

Council Meeting

Monday 25 July 2011

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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 25 July 2011

- D1 Confirmation of Minutes of Meeting held on 4 July 2011
- D2 Monthly Financial Report - June 2011
- D3 Disclosure of Interest Returns Submitted by Designated Employees During the Period April to June 2011

Development Control Committee Meeting held on Monday 18 July 2011

- D1 Confirmation of Minutes of Meeting held on 4 July 2011
- D2 DA132/2010 - 20-22 Pacific Street, Watsons Bay – Demolition of two existing dwelling houses & ancillary structures (excluding boatshed) & construction of a new dwelling house & swimming pool, landscaping & associated siteworks – 13/3/2010 – **See Item R1**
- D3 DA678/2010 – 861 New South Head Road, Rose Bay – Substantial alterations & additions to the existing dwelling-house (effectively the construction of a new dwelling) including the provision of a new 1st floor level, garage, swimming pool & landscaping & siteworks – 14/12/2010
- D4 DA182/2007 Part 4 – 2 Loch Maree Place, Vaucluse – Section 96 Application – Proposed internal & external modifications – 5/4/2011
- D5 DA372/2010 Part 2 – 23 Serpentine Parade, Vaucluse – Section 96 Application – Proposed modification addition of a new roof terrace – 7/4/2011 – **See Item R2**
- D6 DA239/2009 – 7, 9 & 10 Fern Place, Woollahra – Construction of 2 x 2x3 storey detached residential dwellings with a common basement car park – 20/5/2009 – **See Item R3**
- D7 DA52/2009 Part 2 – 38 Northland Road, Bellevue Hill - Section 96 Application – Proposed internal & external modifications including increase in excavation at carpark level & modification to the built form – 26/11/2010
- D8 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
- D9 Register of SEPP 1 Objections

Urban Planning Committee Meeting held on Monday 11 July 2011

- D1 Confirmation of Minutes of Meeting held on 27 June 2011

Community & Environment Committee Meeting held on Monday 11 July 2011

- D1 Confirmation of Minutes of Meeting held on 27 June 2011
- D2 Woollahra Local Traffic Committee Minutes – 5 July 2011
- D3 Woollahra Citizen of the Year Awards Review
- D4 Public Art Advisory Committee Minutes
- D5 Underground Parking in Paddington



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 25 July 2011 at 8.05pm.**

Present: Her Worship the Mayor, Councillor Isabelle Shapiro
Councillors Anthony Boskovitz
Sean Carmichael
Lucienne Edelman
Nicola Grieve
Chris Howe
Susan Jarnason
Andrew Petrie
Ian Plater
David Shoebridge
Susan Wynne
Malcolm Young

Staff: Allan Coker (Director – Planning & Development)
Stephen Dunshea (Director – Corporate Services)
Gary James (General Manager)
Tom O’Hanlon (Director – Technical Services)
Kylie Walshe (Director – Community Services)
Les Windle (Manager – Governance)

Also in Attendance: Nil

Note: The Development Control Committee and Urban Planning Committee matters were considered before the Corporate and Works Committee matters.

Confirmation of Minutes

(Wynne/Howe)

1/13 THAT the Minutes of the Council Meeting held on 11 July 2011 be taken as read and confirmed.

Adopted

Leave of Absence

Nil

Note: Leave of Absence has previously been granted to Councillors Peter Cavanagh and Greg Medcraft.

Apologies

(Wynne/Howe)

2/13 Apologies were received and accepted from Councillor Toni Zeltzer and Leave of Absence granted.

Adopted

Declarations of Interest

Note: Councillor Wynne declared a Significant Non-Pecuniary Interest in Development Control Committee Item R1 (20-22 Pacific Street, Watsons Bay) as she is very good friends with the applicants sister. Councillor Wynne left the meeting and did not participate in the debate or vote on the matter.

Note: Councillor Carmichael declared a Significant Non-Pecuniary Interest in Urban Planning Committee Item R1 (Woollahra Principal LEP Dwelling Opportunity Sites) as one of the objectors is a friend of his mother. Councillor Carmichael left the meeting and did not participate in the debate or vote on the matter.

