

Council Meeting

Monday 10 March 2008

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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 3 March 2008

- D1 Confirmation of Minutes of Meeting held on 25 February 2008
- D2 Progress Update - Preparation of the 2008/2009 Preliminary Draft Budget
- D3 Relocation of Watsons Bay Library from Dunbar House to the area adjacent to the Watsons Bay Tea Rooms
- D4 104 Hopetoun Avenue, Vaucluse - Proposed Road Lease

Development Control Committee Meeting held on Monday 3 March 2008

- D1 Confirmation of Minutes of Meeting held on 25 February 2008
- D2 DA398/2007 – 9 Black Street, Vaucluse – Demolition of existing dwelling – Construction of new residence & pool – Landscaping & site works – 19/6/2007
- D3 DA571/2005 Part 4 – 74 Holdsworth Street, Woollahra – Section 96 Application – Proposed Modification delete approved works to façade & new front fence & make modifications to existing front fence – 27/6/2007 – **(See Item R2)**
- D4 DA489/2003 Part 3 – 78 New Beach Road, Darling Point – Section 96 Application – Proposed modification deletion of Condition Nos. 2 & 3 – 8/11/2007
- D5 DA590/2007 – 30 Alma Street, Paddington (aka White City Land) – Subdivide Lot 2 DP 1114604 into 2 Lots – 13/9/2007
- D6 Register of Current Land and Environment Court Appeals for Development Applications

Urban Planning Committee Meeting held on Monday 25 February 2008

- D1 Confirmation of Minutes of Meeting held on 11 February 2008
- D2 Built Environment Principal Activity – Second Quarterly Management Plan Review

Community & Environment Committee Meeting held on Monday 25 February 2008

- D1 Confirmation of Minutes of Meeting held on 11 February 2008
- D2 Woollahra Traffic Committee Minutes 19 February 2008
- D3 Urban Sustainability Grant
- D4 Customer Service and Communication Principal Activity – 2nd Quarter Management Plan Review
- D5 Public Art Advisory Committee Minutes **Error! Bookmark not defined.**



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 10 March 2008 at 8.00pm.**

Present: His Worship the Mayor, Councillor Geoff Rundle

Councillors Anthony Boskovitz
 John Comino
 Claudia Cullen
 Christopher Dawson
 Marcus Ehrlich
 Tanya Excell
 Wilhelmina Gardner
 Keri Huxley (left 9.00pm)
 Julian Martin
 Andrew Petrie
 Isabelle Shapiro
 David Shoebridge
 Fiona Sinclair King
 John Walker

Staff:

A Coker	(Director – Planning & Development)
G Clarke	(Director – Corporate Services)
W Hatton	(Director – Technical Services)
G James	(General Manager)
V Munro	(Acting Director – Community Services)
L Windle	(Manager – Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Comino/Gardner)

- 1/4 THAT the Minutes of the Council Meeting held on 25 February 2008 be taken as read and confirmed.

Adopted

Leave of Absence

Nil

Apologies

Nil

Declarations of Interest

Councillor Petrie declared a non-pecuniary interest in DCC item R1 (331 Old South Head Road, Watsons Bay) as Zolton Kovacs, an objector, is presently employed by him as his Architect, he was married at the Church and both his children were christened at the Church.

Mayoral Minute

Mayoral Minute No: 1

Subject: General Manager – Contract Renewal

Author: The Mayor, Cr Geoff Rundle

File No: 58.G Staff James G

Reason for Report: To consider renewal of the General Manager’s employment contract.

Motion moved by Councillor Rundle

Seconded by Councillor Petrie

1. That Mr Gary James term as General Manager be extended to 30 June, 2012.
2. That the Mayor, in consultation with the Performance Review Panel, be authorised to negotiate and finalise the Contract of Employment, subject to any substantive departure from the standard contract of employment for general managers issued by the Department Local Government being advised to Councillors prior to signing the Contract.

Amendment moved by Councillor Shoebridge

Seconded by Councillor Huxley

That the matter be referred to the Strategic Planning Working Party for consideration.

