

Council Meeting

Monday 27 May 2013

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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 20 May 2013

- D1 Confirmation of Minutes of Meeting held on 6 May 2013
- D2 Monthly Financial Report - April 2013
- D3 Delivery Program 2009 to 2013 & Operational Plan 2012/13 (DPOP) Quarterly Progress Report March 2013 against Goal 6 - Getting Around, Goal 9 – Community Focussed Economic Development, Goal 10 - Working Together & Goal 11 - A Well Managed Council
- D4 Capital Works Program - Quarterly Progress Report March 2013

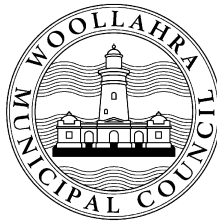
Development Control Committee Meeting held on Monday 20 May 2013

- D1 Confirmation of Minutes of Meeting held on 6 May 2013
- D2 DA45/2013 – 76 Old South Head Road, Woollahra – Alterations & additions to existing boarding house & rear building & the use of both buildings a boarding house – 19/2/2013
- D3 DA500/2012 - 1A Northland Road, Bellevue Hill – Extensive alteration & addition to the existing ground floor & new 1st floor addition with pitched roof & new front fence – 22/11/2012
- D4 DA60/2012 - 321 New South Head Road, Double Bay – Demolition of existing residential flat building & construction of a new four(4) storey residential flat building containing 14 units, 2 levels of basement car parking, subdivision, landscaping & siteworks – 15/2/2012
- D5 DA166/2012 part 2 – 15 Burrabirra Avenue, Vaucluse – Section 96 Application – Proposed modification deletion of Condition Nos. C.1(a) & (c) & modifications to the design of the pergola/privacy screen structure – 25/9/2012 – (See Item R1)
- D6 DA3/2013 – 18-19 Marine Parade, Watsons Bay – Alterations & additions to a dual occupancy under existing use rights provisions – 8/1/2013
- D7 DA293/2012 - 5 Wunulla Road, Point Piper – Remediation of the site, site preparation works including demolition of existing buildings, removal of slipway rails & fuel tanks including remediation of the site, Replace & upgrade existing Wunulla Road retaining wall, Erection of a new four storey dwelling, swimming pool & deck, Separate lift & staircase access to the Point Piper Marina – 18/7/2012 – (See Item R2)
- D8 DA268/2012 part 2 - 17 Faraday Avenue, Rose Bay - Section 96 Application – Proposed modification of a roof addition (3rd storey) to one of the dual occupancies & 2 skylights to the other, & the modification of Condition Nos. C.5, C.8, C.9 & E.9 – 21/2/2013
- D9 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
- D10 Register of SEPP 1 Objections

Urban Planning Committee Meeting held on Monday 13 May 2013 - No Meeting

Community & Environment Committee Meeting held on Monday 13 May 2013

- D1 Confirmation of Minutes of Meeting held on 22 April 2013
- D2 Woollahra Local Traffic Committee Minutes – 7 May 2013
- D3 Public Art Advisory Committee Minutes
- D4 Review of Community Development Programs and Projects
- D5 Albermarle Avenue & Wilberforce Avenue, Rose Bay – **See Item R1**
- D6 Road Sharing Education Programs
- D7 Policy for Traffic Management and Parking near Schools, Preschools and Childcare Centres



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 27 May 2013 at 8.15pm.**

Present: His Worship the Mayor, Councillor Andrew Petrie
Councillors Ted Bennett
Anthony Boskovitz
Luise Elsing
Elena Kirillova
Greg Levenston
Anthony Marano
Katherine O'Regan
Matthew Robertson
Susan Wynne
Jeff Zulman

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: Nil

Confirmation of Minutes

(Robertson/Wynne)

1/8 THAT the Minutes of the Council Meeting held on 13 May 2013 be taken as read and confirmed.

Adopted

Apologies

(Boskovitz/Robertson)

2/8 Apologies were received and accepted from Councillor Peter Cavanagh and Leave of Absence granted.

Adopted

Note: Leave of Absence has previously been granted to Councillors Elena Wise, Toni Zeltzer & Deborah Thomas.

