



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Tuesday 12 June 2007*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

7 June 2007

To: The Mayor, Councillor Keri Huxley
Councillors Anthony Boskovitz
 John Comino
 Claudia Cullen
 Christopher Dawson
 Marcus Ehrlich
 Tanya Excell
 Wilhelmina Gardner
 Julian Martin
 Andrew Petrie
 Geoff Rundle
 Isabelle Shapiro
 David Shoebridge
 Fiona Sinclair King
 John Walker

Dear Councillors

Council Meeting – 12 June 2007

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Tuesday 12 June 2007 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	28 May 2007
2.	Leave of Absence and Apologies	
3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	4 June 2007
	R1 Annual Fee for Mayor and Councillors	1
	R2 Paddington Library Agreement	
	R3 Rose Bay Promenade	
	R4 Retail Electricity – Small Sites	
9.2	Development Control Committee	4 June 2007
	R1 16 Olola Avenue, Vacluse – Alterations & additions to the existing dwelling-house, construction of new swimming pool, landscaping & siteworks – 29/9/2006	3
	R2 47 Russell Street, Vacluse – Section 82A Review the entire proposal for - Demolition of existing residential flat building & construction of new three (3) storey residential flat building comprising 2x3 & 2x2 bedroom apartments & basement parking for six (6) vehicles – 13/10/2005	
9.3	Urban Planning Committee – Nil R Items	28 May 2007
9.4	Community & Environment Committee	28 May 2007
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9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 4 June 2007 Submitted to the Council for Determination

Item No: R1 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 Council determine the fees payable to the Mayor and Councillors

Note: As the vote for the amendment was 3 Councillors for the amendment and 3 Councillors against the amendment with the Committee Chair declining to use his casting vote, both recommendations are submitted to Council for consideration.

Recommendation:

1. That Council adopt an annual fee of \$14,540 to be paid to Councillors and an additional annual mayoral fee of \$31,740 to be paid to the Mayor for the period 1 July 2007 to 30 June 2008, in line with the Remuneration Tribunal determination.

Or

2. That Council adopt an annual fee of \$14,400 to be paid to Councillors and an additional annual mayoral fee of \$31,440 to be paid to the Mayor for the period 1 July 2007 to 30 June 2008, in line with the 3.4% allowable rate increase for 2007/2008.

Item No: R2 Recommendation to Council
Subject: Paddington Library Agreement
Author: Vicki Munro - Manager, Library and Information Services
File No: 659.G
Reason for Report: This report seeks Council's endorsement to finalise the negotiations for the Paddington Library Agreement with City of Sydney Council for a further three year period, 2006/07 to 2008/09.

Recommendation:

A. That Council delegate authority to the General Manager to finalise the negotiations and enter into a three year agreement with City of Sydney Council for the Paddington Branch Library, for the financial years, 2006/07, 2007/08 and 2008/09 with details as set out in this report.

B. That there be further consultation with the City of Sydney as to the City of Sydney's ongoing commitment to Paddington Library in the course of Woollahra Strategic Planning for 2007.

C. That discussions continue with the City of Sydney with a view to improving and strengthening cooperation between Council and City of Sydney Libraries.

Item No: R3 Recommended to Council
Subject: **Rose Bay Promenade**
Author: Sam Badalati – Project Manager Civil Works
File No: 663.G
Reason for Report: Response to a Council Resolution, and
In accordance with Council's Codes and Policies this matter is referred to full Council due to a substantive change from the Officer's recommendation.

Recommendation:

- A. That Council adopt the Erco bollard light fitting at 10 metre intervals.
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Item No: R4 Recommended to Council
Subject: **Retail Electricity – Small Sites**
Author: Joe Cavagnino - Purchasing Coordinator
File No: 154.G
Reason for Report: To recommend Council enter into a contract for the supply of retail electricity to Council "Small Sites" and
In accordance with Council's Codes and Policies this matter has been called to full Council by Councillor Shoebridge for the following reason:

- Council's obligation to be a community leader on the sourcing of renewable energy, consistent with responsible economic decision-making.

