



Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 4 July 2011*

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).

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

- Such matters as are specified in Section 377 of the Local Government Act 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;
 - Adoption of Council's Community Strategic Plan, Delivery Program and Operational Plan;
 - Delegations; and
 - Policies.
- Tenders as per Regulation requirements.
- Leases.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

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.
- Statutory reviews of Council's Delivery Program and Operational 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 the Minutes of its Meetings.
- 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 above.

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

30 June 2011

To: Her Worship The Mayor, Councillor Isabelle Shapiro ex-officio
Councillors Andrew Petrie (Chair)
Ian Plater (Deputy)
Anthony Boskovitz
Sean Carmichael
Susan Jarnason
Greg Medcraft
David Shoebridge

Dear Councillors

Corporate & Works Committee Meeting – 4 July 2011

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 July 2011 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 20 June 2011	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Paddington Business Partnership – Request for Funding – 349.G	2
R2	Royal Australian Navy Sailing Association (RANSA) Proposed Lease Extension, Sir David Martin Reserve, 1C New Beach Road, Darling Point – 787.G	62
R3	Installation of a Lift at the Hugh Latimer Centre – 329.512	76

Item No: D1 Delegated to Committee
Subject: **Confirmation of minutes of meeting held on 20 June 2011**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 20 June 2011 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 June 2011 be taken as read and confirmed.

Les Windle
Manager – Governance

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

Recommendation:

- 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 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

1. Background:

The following is a summary of reports considered by Council in relation to the Oxford Street, Paddington commercial centre:

- 25/7/05 Council resolved to set up the Oxford Street Working Party. The task of the Working Party was to facilitate a strategic plan for the Oxford Street commercial district and Council's role in achieving this.
- 10/4/06 Council considered recommendations from the Oxford Street Working Party and resolved, in part,:
 - to consider a more hands on position in business development for the Oxford Street shopping strip
 - for staff to report on how Council should proceed with this approach following consultation with appropriate consultants
- 25/9/06 Council resolved, in part, to commission URBISjhd to carry out an overview business development study of Oxford Street commercial centre

- 28/5/07 Council considered the findings of the URBISjhd's retail study and resolved, in part, to endorse the actions on the findings of the Oxford Street Commercial Centre Business Strategy. The actions on the findings related to:
 - The role of the Council
 - William Street
 - Planning processes
 - Parking
 - Streetscape and amenity
 - Food and drink
 - New competition, including Bondi Junction
 - Clearway and traffic related (in partnership with the RTA)
 - Rent levels (in partnership with the Chamber of Commerce)
 - Profile and marketing (in partnership with the Chamber of Commerce)
 - Role of the Chamber of Commerce

- 27/8/07 Council considered a report on a preferred centre management model and resolved, in part, to engage in dialogue with the Council of the City of Sydney regarding a centre management model for Oxford Street and its financing

A letter dated 10/3/11 has now been received from the President of the Partnership, Kane Kelfkens, formally requesting Council to support the ongoing work of the Partnership in invigorating the important cultural, economic and historical precinct. The letter is Annexure 1 to this report.

The letter refers to the Partnership's completed business (strategic) plan for 2011-2014 (the Strategic Plan), see Annexure 2.

2. The Partnership:

The Strategic Plan notes that the Partnership is an incorporated association and has adopted the NSW Fair Trading Model Code. The model code specifies the committee will have up to ten members consisting of four office bearers (Chair, Deputy-Chair, Secretary and Treasurer) and up to 6 ordinary committee members.

The Strategic Plan recommends that the Partnership should form a series of Advisory Groups to deliver on specific actions within the Strategic Plan. Ordinary members are those fee paying members of the organisation.

The Partnership has received \$150,000 in funding from the City of Sydney. This year the City of Sydney has given an undertaking to fund the Partnership's activities to the value of \$20,000 of direct funding with a further \$30,000 of value in kind (public venue/park hire waivers, etc.).

We have not provided any formal funding to the Partnership to date. The City of Sydney has expressed the view that more equitable funding arrangements need to be put in place. This is mainly because the majority of businesses in Oxford Street are in the Woollahra local government area.