Declarations of Interest

In accordance with section 451(2) of the Local Government Act 1993 Councillors Ted Bennett, Anthony Boskovitz, Luise Elsing, Elena Kirillova and Matthew Robertson submitted a "*Form of special disclosure of pecuniary interest*" in relation to Urban Planning Committee Matter of Urgency Item R2 (Amendments to Draft Woollahra Local Environmental Plan 2013 Prior to Public Exhibition).

Suspension of Standing Orders

Councillor Elsing

- 3/8 That Standing Orders be suspended to allow her to commend staff for the Open Day at the Local History Library and the library event to teach people how to use the facilities at the library.

Adopted

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

Councillor Elsing advised:

I wanted to commend the staff. I attended the Open Day at the Local History Library and I also attended the Library event that was for residents to go to the library and learn about how they can use some of the library facilities of the Woollahra Library. That includes on-line books and it provides time to teach people in our community how to access these on-line books through the Woollahra Library. The staff were excellent, it was very heavily attended and a fantastic event and I would like to pass my congratulations on to Kylie Washe's staff for having that event. It was very, very useful and wonderful to be a Councillor there.

The Local History Library Open Day was wonderful as well. I urge everyone to go and have a look, they have books, plans and original records and it was a wonderful event. The staff, Libby Watters, Jane Britten and Joan Ruthven were so helpful and it was just a fantastic event and I commend the staff.

The Council noted the information.

Councillor Boskovitz

- 4/8 That the Suspension of Standing Orders continue to allow him to advise Council of the joint Woollahra/Waverley e-waste collection.

Adopted

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

Councillor Boskovitz advised:

I went along and used the services of the joint Woollahra/Waverley e-waste collection at the Syd Einfeld Drive car park. I dropped off 5 computer screens, 6 computers, an old 1980's dual cycle air conditioner, a water cooler, old micro fiche and a couple of other things. The staff there, whether they be from the Councils or out sourced, were exemplary. They would get the stuff out of your car, they were fast, efficient, it was very well done and it is a good service for the Councils to have. They closed the car park, I went up there about 2.30pm and the drums were full so obviously it was very well utilised. I commend the staff, it is a good program and wish to see it continue.

The Council noted the information.

Mayoral Minute

Mayoral Minute No: 1

Subject: Tribute to the late Robin Brampton OAM

Author: Cr Andrew Petrie, Mayor of Woollahra

File No: 61.G

Reason for Report: To place on public record Council's admiration for the life of local resident and community advocate Robin Brampton OAM.

(Petrie/Elsing)

5/8 Resolved:

That Council formally write to Dorothy Brampton extending our sympathy and admiration for the contribution Robin made to our local community during his life.

Note: Councillor Marano advised that he and Councillor Elsing attended the Memorial Service to celebrate Robin's life at Lulworth House, Elizabeth Bay on 20 May 2013 on behalf of Council.

Mayoral Minute

Mayoral Minute No: 2

Subject: Local Government Review Panel - future directions for nsw local government

Author: Councillor Andrew Petrie, Mayor of Woollahra

File No: 566.G

Reason for Report: To present to the Council what I see as the structure of Council's submission in response to the Local Government Review Panel's Future Directions Paper and to outline steps I intend to take during this consultation period to inform our community of the strengths of this Council as a sustainable and responsive organisation.

(Boskovitz/Robertson)

6/8 **Resolved:**

- A. That Council endorse the position put forward in this Mayoral Minute relating to the latest Independent Local Government Review Panel report and draft recommendations.
- B. That the Mayoral Minute forms the basis of Council's submission to the Independent Local Government Review Panel due at the end of June.
- C. The Council note that following the meeting with the Independent Local Government Review Panel on Tuesday 28 May I will be working in consultation with our General Manager and Communications Manager on suitable communication strategies to inform and engage with our local residents in relation to the Panel's proposal for the amalgamation of Woollahra Council with up to seven councils to form a 'global city'.

