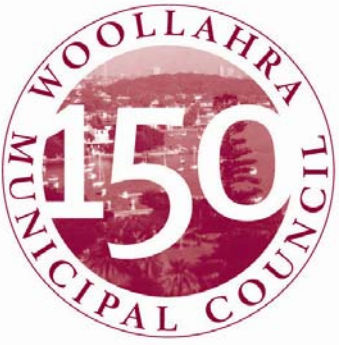


Ordinary Council Meeting



Agenda: *Ordinary Council Meeting*

Date: *Monday 24 May 2010*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

20 May 2010

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 – 24 May 2010

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 24 May 2010 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	10 May 2010
2.	Leave of Absence and Apologies	
3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	1
7.	Public Forum	
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	17 May 2010
R1	Annual Fee for Mayor and Councillors	
R2	Goods and Services Tax Compliance Certification	
R3	Graffiti Removal Services Tender 10/01	
R4	Watsons Bay Baths Project	
9.2	Development Control Committee	17 May 2010
R1	DA281/2008 Part 2 - 9 Military Road, Watsons Bay - Section 96 Application – Proposed modification reinstatement of roof terrace (deletion of Condition C.1 (f) – 11/3/2010	5
R2	DA183/2006 Part 3 - 20 Glendon Road, Double Bay – Section 96 Application – Proposed modification to the hardstand including the construction of a double carport – 20/10/2009	6
R3	DA314/2006 Part 4 - 120 Hopetoun Avenue, Vaucluse – Section 96 Application – Proposed external modifications including the retention of the existing front wall & garage – 4/9/2009	8
9.3	Urban Planning Committee	10 May 2010
R1	Submission to the Nation Building and Jobs Plan (submitted to Council Meeting 10 May 2010 as a matter of urgency)	Nil
9.4	Community & Environment Committee – Nil R Items	10 May 2010
10.	Rescission Motion	Nil
11.	Notices of Motion	10

Mayoral Minute

Mayoral Minute No: 1

Subject: Support for the Wentworth Courier's 2010 Business Achiever Awards

Author: Councillor Andrew Petrie, Mayor of Woollahra

File No:

Reason for Report: To seek support for Council's ongoing sponsorship of the Wentworth Courier's Business Achiever Awards program

Recommendation:

The Council provide \$5500 to support the 2010 Wentworth Courier's Business Achiever Awards.

Background:

The Wentworth Courier will be recognising excellence in local business when they hold the Wentworth Courier Business Achiever Awards to be run in June, with winners announced in September.

Woollahra Council has supported the Business Awards program for the last three years. As a Bronze Sponsor Woollahra Council was given the opportunity to align itself with the Award program which supports and encourages excellence in local businesses. 2555 entries were received from voters and more than 220 people attended the Awards ceremony.

Categories include: community and other education, beauty services, business services, café/coffee shop, casual dining, childrens services, clubs, community services/not for profit, entertainment venue, fashion/retail, fitness, florists, food and beverage, hairdressers, home and garden, motor vehicle sales/motoring, newsagent/book store/post office, pet services, pharmacy, professional services, real estate, restaurant, speciality store, tourism and travel, wellbeing and new business.

Once again there will be a category that addresses sustainability which seeks to commend businesses that are environmentally responsible.

Proposal:

The Wentworth Courier 2010 Business Achiever Awards program is seeking sponsorship funds from Woollahra Council. I have been approached to seek Council's support for \$5500 to sponsor the Awards program.

The aims and objectives of the Awards are to:

- Deliver a high standard awards program for businesses in Sydney
- Promote standards of excellence in business
- Acknowledge the drive and dedication required to succeed in business
- Provide participating businesses with customer feedback and the opportunity to benchmark against their peers
- Present winner with a marketing tool to enhance their reputation and reach a wider audience

Our involvement with the 2010 Wentworth Courier Business Achiever Awards program gives Council the opportunity to reap a substantial return for investment. In return for \$5500 incl. GST, Council will:

- Increase our brand awareness through interaction with Wentworth Courier readers
- Build relationships between Council and more than 76,000 readers and business owners each week
- Demonstrate our commitment and connection with the local community and businesses
- Celebrate the success of our local businesses
- Benefit from extra public relations opportunities surrounding the awards, including the opportunity for the Mayor to present awards to the winners
- Logo placement and branding on promotional material, editorial and advertorial
- Two complimentary tickets to the Awards ceremony.