Our **Delivery Program and Operational Plan (DPOP)** includes, under *Local Prosperity*, Goal 9: *Community focused economic development*. Strategy 9.1 is to *Encourage vibrant and vital local suburbs, villages and neighbourhoods that support a healthy economy*. Priority 9.1.2 is to *Encourage economic development in business and retail centres*. Funding of the Partnership to encourage economic development in the Oxford Street shopping centre would be consistent with priorities in our DPOP. The ***Identification of income & expenditure*** section of this report also refers to DPOP related matters.

3. Funding request:

The Partnership is requesting Council to provide funding in the form of:

- a. \$30,000 of monetary revenue in 2011 to priority actions identified in the letter, see Annexure 1
- b. Waiver of development application fees for 2011 events applied for by the Partnership

The Partnership's letter says that it will agree to achieve key performance indicators for the funded activities.

The funded activities referred to in the letter are:

1. better business presentation – to assist local businesses look their best
2. regular newsletters to stakeholders
3. a business to business community loyalty program
4. event program for style stories and the Paddington Alive Festival
5. a fresh new brand and Paddington website

The funded activities would appear to relate to the following strategic actions contained in the Strategic Plan:

- 2.2 promote better business presentation
- 2.6 regular newsletters
- 2.7 business to business loyalty program
- 3.3 develop and implement a style stories program
- 4.2 establish a dedicated Paddington website
- 4.6 maintain and grow Paddington Alive Fashion Festival
- 4.9 develop and implement branding tools

In relation to these strategic actions the Strategic Plan includes the following action overview together with timeframes, responsibility and indicative budget:

2.2 Promote better business presentation					
Action overview		As Australia's premier fashion destination, Paddington has to look the part. The world's most successful retailers are now turning their windows into high art, virtually a form of street theatre, and are reaping the rewards. Given that Oxford Street is one of Sydney's busiest thoroughfares, with an extraordinary amount of foot and vehicle traffic, eye-catching window displays are a potentially powerful tool for local businesses. PBP will work with members to raise awareness in this critical area, and ensure that Paddington's windows reflect the area's funky, fashionable image.			
Timeframe	Year 1	Responsibility	City of Sydney to coordinate	Indicative budget	In kind

2.6 Regular newsletters					
Action overview		Bi-monthly e-newsletters aimed at local business will be developed and distributed to keep members up-to-date with the latest in the area, and to encourage the sense of community among businesses.			
Timeframe	Quarterly to begin year 1	Responsibility	-PBP Board -City of Sydney resource	Indicative budget	Design and e-marketing costs

2.7 Business to business loyalty program					
Action overview		A large number of people are employed in Paddington; however, due to the area's linear geography, many remain unfamiliar with businesses outside their immediate precinct. A simple business loyalty program, established by PBP, will encourage Paddington workers to shop locally. A booklet highlighting the area's many businesses will form an integral part of the scheme.			
Timeframe	Year 1	Responsibility	PBP Board	Indicative budget	Design and print costs

3.3 Develop and implement a style stories program					
Action overview		Two of Paddington's great strengths are its reputation for cutting-edge cool, and its diverse districts, each with its own character. Style Stories is a promotional program that is designed to maximise both these strengths, and to cost-effectively use the area's "captive audience" – the large volume of pedestrian and vehicle traffic that passes down Oxford Street each day. Style Stories is an advertising campaign that will promote the highlights of each district, with regular (weekly/bimonthly) updates to maintain its currency. This concept needs further development, but the tone would be an intimate one (sharing the coolest secrets on the street), and the emphasis would be on what's new and cutting-edge. This program would simultaneously promote individual retailers and precincts as well as raising awareness and excitement about what's happening throughout the areas. PBP should prepare an action paper to establish how this action could be realised and then initiate discussions with both Councils on how this action could be implemented.			
Timeframe	Year 1 to year 2	Responsibility	PBP Board to commission external consultant	Indicative budget	Tender to be issued
Further information		A tender via expression of interest should be called from appropriate businesses			

4.2 Establish a dedicated Paddington website					
Action overview		The Paddington website will be an interactive, consumer-focused website that will function as the one-stop resource for everything to do with Paddington. It will include e-marketing opportunities for local businesses, and will also function as a portal for the business community, with a dedicated area accessed by a separate log-on. The development of the website should be seen as a two staged process. Initially the first stage should look to low cost and high impact with basic information about the area. Whilst Stage 2 should look at a sophisticated website.			
Timeframe	-Year 1 Stage one -Year 2 Stage two	Responsibility	PBP to commission external consultant	Indicative budget	Tenders will need to be issued
Further information		From \$5,000 for stage 1 and upto \$18,500 for stage 2			