Background:

The Independent Local Government Review Panel has released its "*Future Directions for NSW Local Government – Twenty Essential Steps*" paper and is inviting submissions in response to the paper until 28 June 2013. The paper presents detailed discussion on what the Panel see as twenty essential steps towards a new sustainable model for Local Government in NSW.

Woollahra Council is preparing a comprehensive submission in response to the Panel's latest paper. This submission will address each of the proposed twenty steps - many of which I believe have considerable merit for reshaping and strengthening the future of local government in NSW but do not require amalgamations to achieve. I will present Council's submission in a future Mayoral Minute.

At this point however, I have to say that as Mayor I cannot support the Panel's proposal for the amalgamation of Woollahra Council with the City of Sydney, Waverley, Randwick and Botany Bay Councils, and potentially the Councils of Leichhardt and Marrickville, as the Panel proposes in Step 15 – Reshape Metropolitan Governance. A 'global city' of this size, as the Panel refers to with a population of between 600,000 to 800,000 people, clearly does not keep the 'local' in Local Government for the residents of Woollahra or the other affected council areas.

As I have stated publicly, this Council cannot support the 'global city' idea because we haven't seen or heard any benefits for our local residents that would not be otherwise achieved through minor sensible reform and continuous improvement. The Panel's paper does not in any way justify the massive upheaval and disruption the implementation of the super-council idea would cause for local residents nor does it present evidence of any benefits to our communities. It is simply an idea, a philosophical position of the Panel than is not supported by evidence of any benefits to the community.

Similarly, there is no evidence that the size of a council determines efficiency or sustainability.

The purpose of this report is to inform the community that we are doing whatever is necessary to protect their interests and to present to the Council what I see as the structure of Council's submission in response to the Panel's Future Directions Paper.

I have also provided copies of Council's previous submissions to the Local Government Review Panel as Annexure to this Minute.

Discussion:

Council's submission should provide comment in response to each of the following twenty steps outlined in the Panel's paper:

1. Face the challenges of change
2. Create a Sustainable System
3. Keep the 'Local' in Local Government
4. Confront Financial Realities
5. Ensure Fiscal Responsibility
6. Bolster the Revenue Base
7. Tackle the Infrastructure Backlog
8. Promote Innovation, Productivity and Competitiveness
9. Advance Improvement and Accountability
10. Improve Political Leadership
11. Enhance the Status of Mayors
12. Revisit Council-Management Relations
13. Build Strong Regions
14. Reconfigure Rural Councils
15. Reshape Metropolitan Governance
16. Strengthen the Hunter, Central Coast and Illawarra
17. Establish a 'Western Region Authority'
18. Progress the State-Local Agreement
19. Refocus Local Government NSW
20. Drive and Monitor Ongoing Reform

As I previously mentioned, many of these steps, such as ensuring fiscal responsibility, bolstering the revenue base and tackling the infrastructure backlog have considerable merit and are essential elements of a sustainable system of local government in NSW.

Similarly, the concept of establishing a metropolitan Council of Mayors to provide a 'voice' for Sydney and to represent local government and local communities in high-level consultation with State and Federal Governments has merit and warrants further detailed analysis. SSROC has already endorsed this concept in its own submission to the Panel.

Our submission will strongly argue however that the massive upheaval that would result from the widespread amalgamation of councils proposed by the Panel, particularly in the Sydney metropolitan area, is unnecessary to achieve what I see as the desired outcome of reform – being the long term sustainability of councils in a high functioning system of local government.

Is reform necessary? Clearly the answer to this is ‘yes’ as there are many councils struggling to meet the challenges and demands of modern day local government – but many more are not. This has been Woollahra’s argument in our two previous submissions to the Panel which have highlighted the many elements of good local government that are working well, not only here at Woollahra, but no doubt similarly well at many councils in NSW.

High functioning councils such as ours need to be encouraged to continue their good work and supported by sensible strategies for reform that enable them to continue to develop and improve performance. Ensuring fiscal responsibility, bolstering the revenue base and tackling the infrastructure backlog are essential first steps in this challenge.

