

Council Meeting

Monday 11 July 2011

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Items Determined Under Delegated Authority by Council Committees

The following Items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Corporate & Works Committee Meeting held on Monday 4 July 2011

D1 Confirmation of Minutes of Meeting held on 20 June 2011 **Error! Bookmark not defined.**

Development Control Committee Meeting held on Monday 4 July 2011

- D1 Confirmation of Minutes of Meeting held on 20 June 2011
- D2 DA678/2010 – 861 New South Head Road, Rose Bay – Substantial alterations & additions to the existing dwelling-house (effectively the construction of a new dwelling) including the provision of a new 1st floor level, garage, swimming pool & landscaping & siteworks – 14/12/2010
- D3 DA130/2011 – 74 Brown Street, Paddington (Scottish Hospital) – Removal & replacement of heritage listed Port Jackson Fig tree – 6/4/2011
- D4 DA132/2010 - 20-22 Pacific Street, Watsons Bay – Demolition of two existing dwelling houses & ancillary structures (excluding boatshed) & construction of a new dwelling house & swimming pool, landscaping & associated siteworks – 13/3/2010
- D5 DA173/2011 - 9/5-11 Thornton Street, Darling Point – Installation of air conditioning, demolition of some non-structural internal walls relocation of balcony sliding doors -
- D6 DA441/2009 Part 2 – 1 New Beach Road, Darling Point (Cruising Yacht Club of Australia) – Section 96 Application – Proposed modification C.1(a), C.1(b), C.1(d), I.15, C.24, F.13 & I.14 – 5/4/2011
- D7 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control

Urban Planning Committee Meeting held on Monday 27 June 2011

D1 Confirmation of Minutes of Meeting held on 14 June 2011

Community & Environment Committee Meeting held on Monday 27 June 2011

D1 Confirmation of Minutes of Meeting held on 14 June 2011



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 11 July 2011 at 8.00pm.**

Present: Her Worship The Mayor, Councillor Isabelle Shapiro
Councillors Anthony Boskovitz
Lucienne Edelman
Susan Jarnason
Andrew Petrie
Susan Wynne
Malcolm Young
Toni Zeltzer

Staff: Allan Coker (Director – Planning & Development)
Stephen Dunshea (Director – Corporate Services)
Gary James (General Manager)
Tom O’Hanlon (Director – Technical Services)
Kylie Walshe (Director – Community Services)
Les Windle (Manager – Governance)

Also in Attendance: Greg and Lorraine Radford

Confirmation of Minutes

(Wynne/Zeltzer)

- 1/12 THAT the Minutes of the Council Meeting held on 27 June 2011 be taken as read and confirmed.

Adopted

Leave of Absence

(Wynne/Petrie)

- 2/12 That leave of absence for all meetings of the Council and its Committees be granted to Councillor Peter Cavanagh for the period Monday 11 July 2011 to Friday 5 August 2011, inclusive.

Adopted

Note: Leave of Absence has previously been granted to Councillors Nicola Grieve, Greg Medcraft and Ian Plater.

Apologies

(Wynne/Petrie)

- 3/12 Apologies were received and accepted from Councillors Sean Carmichael, Chris Howe and David Shoebridge and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Suspension of Standing Orders

Councillor Wynne

- 4/12** That Standing Orders be suspended to allow her to acknowledge Vicki Munro and Susan Turner who filled in as joint Acting Director of Community Service over the last 12 months while Kylie Walshe was on maternity leave.

Adopted

The Mayor ruled Urgency and permitted the Suspension of Standing Orders.

Councillor Wynne advised:

On behalf of the Councillors I would like to express appreciation at what a wonderful job they did. They were absolutely fantastic, nothing was ever too much trouble, always professional and Kylie should be very proud of how they held themselves and acted during the period. From all the Councillors I would like to express a special note of thanks to both of them.

The Councillors agreed with Councillor Wynne's comments.

General Manager's Report

General Manager's No: 1

Subject: Acknowledgment of 40 years Service – Mr Greg Stewart

Author: Gary James, General Manager

File No: Staff Stewart G

Reason for Report: To recognise the service to Woollahra Municipal Council of Mr Greg Stewart, on the occasion of his retirement.

Note: The Mayor, Councillors and the General Manager acknowledged Greg's commitment and contribution to the Council, his work for the ratepayers of Woollahra and his many achievements during his 40 years of service with Council.

(Petrie/Wynne)

5/12 **Resolved Unanimously:**

- A. That Council formally acknowledge the exemplary service of Mr Greg Stewart over the period November 1970 to July 2011 and on behalf of the Woollahra community the Council convey its profound thanks to Mr Stewart for the extraordinary contribution he has made to our community.
- B. That Council present Mr Stewart with a token of appreciation in the form of an engraved gold watch and wish him a peaceful and happy retirement.

General Manager's No: 2

Subject: Acknowledgment of 41 years service – Mr Greg Radford

Author: Gary James, General Manager

File No: Staff Radford, G

Reason for Report: To recognise the service to Woollahra Municipal Council of Mr Greg Radford, on the occasion of his retirement.