4.6 Maintain and grow the Paddington Alive Fashion Festival as the area's major annual festival					
Action overview		Funding has been secured from the City of Sydney to repeat the successful Paddington Alive Fashion Festival's of 2009 and 2010 for 2011. This week-long festival, which celebrates Paddington's style and culture, consists of a range of sales, promotions and mini-events. It represents an effective way to reinforce Paddington's position as Australia's premier fashion destination.			
Timeframe	August 2011 with view that this is the major annual festival	Responsibility	-PBP Working Committee -Commission of External Consultant	Indicative budget	\$50,000
Further Information		In 2011 the Paddington ALIVE Festival will be in its 3rd Year. The event will be eligible for NSW Tourism Funding Grants. The PBP needs to approach Woollahra Council for funding in the 2011 year.			

4.9 Develop and implement branding tools					
Action overview		Following the development of a branding strategy (see Strategic Action section), the PBP will need to create a set of branding tools that can be used throughout the area to reinforce the Paddington brand and its key messages. The choice of tools will be influenced by a number of factors, including budget, and may take a number of forms. Choices include <i>printed materials</i> , such as an area walking map and/or precinct walking maps, brochure, postcards; <i>promotional materials</i> , such as shirts, hats, badges, sunglasses; <i>business materials</i> , such as door plaques, window stickers, business cards or countertop displays; and <i>pubic domain materials</i> , such as banners and street furniture.			
Timeframe	Annually	Responsibility	-PBP Board, -PBP Working Groups, -City of Sydney resource	Indicative budget	Needs to be determined with the PBP Board
Further information		A prioritised calendar of tools is required to be prepared			

In terms of the funding request the indicative budget information of the above strategic actions are:

Strategic action	Indicative budget
2.2 Promote better business presentation	In kind
2.6 Regular newsletters	Design and e-marketing costs
2.7 Business to business loyalty program	Design and print costs
3.3 Develop and implement a style stories program	Tender to be issued
4.2 Establish a dedicated Paddington website	Tenders will need to be issued [From \$5,000 for stage 1 and up to \$18,500 for stage 2]
4.6 Maintain and grow the Paddington Alive Fashion Festival as the area's major annual festival	\$50,000 <small>see note below</small>
4.9 Develop and implement branding tools	Needs to be determined with the PBP Board

For this year the indicative budget identifies costings of \$5,000 for the establishment of a dedicated website and \$50,000 for the Paddington Alive Fashion Festival. Total costing for these strategic actions for this year is \$55,000. Costs associated with the other strategic actions are identified in the indicative budget as either in kind, undetermined or subject to tender.

Costs associated with strategic actions 2.6 regular newsletters and 2.7 business to business loyalty program, are likely to be nominal.

The Partnership's letter states that it has received \$150,000 in funding from the City of Sydney over the last 5 years both in the form of direct monetary support and small percentage of 'in-kind' support. This year the City of Sydney has given an undertaking to fund the Partnership's 2011 activities to the value of \$20,000 of direct funding with a further \$30,000 of value in-kind support (public venue/park hire waivers, etc.). Documents submitted with the Partnership's request include a Grant Agreement between the Council of the City of Sydney and the Partnership.

The Partnership's request for \$30,000 of monetary funding is considered to be well founded on the following basis:

- This would be our initial monetary funding for the Partnership
- The Partnership has a plan in place which provides sufficient justification for that level of monetary funding
- The information submitted with the Partnership's request, including the Strategic Plan which sets out actions for a 3 year period, and the Paddington Alive Event Summary (see Annexure 3) demonstrate that the Partnership plays an important role in reinvigorating and promoting the Paddington shopping precinct
- Its Strategic Plan includes actions consistent with and which support the actions previously endorsed by Council under the Oxford Street Paddington Commercial Centre Business Strategy

The other component of the Partnership's request is to waive development application fees for 2011 events applied for by the Partnership. The request does not include specific details of proposed events, apart from the Paddington Alive Festival. However, fees associated with development applications for events are unlikely to be significant. This is because:

Note: In 2011 the Paddington ALIVE Festival will be in its 3rd Year. The event will be eligible for NSW Tourism Funding Grants.
The PBP needs to approach Woollahra Council for funding in the 2011 year.