Recommendation:

1. That Council enter into the Department of Commerce contract with AGL Electricity Limited for the supply of retail electricity to all Council's small sites for the period of the current contract, which expires 30 June 2008.
 2. That Council purchase 25% DEUS Accredited Green Power for retail electricity supply to Council's small sites.
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9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 4 June 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: 16 Olola Avenue, Vacluse – Alterations & additions to the existing dwelling-house, construction of new swimming pool, landscaping & siteworks – 29/9/2006

Author: David Waghorn – Senior Assessment Officer

File No: DA679/2006

Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the matter being called by Councillor Shoebridge for the following reasons:

1. Neighbours concerns
2. Non-compliances with planning instruments
3. Assessment of non-compliance.

Recommendation:

THAT consideration of the Development Application No 679/2006 – 16 Olola Avenue, Vacluse – Alterations and additions to the existing dwelling-house, construction of new swimming pool, landscaping and siteworks be deferred to enable the applicant to lodge a replacement application with amended plans and for the objectors to be notified of the amendments and that the plans be available for inspection by the public.

- Item No:** R2 Recommendation to Council
- Subject:** **47 Russell Street, Vaucluse – Section 82A Review the entire proposal for - Demolition of existing residential flat building & construction of new three (3) storey residential flat building comprising 2x3 & 2x2 bedroom apartments & basement parking for six (6) vehicles – 13/10/2005**
- Author:** David Waghorn – Senior Assessment Officer
- File No:** DA25/2004
- Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the matter being called by Councillor Shoebridge for the following reasons:
1. It is an unacceptably large increase in the FSR causing significant amenity impacts
 2. It involves pool amenity to the rear of the building due to its proximity to the cliff face
 3. It leaves even less deep soil landscaping than the current miserably low amount that exists
 4. It involves excavation beyond the building footprint which greatly inhibits future landscaping
 5. At \$2 million the stated costs of works appears contrary to established building costs in the area
 6. The matter has previously been considered by Full Council and is a significant development appropriate for Full Council’s attention.

Recommendation:

THAT consideration of the Development Application No 25/2004 – 47 Russell Street, Vaucluse – Section 82A Review the entire proposal for - Demolition of existing residential flat building and construction of new three (3) storey residential flat building comprising 2x3 & 2x2 bedroom apartments and basement parking for six (6) vehicles be deferred to enable discussion between the applicant and staff in relation to the setback from the rock face. The applicant is asked to consider a minimum setback of 1.4m at the closest point to the rock face and the lowering of the height of the building from 10.8m to 10.7m if at all possible and to submit the amended plans to staff.

9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 28 May 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Private Water Craft Storage on Public Land**

Author: David Sheils - Manager Public Open Space

File No: 871.G

Reason for Report: To address the issues associated with the storage of private water craft on public land, and
In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the matter being called by Councillor Comino for further consideration of location of boat storage racks in some of Council's Public Areas; consideration of period of notice to current boat owners re. Impounding Act.

Recommendation:

- A. That in preparation for installation of the boat storage rack in Rose Bay Park, all trailers and water craft over 3 metres in length requiring a trailer for transportation be removed; the removal process to include advertisements in the Wentworth Courier and notices placed directly on the water craft and at all access points to the Park and be consistent with the requirements of the *Impounding Act 1993*.
 - B. That a further report be provided in July 07 outlining a proposed policy dealing with:
 - i. issues associated with water craft storage in public places;
 - ii. how it is proposed to manage the Rose Bay Park dinghy storage facility; and
 - iii. options available to Council in providing other water craft storage facilities.
 - C. That Council seek assistance from NSW Maritime to find out who are the owners of the water craft and to notify them of any changes to water craft storage by ensuring that the notification is sent to all owners together with their usual accounts and correspondence.
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Rescission Motion

Item No: 1
From: Councillors Petrie, Boskovitz and Walker
Date: 28 May 2007
File No: DA750/2005

That the motion carried at the Council Meeting held on 28 May 2007 being Item No. R1 of the Development Control Committee dealing with 779 New South Head Road, Rose Bay be rescinded.

Note: The resolution adopted by Council on 28 May 2007 was as follows:

- A. THAT Council, as the consent authority, having considered the application for review of its determination, resolve to refuse to grant development consent to Development Application No. 750/2005 for advertising structure/advertisement on land at 759-779 New South Head Road Rose Bay because Council cannot lawfully grant retrospective development consent.
 - B. That Council resolve to take action seeking the removal of the additional signs on the subject site as identified in the report to the Development Control Committee and that the signs be removed within 28 days.
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Notices of Motion

Item No: 1
From: Councillor Petrie
Date: 4 June 2007
File No: 900.G

Note: In the event that the Rescission Motion is adopted by Council, the following Notice of Motion is submitted:

- A. That Council, as the consent authority, having considered the application for review of its determination, resolve to refuse to grant development consent to Development Application No. 750/2005 for advertising structure/advertisement on land at 759-779 New South Head Road Rose Bay because Council cannot lawfully grant retrospective development consent.
- B. That Council resolve not to seek the removal of the advertising sign located on New South Head Road but take action seeking the removal of the sign located on the Westpac building adjoining the site at Rose Bay.
- C. That Council undertake a review of all of its DCP's with regard to advertising sign requirements in shopping centres in the municipality.