Our submission will argue that the State Government’s focus for reform of local government should be directed towards specific intervention strategies for those council areas that are clearly struggling to meet the demands and expectations of local communities. Each of these communities have targeted priorities and different financial capacities to deliver on those priorities. The financial capacity of our community is not in question. We can deliver.

Amalgamations and new models such as the proposed Western Region Authority may well be the answer to problems in specific areas of the State but there is clearly no business case that supports the Panel’s view that widespread amalgamation is the only solution to improving the ‘system’ that is local government.

Other matters that our submission should address include:

➤ ***Challenge the Panel’s Global City concept***

The Panel makes it clear that they see the amalgamation of 5 or 7 metropolitan councils (including Woollahra) as a means of exploring the concept of a “truly ‘global city’” for Sydney. However, it needs to be highlighted that international literature identifies the characteristics of a true global city – including; business activity; human capital; information exchange; cultural experience; and political engagement.

Some of the general characteristics referred to when talking about global cities include:

- Home to major stock exchanges and indexes
- Influential in international political affairs
- Home to world-renowned cultural institutions
- Service a major media hub
- Large mass transit networks
- Home to a large international airport
- Having a prominent skyline

These characteristic do not include geographical boundaries.

Sydney, in its entirety, is already internationally recognised in the top 10 global cities of the world based on these generally accepted characteristics. Local Government boundaries in the eastern suburbs of Sydney are clearly not a determining factor for Sydney's recognition as a 'truly global city' – Sydney already is a truly global city.

Similarly, the provision of local services to local communities is not a characteristic of a global city. The provision of local services to local communities is the role of local government. This is what keeps the 'local' in local government.

➤ ***Reform of Local Government v New Local Government***

Our submission will argue that what is proposed through widespread amalgamation of local government in NSW but rather, a drastic attempt to create a higher functioning system of local government in the absence of specific evidence to demonstrate that it will work. Questions we will ask the Panel in our submission about this 'new' model for local government include:

- What are the benefits to local communities of this new Local Government?
- What will be the establishment costs?
- Where is the risk analysis?
- Where is the evidence that it will deliver any tangible benefits?
- Where is the evidence that the benefits will exceed the costs?
- How will the amalgamations be funded – more debt, more deficits, more rates?

A properly constructed business case would have answered these questions but the Panel has failed to produce any of these answers.

There are significant risks associated with any major project or reform program and a business case is essential to mitigate associated risks.

The Panel references reform of local government in Auckland as a model – yet a report from the Office of the Auditor-General in New Zealand states that more than \$100 million has been invested in setting up the new Auckland Council's financial, procurement and payroll systems and the associated monitoring and management alone. Using this as a guide across what the Panel proposes for the greater Sydney area could cost Sydney ratepayers hundreds of millions of dollars – and for what benefit? Is it to accomplish 'strategic capacity' or is it to create a structure delivering 'local' benefits to communities funded by local communities?

The hundreds of millions of dollars spent on amalgamations would go a long way towards fixing the infrastructure backlog for local communities.

➤ ***The Strategic Capacity Argument***

The Panel has stated publicly that the proposed reforms, including amalgamations, are not a cost saving exercise. Rather, they state the goal as being to enhance the 'Strategic Capacity' of local government with respect to:

- Coping with complex challenges and unpredictable change
- More robust revenue base
- Scope to undertake new functions/major projects
- Ability to employ wider range of skilled staff
- Knowledge, creativity and innovation

- Credible ‘real’ partner for State and Federal Government

Again there is no evidence to demonstrate that this goal of enhancing ‘strategic capacity’ will be achieved at all, or indeed any financial, structural or governance benefits will result – particularly for Woollahra residents and ratepayers.

My strong view on this is that what the Panel is proposing through amalgamation is a significant and unnecessary risk that may not deliver any benefits at all – either strategic or financial. What will be the ultimate cost of this risk and will it pay off?

Our community will not want to take this risk and nor should they. There is a very strong connection between paying rates in return for services but there is little or no evidence to suggest there is a connection between rates and a desire for super cities and the notion of enhanced strategic capacity

Local communities want local services and local connections – they are the things that matter most and this Council is well positioned to continue to provide both of these to our residents very well.