- As events are unlikely to involve the erection of a building, the carrying out of a work, the subdivision of land or demolition the maximum DA fee is fixed by the *Environmental Planning and Assessment Regulation 2000*, cl.250, at \$220
- Events are included as exempt development under our Exempt & Complying DCP (subject to certain criteria being satisfied) in which case there would be no fee

The remaining issue is the key performance indicators for the funded activities. It is considered that these should be linked to the action overviews as contained in the Strategic Plan for each of the relevant strategic actions as set out in the earlier tables.

An agreement should be prepared which sets out the terms under which funding is provided. The terms should include key performance indicators.

Identification of Income & Expenditure:

There will be no income associated with the funding in terms of Council's budget.

Budget expenditure will be \$30,000.

On 28/3/11 Council considered a report on the Draft DPOP. The Council's resolution included the following item that relates to the Partnership's request:

*THAT, in light of funding requests received from the Holdsworth Community Centre (including the impacts of the equal pay case) and the **Paddington Business Partnership** and pending a staff report being presented in relation to future usage of the EJ Ward Centre, the surplus funds identified in the report be held until a review of these matters is completed.*
(emphasis added)

The DPOP, including the 2011/2012 budget, was adopted by Council on 16/5/11. The allocation of funds for the Partnership, among a number of other items, was to be further considered following the Independent Regulatory & Pricing Tribunal's (IPART's) determination of our special rate variation application. Now that the IPART's determination has been handed down it is appropriate for the Partnership's request to now be included in the September quarterly budget review.

In the circumstances the Corporate & Works Committee should support the inclusion of \$30,000 of funding to the Partnership when the September quarterly review of the 2011/12 budget is considered.

5. Conclusion:

The Partnership's request for funding should be supported for the reasons given earlier in this report. The funding should be included in the quarterly review of the 2011/2012 budget in September.

An agreement should be entered into between the Council and the Partnership which sets out the terms under which the funding is granted. The terms of the agreement should include key performance indicators. The key performance indicators should be based on the Strategic Overview for each of the funded actions, as stated in the Strategic Plan.

The Mayor should be authorised to enter into the agreement on behalf of the Council.

Peter Kauter
Executive Planner

Allan Coker
Director – Planning & Development

ANNEXURES:

1. Letter dated 10/3/11 from the Paddington Business Partnership
2. Paddington Business Partnership Strategic Plan 2011 to 2014
3. Paddington Alive Event Summary

Item No: R2 Recommendation to Council
Subject: **Royal Australian Navy Sailing Association (RANSA) Proposed Lease Extension, Sir David Martin Reserve, 1C New Beach Rd, 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.

Recommendation:

- 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.

Background:

Sir David Martin Reserve at Rushcutters Bay is Crown Land (**Annexure 1**). Woollahra Council has been appointed as Reserve Trust Manager of the Rushcutters Bay Maritime Reserve Trust No 10007, as notified in NSW Gazette of 16 January 1987. Because Sir David Martin Reserve is Crown Land, the consent of the Minister administering the Crown Lands Act is required for all leases and sub-leases granted by the Trust Manager in relation to the reserve.

The Royal Australian Navy Sailing Association (RANSA) use of the boatshed and adjacent slipway on the Reserve over many decades had been well established prior to Council becoming the Trust Manager. In 2002, Council called for expressions of interest in regard to the mix of uses available at Sir David Martin Reserve. RANSA was chosen from that process to be granted a further lease and occupation of the boatshed.

Subject to the Minister's consent, Council as Reserve Trust Manager resolved at its meeting of 27 January 2004 to grant a 5 year lease with 5 year option period and enter into a lease with Maritime Authority for the 18 msquared slipway adjacent to the boatshed, transferring all of the obligations imposed by the lease to RANSA via a sub-lease; including that RANSA undertake to carry out internal structural upgrading works in accordance with the DA 358/2003 and lease conditions.

A letter was received from RANSA on 16 February 2005 requesting that the lease term be extended by a further two years because of time delay and performance concerns associated with remediation of site contamination.