Note: Councillor Boskovitz declared a Non-Significant Non-Pecuniary Interest in Development Control Committee Item R3 (7, 9 & 10 Fern Place, Woollahra) as one of the objectors was previously a Liberal candidate for Woollahra Council at the 2004 election. Councillor Boskovitz does not believe it would affect his vote.

- Note:** The Mayor Councillor Shapiro declared a Non-Significant Non-Pecuniary Interest in Development Control Committee Item R3 (7, 9 & 10 Fern Place, Woollahra) as one of the objectors was previously a Liberal candidate for Woollahra Council at the 2004 election. Councillor Shapiro does not believe it would affect her vote.
- Note:** Councillor Petrie declared a Pecuniary Interest in Urban Planning Committee Item R1 (Woollahra Principal LEP Dwelling Opportunity Sites) as he lives next door to 9A Cooper Park Road, Bellevue Hill. Councillor Petrie left the meeting and did not participate in the debate or vote on the matter.
- Note:** Councillor Grieve declared a Non-Significant Non-Pecuniary Interest in Urban Planning Committee Item R1 (Woollahra Principal LEP Dwelling Opportunity Sites) as her Aunt is one of the objectors to the proposal. Councillor Grieve does not believe it would affect her vote.
- Note:** Councillor Howe declared a Non-Significant Non-Pecuniary Interest in Development Control Committee Item R1 (20-22 Pacific Street, Watsons Bay) as he is currently working on a project with Mr Sheils, a Town Planner, who is representing the applicant in this matter. Councillor Howe does not believe it will affect his vote.
-

Suspension of Standing Orders

Councillor Young

- 3/13 That Standing Orders be suspended to allow him to report to Council that on Sunday he represented the Mayor at the Commemoration Service for the 95th Anniversary of the Battle of Pozieres.

Adopted

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

Councillor Young advised:

On Sunday I represented the Mayor at the Commemoration Service for the 95th Anniversary of the Battle of Pozieres in the First World War. It was held at St Columba Uniting Church just off Queen Street in Woollahra. It was a packed church. It was attended by General David Hurley AC DSC, Chief of the Australian Defence Force and the Local Member. The Local Member and I were asked to address and I conveyed the greetings of this Council to the First Battalion Association. It was a very sad moment really, the onslaught at Pozieres started on this small town on a ridge on the northern part of the Somme Valley on 23 July 1916 and finished on approximately 7 August, barely 2 weeks later, with over 12,000 Australian casualties. 2 VC's were awarded, men were described as emerging from the bombardment, particularly from the 1st, 2nd and 4th Australian Divisions involved successively, as glassy eyed. More men were lost in the Pozieres Battle than the whole of the Gallipoli campaign. The presence of Council was appreciated.

The Council noted the information.

Mayoral Minute

Mayoral Minute No: 1

Subject: General Manager – Contract Renewal

Author: Cr Isabelle Shapiro, Mayor

File No: 58.G Staff James G

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

Motion moved by Councillor Shapiro

Seconded by Councillor Petrie

That the Mayoral Minute be adopted.

Amendment moved by Councillor Shoebridge

Seconded by Councillor Jarnason

That Council seek expressions of interest for the General Manager position.

Foreshadowed Amendment advised by Councillor Jarnason.

That consideration of the matter be deferred.

The Amendment was put and lost

Amendment moved by Councillor Jarnason

Seconded by Councillor Grieve

That consideration of the matter be deferred.

The Amendment was put and lost

The Motion was put and carried

(Shapiro/Petrie)

4/13 Resolved:

1. That Council note the General Manager Performance Review Panel’s unanimous recommendation for the renewal of the General Manager’s Contract.
2. That Mr Gary James current contract term as General Manager be renewed for four (4) years to 1 July 2016.
3. That the Mayor, in consultation with the Performance Review Panel, be authorised to negotiate and finalise the Contact 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.

Note: A Division was called by Councillors Petrie and Boskovitz

For the Motion

Councillor Wynne
Councillor Edelman
Councillor Petrie
Councillor Carmichael
Councillor Boskovitz
Councillor Shapiro
Councillor Young
Councillor Howe
Councillor Plater

Against the Motion

Councillor Shoebridge
Councillor Grieve
Councillor Jarnason

9/3

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 25 July 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Reconstruction Work in Bunyula Road between Latimer Road and Blaxland Road, Bellevue Hill.**
Author: Sam Badalati – Project Manager
File No: Tender No 11/08
Reason for Report: To recommend to Council the acceptance of a Tender.