➤ *Woollahra’s Capacity*

Woollahra Council is well positioned financially to deliver local services –the TCorp report has confirmed this. Financially we are rated as ‘Moderate’ with a ‘Neutral’ outlook. While TCorp have said this rating is fine, we want to improve on this and our long term financial modelling is ‘hard evidence’ that we can do better. This is more evidence than is presented in the Panel’s report about the benefits of amalgamation.

Our aim is to move from ‘Moderate and Neutral’ to ‘Sound’ or even ‘Strong’ and with a ‘Positive’ outlook and we are already in discussions with TCorp on what we need to do to achieve this. We will consider options in this regard over the coming months, and part of our strategy may be to ask our residents to pay a little more each week to have the benefit of improved services and faster infrastructure renewal. We have asked our community similar questions in the past and the answer has always been yes.

Will amalgamation deliver improved services to Woollahra residents? In the absence of a business case we don’t know – but the Panel has already told us that amalgamating Woollahra is their preference. My intention is to ask our community directly what they think and I will present further information on how we might do this to Councillors shortly.

What we do know already from combined rates modelling of Randwick, Waverley and Woollahra Councils is that Woollahra residents will be paying higher rates under amalgamation with no improvement in services. I don’t believe this is the best outcome for our community.

Higher rates in Woollahra to fund improved services in Waverley and Randwick - how does the Mayor of Woollahra tell our residents that’s a good idea?

Where to from here:

There are two community forums I will be attending with the General Manager this week where I will have the opportunity to participate in discuss on the Panel’s report and to debate the topic of amalgamation.

The first of these community forums was hosted by NewsLocal earlier this evening at Sydney Boys' High School. The Global City Community Forum provided Mayors from the City of Sydney, Leichhardt, Marrickville, Randwick, Waverley and Woollahra with the opportunity to speak for a few minutes on our response to the Independent Local Government Review Panel's idea for a global city. It was an interesting debate and whilst I was unable to stay for all of it I think there will be a lot more community feedback to come. The outcome of this forum was agreement from the councils present to make a combined submission to the Panel. I will circulate that submission when it is available.

The second forum is a meeting with the members of the Review Panel and the Mayors, Councillors, General Managers and Senior staff of the proposed amalgamated 'global city' Councils on Tuesday.

Information gathered from these forums will also inform the structure of our submission.

Following our meeting with the Independent Local Government Review Panel tomorrow I will be working in consultation with our General Manager and Communications Manager on a suitable communication strategy to inform and engage with our local residents on their response to the global city idea.

Conclusion:


The purpose of this Mayoral Minute has been to present details of what I see as the structure of Council's submission in response to the Panel's Future Directions Paper. In particular, the Minute is to inform our community of what must be this Council's response to the proposed amalgamation of Woollahra Council into a 'global city'.

The Independent Local Government Review Panel have failed to present clear evidence of any specific benefits to be achieved from the proposed amalgamations and have provided no details of how much this widespread and drastic approach to reform of local government in NSW will cost. Quite simply, there is no business case to support the amalgamation proposal.

My position from the start of this debate on the future of local government in NSW has been to support the State Government's stated position of no forced amalgamations. Further, I have publicly stated that I support reform but I cannot support a proposal for the amalgamation of Woollahra Council in the absence of clear evidence of benefits to the community that cannot be delivered under us remaining a Council in our own right.

The Panel's latest paper presents no evidence whatsoever to change my mind. In fact, its lack of evidence should make Woollahra residents quite nervous.

Finally, I reiterate comments made in Council's submission to the Panel in March. Just as the state government recognises the need for specific specially honed planning instruments to reflect the strategic visioning for specific areas, the state government should equally recognise the need for specific intervention strategies for individual local areas and councils to ensure the future environmental, social and financial sustainability of those areas.