Council resolved on 19 September 2005:

- A. *That, subject to the Minister's consent, Council agrees to extend the RANSA Boatshed lease term by a further two years, commencing on 1 June 2003 and expiring 31 May 2010 including the provision of a market review in 2009.*
- B. *That the lessee is to be responsible for all costs associated with the variation of the lease.*

RANSA entered into a Deed of Variation of Lease with Council. In accordance with the terms and conditions of that Deed, RANSA's current lease expired on 31 May 2010 and the lease option period was exercised for a further 5 years lease (terminates 31 May 2015). A current rent of \$40,755.48 pa (incl GST) is being paid by RANSA; with rent review to market on 1 June 2012 and annual CPI in the intervening years of the lease option term.

RANSA's activities at the Boatshed are maritime in nature and include sailing association meetings, organising yacht races on Sydney Harbour and maintenance of yachts at the facility. The Association requests an extension of the lease to bring some certainty to decisions involving their investment in the site, for example purchase of new yachts and equipment, and ongoing refurbishment of the Boatshed. In the period 2005/6 RANSA state that they incurred costs in excess of \$250,000 to improve part of the interior of the building by providing accessible toilets, new office space and interior deck. Replacement of the facilities within the Boatshed by RANSA has involved consultant costs of over \$80,000. RANSA has committed substantial investment in the maintenance and improvement of the Boatshed, demonstrating their commitment to its heritage protection and conservation.

Council over the last 10 years has also spent some \$30,000 on Boatshed building works, including replacement of the ceiling beam and termite infested structural timber beams. Council also spent in excess of \$156,000 on removal of contamination from the reserve.

A Development Consent was granted to RANSA for DA 44 /2010/1 on 25 May 2010. Subject to conditions, the consent approved development works comprising installation of solar panels, rainwater collection tanks and garbage enclosure screens; construction of awning type relief air vents and RANSA Club sign to east façade of the Boatshed.

Proposal:

A further request was received from RANSA dated 30 May 2011 (**Annexure 2**) which details a new proposal to extend the Boatshed lease. RANSA request that the lease be extended "for a further period of twenty (20) years from the end of the current lease with an option to renew for 5 years, or for as long a term as possible." The Sir David Martin Reserve Plan of Management (POM) authorises the use and lease by RANSA over the circa 1901 Boatshed. This proposed extension is consistent with the objectives of the POM; and would allow RANSA to continue its naval tradition and historic occupation of the site spanning some 63 years.

RANSA is a community based organisation which services and supports a diverse group of stakeholders including local charities, for example Sir David Martin Foundation and local community groups such as the Darling Point Society and Sailabilty NSW. The Association argues that many other similar organisations have lengthy Government leases (either Crown Lands or Maritime lease, or a combination), which enables them to plan well ahead for the future use because of the certainty of tenure.

Development Works

Pursuant to the DA 44/2010/1 consent, RANSA want to undertake new Boatshed development works, estimated at \$50,000, including renovation of the food preparation area, formal Rushcutter Room, storage and mezzanine areas. As these works will involve further significant capital expenditure by RANSA, the Association would like to ensure their long term occupation of the site is certain. RANSA has in 2010 repainted the exterior walls and put a heat reflecting membrane on the roof consistent with its heritage conservation, at a cost of \$30,000. Through these development works RANSA intends to improve the building's sustainability and green footprint, including use of a roof mounted solar electricity array and improving natural ventilation by installation of cross flow vents.

Slipway & Legacy Marina

RANSA has a 50% interest in a 20 year lease with NSW Maritime Authority over the adjacent Olympic Legacy Marina and Hardstand at Sir David Martin Reserve Rushcutters Bay. RANSA members have sought funding and managed much needed repairs of these facilities. This is another reason why RANSA wants to extend the existing Boatshed lease, so it runs simultaneously with the Legacy Marina lease. RANSA currently has a NSW Maritime sublease from Council for the 18m2 slipway which adjoins the Boatshed (**Annexure 3**). This has expired and is on annual holdover; however, we understand from recent correspondence with NSW Maritime, that RANSA's long term tenure of this slipway is supported.

Sayonara Slipway

RANSA would like to improve its access to Sydney Harbour by extending its lease to cover the area known as the Sayonara Slipway (**Annexure 4**). This would also involve construction of a timber platform over the existing slipway for the storage and launching of small vessels such as kayaks, laser sailing dinghies, and a response vessel. Subject to the availability of funds, RANSA believe that this would improve an area which currently is "unsightly" and turn it into a harbour access area. RANSA propose to preserve the heritage of this site. A letter of support from NSW Maritime is attached in **Annexure 5**.