The Mayor ruled that he did not accept the amendment to the Mayoral Minute in accordance with Clause 2.17(4) of Council’s Code of Meeting Practice as the Amendment is not consistent with the intent of the terms of the Mayoral Minute

Clause 2.17(4) states:

“Amendments to Mayoral Minutes that are consistent with the intent of the terms of the Minute are permitted, provided such amendments have the agreement of the Mayor.”

The Mayoral Minute was put and lost.

Note: A Division was called by Councillors Petrie and Shoebridge.

For the Motion

Councillor Comino
Councillor Ehrlich
Councillor Dawson
Councillor Shapiro
Councillor Cullen
Councillor Petrie
Councillor Rundle

Against the Motion

Councillor Boskovitz
Councillor Gardner
Councillor Huxley
Councillor Martin
Councillor Sinclair King
Councillor Walker
Councillor Excell
Councillor Shoebridge

7/8

Note: At the conclusion of the meeting the Mayor advised that he will be calling a meeting on this matter and would like to hold that meeting with all Councillors present prior to Easter.

Background:

The General Manager's employment contract expires 21 February 2009. Clause 3.1 of the contract requires the General Manager to give 12 months notice of his intention to seek a renewal of his contract.

"3.1 Twelve (12) months prior to the date of the termination of his Contract, the General Manager shall advise the council in writing if he is seeking reappointment of the position."

The General Manager has requested reappointment to the position. The Local Government Act requires the actual appointment of a General Manager to be by way of a Council resolution. Appointment of the General Manager can not be delegated but negotiations and determination of the actual contract conditions is permitted.

Mr James's reappointment is recommended by me in my capacity as Mayor and it is also recommended by the Performance Review Panel. Mr James has satisfied the 'Job Goals and Deliverables' requirements of his performance agreement. These relate to Management and Strategic Planning, Financial Management, Planning and Development, Business Excellence, Leadership and Management, Communication and Governance.

In my opinion, the Council is well managed. It is in a very sound financial position, it is not attracting adverse public comment, its relationship with the residents and ratepayers continues to strengthen. Gary demonstrates good leadership skills and he has a good rapport with Councillors. He always provides sound, independent professional advice and I know him to have the confidence and respect of his staff. In particular this is reflected in the stability of tenure of his Directors and Managers whose expertise are highly regarded.

The term of any reappointment can be for a period of 1 - 5 years. In our discussions with Mr James we have all agreed that the existing renewal date (21 February, 2009) has potential to disadvantage new Councillors in that they would not, in the short time available be able to determine the strengths and weaknesses (if any) of the General Manager. In this regard, we have agreed that the best solution would be to renew up until 30 June 2012. This is an extension of 3 years 4 months rather than the maximum 5 year term. The standard contract provisions will require Mr James, if he so determines, to seek a further extension in September 2011, some 12 months before the following Council elections. (The standard form contract clause 5 requires 9 months notice in lieu of 12 months as noted above). I propose that the Standard Form of Contract be amended to provide that any such notice that it be given by 30 June, 2011 so that in the event the relationship between the Council and the General Manager is not to be continued the Council has 15 months to obtain a replacement before the elections.

I am recommending Mr James be reappointed as General Manager for a term ending 30 June 2012. Further, I am recommending he be reappointed in accordance with the standard contract issued by the Department of Local Government and that the Mayor, in consultation with the members of the Performance Review Panel be delegated authority to negotiate and finalise the contract.

Cr Geoff Rundle
Mayor

Annexures: Nil

Suspension of Standing Orders

(Shapiro)

- 2/4 That Standing Orders be suspended to allow a vote of thanks be expressed to the staff who organised a very successful International Womens Day event at Council last Thursday.

Adopted

The Mayor ruled Urgency and permitted the Suspension of Standing Orders

Councillor Shapiro advised that she would like to comment on the very successful International Womens Day event held at Council last week. She would like to congratulate all the staff from the Community Services Department. We had a wonderful afternoon with two excellent guest speakers Loys Thompson and Emily Margo. We had a large number of women and a few very brave gentlemen as well. She would particularly like to congratulate Jessica Arroyo and Sue Turner from Community Services and request that the Mayor pass on the congratulations.