Cr Andrew Petrie
Mayor

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 20 May 2013 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Woollahra Seniors & Community Centre Building Project**
Author: Zubin Marolia – Manager Property & Projects
File No: Tender No 12/22
Reason for Report: To recommend to Council the acceptance of a Tender

(O'Regan/Wynne)

7/8 Resolved without debate:

- A. That Council enter into a Lump Sum contract for \$500,149 (excluding GST) with Keystone Projects Group Pty Ltd for the access upgrade and refurbishment of facilities at the Woollahra Seniors & Community Centre.
- B. That the successful and unsuccessful tenderers be advised accordingly.

Item No: R2 Recommendation to Council
Subject: **Tender 12/20 - Provision of Consultancy Services for the Double Bay Library fit out Design and Project Management**
Author: Kylie Walshe, Director Community Services
File No: Tender No 12/20
Reason for Report: To recommend to Council the acceptance of a Tender

(O'Regan/Wynne)

8/8 Resolved without debate:

- A. That Council accept the tender from BVN Donovan Hill for the Provision of Consultancy Services for the Double Bay Library Fit out Design & Project Management (Portion 1) for the sum of \$436,655 (excluding GST).
- B. That Council not accept any of the tenders received in response to Tender 12/20 Provision of Consultancy Services for the Double Bay Library Fit out Design and Project Management (Portion 2) and enter into direct negotiations with BVN Donovan Hill or other suitable organisations in accordance with Clause 178 of the Local Government (General) Regulation 2005, noting that Council does not consider the tender price from BVN Donovan Hill represents best value for money to Council.
- C. That the successful and unsuccessful tenderers be advised accordingly.

Item No: R3 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 fee payable to the Mayor and Councillors.

(O'Regan/Wynne)

9/8 Resolved without debate:

- A. That, in accordance with Section 248 of the Local Government Act 1993, Council fix the annual fee for Councillors at an amount of \$17,490 per Councillor for the period 1 July 2013 to 30 June 2014.
 - 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 \$38,160 for the period 1 July 2013 to 30 June 2014.
-

Item No: R4 Recommendation to Council
Subject: **2012/2013 Budget Review for the Quarter ended 31 March 2013**
Author: Trang Banfield – Systems and Management Accountant
Michelle Phair – Team Leader Financial Services
Don Johnston - Manager Finance
File No: 331.G 2011/2012
Reason for Report: To report on the review of the 2012/2013 Budget for the quarter ended 31 March 2013

(O'Regan/Wynne)

10/8 Resolved without debate:

- A. THAT the report be received and noted.
 - B. THAT Council note the statement from Council's Manager Finance that Council's overall financial position remains satisfactory.
 - C. THAT the recommended variations to the 2012/13 budget outlined in the report be adopted.
-

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 20 May 2013 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
- Subject:** **15 Burrabirra Avenue, Vacluse – Section 96 Application – Proposed modification deletion of Condition Nos. C.1(a) & (c) & modifications to the design of the pergola/privacy screen structure – 25/9/2012**
- Author:** David Booth – Senior Assessment Officer
- File No:** DA166/2012 part 2
- Reason for Report:** In accordance with Council’s meeting procedures and policy this matter has been called to full Council by Councillor Ted Bennett for the following reasons:
- To defer matter until such time as the objector has had reasonable time to look over the amended plans and drawings submitted by the applicant (noting this matter was deferred 3 months ago)
 - To deal with the matter of a significant development on the boundary of both properties

Note: Late correspondence was tabled at the meeting from Chris Howe.

(Boskovitz/Bennett)

11/8 Resolved:

That the matter be referred to a DCC Site Inspection Meeting to be held on Wednesday 29 May 2013, the applicant be requested to erect height poles for the site inspection and the report of the site inspection be submitted to the Development Control Committee for determination under delegated authority subject to the Committee’s normal delegations and safeguards.

