



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 3 November 2008*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

30 October 2008

To: His Worship The Mayor, Councillor Andrew Petrie
Councillors Anthony Boskovitz
Sean Carmichael
Peter Cavanagh
Lucienne Edelman
Nicola Grieve
Chris Howe
Susan Jarnason
Greg Medcraft
Ian Plater
Isabelle Shapiro
David Shoebridge
Susan Wynne
Malcolm Young
Toni Zeltzer

Dear Councillors

Council Meeting – 3 November 2008

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 3 November 2008 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	13 October 2008
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	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	20 October 2008
	R1 3 Queens Ave, Vaucluse - Proposed Road Closure and Sale	1
	R2 Tender 08/14 – Civil Infrastructure Reconstruction for Woollahra Municipal Council	
9.2	Development Control Committee – Nil R Items	20 October 2008
9.3	Urban Planning Committee	13 October 2008
	R1 NSW Planning System - NSW Government Reforms	3
	R2 New Principal Local Environmental Plan for Woollahra	
9.4	Community & Environment Committee – Nil R Items	13 October 2008
10.	Rescission Motion	Nil
11.	Notices of Motion	4
12.	Questions without Notice	5

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 20 October 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: 3 Queens Ave, Vacluse - Proposed Road Closure and Sale
Author: Anthony Sheedy - Property Officer
File No: 374.3 and 1220.G
Reason for Report: In accordance with Council's meeting procedures and policy this matter is referred to full Council as there were 3 votes for the amendment and 3 votes against the amendment and the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration.

Recommendation 1:

- A. That the sale of the unused road adjacent to No. 3 Queens Avenue not proceed.
- B. That the land and retaining wall be subject to an Easement to Permit Encroaching Structures to Remain.
- C. That, Council require the owner of 3 Queens Avenue, Vacluse to enter into a Positive Covenant in favour of Council for the remaining area of the encroachment adjoining their land, in order to maintain the improvements in such a way as to protect traffic sight lines and to accept liability for public risk.

Recommendation 2:

1. That, Council proceed with the road closure and sale of the parcel of unused road adjacent to No.3 Queens Avenue, Vacluse.
2. That, subject to (1) and a deposit of \$15,000 being received by Council, an application be made to the NSW Department of Lands to close the road. This amount is to be non-refundable unless the Minister's approval to the closure is not given.
3. That subject to the portion of Road being closed, Council proceed with the sale of unmade roadway adjoining 3 Queens Avenue, Vacluse with the following conditions:
 - (a) A purchase price of \$2,727 per square metre plus GST; purchase price to be subject to final survey.
 - (b) The balance of the purchase price is to be paid in full upon Gazettal of the road closure and completion of the sale.
 - (c) The owner of 3 Queens Avenue, Vacluse to pay all costs, including but not limited to, GST, legal, survey etc associated with the closure and sale.
4. That the Seal of Council be affixed to all necessary documentation to effect the Road closure and sale, i.e. Contract for Sale, Plan of Road Closure, Transfer documents etc.

5. That, Council require the owner of 3 Queens Avenue, Vaucluse to enter into a Positive Covenant in favour of Council for the remaining area of the encroachment adjoining their land, in order to maintain the improvements in such a way as to protect traffic sight lines and to accept liability for public risk.

Item No: R2 Recommendation to Council
Subject: **Tender 08/14 – Civil Infrastructure Reconstruction for Woollahra Municipal Council**
Author: Kelley Ambrose, Purchasing Coordinator
File No: Tender No 08/14
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That, in order to provide a total budget of \$511,422 required to complete the projects (including a provisional amount of 5% for variations, project management and design incidentals), the current budget allocations totalling \$289,036 for the construction of:
- Project A – Bradley Avenue Stage 2, Bellevue Hill
 - Project B – Darling Point Road, Darling Point
 - Project C – Elfred Street, Paddington
 - Project D – Nelson Street, Woollahra
 - Project E – Old South Head Road, Rose Bay
- be supplemented by an amount of \$222,386 by deferring the project at Towns Road, Chamberlain Avenue which has a budget allocation of \$241,559.
- B. That the funds remaining be transferred to the Environmental & Infrastructure Renewal Levy Reserve.
- C. That Council enters into a Contract with Sydney Civil Pty Ltd for:
- Project A – Bradley Ave Stage 2, Bellevue Hill for the lump sum price of \$123,491.00.
- D. That Council enter into a Contract with AYZ Constructions Pty Ltd for:
- Project B – Darling Point Road, Darling Point for the lump sum price of \$83,526.00
 - Project C – Elfred Street, Paddington for the lump sum price of \$87,130.00.
- E. That Council enter into a Contract with Civil Constructions Pty Ltd for:
- Project D – Nelson Street, Woollahra for the lump sum price of \$108,044.00.
 - Project E – Old South Head Road, Rose Bay for the lump sum price of \$84,878.00
- F. That successful and unsuccessful tenderers be advised accordingly.
- G. That the Towns Road, Chamberlain Avenue project be given priority consideration in the formation of next years works program.

