

# Council Meeting

Monday 13 August 2007

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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 6 August 2007

- D1 Confirmation of Minutes of Meeting held on 16 July 2007
- D2 Monthly Financial Report - June 2007
- D3 44B Fairfax Road, Bellevue Hill - Proposed Road Closure and Sale
- D4 Roads, Traffic and Transport Principal Activity - 4<sup>th</sup> Quarter Management Plan Review
- D5 Organisation Support Principal Activity - 4<sup>th</sup> Quarter Management Plan Review
- D6 Environmental and Infrastructure Works Program - 4<sup>th</sup> Quarter Management Plan Review
- D7 Reconstruction and Upgrading of the Watsons Bay Baths
- D8 Cross Street Carpark - Provision of Temporary Golf Cart Service for Transporting Patrons

### Development Control Committee Meeting held on Monday 6 August 2007

- D1 Confirmation of Minutes of Meeting held on 16 July 2007
- D2 DA883/2006 – 80 Darling Point Road, Darling Point – Demolition of existing house & erection of new house & pool – 22/12/2006
- D3 DA796/2006 – 71 Drumalbyn Road, Bellevue Hill – Alterations & additions - 27/11/2006
- D4 DA136/2007 – 25 Hopetoun Avenue, Vaucluse – Demolition of existing dwelling-house & construction of a new dwelling-house with basement level car parking, swimming pool, landscaping & siteworks – 8/3/2007
- D5 DA270/2007 – 49 Holdsworth Street, Woollahra – Alterations & additions including extensions to the rear wing & 1st floor – 1/5/2007
- D6 DA674/2006 – 223 Sutherland Street, Paddington – Alterations & additions to an existing building to a dwelling-house – 29/9/2006
- D7 DA182/2007 – 2 Loch Maree Place, Vaucluse – Alterations & additions to existing swimming pool including a new timber deck & boat storage locker – 28/3/2007
- D8 DA748/2006 – 625 New South Head Road, Rose Bay – Demolition of existing dwelling-house – Erection of new residential flat building consisting of five apartments with basement level car parking – construction of two swimming pools – Landscaping & siteworks – 27/10/2006
- D9 DA725/2006 – 14 Marine Parade, Watsons Bay – Demolition of existing dwelling & construction of a new dwelling-house – Landscaping works – 18/10/2006
- D10 Register of Current Land and Environment Court Appeals for Development Applications
- D11 DA555/2006 – 419-421 New South Head Road, Double Bay (George's Restaurant), 423-431 New South Head Road, Double Bay (Golden Sheaf Hotel) – Alterations and additions to the existing Golden Sheaf Hotel and George's Restaurant, change of use of George's Restaurant to a Hotel and the use of Level 3 of the Golden Sheaf Hotel as offices

### Urban Planning Committee Meeting held on Monday 23 July 2007

- D1 Confirmation of Minutes of Meeting held on 9 July 2007
- D2 Built Environment Principal Activity – Fourth Quarterly Management Plan Review

### Community & Environment Committee Meeting held on Monday 23 July 2007

- D1 Confirmation of Minutes of Meeting held on 9 July 2007
- D2 Draft Management Plan for Macquarie Lightstation
- D3 Review of Resident Permit Parking in Resident Permit Parking Area Woollahra 1 at Bondi Junction
- D4 Natural Environment Principal Activity - 4<sup>th</sup> Quarter Management Plan Review
- D5 Parks & Public Space Principal Activity - 4<sup>th</sup> Quarter Management Plan Review
- D6 Community Services - Management Plan Quarterly Report



# Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 13 August 2007 at 8.03pm.**

Present: Her Worship the Mayor, Councillor Keri Huxley  
Councillors Anthony Boskovitz  
John Comino  
Claudia Cullen  
Christopher Dawson  
Tanya Excell  
Wilhelmina Gardner  
Julian Martin  
Andrew Petrie  
Geoff Rundle  
Isabelle Shapiro  
David Shoebridge

Staff: A Coker (Director – Planning & Development)  
G Clarke (Director – Corporate Services)  
W Hatton (Director – Technical Services)  
G James (General Manager)  
K Walshe (Director – Community Services)  
L Windle (Manager – Governance)

