

Council Meeting

Monday 23 July 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 16 July 2007

- D1 Confirmation of Minutes of Meeting held on 2 July 2007
- D2 Disclosure of Interest Returns Submitted by New Designated Employees April to June 2007

Development Control Committee Meeting held on Monday 16 July 2007

- D1 Confirmation of Minutes of Meeting held on 2 July 2007
- D2 DA588/2005 – 342-350 New South Head Road, Double Bay – Demolition of 3 existing retail & commercial buildings & construction of new 4 storey retail & commercial building with basement car parking – 23/9/2005
- D3 DA4/2007 – 27 Prospect Street, Paddington – Alterations & additions including attic conversion – 2/1/2007
- D4 DA883/2006 - 80 Darling Point Road, Darling Point – Demolition of existing house & erection of new house & pool – 22/12/2006
- D5 BC67/2007 – 38 Fitzwilliam Road, Vaucluse – New dwelling-house, basement garage & swimming pool involving extensive unauthorised works – 10/10/2006 - (See Item R1)
- D6 DA25/2004 – 47 Russell Street, Vaucluse – Section 82A Review of entire proposal – 13/10/2005 - (See Item R2)
- D7 DA684/2006 – 33 Coolong Road, Vaucluse – Alterations & additions to the existing dwelling – New detached double garage & 1st floor level gym – New swimming pool – Landscaping & siteworks – 29/9/2006
- D8 DA26/2007 – 32 Wolseley Road, Point Piper – Alterations & additions including landscaping & new boat shed – 15/1/2007
- D9 DA705/2006 – 18 Vernon Street, Woollahra – Section 82A Review of refusal – 10/1/2007
- D10 Register of Current Land and Environment Court Appeals for Development Applications

Urban Planning Committee Meeting held on Monday 9 July 2007

- D1 Confirmation of Minutes of Meeting held on 25 June 2007

Community & Environment Committee Meeting held on Monday 9 July 2007

No D Items



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 23 July 2007 at 8.03pm.**

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

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

Also in Attendance: Nil

Confirmation of Minutes

(Comino/Shoebridge)

1/13 THAT the Minutes of the Council Meeting held on 9 July 2007 be taken as read and confirmed.

Adopted

Apologies

(Comino/Shoebridge)

2/13 Apologies were received and accepted from Councillors Claudia Cullen and Fiona Sinclair King and Leave of Absence granted.

Adopted

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

Declarations of Interest

Nil

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 16 July 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Review of Ward Boundaries**
Author: Les Windle - Manager Governance
File No: 12.G
Reason for Report: For Council to adopt changes to ward boundaries following public consultation

(Martin/Boskovitz)

3/13 Resolved without debate:

A. That the following adjustments to Councils ward boundaries be adopted:

- Transfer CCD's numbered 1440901 and 1441010 from Vaucluse Ward to Bellevue Hill Ward (South west of New South Head Road/Norwich Road/Newcastle Street, Rose Bay).
- Transfer CCD's 1440704, 1440712 and 1440713 from Bellevue Hill Ward to Cooper Ward (South of Cooper Park, Bellevue Hill).
- Transfer CCD 1440402 from Double Bay Ward to Paddington Ward (South west of Bowes Avenue/Cameron Street/Glebe Street/Thorne Street, Edgecliff).

B. That the change to the ward boundaries be forwarded to the New South Wales Electoral Commission and Australian Statistician for implementation.

Item No: R2 Recommendation to Council
Subject: **Meal Service for Seniors**
Author: Susan Turner – Manager Community Development
Kylie Walshe – Director Community Services
File No: 953.G
Reason for Report: To inform Councillors of proposed changes to the location of the meal service provided to seniors.

Note: Late correspondence was tabled at the meeting from Council's Manager Community Development, Susan Turner.

Motion moved by Councillor Shapiro
Seconded by Councillor Martin

That parts A and B of the recommendation from the Corporate and Works Committee be adopted.

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

That the matter be referred back to the Corporate and Works Committee for further consideration.

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

4/13 Resolved:

- A. That Council endorse the changes to the meal service for seniors, including the change in location from EJ Ward Community Centre to Woollahra Seniors Centre.
- B. That Council delegate authority to the General Manager to sign a Memorandum of Understanding for the payment of Home and Community Care Funding to Woollahra Seniors Centre Welfare Association for the provision of meal services to seniors.

Item No: R3 Recommendation to Council
Subject: **Public Art Advisory Committee Minutes**
Author: Jo Jansyn, Cultural Development Coordinator
File No: 1160.G Public Art
Reason for Report: To table the minutes of the Public Art Advisory Committee Meeting held on Thursday 28 June 2007

**Motion moved by Councillor Excell
Seconded by Councillor Shapiro**

1. That the minutes of the Public Art Advisory Committee meeting held on Thursday 28 June 2007 be noted.
2. That Council support the recommendation that a national open competition is staged for the design of the eastern gateway which will link to the western gateway as part of the public domain improvements for Double Bay: and that a working party (of the Public Art Advisory Committee) be established to facilitate the competition, with invitations to key community members to become part of the working party.