Note: The Mayor, Councillors and the General Manager acknowledged Greg's commitment and contribution to the Council and his amazing service in a variety of roles over the past 41 years.

Note: Greg and his wife Lorraine were presented with a gift of appreciation by the Mayor and General Manager.

(Petrie/Wynne)

6/12 Resolved Unanimously:

- A. That Council formally acknowledge the exemplary service of Mr Greg Radford over the period May 1970 to July 2011 and on behalf of the Woollahra community the Council convey its profound thanks to Mr Radford for the extraordinary contribution he has made to our community.
 - B. That Council present Mr Radford with a token of appreciation in the form of an engraved gold watch and wish him a peaceful and happy retirement.
-

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 4 July 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Paddington Business Partnership – Request for Funding**
Author: P Kauter Executive Planner
File No: 349.G
Reason for Report: To consider a request from the Paddington Business Partnership for funding for 2011

(Petrie/Jarnason)

7/12 Resolved without debate:

- A. That the request by the Paddington Business Partnership (the Partnership) for Council to provide funding for 2011 to carry out the five priority actions as listed in its letter of 10/3/11 be supported in principle. The funding to comprise:
- i. thirty thousand dollars (\$30,000.00) of monetary revenue, and
 - ii. the waiver of development application fees for development in the form of events by or on behalf of the Partnership
- B. The Corporate & Works Committee support the inclusion of \$30,000 of funding to the Partnership as part of the quarterly review of the 2011/12 Budget in September
- C. That prior to the Council providing the funding referred to in Part A an agreement between the Council and the Partnership is to be entered into which sets out the terms under which the funding is provided. The terms of the agreement are to include, but are not limited to, key performance indicators and accountability/acquittal to Council in respect of the funding, which the Partnership agrees to satisfy.
- D. That the Mayor be authorised to enter into the agreement referred to in Part C on behalf of the Council
- E. It be noted that Council would expect any funding in future years would likely be considered on a dollar for dollar basis with matching funding from the Paddington Business Partnership.
-

Item No: R2 Recommendation to Council
Subject: **Royal Australian Navy Sailing Association (RANSA) Proposed Lease Extension, Sir David Martin Reserve, 1C New Beach Road, Darling Point**
Author: Anthony Sheedy, Property Officer
File No: 787.G
Reason for Report: To give consideration to the proposed new lease commencing 2015 for the Boatshed on Sir David Martin Reserve.

(Petrie/Jarnason)

8/12 Resolved without debate:

- A. That subject to the Minister's consent, Council agree to enter into an Agreement for Lease with RANSA granting a new lease for the Boatshed of twenty (20) years, commencing on 1 June 2015 and expiring 31 May 2035, including a five (5) year option period upon expiration of the Boatshed lease, commencing 1 June 2035 and expiring 31 May 2040.
 - B. That the rent at the start of the new Lease 1 June 2015 be subject to a market review, and the rent payment be reviewed to market thereafter every 5 years, with annual CPI in the intervening years; provided that the new rent will not be less than that paid during the preceding 12 month period.
 - C. That the Lessee (RANSA) pay all Council's costs in regards to preparation of the Agreement to Lease and the new Lease.
 - D. That Council investigate opportunities to improve the Sayonara Slipway in conjunction with neighbouring properties.
 - E. That any moves to extend the liquor licence on the site be referred to the Corporate & Works Committee.
-

Item No: R3 Recommendation to Council
Subject: **Installation of a lift at the Hugh Latimer Centre**
Author: Zubin Marolia – Manager Property & Projects
Mary Boyd – Director Preschool
File No: 329.512
Reason for Report: Requirement to upgrade the access to the Preschool at the Hugh Latimer Centre.

Motion moved by Councillor Petrie
Seconded by Councillor Boskovitz

That the matter be deferred until after the Development Application for Kiaora Lands has been determined.

Amendment moved by Councillor Jarnason

- A. That Council approve the installation of a lift at the Hugh Latimer Centre Woollahra Preschool, to comply with Disability Discrimination Act and Department of Education funding agreement.
- B. That the sum of \$75,000 from the Preschool reserve be utilised to fund the installation of a lift and Council continue to seek grant funding for this project, when they become available.

The Amendment lapsed for the want of a seconder
The Motion was put and Adopted

(Petrie/Boskovitz)

9/12 Resolved:

That the matter be deferred until after the Development Application for Kiaora Lands has been determined.

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 27 June 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **The Impact of Changes to the definition of gross floor area and floor space ratio in *The Standard Instrument - Principal Local Environmental Plan On Dwelling Yield***

Author: Brendan Metcalfe – Strategic Planner

File No: 1064.G Principal LEP

Reason for report: To respond to part of a decision Council made on 2 May 2011 requiring a report on the impact of changes to the definition of gross floor area and floor space ratio under the *Standard Instrument – Principal Local Environmental Plan* in terms of dwelling yield.