Council's Team Leader , Open Space and Recreational Planning was consulted regarding RANSA's request to lease and develop the Sayonara Slipway. Their advice is that the proposal to extend the RANSA lease to cover the area known as the Sayonara Slipway is not supported by the Plan of Management. The plan clearly states that the "storage of watercraft" is a use that is not considered appropriate. Additionally, the provision of any lease over the slipway would make it difficult for [proposed] continuous foreshore access [public pedestrian pathway] from Rushcutters Bay Park to Yarranabbe Park. Any change to the current use of the Sayonara Slipway, away from what is permissible in the POM, would need a review of the current Sir David Martin Reserve POM, which would involve community consultation with local stakeholders, the relevant Government Dept's and local residents.

Liquor

RANSA has requested variation of the existing lease to include changes to optional types of function or liquor licence and operating hours. At present they have a function license, but propose to change to a small bar license for sake of member flexibility. Any variations of the lease conditions to permit extension of hours and sale of alcohol, will require the necessary approvals from the relevant authorities ie Police, Council and ultimately the Minister.

Legal Advice

Advice has been sought from HWL Ebsworth Lawyers in relation to the RANSA's proposal for a lease extension. They state that "Council is empowered to grant a lease of the boatshed to RANSA for more than 5 years subject to compliance with S102 of the Crown Lands Act, 1993." This requires Council as Reserve Trust Manager resolving to grant the lease and obtaining the Ministers consent to the proposal in writing. "Council (as Reserve Trust Manager) is also empowered to vary the lease by extending the term subject to Ministers consent."

HWL Ebsworth advises that current Crown Lands policy will not permit variation of the existing Lease to extend the lease term as proposed by RANSA.

If this proposal is acceptable, Council will need to enter into an Agreement for Lease with RANSA, documenting the proposed extension. The Minister's consent to the Agreement of Lease is also required and there must be public notice advertising of the Minister's intention to consent to the lease extension and Agreement for Lease.

RANSA has agreed to pay all costs in regard to the variation of lease and has stated that they "are very keen to proceed with the refurbishment and would be grateful for [Council's] assistance" in resolving the matter.

Conclusion:

RANSA have requested the lease of the Boatshed lease to be extended for a further period of twenty (20) years from the end of the current lease with an option to renew for five (5) years, or for as long a term as possible.

RANSA have also proposed to improve its access to Sydney Harbour by extending its lease to cover the area known as the Sayonara Slipway. However the Plan of Management does not permit the proposal and the granting of a lease to RANSA over the Sayonara Slipway is not supported.

HWL Ebsworth Lawyers have confirmed that Council is empowered under S102 of the Crown Lands Act, 1993 to grant a lease of the boatshed to RANSA for more than 5 years and vary the lease, subject to Council as Reserve Trust Manager resolving to grant the lease and obtaining the Ministers consent. HWL Ebsworth recommend that Council and RANSA enter into a binding Agreement for Lease which will entitle RANSA to obtain the new Lease for the extended term upon terms approved by Council and the Minister upon expiration of the term of the existing Lease.

It is recommended that Council agree to enter into an Agreement for Lease with RANSA, to extend the Boatshed lease term by a further twenty (20) years, commencing on 1 June 2015 and expiring 31 May 2035, which includes a five (5) year option period upon expiration of the Boatshed lease, commencing 1 June 2035 and expiring 31 May 2040. RANSA have also agreed to pay all costs incurred by Council in obtaining extension of the lease term and preparing the new lease.

Anthony Sheedy
Property Officer

Zubin Marolia
Manager Property & Projects

Tom O'Hanlon
Director, Technical Services

ANNEXURE:

1. Plan of Sir David Martin Reserve, 1C New Beach Road, Darling Point, and Boatshed shown in hatched relief.
2. RANSA letter to Council dated 30 May 2011
3. 18m2 slipway adjoining the Boatshed
4. Sayonara Wharf sketch Plan
5. NSW Maritime letter dated 31 March 2010

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.

Recommendation:

- 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.