The Mayor advised that he would do that.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 3 March 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Report from Legal Sub-Committee Meeting held on 26 February 2008
Author: Allan Coker - Director Planning and Development
File No: 795.G
Reason for Report: To consider the recommendations from the Legal Sub-Committee meeting held on 26 February 2008.

(Petrie/Shoebridge)

3/4 Resolved without debate:

1. That the Recommendations for Items R1 to R3 of the Legal Sub-Committee meeting held on 26 February 2008 be noted.
 2. That Council proceed to tender for the provision of legal services in a manner similar to the 2005 tender process.
 3. That the tender documents include:
 - a) the basis on which the prospective tenderers will retain counsel
 - b) the basis on which the prospective tenderers will select or agree to Court appointed experts and the basis on which they will make such decisions.
 - c) a requirement for successful tenderers to advise of staff changes
 - d) a requirement for regular reporting of case outcomes
 4. That the revised tender document be submitted to the Corporate and Works Committee for review prior to the calling of tenders.
 5. That the confidential Agenda and Reports for the meeting of the Legal Sub-Committee meeting held on 26 February 2008 remain confidential.
-

Item No: R2 Recommendation to Council
Subject: **Relocation of Watsons Bay Library from Dunbar House to the area adjacent to the Watsons Bay Tea Rooms**
Author: Vicki Munro, Manager, Library and Information Services and Zubin Marolia, Manager, Property Services
File No: 307.8
Reason for Report: To seek Council approval for the relocation of Watsons Bay Library from Dunbar House to the area adjacent to the Watsons Bay Tea Rooms. 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.

(Petrie/Shoebridge)

4/4 Resolved without debate:

- A. That Council advertise and invite submissions on the proposal for the relocation of Watsons Bay Library from Dunbar House to the area adjacent to the Watsons Bay Tea Rooms. The proposal includes:
- i) Upgrade one existing toilet/change room wing to provide male and female toilet and change room facilities including disabled facilities.
 - ii) Convert the other toilet/change room wing to the Watsons Bay Library.
- B. That, within 8 weeks, the Council call tenders for lease of the Watson Bay Tea Rooms Kiosk.
-

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 3 March 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: 331 Old South Head Road, Watsons Bay (St Peters Church) – Section 82A Review of Refusal – 25/12/200

Author: Simon Taylor – Senior Assessment Officer

File No: DA755/2005

Reason for Report: A Section 82A review of determination application is required to be determined by a higher level of delegation than the originally determined application. In this instance, the original development application was determined (refused) by the Full Council. Accordingly, the matter is to be determined by Full Council as an ‘R’ item.

Note: Councillor Petrie declared a non-pecuniary interest in this item as Zolton Kovacs, an objector, is presently employed by him as his Architect, he was married at the Church and both his children were christened at the Church.

Note: Late correspondence was tabled from Council’s Director Planning and Development Allan Coker, Vivian Fraser of Vivian Fraser and Associates, Michael Rolfe of Natural Allies, Nick Southcombe, Alan Knobelmann, Jane Robinson Church Warden, and Pam and Les Burroughs.

Motion moved by Councillor Boskovitz
Seconded by Councillor Gardner

THAT the Council, as the consent authority, refuse development consent to Development Application No. 755/2005 for alterations and additions to St Peters Church hall on land at 331 Old South Head Road, Watsons Bay, for the following reasons:

1. Due to the excessive bulk and scale of the proposed additions, the proposal would have a significant adverse impact upon the heritage listed St Peter’s Anglican Church, its setting and the Watsons Bay Heritage Conservation Area. In this regard the proposal is unsatisfactory with the following planning provisions:
 - Objectives 2 (f) (ii) and (iii), g (ii) and (k) (iii) of Woollahra LEP 1995
 - Clause 27 and 28 of Woollahra LEP 1995
 - Performance criteria B.1, C1, B.4, C6, B.5.3, C13 and C15 of the Watson’s Bay Heritage Conservation Area DCP.
2. The proposal reduces the historically open vista of the church which is a feature of the historical precinct.