Item No: 2
From: Councillors Shoebridge & Excell
Date: 31 May 2007
File No: 900.G

- 1. That Council agrees to participate in the Humpback Whale Migration Icon Project;
- 2. That in its participation it immediately either adopt a named Humpback whale or, if adopting an un-named but identified Humpback whale, consult with the local Aboriginal Lands Council before choosing a name for the whale; and
- 3. Take steps to prepare a banner, in consultation with the Humpback Whale Migration Icon Project, celebrating Council's adoption of the whale and promoting the iconic status of the humpback whale migration along our ocean coastline during the course of this season's humpback whale migration.

Item No: 3
From: Councillor Dawson
Date: 30 May 2007
File No: 900.G

That a report be submitted to the appropriate Committee of Council to review the appropriateness and enforceability of Council's Development Control Plans for advertising structures/ advertisements.

Item No: 4
From: Councillor Shoebridge
Date: 6 June 2007
File No: 900.G

That a report be brought to the Corporate and Works Committee outlining:

1. The existing practice of Council in responding to Freedom of Information ("FOI") requests;
 2. Current exemptions in place that enable Council to withhold the provision of information requested under FOI; and
 3. A draft policy that would provide for the greatest possible and most timely disclosure of materials requested under FOI, consistent with minimum safeguards for personal information, commercially sensitive and legally privileged materials.
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Item No: 12
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 28 May 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Recommendation:

That the responses to previous Questions without Notice be noted.

Background:

The provision for Councillors to ask Questions Without Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

- (1) *As a standard practice, "Questions Without Notice" shall be listed in all agendas of Ordinary Meetings of Council*
- (2) *Questions shall be in writing.*
- (3) *The Mayor shall direct the question to the General Manager or responsible Division Head; or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.*
- (4) *If the answer to a question can be given immediately then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (whether in writing and direct to the Enquirer, or by means of a report to an appropriate Committee, or otherwise.)*
- (5) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions Without Notice" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions Without Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions Without Notice on 28 May 2007 are as follows:

Councillor Comino asking:

What powers does Council have under the Protection of the Environment Act, the Environmental Planning and Assessment Act and the Regulations under those Acts to control lighting of fires and bringing of glass onto Council's beaches and reserves, in particular Parsley Bay Reserve, Watsons Bay beach front, Gibsons Beach and Camp Cove Beach?

Manager of Compliance in response:

Lighting of fires on Council's beaches and reserves:

Some of Council's beaches and reserves, including Camp Cove Beach have public notices erected pursuant to Section 632 of the Local Government Act 1993 that prohibits the lighting of fires. Any person who lights a fire contrary to such a public notice is guilty of an offence.

Section 133 of the Protection of the Environment Act 1997 (POEO Act 1997) permits the EPA to make Orders preventing the lighting of fires due to weather conditions. Any person, without reasonable excuse, who does not comply with such an order or notice is guilty of an offence pursuant to Section 135 of the POEO Act.

Bringing glass onto beaches and reserves:

Section 630 of the Local Government Act 1993 (LG Act) states that it is an offence to willfully break glass or leave glass items in a public place, however it does not prohibit glass being taken onto Council's beaches and reserves. Council's signage at beaches and parks specifically states the prohibition of "depositing of rubbish, breaking or leaving any bottle, glass, syringe or other object likely to endanger the safety of any person."

Council may erect a public notice pursuant to Section 632 of the LG Act that prohibits an activity including the taking of glass onto a particular beach or reserve. Any person who acts contrary to such a public notice would be guilty of an offence.

General comment:

Glass is a recyclable product and restrictions on its use is usually associated only with enclosed public swimming pools. It is considered that it would be difficult to enforce prohibitions of glass in public places.

Councillor Comino asking:

Is Council aware of wood rot in parts of Parsley Bay Bridge? If so, what remedial action is being taken?

Director Technical Services in response:

I am not aware of that matter but the bridge is inspected from time to time and I will ensure it is inspected again.

Manager Civil Works further in response:

The bridge was inspected and it was identified that two planks were slightly weathered. The works instruction has been raised for Council tradesmen to replace the planks. The work will be carried out by the end of June 2007.

Councillor Comino asking:

To the Mayor

Would you circulate in the Councillor Bulletin a summary of the recent discussions with Minister Sartor concerning the Eastern Sydney Development Strategy?