**Amendment moved by Councillor Walker
Seconded by Councillor Petrie**

That the matter be referred back to the Public Art Advisory Committee for further consideration.

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

5/13 Resolved:

1. That the minutes of the Public Art Advisory Committee meeting held on Thursday 28 June 2007 be noted.

2. That Council support the recommendation that a national open competition is staged for the design of the eastern gateway which will link to the western gateway as part of the public domain improvements for Double Bay: and that a working party (of the Public Art Advisory Committee) be established to facilitate the competition, with invitations to key community members to become part of the working party.
-

Item No: R4 Recommendation to Council
Subject: **Gross Pollutant Devices Design & Construct Contract**
Author: Jamie Howieson – Project Manager – Environmental Works
File No: Tender 06/03
Reason for Report: To recommend to Council the acceptance of a Tender

(Rundle/Boskovitz)

6/13 Resolved:

- A. That Council enter into a contract with Austexc Pty Ltd to carry out the design and construction work for new stormwater devices at Edgecliff Road, Woollahra and Queens Avenue, Vaucluse for the amount of \$182,740 excluding GST.
 - B. That successful and unsuccessful tenderers be advised accordingly.
-

Item No: R5 Recommendation to Council
Subject: **Stormwater Management Charge**
Author: Don Johnston, Manager Finance
File No: 331G 2007/2008
Reason for Report: To recommend capping the Stormwater Management Charge for Business rated properties

(Martin/Boskovitz)

7/13 Resolved without debate:

That, for the five properties referred to in the report, the Stormwater management Charge be levied based on the land area occupied by the clubhouse, associated car parking and other hard surfaces, not total land area of the property.

Development Control Committee

**Items with Recommendations from the Committee Meeting of Monday 16 July 2007
Submitted to the Council for Determination**

Item No: R1 Recommendation to Council
Subject: 38 Fitzwilliam Road, Vaucluse – New dwelling-house, Basement garage & Swimming pool involving extensive unauthorised works – 10/10/2006
Author: David Booth – Senior Assessment Officer
File No: BC67/2007
Reason for Report: In accordance with Council’s codes and policies this matter is referred to the Council Meeting of 23 July 2007 due to a substantive change in the Development Control Committee recommendation (refusal) to the Assessment Officers recommendation (deferral).

(Shoebridge/Comino)

8/13 Resolved: Pursuant to Section 149D(5) of the Environmental Planning and Assessment Act, 1979

1. THAT the Council, as the consent authority, refuse the Building Certificate BC67/2007 – 38 Fitzwilliam Road, Vaucluse – New dwelling-house, basement garage and swimming pool involving extensive unauthorised works and that the applicant lodge a new Building Certificate application with accurate survey plans within 14 days and should the applicant fail to lodge the new application within 14 days that our solicitors be instructed to commence Class 4 proceedings in relation to the unauthorised works.
 2. THAT any future building certificate applications in relation to 38 Fitzwilliam Road, Vaucluse be referred to the Development Control Committee as an R Item for final determination by full Council.
-

Item No: R2 Recommendation to Council
Subject: **47 Russell Street, Vaucluse – Section 82A Review of entire proposal – 13/10/2005**
Author: David Booth – 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. Residential amenity
2. Overshadowing
3. Excessive FSR
4. Full and proper consideration required of the principles in Fodor Investments.

**Motion moved by Councillor Shoebridge
Seconded by Councillor Gardner**

THAT the application be refused for the following reasons:

1. Excessive FSR in building bulk;
2. Overshadowing of neighbouring residents;
3. Poor solar access to the rear of the development;
4. Lack of appropriate setbacks especially to the cliff face;
5. Inappropriate precedent of a 3 storey development in a 2 storey residential precinct;
6. Unreasonable sense of enclosure in relation to the adjoining residents;
7. Unreasonable impact on No 49 Russell Street, as a potential heritage item;
8. Non-compliance with the car-parking DCP;
9. Excessive height; and
10. Lack of deep soil and excavation beyond the building footprint.

**Amendment moved by Councillor Petrie
Seconded by Councillor Comino**

That the recommendation from the Development Control Committee be adopted subject to the inclusion of a condition that requires any substation required by the development to be placed in a basement area.