(Petrie/Shoebridge)

5/13 Resolved without Debate:

- A. That Council enter into a Contract with Melhemcorp Pty Ltd for the lump sum of \$463,016 excluding GST, plus any provisional rates used for reconstruction work in Bunyula Road between Latimer Road and Blaxland Road, Bellevue Hill.
- B. That successful and unsuccessful tenderers be advised accordingly.
- C. That Council progress at SSROC meetings, regional support for Council's open tendering procedures to promote transparency in the decision making process.

Item No: R2 Recommendation to Council
Subject: **Interest on Overdue Rates & Charges**
Author: Don Johnston, Manager Finance
File No: 331.G 2011/12
Reason for Report: To report to the Committee an increase in the maximum interest rate for overdue Rates and Charges and seek a determination of the rate to be charged by Council in 2011/12.

(Petrie/Shoebridge)

6/13 Resolved without Debate:

That Council:

- A. Give 28 days notice of an amendment to its 2011/12 Fees and Charges Schedule to apply the maximum interest rate of 11% on overdue Rates and Charges.
- B. Receive a further report advising of any submissions received in respect of the proposal.

Item No: R3 Recommendation to Council

Subject: **Internal Audit Function and Audit Committee**

Author: Stephen Dunshea - Director Corporate Services
Cheryle Burns – Manager Risk Control & Safety Services
Helen Tola – Governance & Corporate Planning Coordinator

File No: 1225.G

Reason for Report: To provide the Committee with an overview of the Woollahra Council model for Internal Audit in the context of an overall Business Assurance Framework and to make recommendations regarding the establishment of an Audit and Assurance Committee.

(Petrie/Shoebridge)

7/13 **Resolved:**

That Council:

- A. Note the development of Council's Internal Audit function as a key operational component of Council's overall Business Assurance Framework.
- B. Having considered the Division of Local Government Internal Audit Guidelines and the ICAC recommendations in relation to Audit Committees, formally establish the Woollahra Council Audit and Assurance Committee as an Advisory Committee of Council, to report to Council through the Corporate & Works Committee.
- C. Determine the composition of the Audit and Assurance Committee, as a five (5) member Committee comprising three (3) independent members to be appointed by Council, and two (2) Councillors to be appointed by the Mayor.
- D. Establish a panel comprising the Mayor, Deputy Mayor, Chair of the Corporate & Works Committee, one (1) other Councillor to be appointed by the Mayor, the General Manager and the Director Corporate Services, to prepare draft expressions of interest documents relating to the appointment of the independent members for review by the Corporate Works Committee.
- E. Review the Draft Audit & Assurance Committee Charter provided as Annexure 2 as the Audit and Assurance Committee's Charter, in light of the matters raised at the Corporate & Works Committee meeting of the 18 July 2011.
- F. Note Council's participation in a resource sharing arrangement with the Southern Sydney Regional Organisation of Councils (SSROC) for the provision of Internal Audit Services.
- G. Notwithstanding the Recommendation in part C, the next report to the Corporate & Works Committee include the composition of the Audit Committee of other comparable Councils.

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 18 July 2011 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
- Subject:** **20-22 Pacific Street, Watsons Bay – Demolition of two existing dwelling houses & ancillary structures (excluding boatshed) & construction of a new dwelling house & swimming pool, landscaping & associated siteworks – 13/3/2010**
- Author:** Clare Hall – Assessment Officer
- File No:** DA132/2010
- Reason for Report:** In accordance with Council’s meeting procedures and policy this matter has been called to full Council by Councillor Howe for the following reasons:
1. Impact of proposal on Watsons Bay Heritage Conservation Area as expressed by significant number of local residents.
 2. Public interest and precedent due to;
 - Non-compliance of the chimneys with Clause 12 of the WLEP1995 and SEPP 1 Objection lodged by applicant.
 - Non-compliance of Clause 19 WLEP1995 FSBL and SEPP 1 Objection lodged by applicant.
 - Non-compliance with WBHCADCP; Part 3 Clauses J.6.1, J.6.2, J.6.3, J.6.4, & J18, & Part 4 Section 6.4.1.
 3. Recommendations of our Planning and Heritage Staff for Approval
 4. Recommendation of Councillors at Site Meeting for deferment due to non-compliances.
- Note:** Councillor Wynne declared a Significant Non-Pecuniary Interest in this Item as she is very good friends with the applicants sister. Councillor Wynne left the meeting and did not participate in the debate or vote on the matter.
- Note:** Councillor Howe declared a Non-Significant Non-Pecuniary Interest in this Item as he is currently working on a project with Mr Sheils, a Town Planner, who is representing the applicant in this matter. Councillor Howe does not believe it will affect his vote.
- Note:** Late correspondence was tabled by Council’s Assessment Officer Clare Hall, Allan Vidor, Susie Menadue, Watsons Bay Association, Sydney Harbour Association, Catherine Boardman, Adam Haddow & SJB Architects.