Background:

Council has managed the Woollahra Preschool since 2003 which previously had been administered by a Management Committee. The Preschool provides an educational service to sixty children per day and provides a high level of educational and social interaction for children age 3-6 years of age.

The Preschool is located at Hugh Latimer Centre, 512-514 New South Head Road, Double Bay and is located on the first floor. There is no lift or ramps for access by people presenting with mobility restrictions and access to the building is by two flights of outside stairs.

The Preschool has recently received an application for a child to be enrolled in the 2012 school year. The child has a physical disability and will not be able to access the building. The current situation also presents with limitations for mothers with prams visiting their child in the class room, as they have to leave the pram outside and at the bottom of the stairs and any other visitors who have limited mobility.

The Preschool offers priority of access for children with disabilities however in the past only those with cognitive or social disabilities have been able to be accepted due to the physical restrictions to the building.

Legislative Requirements

The building does not comply with current legislation that specifies standards of access to a physical and social environment.

Arising from an inquiry undertaken by the NSW Ombudsman, Community Services (now Department of Education and Community) has reviewed clause 5.2 of the Service Agreements for all providers including the Woollahra Preschool. This clause requires a service provider to *'take all reasonable action to ensure that any premises at which Service Activities are conducted are physically accessible to people with a disability'*.

The clause has been expanded to provide details on the factors, including cost that could impact on a service provider's capacity to make their premises accessible. These factors would be taken into consideration should a complaint be made against a service provider under the Anti-discrimination Act, 1977.

The Disability and Discrimination Act 1992 also requires facilities to be accessible to all persons. Clause 23 (c) of the Act states: Access to premises:

"It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

(c) in relation to the provision of means of access to a premise."

Proposal:

It is proposed to install an external disability access lift at the rear of the Hugh Latimer Centre, outside Sherbrook Hall Local History Library in a suitable location adjacent to the stairs leading up to the Kindergarten.

Limited alterations will be required to the exterior fabric of the building. These would include covering over one of the windows of Sherbrook Hall to give a stable vertical surface to install the lift shaft and creating an opening in the fence to create a landing on to the Preschool deck to alight from the lift.

A section of footpath will need to be excavated to lay a new concrete pad to give a level surface for the lift shaft to be installed on and there will also be electrical works required.

Options:

There are local suppliers who manufacture lifts which are ideal for this type of application and can install lifts in a very short period, once the necessary approvals have been obtained. A suitable lift for this location is likely to be a free standing enclosure and rated to carry 400kg which will meet access requirements for the Preschool into the foreseeable future. The lift assembly would come in a range of colours which will ensure the lift can be tailored to match the aesthetics of the building and surroundings. Options will continue to be investigated but on preliminary investigations, this would appear to be the best and most cost efficient solution to the access issues of the Preschool.

A lift consultant has already assessed the site and has deemed it suitable for installation with minor associated building works to be arranged by Council's Property Department.

The cost to supply and install the lift is estimated at approximately \$65,000 and associated building and electrical/ancillary works are estimated at \$10,000 bringing the total project cost to \$75,000.

Identification of Income & Expenditure:

The Preschool income is derived from a Department of Education and Communities (DEC) recurrent grant of \$149,594 and from Council's Fees and Charges schedule to operate as a cost neutral program for Council.

There is no budgetary allocation of \$75,000 for these unforeseen lift installation works in the capital works budget. The Preschool reserve has adequate funds to cover the costs of this project and it is recommended that we utilise the Preschool reserves to fund this work so as not to impact on the 2011/2012 capital budget.

There are a number of government grant funding opportunities for capital upgrades with a number focussing on improvements to access to buildings. Staff will monitor and apply for appropriate funding as the opportunity arises.

Conclusion:

The installation of the free standing vertical platform lift as described above represents the most cost effective solution to the access problems which currently confront the Preschool. It is recommended that Council proceed with the lift installation project at the Preschool to improve accessibility to the facility and comply with the current legislation that specifies standards of access to a physical and social environment.

Zubin Marolia
Manager Property and Projects

Tom O'Hanlon
Director Technical Services

Mary Ttikirou Boyd
Director Preschool

Susan Turner
A/Director Community Services

ANNEXURES:

1. Suggested lift type
2. Photo's marking proposed location of lift

POLITICAL DONATIONS DECISION MAKING FLOWCHART FOR THE INFORMATION OF COUNCILLORS