3. The proposal will generate excessive noise to the detriment of the amenity of surrounding residential properties. In this regard, the proposal is unsatisfactory with Objective 02 and performance criterion C12 under Section 4.13 C15 of the Watsons Bay Heritage Conservation Area DCP.
4. The proposal does not provide sufficient off-street car parking and will result in increased demand for on-street car parking. In this regard, the proposal is unsatisfactory with Section 2 of Council's DCP for Off-Street Car Parking and Servicing Facilities.
5. The proposed hours of operation are excessive and likely to result in adverse amenity impacts.
6. The proposal is not in the public interest.

**Amendment moved by Councillor Dawson
Seconded by Councillor Huxley**

That the recommendation from the Development Control Committee be adopted.

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

5/4 Resolved:

THAT the Council, as the consent authority, refuse development consent to Development Application No. 755/2005 for alterations and additions to St Peter's Anglican Church hall on land at 331 Old South Head Road, Watsons Bay, for the following reasons:

1. Due to the excessive bulk and scale of the proposed additions, the proposal would have a significant adverse impact upon the heritage listed St Peter's Anglican Church, its setting and the Watsons Bay Heritage Conservation Area. In this regard the proposal is unsatisfactory with the following planning provisions:
 - Objectives 2 (f) (ii) and (iii), g (ii) and (k) (iii) of Woollahra LEP 1995
 - Clause 27 and 28 of Woollahra LEP 1995
 - Performance criteria B.1, C1, B.4, C6, B.5.3, C13 and C15 of the Watson's Bay Heritage Conservation Area DCP.
 2. The proposal reduces the historically open vista of the church which is a feature of the historical precinct.
 3. The proposal is not in the public interest.
-

Item No: R2 Recommendation to Council

Subject: **74 Holdsworth Street, Woollahra – Section 96 Application – Proposed Modification delete approved works to façade & New front fence & make modifications to existing front fence – 27/6/2007**

Author: Dimitri Lukas – Senior Assessment Officer

File No: DA571/2005 Part 4

Reason for Report: In accordance with Council’s Code of Meeting Practice the Committee chair is not able to use a casting vote to determine the matter, as the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, both the Motion and the Amendment are referred to Council for consideration.

Note: Late correspondence was tabled from Council’s Team Leader, Mark Schofield.

Motion moved by Councillor Shapiro
Seconded by Councillor Dawson

- A. THAT subject to the applicant withdrawing the appeal, Council, as the consent authority, modify development consent to Development Application No. 571/2005 Part 4 for alterations and additions to existing dwelling on land at 74 Holdsworth Street Woollahra subject to the following conditions:

Condition No. 1 is deleted and replaced with:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered 01A and 02A, dated 31/08/2005, drawn by Ercole Palazzetti Pty Ltd, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer; as amended by the works shown in colour on plans numbered A:002 Issue E, A:003 Issue E, A:200 Issue E, A:201 Issue E, A:300 Issue E, all dated 08.01.07; A:004 Issue D dated 27.11.06 all drawn by Level 5 Design, all of which carry a Council stamp “*Approved S96 Plans*” and the signature of a Council officer; as further amended by the works shown in colour on plan number A:200/G dated 19.06.2007, drawn by Level 5 Design, all of which carry a Council stamp “*Approved S96 Plans*” and the signature of a Council officer, except where amended by the following conditions.

Insertion of the following additional Conditions:

47. Change to balustrade

No change is to be made to the first floor façade apart from replacing the balustrades to match that of No. 72 Holdsworth Street, Woollahra (and those changes permitted by condition 48)

48. Door to first floor balcony (eastern elevation)

French doors are to be provided within the existing door frame.

- B. No action is taken seeking to remedy the unauthorised building works including the front fence. This does not prevent the Manager Compliance taking any further action under the Enforcement Policy.
- C. The matter is referred to the Manager Compliance to determine, in accordance with Council's Enforcement Policy adopted by Council 16 April 2007, what enforcement action is appropriate.
- D. That Council agrees to staff instructing its solicitors to enter into consent orders on this matter.