Also in Attendance: Nil

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## Confirmation of Minutes

(Petrie/Martin)

**1/14** THAT the Minutes of the Council Meeting held on 23 July 2007 be taken as read and confirmed.

**Adopted**

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## Apologies

(Petrie/Martin)

**2/14** Apologies were received and accepted from Councillors Sinclair King and Walker and Leave of Absence granted.

**Adopted**

**Note:** Leave of Absence has previously been granted to Councillor Marcus Ehrlich.

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## Declarations of Interest

Nil

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## Suspension of Standing Orders

### Motion moved by Councillor Shapiro

- 3/14** That Standing Orders be suspended to pay tribute to Trish Menzies, a former staff member who recently passed away.

### Adopted

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

Councillor Shapiro advised:

Trish Menzies tragically passed away recently. Trish was a member of Council's Community Services Division until earlier this year. She was responsible for the formation of the Community Safety Committee in its present form and had a great community spirit. Trish worked here for a number of years with all members of Woollahra's Safety Committee and with many of the Councillors.

### Motion moved by Councillor Shapiro Seconded by Councillor Comino

- 4/14** That condolences on behalf of Council and Councillors be sent to Trish Menzies husband and children.

### Adopted

### Motion moved by Councillor Comino

- 5/14** That Standing Orders remain suspended to allow him to advise Council of two staff members who recently received long service awards.

### Adopted

The Mayor permitted the continuation of the Suspension of Standing Orders.

Councillor Comino advised:

Last Thursday on 9<sup>th</sup> August there was the long service awards for staff. It is important to recognise long serving staff, particularly in this day and age when security of tenure, in government, non government or otherwise, is a rarity. In local government in particular corporate knowledge is a very important issue and we recognise this at this Council. A number of awards were made on the day but two of the most significant awards were to our General Manager, Gary James with 20 years service and Warren "Bluey" Turner, with 35 years service.

The Council noted the information.

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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 6 August 2007 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Transfer of the Council's Public Ferry Wharves to NSW Maritime**  
**Author:** Greg Stewart - Project Manager Strategic Projects and Policy  
**File No:** 908.G  
**Reason for Report:** To obtain Council's approval to the signing of the necessary documentation to effect the transfer of the ownership of the Council's public ferry wharves to NSW Maritime

(Martin/Shapiro)

**6/14 Resolved without debate:**

That Council's General Manager be authorised to sign the necessary documentation to effect the transfer of ownership of the Rose Bay, Double Bay and Darling Point public ferry wharves to NSW Maritime.

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**Item No:** R2 Recommendation to Council  
**Subject:** **Tender for the Supply of Tree Removal, Tree Pruning and Associated Services**  
**Author:** Joe Cavagnino - Purchasing Co-ordinator  
**File No:** Tender 07/08  
**Reason for Report:** To recommend to Council the acceptance of a Tender

(Martin/Shapiro)

**7/14 Resolved without debate:**

- A. That Council enters into a panel contract arrangement with: Active Tree Services Pty Ltd, All Suburbs Tree Services Pty Ltd, Advanced Tree Services Pty Ltd and Plateau Tree Services Pty Ltd for various tree maintenance services for a period of 3 years.
  - B. That successful and unsuccessful tenderers be advised accordingly.
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**Item No:** R3 Recommendation to Council  
**Subject:** **Statutory Review of Policy - Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Councillors Policy**  
**Author:** Les Windle - Manager Governance  
**File No:** 18.G  
**Reason for Report:** For Council to fulfil its statutory requirement to review and publicly exhibit a proposed policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

(Martin/Shapiro)

**8/14 Resolved without debate:**

That the draft Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy as contained in Annexure 3 of the report to the Corporate and Works Committee meeting on 6 August 2007 be placed on public exhibition for a period of not less than 28 days and a further report be submitted to the Committee at the conclusion of the exhibition period.

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## Community & Environment Committee

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### Items with Recommendations from the Committee Meeting of Monday 23 July 2007 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** Guidelines for Local Traffic Committees  
**Author:** Frank Rotta – Traffic Engineer  
**File No:** 595.G  
**Reason for Report:** To inform Council of the recently adopted Guidelines for the operation of Local Traffic Committees

**Motion moved by Councillor Rundle  
Seconded by Councillor Petrie**

That the recommendation be adopted subject to the inclusion of an additional part H to read as follows:

- H. That the Council write to the RTA and the Traffic Committee indicating its regret of the decision of the RTA to require the absence of the public and in particular the members of the public making submissions.

