maintenance staff and plant.

The owner has agreed to enter into all necessary easement covenants and pay all Council’s costs in connection with purchase of the unmade road portion.

Conclusion:

In accordance with the policy for sale of Council land it is recommended that the Committee inspect the site in the first instance, just prior to the commencement time of the next meeting Monday, 11 December 2006.

Anthony Sheedy
Property Officer

Zubin Marolia
Acting Director, Technical Services

Annexures:

1. Topographic and locality map of Sutherland Road, Paddington.
2. Overhead photo of subject land (shown hatched) and Sutherland Road.
3. Architect’s Plan drawing showing in hatched relief the area of the proposed road closure and sale.
4. Site photos.

Item No: D4 Delegated to Committee
Subject: **Rose Bay Park, Rose Bay - Occupation Licence**
Author: Anthony Sheedy, Property Officer
File No: 210.G
Reason for Report: To formalise a Licence agreement for the placement of a kayak storage structure on a portion of Rose Bay Park, Rose Bay in association with a kayak hire and coaching facility.

Recommendation:

1. That Council grant approval under Section 68 Part D of the Local Government Act, 1993 for the placement of a kayak storage structure in Rose Bay Park, Rose Bay in association with the use of Rose Bay Park for a kayak hire and coaching facility.
2. That Council as Reserve Trust Manager enters into a Licence Agreement pursuant to DA 498/2005/2 with Lance O'Connor trading as H2O Sports Pty Ltd, for a period of five (5) years, at a commencement rental of \$7800 per annum (exclusive of GST), with annual rent review to CPI, and subject to obtaining the Minister's consent in accordance with S102 of the Crown Lands Act, 1989.

Background:

On 25 October 2006 and pursuant to S96 modification DA 498/2005/2, Lance O'Connor trading as H2O Sports Pty Ltd received Council consent for the installation of a kayak storage shed at Rose Bay Park and the operation of a kayak hire and coaching facility. This consent allows for the use of a portion of Rose Bay Park in accordance with DA 498/2005/1, the stamped "approved" plans and consent conditions.

It is proposed that the wooden storage shed will be located at the north-eastern end of Rose Bay Beach, just north of the stormwater outlet near the Point Piper Marina (Annexure 1). The storage shed would be placed above the high-water mark and off the sand area of the beach, being tucked under the canopy of trees in this location. Currently this area is overgrown with weeds and grasses, and not used by the public. The storage shed is to be set-back a minimum of 1.5 metres from the edge of the existing retaining wall of the adjacent raised grassed area to allow for pedestrian access. At no time is pedestrian access to be impeded by the storage or use of the kayaks along the foreshore and reserve.

The kayak storage shed is proposed to be constructed on a 48 square metre portion of the park, measuring 6 metres by 8 metres, with a building height of 5.6 metres. It is anticipated that the shed will have capacity to store a total of 48 kayaks, comprising 33 private vessels and 15 kayaks for hire.

Council's Parks and Recreation Coordinator has stated that the NSW Department of Lands provided advice to Council that Rose Bay Park is a Crown land reserved for the purpose of public recreation, and that Council has been appointed as the Reserve Trust Manager. He also noted that Rose Bay Park is covered by the Natural Area (foreshore) Plan of Management 1996, and the draft Foreshores Plan of Management 2005. It was his opinion that the proposed storage facilities and operation of the guided kayak tours met the objectives of the existing and draft Plan of Management, can be undertaken in accordance with the principles of Crown Land management, and satisfies the public purpose of the reserve.

Proposal

Condition 11 of development consent DA 498/2005/1 requires that “the operator” (Lance O’Connor trading as H2O Sports Pty Ltd) must “enter into a licence agreement with Council to use the public foreshore”. However, this licence “does not permit exclusive use of the reserve.” The licence approval may be granted by Council as Reserve Trust Manager under S68 Part D of the Local Government Act, 1993, which provides for “trade or business” on Community land; and is also subject to obtaining the Minister’s consent pursuant to S102 of the Crown Lands Act, 1989.

The NSW Department of Commerce, Property Valuation Services has determined a market rent of \$7,800 per annum for the licensed area, based on the current DA consent and comparable properties. This amount is exclusive of GST, which is payable by the licensee under the terms of the Licence Agreement. Council Property staff believes that this is a fair and reasonable rental.

The applicant has agreed to pay all Council’s costs in regard to valuation, and licence preparation fees, including stamp duty as applicable. They have also provided written acceptance of Council’s licence terms and conditions, and now request formalisation of the Licence Agreement. This agreement will include annual rent reviews having regard to the consumer price index (CPI).

Conclusion:

It is recommended that Council enter into a 5 year term licence agreement with Lance O’Connor trading as H2O Sports Pty Ltd for use of a portion of Rose Bay Park, Rose Bay in accordance with development approval DA 498/2005/1 & 2 at the current market rental of \$7800 per annum (exclusive of GST) as determined by the NSW Department of Commerce, Property Valuation Services, with annual rent review to CPI.

