



# Ordinary Council Meeting

**Agenda:** *Ordinary Council Meeting*

**Date:** *Monday 16 May 2011*

**Time:** *8.00pm*

# Woollahra Municipal Council

## Notice of Meeting

12 May 2011

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

Dear Councillors

### **Council Meeting – 16 May 2011**

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 16 May 2011 at 8.00pm.**

Gary James  
General Manager

## Meeting Agenda

		Page
1.	Confirmation of Minutes – Ordinary Meeting	28 April 2011
2.	Leave of Absence and Apologies	1
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	9 May 2011
	R1 Goods and Services Tax Compliance Certification	2
	R2 Delivery Program 2009 to 2013 & Operational Plan 2011/12	
	R3 Reconstruction of Stephen Lane, Paddington.	
9.2	Development Control Committee	9 May 2011
	R1 DA137/2006 Part 2 - 72 Bellevue Road, Bellevue Hill - Section 96 Application – Proposed modification internal & external including changes to the configuration of the approved building – 28/9/2010	5
9.3	Urban Planning Committee	2 May 2011
	R1 9A Cooper Park Road, Bellevue Hill – Opportunity site consultation for the Woollahra Principal Local Environmental Plan	6
9.4	Community & Environment Committee – <b>Nil R Items</b>	2 May 2011
10.	Rescission Motion	Nil
11.	Notices of Motion	7
12.	Questions on Notice	Nil
13.	Questions for the Next Meeting	8

## Leave of Absence

**Item No:** 1  
**From:** Councillor Susan Jarnason  
**Reason for Report:** Seeking leave of absence for all meetings of the Council and its Committees from Monday 16 May 2011 to Friday 20 May 2011, inclusive.

**Recommendation:**

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Susan Jarnason for the period Monday 16 May 2011 to Friday 20 May 2011, inclusive.

---

---

## 9.1 Corporate & Works Committee

---

### Items with Recommendations from the Committee Meeting of Monday 9 May 2011 Submitted to the Council for Determination

---

**Item No:** R1 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 2010 to 30 April 2011.*
  - *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:** R2 Recommendation to Council  
**Subject:** **Delivery Program 2009 to 2013 & Operational Plan 2011/12**  
**Author:** Don Johnston, Manager Finance  
Helen Tola, Governance & Corporate Planning Coordinator  
**File No:** 1229.G 2011/12  
**Reason for Report:** For the Committee to review submissions received following public exhibition of the draft Delivery Program 2009 to 2013 and Operational Plan 2011/12 and make a recommendation for the adoption of the Delivery Program 2009 to 2013 and Operational Plan 2011/12.

**Recommendation:**

1. That Council note the three (3) submissions referred to in the report and the further submission included in the late correspondence tabled by the Director - Corporate Services on the draft Delivery Program 2009 to 2013 and Operational Plan 2011/12 in response to the public exhibition.
2. That Council adopt the exhibition copy of the draft Delivery Program 2009 to 2013 and Operational Plan 2011/12, including the Special Rate Variation Approval Scenario Budget and with the minor amendments detailed in this report, as its Delivery Program 2009 to 2013 and Operational Plan 2011/12.
3. That Council make and levy the Rates for 2011/12 as follows:
  - If the Special Rate Variation is approved: As set out in the Rating Structure – Scenario 1: Special Variation Approved - incorporating the 2.8% permissible increase plus a 7.02% Special Variation including renewal of the Environmental & Infrastructure Renewal Levy, resulting in an effective increase of 3.94%, subject to approval by the Independent Pricing & Regulatory Tribunal of its Special Rate Variation application.
  - If the Special Rate Variation is not approved in its entirety: As set out in the Rating Structure – Scenario 2: Special Variation Not Approved - incorporating only the 2.8% permissible increase and reduction of the Environmental & Infrastructure Renewal Levy by the expiring amount of \$1,739,111.
4. That advice of Council's adoption of its Delivery Program 2009 to 2013 and Operational Plan 2011/12, including the Special Rate Variation Approval Scenario Budget, be provided to the Independent Regulatory & Pricing Tribunal in accordance with the Special Rate Variation Application Guidelines.
5. That a further report be presented to the Corporate & Works Committee advising in respect of the Independent Pricing and Regulatory Tribunal (IPART) determination of Council's Special Rate Variation Application.
6. That the further report referred to in Recommendation 5 above include details of any amendments required to Council's 2011/12 budget and rating structure in the event that the Special Rate Variation is not approved in its entirety.