**Amendment moved by Councillor Shoebridge  
Seconded by Councillor Shapiro**

- A. That the matter be referred back to the Community and Environment Committee to determine a position that states that Council is opposed to any secretiveness by any of our committees and that Council seeks an open, transparent and accountable process so that the community can be involved in all stages of the decision making process.
- B. That the Traffic Committee agenda be circulated on the last Tuesday of the month.
- C. That live minutes be recorded during the Traffic Committee meetings and that Traffic Committee members be requested to sign off on the minutes at the completion of the meeting.
- D. That the minutes of the Traffic Committee be circulated to Councillors on the Thursday following each meeting.
- E. That the minutes of the Traffic Committee be placed on the web-site on the Friday following each meeting.
- F. That the minutes of the Traffic Committee record all decisions as being either unanimous support, majority support, split vote, minority support, or unanimous decline.

**Foreshadowed Amendment advised by Councillor Martin**

That the recommendation from the Community and Environment Committee be adopted.

**Note:** Following further debate, Councillor Martin advised that he withdrew his notice of a Foreshadowed Amendment.

**The Amendment was put and carried**  
**The Amendment became the Motion**  
**The Motion was Adopted**

**9/14 Resolved:**

- A. That the matter be referred back to the Community and Environment Committee to determine a position that states that Council is opposed to any secretiveness by any of our committees and that Council seeks an open, transparent and accountable process so that the community can be involved in all stages of the decision making process.
  - B. That the Traffic Committee agenda be circulated on the last Tuesday of the month.
  - C. That live minutes be recorded during the Traffic Committee meetings and that Traffic Committee members be requested to sign off on the minutes at the completion of the meeting.
  - D. That the minutes of the Traffic Committee be circulated to Councillors on the Thursday following each meeting.
  - E. That the minutes of the Traffic Committee be placed on the web-site on the Friday following each meeting.
  - F. That the minutes of the Traffic Committee record all decisions as being either unanimous support, majority support, split vote, minority support, or unanimous decline.
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**Item No:** R2 Recommendation to Council  
**Subject:** **Community Grants Program**  
**Author:** Kylie Walshe  
**File No:** 30.G / 1142.G  
**Reason for Report:** To give consideration to applications for Section 356 Community Grants from local community groups /services.

(Boskovitz/Comino)

**10/14 Resolved without debate:**

- A. That Council adopt the recommendation for the allocation of Community Grants for 2007/08 under Section 356 of the Local Government Act, and in accordance with Council's adopted policy objectives and selection criteria.
  - B. That Council adopt the recommendation for the allocation of Community *Environmental* Grants for 2007/08 under Section 356 of the Local Government Act, and in accordance with the selection criteria.
  - C. That a review of the Policy and Guidelines for the grants program be undertaken and reported to Council in early 2008.
  - D. That Council consider the allocation of additional funds to Community Grants in future years.
  - E. That a function be organised to present and celebrate the awarding of the Community Grants and Community *Environmental* Grants to successful organisations.
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## Notices of Motion

**Item No:** 1  
**From:** Councillor Shoebridge  
**Date:** 24 July 2007  
**File No:** 900.G

**(Shoebridge/Petrie)**

**11/14** That Council move this motion for adoption at the upcoming NSW LGA Conference

RE: Planning Laws

1. Conference notes:
  - (a) that changes to the Environmental Planning and Assessment Act since 2004 have resulted in a reduction in protection of environmentally sensitive sites, a reduced role for local councils in determining development applications, an increase in the powers of the Minister for Planning, an increase in the complexity of development approval processes and a decrease in community involvement in decision making about development applications,
  - (b) that the Minister for Planning, the Urban Taskforce and the Property Council have launched a concerted media campaign to attack councils in order to justify removal of all powers to determine development applications from elected councils,
  - (c) the call by the LGA 2006 Conference for the NSW government to reinstate Environmental Impact Assessment and community consultation processes for all development activity and guarantee that councils will retain the power to determine development within their municipality has been rebuffed by the Minister for Planning.
2. Conference re-affirms its commitment to the central role of elected councilors, as representatives of their communities, in the determination of development applications that will have a significant impact on the community.
3. Accordingly Conference calls on:
  - (a) the LGA Executive to coordinate as a matter of urgency a political campaign in opposition to the latest moves to reduce the role of councils and their communities in determining development applications and to produce materials to publicly rebut the claims being made by developer lobby groups and the Planning Minister that seek to blame councils for slow approval processes,
  - (b) all NSW councils to support the LGA campaign.