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 13 October 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **NSW Planning System - NSW Government Reforms**
Author: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Jacquelyne Jeffery – Team Leader Strategic Planning
File No: 696.G
Reason for Report: To provide Council with an overview of recent legislative changes to the NSW planning system.

Recommendation:

That the report on the NSW Planning System – NSW Government Reforms be received and noted.

Item No: R2 Recommendation to Council
Subject: **New Principal Local Environmental Plan for Woollahra**
Author: Chris Bluett - Manager Strategic Planning
Jacquelyne Jeffery – Team Leader Strategic Planning
File No: 1064.G Principal LEP Draft Woollahra Plan
Reason for Report: To provide Council with an overview of a key Strategic Planning project for Council—the preparation of Woollahra's new principal local environmental plan

Recommendation:

1. That the report on the New Principal LEP for Woollahra be received and noted.
 2. That Council staff take on board the matters discussed at the Committee Meeting when setting the agenda for the Strategic Planning Working Party Meeting.
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Notices of Motion

Item No: 1
From: Councillor Shoebridge
Date: 16 October 2008
File No: 900.G

That Council:

1. Produce a prompt report on developing a masterplan for the heritage streetscape of Queen Street Woollahra from 50m east of Ocean Street to Oxford Street;
2. That, subject to engineering or landscaping requirements, the masterplan is to include paving for the whole of the precinct appropriate for the high end retail and outstanding heritage qualities of the area.

Item No: 2
From: Councillor Shoebridge
Date: 16 October 2008
File No: 900.G

That Council:

Produce a prompt report on the feasibility and benefits of ensuring garbage collections for the high density heritage areas of Paddington and West Woollahra do not occur on Mondays, in circumstances where the Monday collections inevitably lead to garbage and recycling containers being placed on the streets in high numbers for the whole of the weekend.

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 13 October 2008 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 13 October 2008 are as follows:

Councillor Boskovitz asking:

There is still a big commercial tip bin in Black Street, Vaucluse which is causing a dangerous traffic situation in Black Street. Could you please get staff to look into this bin and attempt to remove it whether that be by contacting the owner of the bin or by attempting to contact the resident who has hired it?

Director Planning and Development in response:

We will deal with that under our policy in relation to waste containers.

Manager – Compliance in further response:

This matter was initially raised as a Question without Notice on 8 September 2008 at which time the following response was provided;

"This matter has been recorded in Council's Customer Request Management system, reference number CRM 10097641/2008 and referred to Council's Rangers for investigation and action, as appropriate.

Council's Rangers will check that:

1. the skip bin belongs to a licensed operator;
2. the skip bin complies with all the conditions of the licence; and
3. the placement of the skip bin complies with the licence and is located on the roadway within a legal parking spot.

If the skip bin complies with the all of the above items, no action will be warranted."

On investigation of the above matter by Council's Rangers it was identified that the Skip Bin company has a current Local Government Act approval and the location and type of skip bin presently in Black Street Vaucluse complies with that approval. Accordingly, no action can be taken at this time.

Councillor Boskovitz asking:

When will copies of the Court judgements in the cases of:

1. Grand National Hotel, Paddington
2. St Peter's Church, Watsons Bay

be circulated to Councillors?

Director Planning and Development in response:

Court orders have been issued but I don't think the Court judgements on either of those cases are yet available but we will distribute them as soon as they become available.

Manager – Development Control in further response:

Both Judgements were sent to all Councillors on 16 October 2008.

Councillor Boskovitz asking:

Will you obtain from the Director of Planning Services at North Sydney Council details of the constitution and operation of their Legal Services Committee, in particular its role and effectiveness in maintaining appeals?

Director Planning and Development in response:

Yes.

Councillor Boskovitz asking:

A number of boats have been parked in Albemarle Avenue which adversely affect the safety of children who are entering and leaving Rose Bay Public school. Could Council staff please investigate these boats parked along Albemarle Avenue and check whether they are appropriately registered?

Director Planning and Development in response:

Yes, we will.

Manager – Compliance in response:

This matter was investigated by Council's Parking Enforcement Team Leader on Friday 17 October 2008, at which time there were three boats on trailers parked in Albermarle Avenue Rose Bay. A check of the registration of each vehicle disclosed the following;

- One vehicle was registered and therefore is legally parked;
- One vehicle's registration expired on 25 September 2008 and this matter has been referred to the NSW Police to take action for an unregistered vehicle being parked on a public road; and
- No registration information could be found for the remaining vehicle. This vehicle is now being investigated as a possible abandoned vehicle.

It should be noted, if each of the boats on trailers currently parked in Albermarle Avenue obtained/renewed their registration, they would be legally parked in there current locations.

Councillor Boskovitz asking:

What are the rules for the use of Council's logo by external organisations?

Director Corporate Services in response:

The Council only approves the use of the Council logo where it supports or endorses the event or activity for which the logo is to be used.

Councillor Boskovitz asking:

What approval is required to use the Council logo?

Director Corporate Services in response:

They would have to make a request to Council.

Councillor Boskovitz asking:

Has The Greens been given approval to use the Council logo on their website?

Director Corporate Services in response:

No approval has been given.