**Item No:** R3 Recommendation to Council  
**Subject:** **Reconstruction of Stephen Lane, Paddington.**  
**Author:** Jake Matuzic, Manager Civil Works and Infrastructure  
**File No:** Tender No 11/04  
**Reason for Report:** To recommend Council not accept any tenders

**Recommendation:**

- A. That Council decline to accept any of the tenders and advise the unsuccessful tenderers accordingly.
  - B. That Council proceed with the project as per the revised scope of works described in this report, by entering into negotiations with any contractor (whether or not the contractor was a tenderer) with a view to entering into a contract in relation to the revised scope of works, through undertaking the necessary procurement processes for a project of this size.
-

---

## 9.2 Development Control Committee

---

### Items with Recommendations from the Committee Meeting of Monday 9 May 2011 Submitted to the Council for Determination

---

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>72 Bellevue Road, Bellevue Hill - Section 96 Application – Proposed modification internal &amp; external including changes to the configuration of the approved building – 28/9/2010</b>
<b>Author:</b>	Sarah Chambers – Senior Assessment Officer
<b>File No:</b>	DA137/2006 Part 2
<b>Reason for Report:</b>	In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the voting on the Amendment was 2 votes for the Amendment and 2 votes against the Amendment. Both the Motion and the Amendment are referred to Council for consideration.

#### **Motion moved at Committee Meeting**

That the application be deferred to allow the Architect and Consultant Planner to mitigate the following concerns:

- modifications to the roof form;
- side setback non compliances; and
- a more skilful design in accordance with the ‘Tenacity’ principles.

#### **Amendment moved at Committee Meeting**

That the application be refused for the following reasons:

- detrimental impact on public domain;
- the impacts associated with the breaches of side and front setback requirements;
- excessive building footprint;
- excessive roof form which results in loss of views in the public domain and to the properties on the opposite side of Bellevue Road;
- the proposed modifications are not considered to be substantially the same development;
- the proposal is inconsistent with the WRDCP 2003 as it presents excessive bulk and scale.



---

## 9.3 Urban Planning Committee

---

### Items with Recommendations from the Committee Meeting of Monday 2 May 2011 Submitted to the Council for Determination

---

<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>9A Cooper Park Road, Bellevue Hill – Opportunity site consultation for the Woollahra Principal Local Environmental Plan</b>
<b>Author:</b>	Jacquelyne Jeffery– Team Leader Strategic Planning
<b>File No:</b>	1064.G Principal LEP
<b>Reason for Report:</b>	<ul style="list-style-type: none"><li>• To consider the submissions received during the section 62 consultation for the Woollahra Principal Local Environmental Plan – with regards to Opportunity Site 8 being 9A Cooper Park Road, Bellevue Hill.</li><li>• To obtain Council’s approval to include the proposed planning changes identified for this opportunity site in the preparation of the Draft Woollahra Principal Local Environmental Plan.</li></ul>

#### Recommendation

- A. That the proposed planning changes for Opportunity Site 8, *9A Cooper Park Road, Bellevue Hill*, as identified in Column 3 of the Table to the report to Urban Planning Committee of 2 May 2011, be included in the Draft Woollahra Principal Local Environmental Plan for public exhibition.
- B. That it be noted that, subject to the land reclassification and rezoning proceeding, a further report will be presented to the Corporate and Works Committee addressing how the proceeds from any future sale of the land are committed to public open space, recreation and community facility projects.
-

---

## Notices of Motion

**Item No:** 1  
**From:** Councillors Grieve and Jarnason  
**Date:** 11 May 2011  
**File No:** 900.G

Could Council please investigate

1. The introduction of a shared zone and
2. Review parking options and the resident parking in Walker Avenue Edgecliff

### **Rational**

On Monday night we heard from many residents while assessing a DA of the difficulties and issues with parking in Walker Avenue. Many of the residents spoke of excessive speeds in the street putting life at risk. The introduction of a shared zone to this very short dead end street would be a very effective solution and create a safer environment for all residents and visitors.