Identification of Income & Expenditure:

Funds are available from the current Communications Special Events Budget.

Conclusion:

Sponsorship of the 2010 Wentworth Courier's Business Achiever Awards presents Council with an ideal opportunity to demonstrate our ongoing support for local businesses. The Awards program will be widely promoted and professionally managed by the Wentworth Courier.



Councillor Andrew Petrie
Mayor

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 17 May 2010 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Annual Fee for Mayor and Councillors**
Author: Les Windle - Manager Governance
File No: 18.G
Reason for Report: The Local Government Act requires that Council determine the annual fees payable to the Mayor and Councillors.

Recommendation:

- A. That, in accordance with Section 248 of the Local Government Act 1993, Council fix the annual fee for Councillors at an amount of \$15,900 per Councillor for the period 1 July 2010 to 30 June 2011.
- B. That, in accordance with Section 249 of the Local Government Act 1993, Council fix the annual fee for the Mayor at an amount of \$34,720 for the period 1 July 2010 to 30 June 2011.

Item No: R2 Recommendation to Council
Subject: **Goods and Services Tax Compliance Certification**
Author: Don Johnston, Manager Finance
File No: 329G
Reason for Report: To seek a recommendation to Council in regard to Goods and Services Tax compliance certification.

Recommendation:

THAT Council, having noted this report and the statement by the Responsible Accounting Officer, make the following resolution in regard to goods and services tax:

To assist compliance with Section 114 of the Commonwealth Constitution, Council certifies that:

- Voluntary GST has been paid by Woollahra Municipal Council for the period 1 May 2009 to 30 April 2010.
- Adequate management arrangements and internal controls were in place to enable Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Item No: R3 Recommendation to Council
Subject: **Graffiti Removal Services Tender 10/01**
Author: Purchasing Coordinator – Dave Byatt
File No: 10/01
Reason for Report: To recommend to Council the acceptance of a tender

Recommendation:

- A. That Council accept a tender from Graffiti Clean Pty Ltd to carry out the Graffiti Removal Service for a period of three years (with Council having the option) to extend for a further two periods of twelve months for the lump sum of \$408,000.00 (excluding GST).
 - B. That successful and unsuccessful tenderers be advised of the outcome of the tender process.
-

Item No: R4 Recommendation to Council
Subject: **Watsons Bay Baths Project**
Author: Rod Ward – Project Manager Open Space & Trees
File No: Tender No 10/03
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That Council enter into a Contract with Sydney Marina Contracting Pty Ltd for the Watsons Bay Baths Alterations and Additions Works project for the lump sum of \$1,958,636 (excluding GST), and any provisional items used subject to a satisfactory financial capability assessment.
 - B. That successful and unsuccessful tenderers be advised accordingly.
-

9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 17 May 2010 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **9 Military Road, Watsons Bay - Section 96 Application – Proposed modification reinstatement of roof terrace (deletion of Condition C.1 (f) – 11/3/2010**

Author: Eleanor Smith – Senior Assessment Officer

File No: DA281/2008 Part 2

Reason for Report: In accordance with Council's meeting procedures this matter is called to full Council by Councillor Grieve for the following reason:
The Condition was originally imposed by full Council therefore it should be determined by Council.

Recommendation:

THAT Council, refuse Development Application No. 281/2008 part 2 for the demolition of the existing residential flat building, and the construction of a new three (3) unit apartment building with underground carparking, landscaping and siteworks on land at 9 Military Road Watsons Bay, for the following reasons:

- Not in the public interest
- Privacy impacts
- Inappropriate within a Heritage Conservation Area
- Adverse impact upon the adjoining and surrounding heritage items
- Unnecessary given existing/approved balconies.

Item No: R2 Recommendation to Council
Subject: **20 Glendon Road, Double Bay – Section 96 Application – Proposed modification to the hardstand including the construction of a double carport – 20/10/2009**
Author: Sarah Court – Assessment Officer
File No: DA183/2006 Part 3
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 Committee’s recommendation to the Officer’s recommendation.