Mayor in response:

Yes.

Director Planning and Development further in response:

Yes we will circulate information on that strategy as soon as it is released. I have also indicated to the Urban Planning Committee tonight that we will be reporting formally to the Committee anyway but I am very happy to circulate the documents as soon as they are available.

Councillor Excell asking:

Regarding the refurbishment and restoration of the Rose Bay Promenade and wall. At what stage in the DA, planning, public notification and Council approval process did the proposed dingy storage area become detached from the plan so that it now must come to us as a separate DA?

Director Technical Services in response:

The DA lodged 1 March 2004 was for a modified balustrade with new openings, railings and upstand lights between the existing lights, two marine decks and the bicycle path; associated works, not requiring Development Consent but included, were the footway reconstruction, landscaping and modified car parking bays. NSW Maritime advised that it would support one marine deck but not two, which could have been addressed by Development Consent condition. However, when the DA was submitted to the DCC for determination 25 July 2005 Council deferred consideration of the proposal to a Councillor Workshop and subsequently resolved to hold further public consultation.

The workshop was held 26 September 2005 and a public meeting was held 23 February 2006. Council subsequently resolved 27 March 2006 not to modify the balustrade but to retain and restore it. The repair of the balustrade does not require development consent. The footpath, parking bays and associated works do not require development consent as they are road works, works ancillary to a road or stormwater drainage works. Therefore, the only parts of the project requiring development consent are the bicycle path and the marine deck, Council has not resolved to date to proceed with the bicycle path, so the development application is being prepared for the marine deck only. Council's consultants were asked to document the works to call tenders and to prepare an amended development application, with the tender documentation being given priority so that the project could proceed to construction without further delay. The contract has been let and the works are planned to commence 25 June 2007, and the development application will be lodged in July.

Councillor Shapiro asking:

I would like to thank the General Manager for placing the various sculptures around Redleaf Chambers so that they can be enjoyed by everyone and please will you also thank the Director Community Services.

General Manager in response:

I will.

Councillor Sinclair King asking:

Has Council received a development application for a new marina to replace the Double Bay Marina at Castra Place, Double Bay?

Director Planning and Development in response:

No we have not received that application however we are aware that an application is likely to be submitted and details are on the website of the company that owns that marina.

Councillor Cullen asking:

There have been a number of syringes found on the beaches of Camp Cove and Gibsons Reserve. These may be washing down through the stormwater channel from Kings Cross. Is it possible to explore the installation of traps or another solution to protect our residents and their children?

Manager Parks & Street Trees in response:

Parks Staff clean Camp Cove Beach daily, and Gibson's Beach twice a week, as well as responding to urgent customer requests regarding hazardous items on beaches. Syringes are occasionally found on Camp Cove and Gibson's beaches, although it is difficult to determine whether they come from stormwater outlets, which only service the local area, or whether they float in from other areas. Kings Cross is in a separate drainage catchment from Camp Cove and Gibsons Reserve. The recently completed gross pollutant trap at Camp Cove Beach should remove debris including syringes at normal flow times. The stormwater outlet at Gibson's Beach will be monitored for syringes.

Councillor Shoebridge asking:

Can Council investigate if there is a lawful consent for the appallingly low grade wire mesh and shade cloth fencing that runs the length of New South Head Road in front of the Royal Sydney Golf Club as it is a blight on the locality?

Manager Compliance in response:

A preliminary search of Council's records has revealed that there are over 100 building and development applications applying to the Royal Sydney Golf Club. A specific consent for the subject fence has not been located at this time. Photographs associated with development consent DA 2/1992 indicate that the fence was in existence in 1992.

The area behind the fence is heavily landscaped and considering the photographic evidence that is available, it is considered that compliance action at this time would be difficult.

Nevertheless, it is proposed that a letter be issued to the Royal Sydney Golf Club requesting that they consider upgrading the existing fence along New South Head Road, to improve the visual amenity of the public domain and New South Head Road streetscape.

Councillor Martin asking:

What news has there been from Sydney Rail about the improvement of the temporary White City through-path at the New South Head Road end? I have no response to my question on this of last week.

Mayor in response:

I actually made some enquires about that myself today.

Director Planning and Development further in response:

A letter to Rail Corp initiating discussion about securing a right of way over its land was sent to Rail Corp on 31 May 2007.

Councillor Excell asking:

Now that the dingy storage area for the Rose Bay Promenade is a separate issue, when will it be before Council as a DA?

Director Technical Services in response:

In July.

Gary James
General Manager

Annexures: Nil