---

**Item No:** 2  
**From:** Councillors Grieve Shoebridge and Jarnason  
**Date:** 11 May 2011  
**File No:** 900.G

That Council investigate installing Bicycle racks at the Double Bay Wharf or in the immediate vicinity.

### **Rationale**

It is commonly agreed travelling to work by ferry is one of life in Sydney's most special moments and that encouraging more people to commute by ferry has the added benefit of removing cars of the road.

With regard to the recent discussions at Council regarding to the need for commuter parking one way to increase the catchment area of ferry passengers without increasing the number of cars requiring all day parking is to provide safe bike parking at ferry wharves. The bike racks at Rose Bay wharf are currently at over capacity and more could be put in.

## Questions for the Next Meeting

<b>Item No:</b>	13
<b>Subject:</b>	<b>Questions for Next Meeting</b>
<b>Author:</b>	Gary James, General Manager
<b>File No:</b>	467.G/Q 10
<b>Reason for Report:</b>	To provide a response to Questions for Next Meeting from Council Meeting of 2 May 2011 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

### **Recommendation:**

That the responses to previous Questions for Next Meeting be noted.

---

### **Background:**

The provision for Councillors to ask Questions for Next Meeting is contained in Section 3.2 of Council's Code of Meeting Practice which states:

#### **3.2 QUESTIONS FOR NEXT MEETING – No previous notice of questions required**

- 1) *As a standard practice, "Questions for Next Meeting" shall be listed in all agendas of Ordinary Meetings of Council. The agenda item shall contain a report of the questions asked at the last Council Meeting and the responses to those questions and provide an opportunity for the Councillors to ask questions for the next Council Meeting.*
- 2) *Questions asked at a Council Meeting shall also be submitted in writing.*
- 3) *The Councillor must put every question directly, succinctly and without argument.*
- 4) *The Mayor shall refer 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.*
- 5) *If the answer to a question can be given immediately, and it makes sense to do so, 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.*
- 6) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions for Next Meeting" 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 for Next Meeting should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions for Next Meeting on 2 May 2011 are as follows:

**Councillor Petrie asking:**

I would like to thank the Director Technical Services and his staff for making Woollahra Oval No. 1 the best quality/conditioned oval in wet weather in the whole of rugby over the last 4 weeks. The oval has been the best.

**Director Technical Services in response:**

Councillor Petrie's comments have been passed on to all staff involved in these works and were much appreciated.

---

**Councillor Petrie asking:**

The Colleagues Car Park parking restriction signs have been graffitied. Please can we prevent this abuse/vandalism of public property?

**Director Technical Services in response:**

The signs that were put in to limit the time parking on Saturday and Sunday morning have on two separate occasions been totally blacked out with paint. The first time it happened we cleaned them up, not very effectively it has to be said, they were pretty hard to clean. The second time it happened we decided that rather than to continue in this foolish chase that we would actually replace the signs with some new ones which had extra anti graffiti treatment. Those have been ordered and as I understand from my staff will be delivered on the 10<sup>th</sup> May and installed immediately.

**Manager Civil Works & Infrastructure further in response:**

There is a delay in the manufacture of the signs. The new anti-graffitti signs should be received by 13 May 2011 and will be installed as soon as they are delivered.

---

**Councillor Wynne asking:**

Could staff be formally thanked for their time at the public meeting held at Christison Park with regards to the fire trees near the new residential development?

**Director Technical Services in response:**

I have personally spoken to all staff who were in attendance at the meeting and passed on Council's thanks. This was much appreciated by staff.

---

**Councillor Howe asking:**

When will the report regarding the Notice of Motion regarding incentives for hotels or cinemas in Double Bay be completed and presented to Council?