Recommendation: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, modify development consent to Development Application No. 183/2006 for the demolition of the existing single storey dwelling and the construction of a new two storey, four bedroom dwelling with swimming pool on land at 20 Glendon Avenue, Double Bay, in the following manner:

1(a) Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp “Approved Section 96 Plans” listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
WD03-B	Architectural Plans	David Edelman Architects	19/10/2006
WD04-B	Architectural Plans	David Edelman Architects	19/10/2006
WD06-B	Architectural Plans	David Edelman Architects	19/10/2006
WD07-A	Architectural Plans	David Edelman Architects	19/6/2006
WD08-B	Architectural Plans	David Edelman Architects	19/10/2006

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A6

47. Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to and approved by Council, must detail the following amendment:

- a) The retention of the existing crossover with the additional required crossover being of an engineered design incorporating a permeable material to allow for the continued preservation of the existing street tree. In this regard the crossover must have a full width of 3.5m at the back of the existing layback and widening out to 5m wide at the boundary.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

Standard Condition: C4

48. Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and approved by Council prior to the issuing of a *Construction Certificate* for the following infrastructure works, which must be carried out at the applicant's expense:

- a) a vehicle crossover consistent with the approved design prescribed under Condition 47.
- b) A design longitudinal surface profile for the proposed driveway must be submitted for assessment.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: *Road* has the same meaning as in the *Roads Act* 1993.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

Note: See condition K24 in *Section K. Advising*s of this Consent titled *Roads Act Application*.

Standard Condition: C13

The deletion of Condition 2.

Item No: R3 Recommendation to Council
Subject: **120 Hopetoun Avenue, Vaucluse – Section 96 Application – Proposed external modifications including the retention of the existing front wall & garage – 4/9/2009**
Author: Eleanor Smith – Senior Assessment Officer
File No: DA314/2006 Part 4
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the Committee being divided between the Motion and the Amendment and the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration.

Recommendation 1

- A. THAT Council, refuse Development Application No. 314/2006 Part 4 for alterations and additions, new swimming pool and landscaping works on land at 120 Hopetoun Avenue Vaucluse, the following reasons:
- The proposal is not in the public interest
 - The retention of the existing front fence and garage does not comply with the desired future character objectives and criteria
- B. THAT, this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council’s Enforcement Policy for failure to obtain Council’s consent prior to carrying out the unauthorised works.

Recommendation 2

- A. THAT Council, as the consent authority, modify development consent to Development Application No. 314/2006 Part 4 for alterations and additions, new swimming pool and landscaping works on land at 120 Hopetoun Avenue Vaucluse, in the following manner:

The insertion of the following conditions:

67. Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp “Approved Section 96 Plans” listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
2.02 Rev 6, 3.02 Rev 6 3.03 Rev 6, 4.03 Rev 6, 4.05 Rev 6	Architectural Plans	ArchitectsInk	03.09.09

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the Act (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A6

68. Development Consent is not granted in relation to these matters

This approval does not give consent for any works which encroach beyond the boundaries of the subject site.

Furthermore, any additional works on Council's infrastructure or any proposed modifications to the previously approved works on Council's infrastructure are to be applied for separately under S138 of the Roads Act.

69. No approval is granted to discharge stormwater to Hopetoun Avenue

The surcharge opening at the northern end of the existing front boundary wall (which is to be retained as part of the subject application) shall be sealed. No further openings shall be made within the front boundary wall to allow for stormwater discharge. Furthermore no stormwater from the subject site shall be discharged onto Hopetoun Avenue, or the Council verge adjacent to Hopetoun Avenue.

The deletion of the following conditions:

2. Garage

In accordance with C4.13.4 of Section 4.13 of Woollahra RDCP 2003 and to reduce the dominance of the garage within the Hopetoun Avenue streetscape and to improve the visibility of the dwelling house from the street, the overall height of the garage is to be reduced by 1.0m to 3.7m (RL29.28). Details are to be included in the application for a Construction Certificate.

3. Front fence

In accordance with C4.13.5.5 of Section 4.13 of Woollahra RDCP 2003 and to achieve a more appropriate and consistent fence height, the front fence is to be limited to a maximum height of 1.5m. Details are to be included in the application for a Construction Certificate.