Councillor Boskovitz asking:

Can the General Manager write requesting that they give an explanation as to how the use of the Council logo on their website benefits the community?

General Manager in response:

I am not sure it would be appropriate to ask for an explanation from them. I think that if it was identified to us that the logo was genuinely being used in non compliance, that is it is not a matter that the Council supports or endorses, we would be requesting that it not be used.

Councillor Boskovitz asking:

What other mechanisms can Woollahra Council incorporate to protect against the unauthorised use of Council's intellectual property on external websites such as www.woollahragreens.org.au?

Director Corporate Services in response:

On notice.

Councillor Howe asking:

What action is being taken by Council to have the contractor carrying out the improvement works in Double Bay fence off the storage of materials in Guilfoyle Park, particularly the stacking of pallets and pavers close to the public carparks and recreation area in the eastern portion of Guilfoyle Park which are an immediate danger to the public using the area?

Director Technical Services in response:

Action has been taken. The contractor has been asked to remove those compounds and that should have been done today. I will check it tomorrow.

Councillor Zeltzer asking:

I ask Council whether it is possible for each Councillor to have a hard copy of the Local Government Act, the Environmental Planning and Assessment Act and the LEP and the Heritage Act?

General Manager in response:

We would need a Notice of Motion. To provide 15 copies of that would be something like \$1,500 or more per subscription and would involve something like \$45,000. I think it is probably a little bit excessive in terms of the amount of times that those documents are used given that they are available on-line and given that they are referenced in all the reports by staff when they are reporting. If it is the will of the Council to provide that then we would provide them. I would say to any Councillor that if they feel the need to purchase it outright for themselves there are mechanism within the Councillors fees and allowances policy by which we can purchase them as well.

Mayor in further response:

If they are here and made available Councillor Zeltzer, for anybody who wishes to read them, apart from not expending extra money of the ratepayers, wouldn't it be easier for everyone if they were here and available for everybody to read them when they wanted to.

Manager Governance in further response:

The purchase of a hard copy of each of the Acts requested would cost:

Local Government Act \$45.00

Environmental Planning and Assessment Act \$40.00

Heritage Act \$10.00

The total cost would be \$95.00 for each Councillor requesting the publications. If all Councillors requested a copy of each Act the cost would be \$1,425.00. Purchasing a hard copy of the Acts would not include future amendments to the legislation.

Councillor Shapiro asking:

Can you please organise in-house media training for those Councillors who would like to attend?

General Manager in response:

I am more than happy to arrange that training.

Manager Communications in further response:

Interest from service provider was gained in October 2008. The Manager Communications will set up date options for Councillors for February 2009.

Councillor Shapiro asking:

Are you aware that the first Double Bay Growers Market will be held this coming Saturday, 18th October, 9.00am to 2.00pm and can we please include it in the Mayoral Column to encourage people to support it?

Mayor in response:

It is too late. I would have if I had known but it is too late. We will write about it afterwards but that is not going to help you.

Mayor in further response:

Requested Communications to include in the Mayoral Column - once we have their dates.

Councillor Shapiro asking:

There was a letter in the Wentworth Courier blaming Council for the unsuitable location of pre-poll voting at the recent election. Can you please respond with a letter explaining to residents that the Electoral Commission is to blame and not Council?

Mayor in response:

I will do that. I will certainly write a letter and as I always do will distribute it to all Councillors.

Councillor Shapiro asking:

Is there a final design for the screening of the carpark at the Cosmopolitan development? The last time I asked this question I was told that the developers were consulting with our Urban Planner. In the montages provided by the developer there is a screening which I think is particularly unattractive and I remember when the original DA was passed the final design of the screening was deferred for further discussion.

Director Planning and Development in response:

The screen has been a matter of concern to staff and we have raised that with the developer but we do not at this point in time have a Section 96 application to modify the screen. We have had a number of meetings with the applicant's designers to encourage them to move to a more aesthetic and more functional design but to date such design has not been submitted to us.

Councillor Grieve asking:

Can the Director Technical Services please advise the progress of the repairs to the bridge on the Water Dragon Walk, Parsley Bay, accessed from Hopetoun Avenue, Vaucluse?

Manager - Parks and Street Trees in response:

We are currently seeking advice and quotes on repair options for this bridge. We plan to have the bridge repaired before the holiday season.

Councillor Grieve asking:

Could the Director Technical Services provide an update on the progress of the Watsons Bay baths?

Director Technical Services in response:

The Watsons Bay baths Development Application has been lodged and is being assessed.

Councillor Shoebridge asking:

Can we please have an up-to-date briefing on the operation of clauses 7.13 to 7.20 of the Code of Conduct adopted in August 2008, especially as to the definition of significant non-pecuniary conflict of interests that oblige Councillors to absent themselves from voting on matters?

General Manager in response:

That particular aspect of the Code of Conduct is listed for the briefing of Councillors on 23rd October in the combined meeting with Randwick and Waverley.

Gary James
General Manager

Annexures:

Nil

**POLITICAL DONATIONS DECISION MAKING FLOWCHART
 FOR THE INFORMATION OF COUNCILLORS**