**Amendment moved by Councillor Shoebridge
Seconded by Councillor Excell**

- A. That subject to the applicant withdrawing the appeal, Council as the consent authority grant consent to modify development consent to Development Application No. 571/2005/4 for alterations and additions to existing dwelling on land at 74 Holdsworth Street Woollahra subject to the following :-
- retaining the existing front door
 - requiring no change to the double hung window
 - requiring no change to the first floor façade other than replacing the balustrades to match that of 72 Holdsworth Street Woollahra
 - requiring no change to the doors other than French doors to existing door frame
- B. That the unlawful fence be referred to the Manager Compliance to determine, in accordance with Council's Enforcement Policy adopted by Council on 16 April 2007, what enforcement action is appropriate.

**The Amendment was put and lost
The Motion was adopted**

6/4 Resolved:

- A. THAT subject to the applicant withdrawing the appeal, Council, as the consent authority, modify development consent to Development Application No. 571/2005 Part 4 for alterations and additions to existing dwelling on land at 74 Holdsworth Street Woollahra subject to the following conditions:

Condition No. 1 is deleted and replaced with:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered 01A and 02A, dated 31/08/2005, drawn by Ercole Palazzetti Pty Ltd, all of which carry a Council stamp "**Approved DA Plans**" and the signature of a Council officer; as amended by the works shown in colour on plans numbered A:002 Issue E, A:003 Issue E, A:200 Issue E, A:201 Issue E, A:300 Issue E, all dated 08.01.07; A:004 Issue D dated 27.11.06 all drawn by Level 5 Design, all of which carry a Council stamp "**Approved S96 Plans**" and the signature of a Council officer; as further amended by the works shown in colour on plan number A:200/G dated 19.06.2007, drawn by Level 5 Design, all of which carry a Council stamp "**Approved**

S96 Plans” and the signature of a Council officer, except where amended by the following conditions.

Insertion of the following additional Conditions:

47. Change to balustrade

No change is to be made to the first floor façade apart from replacing the balustrades to match that of No. 72 Holdsworth Street, Woollahra (and those changes permitted by condition 48)

48. Door to first floor balcony (eastern elevation)

French doors are to be provided within the existing door frame.

- B. No action is taken seeking to remedy the unauthorised building works including the front fence. This does not prevent the Manager Compliance taking any further action under the Enforcement Policy.
 - C. The matter is referred to the Manager Compliance to determine, in accordance with Council's Enforcement Policy adopted by Council 16 April 2007, what enforcement action is appropriate.
 - D. That Council agrees to staff instructing its solicitors to enter into consent orders on this matter.
-

Community & Environment Committee

**Items with Recommendations from the Committee Meeting of Monday 25 February 2008
Submitted to the Council for Determination**

Item No: R1 Recommendation to Council
Subject: **Earth Hour**
Author: Rebecca Peacock – Environmental Protection Coordinator
File No: 813.G
Reason for Report: To seek Council endorsement for participation in Earth Hour 2008.

(Excell/Shoebridge)

7/4 Resolved without debate:

- A. That Woollahra Council signs up to participate in Earth Hour 2008, ensuring that interior lights at Council buildings are turned off on Saturday 29 March 2008 from 8.00pm to 9.00pm.
 - B. That Council promotes Earth Hour to Council staff and the broader community through a variety of communication channels.
-

Urban Planning Committee Matter of Urgency

Items with Recommendations from the Committee Meeting of Monday 10 March 2008 Submitted to the Council for Determination

Item No:	R2 Recommendation to Council
Subject:	Centre Management - Double Bay
Author:	Allan Coker, Director Planning and Development
File No:	1178 & 1179.G
Reasons for Report:	<ol style="list-style-type: none">1. To update Council on the current position in relation to centre management for Double Bay2. To present for formal adoption the Draft Memorandum of Understanding between Council and the Double Bay Partnership3. To set out the next steps that are required to establish centre management.

(Comino/Shoebridge)

- 8/4** That in accordance with Council's Code of Meeting Practice, Item R2 of the Urban Planning Committee Meeting held on 10 March 2008 be brought forward as a Matter of Urgency.

Adopted

The Mayor ruled urgency.