- B. THAT, as the unauthorised works are considered to be satisfactory with regard to the relevant objectives and controls of Woollahra Local Environmental Plan 1995 and Woollahra Residential Control Plan 2003, Council take no action to require the entry structure to be removed
- C. THAT this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Enforcement Policy for failure to obtain Council's consent prior to carrying out the unauthorised works.
-

Notices of Motion

Item No: 1
From: Councillors Grieve, Jarnason and Shoebridge
Date: 15 May 2010
File No: 900.G

That Woollahra Council resolve to:

1. Publicly support the creation of a Sydney Marine Park with increased sanctuary areas for Woollahra's marine waters
2. Call on the NSW State Government (Ministers for Environment and Fisheries) to act on the findings and recommendations contained in the NPA report "The Torn Blue Fringe" for creation of a Sydney Marine Park.
3. Copy the above-mentioned correspondence to the Sydney Coastal Councils Group.

Background:

All councillors will have received communications from the National Parks Association in relation to this matter. Woollahra with its long Sydney Harbour coastline and significant pacific ocean coastline has a real interest in establishing a Sydney marine park.

A Sydney Marine Park will afford greater protection to our marine environment while still allowing Sydneysiders continued enjoyment of all activities. As a marine park our waters would be better managed to minimise threats to our turtles, dolphins, fairy penguins and other creatures.

The establishment of a marine park would not prevent recreational fishing. Recreational fishing in the majority of the park would be balanced by small pockets of sanctuaries where marine life can surge back to life.

Once adopted a Sydney Marine Park will be a world first as the only marine park based around a major capital city.

Existing marine parks in NSW have overwhelming community support. Over 80% of visitors to the Solitary Islands and Jervis Bay Marine Parks supported the marine parks and their sanctuary zones, with results consistent amongst fishers and non-fishers. Batemans Marine Park surveys showed only 2% of visitors disagreed with the marine park.

Item No: 2
From: Councillors Grieve, Jarnason and Shoebridge
Date: 17 May 2010
File No: 900.G

That a report be submitted on Woollahra Council officially approaching Waverley Council with an offer to investigate a sharing arrangement for O'Dea Ave Depot.

Background

Councils O'Dea Avenue depot is very large and not operating at full capacity. Waverley Council are on record as to being short of adequate depot facilities. There is a financial benefit to both Councils by sharing some of the running costs of a joint facility. Scarce public funds in the Eastern Suburbs would also be preserved if by sharing the facilities Waverley was able to save the reported \$5 million building cost of a new facility. This should will be addressed by the relevant officers and General Managers and reported back to Council via the Corporate & Works Committee.

Item No: 3
From: Councillor Boskovitz
Date: 18 May 2010
File No: 900.G

That Council undertake a widescreen audit of all streets within the municipality and undertake the following:

1. identify sites where there is an obvious proliferation of parking and traffic signs and remove all traffic and parking signs which are no longer required and/or unnecessary;
 2. write a report regarding methods to reduce the amount of signage which continues to proliferate across our municipality;
 3. replace any necessary signs which are severely worn, damaged or have been vandalised.
-

Item No: 4
From: Councillor Boskovitz
Date: 18 May 2010
File No: 900.G

That Council write to the Premier and Opposition Leader as well as the Minister and Shadow Minister for Roads requesting that they urgently make changes to Regulation 200 of the NSW Road Rules 2008.

Changes needed to the regulation include:

1. an addition to Reg200 legislating that boats or boat trailers can not stop in a built up area for longer than 24 hours
2. that Councils be given powers to issue permits to local boat owners to be able to park their boats in local streets for periods longer than 24hours.

Item No: 5
From: Councillors Grieve, Jarnason and Shoebridge
Date: 20 May 2010
File No: 900.G

That a report be brought to the Community and Environment Committee reviewing pedestrian linkages between Edgecliff Rd and the Bondi Junction bus/train interchange with particular regard to Vernon and Newland Sts.

That in undertaking the review council officers note that there is a high volume of pedestrian traffic in the area, including school children, commuters and elderly residents destined for the Bondi Junction interchange and therefore:

1. consider what if any steps can be taken to improve sightlines between vehicles and pedestrians; and
2. consider the provision of safe pedestrian crossings.

Background:

Due to the high volume of traffic using both Edgecliff Rd and now Vernon St as a thoroughfare to or through Bondi Junction and no designated pedestrian 'pathway' or other assistance and there is a significant risk to pedestrian traffic who attempt to traverse these two crossings.

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