- Item No:** R2 Recommendation to Council
- Subject:** **5 Wunulla Road, Point Piper – Remediation of the site, site preparation works including demolition of existing buildings, removal of slipway rails & fuel tanks including remediation of the site, Replace & upgrade existing Wunulla Road retaining wall, Erection of a new four storey dwelling, swimming pool & deck, Separate lift & staircase access to the Point Piper Marina – 18/7/2012**
- Author:** Adrian Gilderdale – Assessment Officer
- File No:** DA293/2012
- Reason for Report:** As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, in accordance with Council’s Policies and Procedures, both the Motion and the Amendment are referred to Council for consideration.
- Note:** Late correspondence was tabled at the meeting from Council’s Assessment Officer, Adrian Gilderdale, Sharron Stewart, Dean Scotton, Maureen Peatman and Goran Stojanovic.

**Motion moved by Councillor Boskovitz
Seconded by Councillor Levenston**

That the motion moved at the Development Control Committee for approval of the application be adopted with the inclusion of the additional conditions recommended in the late correspondence from Council’s Assessment Officer, Adrian Gilderdale.

**Amendment moved by Councillor Kirillova
Seconded by Councillor Elsing**

That the matter be referred to a DCC Site Inspection Meeting.

Foreshadowed Amendment advised by Councillor Wynne

That consideration of the matter be deferred to allow the applicant to address the concerns of view loss from the public domain.

**The Amendment moved by Councillor Kirillova and
Seconded by Councillor Elsing was put and Lost**

**Amendment moved by Councillor Wynne
Seconded by Councillor Zulman**

That consideration of the matter be deferred to allow the applicant to address the concerns of view loss from the public domain.

Foreshadowed Amendment advised by Councillor Robertson

That the application be refused.

**The Amendment moved by Councillor Wynne and
Seconded by Councillor Zulman was put and Carried**

The Amendment became the Motion**As no further Amendments were moved the Motion was put and Adopted****(Wynne/Zulman)****12/8 Resolved:**

THAT the Council, defer Development Application No. 293/2012 for remediation of the site, site preparation works including demolition of the existing buildings, removal of slipway rails and fuel tanks, replace and upgrade existing Wunulla Road retaining wall, erection of a new four storey dwelling, swimming pool and deck and separate lift and staircase access to the Point Piper Marina on land at 5 Wunulla Road Point Piper, to allow the applicant to address the concerns of view loss from the public domain.

Note: A Division was called by the Mayor Councillor Petrie and Councillor Boskovitz.

For the Motion

Councillor Wynne
Councillor Zulman
Councillor Marano
Councillor Elsing
Councillor Kirillova
Councillor Robertson

Against the Motion

Councillor Boskovitz
Councillor Bennett
Councillor Levenston
Councillor O'Regan
Councillor Petrie

6/5

Matter of Urgency Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 27 May 2013 Submitted to the Council for Determination

Item No: R2 Recommendation to Council

Subject: **Amendments to Draft Local Environmental Plan 2013 Prior to Public Exhibition**

Author: Brendan Metcalfe –Strategic Planner
Anne White – Senior Strategic Planner

File No: 1064.G (Principal LEP Draft Woollahra Plan)

Reason for Report: To obtain a decision to approve amendments to Draft Woollahra Local Environmental Plan 2013 prior to public exhibition.

Note: In accordance with section 451(2) of the Local Government Act 1993 Councillors Ted Bennett, Luise Elsing, Elena Kirillova and Matthew Robertson submitted a “*Form of special disclosure of pecuniary interest*” in relation to this Item.

(Levenston/O’Regan)

Resolved:

13/8 That in accordance with Council’s Code of Meeting Practice, Item R2 of the Urban Planning Committee Meeting held on 27 May 2013 be brought forward as a Matter of Urgency to assist with meeting the timeframe for completing the Draft LEP.

Adopted

The Mayor ruled Urgency.

(Levenston/O’Regan)

14/8 Resolved:

A. That the amendments to Draft Woollahra Local Environmental Plan 2013 outlined in the report to the Urban Planning Committee of 27 May 2013 be submitted to the Department of Planning and Infrastructure for inclusion in the Draft LEP prior to its public exhibition. Specifically:

1. 26 mapping amendments identified in Table 1
2. Inclusion of five additional water-based land uses as permissible with consent in Zone RE1 Public Recreation
3. That the four properties identified in the late correspondence to Item R2 to the Urban Planning Committee of 27 May 2013 be included on the Heritage Map and *Schedule 5 – Environmental Heritage* of the Draft LEP.