I ask this question as there area number of organisations currently investigating the establishment of hotel(s) in Double Bay who are clearly interested in any changes or amendments to Council Planning or other instruments regarding development and operations of hotels in Double Bay.

**Director Planning and Development in response:**

We have collected quite a deal of mostly market information about hotels. However we are not very well advanced with the report on that at this stage. I don't expect that a report will be ready for the Committee probably until at least the second meeting in June and maybe in July.

---

**Councillor Young asking:**

What can be done to rescue the shocking state of the grass on the northern most section of Steyne Park (that lying between the sea wall and the path leading from the 18 Footers to Wiston Gardens)?

Despite the recent rains it has never recovered since the recent sailing carnival.

Can a watering system be considered? The area contrasts very badly with the grass on the southern part of the park.

**Manager Open Space & Trees in response:**

This section of Steyne Park is scheduled for minor renovations including coring, fertilising and weed spraying this winter, and a budget will be sought for a major renovation and complete turf replacement in 2012/2013.

This area often receives salt water inundation at king tides and it is heavily used by dog exercisers and boating enthusiasts.

The turf replacement in 2012/2013 will be with a more robust and salt resistant species.

There are no short term plans to irrigate this area or to bring it up to the standard of the adjacent sports surface.

---

**Councillor Young asking:**

Did we get any contribution to restoration of the grass from the organisers of the sailing carnival when we licensed the space to them?

**Manager Open Space & Trees in response:**

Council staff seek turf bonds in addition to park hire fees in open space areas with high quality turf.

In this instance a turf bond was not considered applicable and was not sought, however our regular park hire fees were obtained.

**Councillor Young asking:**

What can be done to rescue the poor state of the grass lawn areas adjoining the beach at Redleaf Pool? The bare areas mixed with weeds contrasts very badly with our lovely lawns up the slope in front of this Council.

Can a watering system be introduced?

**Manager Open Space & Trees in response:**

In the short term the areas of grass which died on the Redleaf Beach slope during the extremely dry weather (December to April) are now recovering due to the recent rains.

In the longer term the design and management of this area will be analysed as part of the current review of the Plan of Management for Redleaf and Blackburn Gardens.

---

**Councillor Grieve asking:**

Some time ago I asked about a pram access at the bottom of Rose Bay Avenue and New South Head Road to assist the students that are riding to school. Now the road restoration has finished in this area the difficulties have been removed. Could this be put on the schedule to be done asap?

**Manager Civil Works & Infrastructure in response:**

New kerb access ramps can be installed, this work has been added to our proactive maintenance schedule and we anticipate that works will be completed in the first quarter of the 2011/12 financial year.

---

**Councillor Grieve asking:**

Could the Director Planning and Development please investigate how it is possible that residents of Camp Cove were not notified until after the Development Control Committee Meeting?

Could we in future use electronic communication to avoid this situation in the future?

**Team Leader in response:**

The file for this matter is with Council's lawyers. A response to the question will be provided to the Councillor's when the file is returned to Council.

**Councillor Shoebridge asking:**

To the Mayor

Could you please place on the record any communications of which you have knowledge between Council, including any Councillors, and any proponents for increasing the density or FSR on what was the Ashington site at Double Bay?

**Mayor in response:**

There have been communications and meetings between Council staff and the applicant of 33 Cross Street, as well as a briefing with the JRPP. All of these are part of the normal process of assessing the DA.

Other than what Councillor Howe has indicated I am not aware of any meetings that have been held between Councillor's and the applicant.

---

**Councillor Shoebridge asking:**

To Councillor Petrie

Could you please place on the record any communications of which you have knowledge between Council, including any Councillors, and any proponents for increasing the density or FSR on what was the Ashington site at Double Bay?

**Councillor Petrie in response:**

No. I don't even now who they are.

At this stage Councillor Howe advised that he has declared a Pecuniary Interest in this matter to the General Manager and the JRPP because his firm has been engaged to provide some advice to the owners of that site (Ashington site).

---

Gary James  
General Manager

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