(Shoebridge/Petrie)

9/4 Resolved:

1. That Council endorse in principle the Memorandum of Understanding (MOU) between Woollahra Council and the Double Bay Partnership subject to legal advice as to the drafting, effect and status of the Memorandum of Understanding.
2. That the draft Constitution and Rules of the incorporated association Double Bay Partnership be brought before the Urban Planning Committee at the next available meeting for consideration.
3. That, subject to 1 and 2 above, Council endorse in principle transferring funds not exceeding \$200,000 to the incorporated association Double Bay Partnership to match voluntary contributions from the business community once a threshold of \$125,000 in voluntary contributions is met.

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 25 February 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Motion moved by Councillor Petrie

Seconded by Councillor Comino

10/4 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Boskovitz asking:

How did the Mayor cast his vote on R1 this evening, St Peters Church Watsons Bay?

Mayor in response:

As the Chair I am not required to disclose how I voted Councillor Boskovitz.

Councillor Boskovitz asking:

How did the Mayor cast his vote on R1 this evening, St Peters Church Watsons Bay?

Mayor in response:

Councillor Boskovitz, I indicated that I don't need to disclose how I voted. There was no division on the matter and I have supported the recommendation which was adopted.

Councillor Boskovitz asking:

Does the Mayor think it appropriate to use the Office of the Mayor and its resources to endorse the St Peters application and lobby Councillors to vote in favour of the application only days after himself voted against the application?

Mayor in response:

For first of all I did not vote last Monday. If you have a look Councillor Boskovitz, as Chair I never vote unless it is a matter by way of Division. Secondly I asked people to consider that. I didn't direct them to vote it and I think I am quite entitled to put my view as to, well have a look at this, have a think about it. The issue was a heritage issue, the staff had come up with a solution to dealing with the heritage issue, let's have a think about it. That's all that letter is about. I also take the view that it is quite appropriate for the Mayor to be able to write to the other Councillors.

Councillor Comino asking:

Who is responsible to maintain the road pavement on New South Head Road?

With the continued heavy rain causing water to run from Emma's Well across New South Head Road and elsewhere in the Municipality, what effect does this have on the road base, undermining issues and the possible collapse of sections of roadway?

Director Technical Services in response:

I will give a detailed answer On notice but the RTA is responsible for the road pavement.

Councillor Comino asking:

Is there any reply to my three Questions Without Notice referred to Deacons yet?

Director Planning and Development in response:

I have referred those three questions to Deacons with a detailed brief but I haven't received a response.

Councillor Comino asking:

Have there been any further developments with the Department of Planning or Minister Sartor regarding the announced planning reforms?

Director Planning and Development in response:

We have prepared our submission in accordance with the resolution of the Council. We have not received any correspondence from the Department of Planning in relation to that submission and to my knowledge the draft Bill is not yet available.

Councillor Sinclair King asking:

Could the graffiti squad please make representations to remove the graffiti on the side wall of the Westpac Bank Double Bay and on the wall of the Double Bay movie theatre.

Director Technical Services in response:

On notice

Councillor Shapiro in further response:

I am involved in the graffiti issues and that is something I have brought up some time ago with staff. Because under the Local Government Act it empowers us to clean private property but you have to have access from Council land. In other words you have to be able to stand on our footpath and clean. We met the owners of the two sites to see how we could get around that and we would have to get a cherry picker over New South Head Road and the expense would be enormous and goes beyond the scope of our graffiti policy.

Councillor Sinclair King asking:

Could you please write another letter to the property owners and circulate it to Councillors?

Director Technical Services in response:

We can certainly write to them.

Councillor Sinclair King asking:

The briefing to Councillors last week on the Double Bay Marina indicated a range of sensitive issues which are of concern to many residents of this Municipality and particularly Double Bay. Therefore could a more detailed briefing session be organised for attendance by Councillors and members of the public with the giving of sufficient notice?

Mayor In response:

I will take that On notice but there is one concern that I do have. That is, at the moment the staff have not had the opportunity to form an opinion as to it and so therefore they should be in a position to form an opinion on the issues thrown up by the application and then, subject to what issues they see arise, then more than likely we will adopt the procedure as for Rose Bay Marina. But I will take that On notice.