- B. That Table 1 of the report be amended to refer to the following properties:
Site 7: 13 Ian Street and 835 New South Head Road, Rose Bay
Site 23: 2-70 Edward Street, Woollahra
Site 24: 203-233 New South Head Road, Edgecliff

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 Bennett
Councillor Boskovitz
Councillor Elsing
Councillor Kirillova
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Robertson
Councillor Wynne
Councillor Jeff Zulman
Councillor Petrie

Nil

11/0

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 13 May 2013 Submitted to the Council for Determination

Item No: R1 Delegated to Committee
Subject: **Albermarle Avenue & Wilberforce Avenue, Rose Bay**
Author: Cathy Edwards-Davis, Manager Engineering Services
File No: 900.G
Reason for Report: Response to Notice of Motion

Note: In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Susan Wynne for the following reasons:

I believe these streets suffer greatly from boat and trailer parking and this has a huge impact on the safety of residents particularly those who have children attending Rose Bay public school. I strongly believe restrictions should be implemented to address safety concerns.

(Wynne/Elsing)

15/8 Resolved:

- A. THAT Council note the staff recommendation that no further action be taken with regards to the installation of parking restrictions in Albermarle Avenue and Wilberforce Avenue, Rose Bay for the reasons outlined in the report.
 - B. THAT the Traffic Committee be asked to consider the options presented in the report and to advise the Community & Environment Committee of its preferred option in the event that Council decides to implement traffic restrictions taking into consideration the large primary school in the vicinity.
-

Notice of Motion

Item No: 1
From: Councillors Petrie, Thomas and Cavanagh
Date: 22 May 2013
File No: 900.G

Note: Late correspondence was tabled by George Karanvanas & Forooz Normoyle.

(Boskovitz/O'Regan)

16/8 That Part B of Council's resolution of 13 May 2013 relating to Development Control Committee Item R1 (63 William Street, Paddington) be amended by deleting the second dot point that required "the colour scheme be revised to a traditional colour, or colours of a hue, tone and intensity to match traditional colours."

Part B of the resolution to now read:

PART B

THAT the unauthorised work is to be removed and the following remedial work is required to be undertaken within 28 days of the date of this determination:

- the ground floor windows to the front façade and side elevation be reconstructed to timber double-hung sash windows.

Adopted

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/Bennett)

17/8 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted

The following questions were asked:-

Councillor Boskovitz asking:

Can Council publish on its website a link to the NSW Government's Boat Trailer Working Party which asks stakeholders to make submissions on boat trailers in their streets?

Director Technical Services in response:

I believe action has already been taken on this but if it hasn't, it will.

Councillor Boskovitz asking:

There is a continuing issue of stormwater management in Watsons Bay. What work is the Council doing to mitigate the damage flooding does in the Watsons Bay basin?

Director Technical Services in response:

On notice.

Councillor Boskovitz asking:

Rose Bay commercial area is looking a little bit under loved at present.

Whilst the dialogue with regards the Double Bay, Paddington and Queen Street Woollahra has been at the top of the pile, Rose Bay commercial area has been somewhat left behind.

Whilst the shopkeepers and landlords do a good job of managing their patches, public areas in the area have been dirty and seemingly unkept lately.

What is Council's program of cleaning in the area and can Council staff ensure that adequate resources are given to Rose Bay to ensure it is as pristine and clean as possible?

Director Technical Services in response:

On notice.

Councillor O'Regan asking:

Can you advise as to the purpose and the party responsible for the barriers located on Court Road, Double Bay?

Also, the duration in which they are expected to be in place and what is being planned to mitigate the loss in parking?

Director Technical Services in response:

The work is to do with the upgrade of some stormwater assets there. I will have to take On notice the duration, I am not sure when it's going to be finished.

There being no further business the meeting concluded at 9.26pm.

We certify that the pages numbered 1689 to 1711 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 27 May 2013 and confirmed by Council at the ordinary Meeting of Council on 11 June 2013 as correct.

General Manager

Mayor