(Edelman/Petrie)

10/12 Resolved without debate:

- A. That Council receive and note the report.
- B. That the Urban Planning Committee is concerned about the effect of the Gross Floor Area definition if it is adopted in the way it currently is as there is no doubt that it will increase building bulk which is not the intention on the Standard Instrument.
- C. That this information, being that the changed Gross Floor Area definition in the Standard Instrument produces approximately 20% additional building bulk, be taken into account when the translation to the Standard Instrument is undertaken to retain existing local character and controls on building bulk.
- D. That staff are encouraged to circularise other Councils who are in SSROC in relation to the issue of the extra bulk that is generated by the definition of Gross Floor Area in the Standard Instrument and seek to get support from other Councils to persuade the Department of Planning to amend that definition so that it more closely matches that in the Woollahra LEP 1995.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Boskovitz
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Petrie

Against the Motion

Nil

8/0

Item No: R2 Recommendation to Council
Subject: **Planning Proposal for *Duntrim*, 37 Darling Point Road**
Author: Sara Reilly Strategic Heritage Officer
File No: 1064.G (Amend 69)
Reason for Report: To present the assessment of submissions received during public exhibition of the planning proposal.
To obtain Council's decision to proceed with the planning proposal process.
To make recommendations on amendments to the heritage inventory sheet

(Edelman/Petrie)

11/12 Resolved without debate:

- A. That the planning proposal for *Duntrim*, 37 Darling Point Road, Darling Point be referred to the Department of Planning. The planning proposal aims to list '*Duntrim* – house and grounds' as a heritage item.
- B. That the updated heritage inventory sheet contained in **annexure 3** of the report to the Urban Planning Committee meeting on 27 June 2011 be endorsed and used in the assessment of development applications for the subject property.
- C. That staff consider the appropriate measures for further investigation and protection of the historic garden and grounds.
- D. That Council note that any significant development application for the site will require a Conservation Management Plan or a Statement of Heritage Impact.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Boskovitz
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Petrie

Nil

8/0

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 27 June 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **E J Ward Centre**
Author: Susan Turner A/Director Community Services
File No: 900.G
Reason for Report: In response to a Notice of Motion requesting information on the future management model for E J Ward.

(Wynne/Petrie)

13/12 Resolved without debate:

- A. That consideration of the matter be deferred pending investigation into costs estimates for the works and potential funding opportunities that would enable the works to commence immediately.
 - B. That further advice on this matter be provided by the end of July 2011.
-

Item No: R2 Recommendation to Council
Subject: **Proposed Temporary Closure of Double Bay Library**
Author: Vicki Munro, Acting Director Community Services
File No: 329.548
Reason for Report: This report is to request Council's support for the temporary closure of Double Bay Library from Saturday 30 July 2011 until Sunday 4 September 2011 to allow for the implementation of new technology and minor renovation works.

(Wynne/Petrie)

14/12 Resolved without debate:

- A. That Double Bay Library be temporarily closed from Saturday 30 July 2011 until Sunday 4 September 2011, reopening on Monday 5 September 2011 to allow for the implementation of new technology and minor renovations.
 - B. That Paddington and Watsons Bay Libraries hours of opening be extended on a temporary basis, during the period of Double Bay Library's closure.
 - C. That Councillors be provided with a copy of the cost/benefit analysis relating to the implementation of the Radio Frequency Identification (RFID) Technology.
-

Questions for Next Meeting

Item No: 13
Subject: Questions for Next Meeting
Author: Gary James, General Manager
File No: 467.G/Q 10
Reason for Report: To allow Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Boskovitz/Wynne)

15/12 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted

The following question was asked:-

Councillor Young asking:

Can I ask when Council is going to take some definite action over the unsafe retaining wall at the rear of 22 Bathurst Street Woollahra backing on to Harbourview Park? After the owner of 22 Bathurst Street provided the Council with an engineer's report about the dangerous state of the wall, Council had it taped off on the park side on 1 October 2010.

The owner of No 22 has made some 15 calls to staff since then and all she is told is "we will get back to you". They have small children who are restrained in their use of their back yard. They want to landscape their back garden but don't want to spend a lot of money and then find that the wall is to be pulled down.

Director Technical Services in response:

The issue with this wall is that it actually borders on two properties and the Council park. The issue has been determining who actually owns the wall and on the face of it the survey shows that the wall is part of Council property but it is a lot more complicated than that and I don't intend to go into detail here. We are making an argument to the owners of the property that there is, because the wall provides benefit entirely to them, that they have a role to play in this as well and it is not purely a Council responsibility to fix the wall. I am aware that the owner of No 22 was told last week that we now have some firm legal advice to that matter and we are trying to arrange a meeting with the two neighbours and ourselves in the next couple of weeks to see if we can come to a three way arrangement regarding costs.

There being no further business the meeting concluded at 8.35pm.

We certify that the pages numbered 1753 to 1767 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 11 July 2011 and confirmed by Council at the ordinary Meeting of Council on 25 July 2011 as correct.

General Manager

Mayor