**Adopted unanimously**

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**Item No:** 2  
**From:** Councillor Tanya Excell  
**Date:** 8 August 2007  
**File No:** 900.G

**(Excell/Shoebridge)**

- 12/14** That the format of the new "Development Application Site Notices" be slightly amended to include a brief description of the proposed development.

That the description be the same as that written on the first page of the Officers Application Assessment Report titled "Proposal".

**Adopted**

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**Item No:** 3  
**From:** Councillor Tanya Excell  
**Date:** 8 August 2007  
**File No:** 900.G

**(Excell/Shoebridge)**

- 13/14** That Council calls for a report on developing a policy for the hanging of banners on poles in the public domain.

**Adopted**

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## Questions Without Notice Tabled Answers

**Item No:** 11

**Subject:** Questions Without Notice

**Author:** Gary James, General Manager

**File No:** 467.G/Q01

**Reason for Report:** To provide a response to Questions without Notice from Council Meeting of 23 July 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

**Motion moved by Councillor Comino**

**Seconded by Councillor Petrie**

**14/14** That the responses to previous Questions without Notice be noted.

**Adopted**

**The following questions were asked:-**

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**Councillor Comino asking:**

Was Council invited to participate in the 'New Ideas' Planning Forum being held tomorrow? Considering this forum is publicised as an important opportunity to put forward comment on the Planning Minister's Planning Reform Agenda, are we being represented at this forum and if so, by whom?

**Mayor in response:**

I am attending in the morning as are Mr Coker and Mr Daintry.

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**Councillor Comino asking:**

Was Council consulted at all by the Department of Planning in respect to the development of the "Heads of Consideration" for its exercise of powers under Section 118 Environmental Planning and Assessment Act, 1979, prior to the recent gazettal?

**Director Planning and Development in response:**

To my knowledge, no.

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**Councillor Comino asking:**

Was Council consulted by the Department of Planning during development of the Eastern Region Housing Strategy which requires Woollahra to have 2,900 new dwellings by 2031? If so how did the consultation take place?

**Mayor in response:**

The General Manager, myself and Mr Coker were invited to a meeting with a small group of Mayors. This was the extent of the consultation, from what I can determine. We were briefed by Heads of the Department and then the Minister came in and, we were actually proceeding relatively well when the Heads of the Department were there, however there was very limited consultation, if none at all. We were told what we were going to be required to do and were told 2,900 dwellings was what they wanted us to look for here. In addition to, I think about 400 or 500 jobs. We did not think with the intensification and the extra build form in Woollahra we would have too much difficulty finding the work, the jobs people but they gave us no suggestions as to how we were going to find space for 2,900 dwellings

**Director Planning and Development further in response:**

We will have a report on the metro strategy to the Urban Planning Committee which is to be held on the 10<sup>th</sup> September. That report will outline the consultation and will also put before the Committee a draft submission on the strategy.

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**Councillor Comino asking:**

Has Council received any letter, circular or other communication regarding Minister Sartor's proposed changes announced at a Planning Seminar last week to Section 94 Contributions, how they are to be changed and what constitutes "Hard Infrastructure" in the Minister's mind?

**Director Planning and Development In response:**

No. I can inform Council that I attended a function that was addressed by the Minister at which he outlined a number of his proposed reforms but he did not address in detail the issue of Section 94, apart from a number of general comments in which he conferred that Section 94 contributions had grown to the extent that they were unsustainable. He certainly indicated that he would be looking at the operation of Section 94.

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**Councillor Petrie asking:**

Will you write to the Managing Director of the Commonwealth Bank (“CBA”) immediately and request that the Bank honours its undertaking to service the ATM machine in the Bellevue Hill Shopping Centre.