Anthony Sheedy
Property Officer

Zubin Marolia
Acting Director, Technical Services

Annexures:

1. Site plan showing the proposed kayak storage area.
2. ‘Approved’ plan and elevations by Architecture and Design, numbered 01A, and showing the proposed kayak storage shed at Rose Bay Park Reserve.

Item No: R1 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 studies for Rushcutters Bay and Double Bay catchments.

Recommendation:

- A. THAT Council accept the grant funding offer totalling \$20,000 by the NSW Government for the preparation of flood studies for Rushcutters Bay and Double Bay catchments.
- B. THAT Council thank the Minister for Natural Resources, Hon. Ian Macdonald MLC, for approving grant funding for Woollahra floodplain management initiatives.

1. BACKGROUND:

Under the 2005/2006 Floodplain Management Program the NSW Government offered grant funding to prepare flood studies for Rushcutters Bay and Double Bay catchments. The Rushcutters Bay Catchment Flood Study has progressed to draft stage and the draft study is on public exhibition from 22 November to 22 December 2006. The Double Bay Catchment Flood Study has progressed to 60% complete. The Minister for Natural Resources, Hon. Ian Macdonald MLC, has recently advised Council that the following funding offer has been approved under the NSW 2006/2007 Floodplain Management Program to continue with these studies. (The letter from the Minister is attached as Annexure 1). These funds are additional to the grant funds offered under the 2005/2006 program for these studies.

| Project Description | Program Funding Ratio (State : Council) | 2006/07 State Allocation |
|-----------------------------|--|---------------------------------|
| Double Bay Flood Study | 2:1 | \$10,000 |
| Rushcutters Bay Flood Study | 2:1 | \$10,000 |

This report discusses the offer and acceptance of the grant funding from the NSW State Government under its 2(State):1(Council) 2005/2006 Floodplain Management Program.

2. GRANT OFFER:

Under the 2006/07 NSW Floodplain Management Program Council applied for grant funding for the following projects.

| No. | Name of Project | Estimated Total Cost \$ | Financial assistance requested from the NSW Government in 2006/2007 Project Cost (Grant + Council's contribution) \$ |
|------------|--|--------------------------------|---|
| 1 | Ongoing Works | | |
| | Nil | Nil | Nil |
| 2 | New Works | | |
| 2.1 | Camp Cove, Watsons Bay flood mitigation works. | 1,400,000 | 730,000 |
| 3 | Ongoing Studies | | |
| 3.1 | Rushcutters Bay Flood Study | 75,000 | 15,000 |
| 3.2 | Double Bay Flood Study | 60,000 | 15,000 |
| 4 | New Studies | | |
| 4.1 | Rushcutters Bay Floodplain Risk Management Study/ Plan | 60,000 | 60,000 |
| 4.2 | Double Bay Floodplain Risk Management Study/ Plan | 60,000 | 60,000 |
| 4.3 | Rose Bay Floodplain Risk Management Study/Plan | 135,000 | 75,000 |
| | Total | 1,790,000 | 955,000 |

The recent grant offer of \$20,000 from the Minister for Natural Resources is only for the on-going studies that are flood studies for Rushcutters Bay and Double Bay catchments. To match the grant offer of \$20,000 under the 2:1 program, Council requires \$10,000 which is available under the Environment Levy Works program -2006/07. These funds are sufficient to complete these flood studies.

Under the Environment Levy Works Program – 20006/2007 funds have also been allocated to commence a Flood Study for Rose Bay Catchment and Floodplain Risk Management Studies for Rushcutters Bay and Double Bay catchments. Currently we are in the process of inviting quotations for Rose Bay Flood Study however Floodplain Risk Management Studies for Rushcutters Bay and Double Bay catchments have to wait for the completion of their flood studies and adoption by Council.

The grant offer dated 23 October 2006 states that Council's General Manager is to write to the Department of Natural Resources within 45 days regarding the acceptance of the offer and related conditions. It is recommended that Council accept the grant funding offer of \$20,000 by the NSW Government for the preparation of flood studies for Rushcutters Bay and Double Bay catchments.

The projects that did not receive any grant funds under the 2006/2007 Program will be included in the list of projects that will be submitted to the State Government for consideration under the 2007/2008 Floodplain Management Program for grant funds.

3. IDENTIFICATION OF INCOME & EXPENDITURE:

Council has currently allocated \$45,000 in the 2006/2007 Environment Levy Works Program for the preparation of flood studies for Rushcutters Bay and Double Bay catchments and the available funds would be adequate to match the grant offer.

4 CONCLUSION:

It is recommended that Council accept the grant funding offer totalling \$20,000 by the NSW Government for the preparation of flood studies for Rushcutters Bay and Double Bay catchments.

Myl Senthilvasan
Asset Management Engineer - Drainage

Zubin Marolia
Acting Director – Technical Services

ANNEXURE:

1. Letter of grant offer from the Minister for Natural Resources.