Councillor Dawson asking:

A graffitist has been very ambitious on the walls around the Dangar playing fields. What can we do to get rid of these offensive daubings?

Director Technical Services in response:

We will write to the school.

Councillor Excell asking:

A neighbour reported to me seeing a fox crossing his back lawn in Victoria Road, Bellevue Hill at 8.00am last Wednesday. This sighting terrified his cat and dog and would explain my three missing and four murdered ducklings.

What if any measures or actions, other than building long bay style enclosures can be taken to protect our pets from these predators?

Director Technical Services in response:

On notice

Councillor Shoebridge asking:

What action has Council taken regarding the ever so brief operation of the Crystal Car Wash on New South Head Road at Ruschutters Bay and at what stage have any Court proceedings reached?

Director Planning and Development in response:

We applied to the Land and Environment Court for an interlocutory injunction to restrain the use of the premises as a car wash. The Land and Environment Court granted that injunction. It was then listed for further mention last Friday for further directions. In this case the respondent was present at those proceedings and requested that the matter be stood over for a further week and that is what the Court agreed to. The matter is going back before the Court of Friday this week. The Court will hear the case as to whether or not the interlocutory injunction should remain in place pending the determination of the development application. The injunction remains in place and will be before the Court again on Friday this week.

Councillor Petrie asking:

On Sunday at 10.00am the Colleagues Car Park was so full of residents cars parked overnight, and still parked at 10.00am in the morning, that Woollahra residents who arrived to use the ovals for sport could not get a car spot. What can the Council do to stop residents from taking complete control to the detriment of all others in a Council car park?

Director Technical Services in response:

I will take that On notice. We can send Rangers down there to patrol the area but think we need to come up with a better parking regime.

Councillor Petrie asking:

Can we have a report to DCC setting out the manner items are called from AAP to DCC by Councillors? “objectors concerns”, “DCP considerations”, “amenity issues”, “objectors wish to address Council”, “objectors asked me to call it” are not informative or descriptive enough nor of merit.

Director Planning and Development in response:

A short response firstly. The current delegation does not specify the kind of reasons that must be given by a Councillor. All the delegation requires is that a Councillor give a reason. It is a matter for the Councillor to provide whatever reason that Councillor feels is appropriate in the circumstances of the case.

Councillor Petrie asking:

When can the Council expect the report on bike lanes to come to the Committee of Corporate & Works?

Director Technical Services in response:

That will come to the next Corporate and Works Committee.

Councillor Petrie asking:

Why did you write to all Councillors on “Office of the Mayor” letterhead to try to influence a change for Councillors votes from a unanimous negative and two days later for approval when there had been no material change except a letter to you from one person?

Mayor in response:

The heritage issue is the principle issue. The staff have looked at it. I felt it was appropriate to have a letter from a person who was intimately involved with the church to be able to express their concerns as to the nature of how the church was being conducted. In the course of the DCC meeting people had even suggested that there would be people drinking beer out in the veranda making a noise which would be echoing through Watsons Bay and causing all sorts of concerns. That was the sort of matter which I considered was given an unreasonable slant. I thought that the letter of Mrs Loveridge identified issues. Yes there was a vote at the DCC last Monday. As has been my practice, and I believe it is good practice of chairing a meeting, it is not appropriate for a chair to become involved in a debate and to just be there to enable a debate between those present to be heard. I was not expecting, when I went to that meeting, to be Chairing that meeting. Councillor Martin, the Deputy Chair had been granted leave of absence and for reasons for which we all know, Councillor Huxley was unavoidably unavailable to be there. If I was there I would have expressed my concerns publicly but as Chair I took the view that it was inappropriate to enter into the debate. That is why I did it and I consider that it was not inappropriate to write in the manner in which I did.

There being no further business the meeting concluded at 9.50pm.

We certify that the pages numbered 563 to 584 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 10 March 2008 and confirmed by Council at the ordinary Meeting of Council on 31 March 2008 as correct.

General Manager

Mayor