Could you remind him that when the CBA sold the Bank in Bellevue Hill in 1999, they guaranteed the community to install an ATM machine to be serviced at all times.

This ATM has been closed for the past 3 weeks citing security measures and is another detriment to the shopping centre.

**Mayor in response:**

Yes, I will do that.

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**Councillor Petrie asking:**

I am noticing fencing in Woollahra that has acute/sharp steel spikes on the top of fencing in private homes. It is clearly dangerous so can we stop it through the Development Application process and are there any liabilities for us on approving it?

**Director Planning and Development in response:**

On notice

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**Councillor Petrie asking:**

I am informed that the Paddington Bowling Club Enquiry, which according to the website has the status and powers of a Royal Commission, begins on September 5<sup>th</sup>. Are we or have we been asked to comment?

**General Manager in response:**

We drew to the attention of the Barrister which is conducting that investigation that we had some dealing with that property. We invited that person to inspect our files. We did not make any specific submission. The Barrister has done that and taken some notes from the file and he will do with those what he see fit, I would suggest.

**Councillor Martin asking:**

Have we received any response from City Rail re the formalisation of public access through White City? What is our action plan to expedite the approval in principle and design in practice for the north/south public path through White City to coincide with the conclusion of the Grammar construction process – the local community will be rightly angered if this doesn't happen.

**Director Planning and Development in response:**

On notice. However I can advise Council that we met with Sydney Grammar School, last week, and we commenced initial discussions with Sydney Grammar in relation to securing that right of way. I will answer that part of the question relating to City Rail when I respond on notice.

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**Councillor Excell asking:**

It has been reported to me recently that many domestic animals along O'Sullivan Road are dying from cancer. There is some speculation amongst that community that it is being caused by chemicals being used on the Woollahra Golf Course. Could we please be told what chemicals are used on the golf course?

**Director Technical Services in response:**

We can make enquiries of the golf course.

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**Councillor Dawson asking:**

What has happened to the bus stop on New South Head Road opposite New Beach Road? It has disappeared. Why?

**Director Technical Services in response:**

The bus shelter is under construction. The footings were poured last week.

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**Councillor Shapiro asking:**

Can you please thank the Traffic Committee for their work on the roadworks and 40kmh speed zone at the Bellevue Hill Shops? The new scheme is working really well and I am particularly pleased that with the addition of extra parking spaces resulting from last week's Traffic Committee that there is no overall loss of parking.

**Director Technical Services in response:**

I will

**Councillor Boskovitz asking:**

I have received a number of complaints about a few shared bike and pedestrian zones on footpaths on Victoria Road and especially on the corner of Old South Head Road and Victoria Road, Bellevue Hill. Bike lanes are one thing but footpaths being used as share zones are especially dangerous. On the east side of Victoria Road the footpath in some areas are barely 1m wide which makes this situation extremely dangerous. On the corner of Victoria and Old South Head Roads there is a steep and sharp corner which leads to these shared zones being very dangerous.

Where and when were these shared bike and pedestrian zones approved by this Council?

**Director Technical Services in response:**

On notice

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**Councillor Boskovitz asking:**

Recently traffic calming measures were conducted on Hopetoun Ave Vaucluse. While many are appropriate and good, one is of particular concern to many residents.

There is a sweeping left hand turn just past Serpentine Parade which adjusted the lanes quite substantially and has resulted in a number of very close calls between oncoming vehicles.

I would ask that you check this particular corner and ensure that it was redone in accordance with the plans.

**Director Technical Services in response:**

It has been checked and it has been carried out in accordance with the plans.

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**Councillor Cullen asking:**

Could the Mayor please brief the Councillors on the outcome of the meeting with the Sydney Ferries CEO?

**Mayor In response:**

Councillor Cullen, I would be more than happy for you to give a briefing on that, given that it was something that you initiated.

**Note:** Councillor Cullen briefed the Councillors on the meeting with the Sydney Ferries CEO.

There being no further business the meeting concluded at 9.10pm.

*We certify that the pages numbered 2045 to 2062 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 13 August 2007 and confirmed by Council at the ordinary Meeting of Council on 27 August 2007 as correct.*

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**General Manager**

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**Mayor**