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

9/13 Resolved: Pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, **refuse** development consent to Development Application No. 25/2004 for the demolition of the existing two-storey residential flat building and the erection of a new three storey residential flat building containing four units over a basement carparking level on land at 47 Russell Street Vaucluse, for the following reasons:

1. Excessive FSR in building bulk;
2. Overshadowing of neighbouring residents;
3. Poor solar access to the rear of the development;

4. Lack of appropriate setbacks especially to the cliff face;
 5. Inappropriate precedent of a 3 storey development in a 2 storey residential precinct;
 6. Unreasonable sense of enclosure in relation to the adjoining residents;
 7. Unreasonable impact on No 49 Russell Street, as a potential heritage item;
 8. Non-compliance with the car-parking DCP;
 9. Excessive height; and
 10. Lack of deep soil and excavation beyond the building footprint.
-

Note: A Division was called by Councillors Petrie and Shoebridge

For the Motion

Councillor Gardner
Councillor Martin
Councillor Excell
Councillor Rundle
Councillor Shapiro
Councillor Shoebridge
Councillor Huxley

Against the Motion

Councillor Comino
Councillor Petrie
Councillor Dawson
Councillor Walker
Councillor Boskovitz

7/5

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 9 July 2007 Submitted to the Council for Determination

Item No: R1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting Held on 25 June 2007**
Author: Les Windle – Manager Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of 25 JUNE 2007 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Boskovitz/Comino)

10/13 Resolved without debate:

That the Minutes of the Community and Environment Committee Meeting of 25 JUNE 2007 be taken as read and confirmed.

Item No: R3 Delegated to Committee
Subject: **Women in Woollahra – Stage 2**
Author: Jane Britten and Libby Watters – Local History Librarians
File No: 474.G
Reason for Report: To report on the progress and status of the Women in Woollahra project .

(Boskovitz/Comino)

11/13 Resolved without debate:

1. That Council note the commencement of Stage 2 of the Women in Woollahra project as detailed in this report.
 2. That the public art component of the Women in Woollahra project be managed by Council staff in consultation with the Public Art Advisory Committee.
-

Item No: R4 Delegated to Committee
Subject: **Woollahra Waste Management Working Party – Minutes of Meeting 14 held on 7 June 2007**
Author: Pamela Mina
File No: 1183.G
Reason for Report: For the Committee to note the items discussed and recommended actions from the Waste Management Working Party.

(Boskovitz/Comino)

12/13 Resolved without debate:

- A. That the Minutes of the Woollahra Waste Management Working Party meeting held on Thursday 7 June 2007 be noted.
 - B. That the recorded actions contained in the minutes of the meeting be adopted.
-

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 9 July 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Motion moved by Councillor Shoebridge
Seconded by Councillor Comino

13/13 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Comino asking:

Have there been any discussions with Council from any representatives of Valad Property Group regarding their proposals for the Stamford Hotel site in Cross Street, Double Bay?

Is so, can Council be advised of the nature of any proposals?

Director Planning and Development in response:

There have been no discussions. If discussions are undertaken, we will certainly advise Councillors.

Councillor Comino asking:

Has a DA been lodged as yet for the Vaucluse High School site?

Director Planning and Development in response:

A DA on that site has not as yet been submitted. We did have a further meeting with the new owners last week. They addressed a number of issues which were raised in our initial Pre DA meeting. They have not addressed those issues to our satisfaction to date but it is moving in the right direction.

Councillor Petrie asking:

When are we going to address the dangerous ongoing problems of the 2 right turns at Kiaora Road and Bellevue Road from New South Head Road, Double Bay?

Director Technical Services in response:

On notice

Councillor Petrie asking:

I note the Daily Telegraph 23/7/07 headed "Ratepayers Funds in Jeopardy". Does this Council have any investments in "collateralised debt obligation (CDOs), and what rating are our investments in?

General Manager in response:

In response to the first question, I cannot tell you the amount. We would have a small amount invested with those but they would be in compliance with the Ministers instrument and they would also have the appropriate rating as per our Investment Policy.

Councillor Petrie asking:

When did this Council, according to the same Daily Telegraph article, agree through SSROC to pool our funds and seek a manager to manage 1 billion dollars? Tell me it is not true.

General Manager in response:

There is no intention of SSROC managing our funds. What SSROC is doing is going through an expression of interest process to see whether there are any investment benefits from the pooling of funds but the Council is not committed any funds to SSROC at this point in time.

Councillor Dawson asking:

Should not the Public Art Advisory Committee tell us where precisely the western gateway to Double Bay is? Where do they propose to place the public art work on New South Head Road?

Mayor in response:

We will refer this for a response from the Committee.

There being no further business the meeting concluded at 9.20pm.

We certify that the pages numbered 1799 to 1813 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 23 July 2007 and confirmed by Council at the ordinary Meeting of Council on 13 August 2007 as correct.

General Manager

Mayor