**Motion moved by Councillor Howe
Seconded by Councillor Carmichael**

That the application be approved in accordance with the conditions submitted to the Development Control Committee subject to inclusion of the amendments recommended in the Late Correspondence from Council’s Assessment Officer Clare Hall.

**Amendment moved by Councillor Young
Seconded by Councillor Petrie**

- A. THAT the Council, defer Development Application No. 132/2010 for the demolition of existing dwelling houses and ancillary structures (excluding boatshed), construction of a new dwelling house and swimming pool, landscaping and siteworks on land at 20 Pacific Street Watsons Bay, for the following reasons:
- Extent of excavation and FSR exceedance
 - Breach of Council's height development standard
 - Front setback non-compliance
 - Roof form not consistent with Council's DCP controls
 - FSBL encroachment
 - The use of solid fuel for the fireplaces
- B. That the matter be submitted to the Development Control Committee meeting on 1 August 2011 to consider, under delegated authority, the amended plans.

**Councillors Howe and Carmichael withdrew their Motion
The Amendment became the Motion
The Motion was put and carried**

(Young/Petrie)

8/13 Resolved:

- A. THAT the Council, defer Development Application No. 132/2010 for the demolition of existing dwelling houses and ancillary structures (excluding boatshed), construction of a new dwelling house and swimming pool, landscaping and siteworks on land at 20 Pacific Street Watsons Bay, for the following reasons:
- Extent of excavation and FSR exceedance
 - Breach of Council's height development standard
 - Front setback non-compliance
 - Roof form not consistent with Council's DCP controls
 - FSBL encroachment
 - The use of solid fuel for the fireplaces
- B. That the matter be submitted to the Development Control Committee meeting on 1 August 2011 to consider, under delegated authority, the amended plans.

Item No: R2 Recommendation to Council
Subject: **23 Serpentine Parade, Vaucluse – Section 96 Application – Proposed modification addition of a new roof terrace – 7/4/2011**
Author: Clare Hall – Assessment Officer
File No: DA372/2010 Part 2
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal) to the Officer’s recommendation (approval).

Note: This decision of Council was required to be referred to the Development Control Committee Meeting to be held on Monday 1 August 2011 for clarification of the conditions of consent.

Note: Late correspondence was tabled by Council’s Assessment Officer Clare Hall, Anna Goodman, GSA Planning and Rosemary Block.

**Motion moved by Councillor Grieve
Seconded by Councillor Howe**

That the staff recommendation for approval of the application submitted to the Development Control Committee meeting on 18 July 2011 be adopted subject to:

1. inclusion of the amendments recommended in the Late Correspondence submitted by Council’s Assessment Officer Clare Hall except that
 - i) Condition C.1.(f) be further amended to read:
“The proposed privacy screens to be constructed to the south of the roof terrace and to the access stairs are to be deleted.”
 - ii) Condition C.1.(g) be further amended to read:
“No sightlines must be created between the north-facing windows to the bedrooms located on the first floor level of the neighbouring house at 21 Serpentine Parade and adjoining balcony from the first floor level and roof terrace of the approved dwelling house shown on drawing 1 ‘Section 96(1) Date 06-04-11’ & ‘REVISIONS DATE 19-07-11’ and drawings 4 – 6 marked as ‘Section 96(1) Date 06-04-11’.
2. inclusion of an additional condition C.1(h) to read:
“The 1.2m balustrade immediately surrounding the roof terrace is to be constructed of clear glass.”
3. inclusion of an additional condition C.1.(i) to read:
“There is to be no roof or fixed umbrellas on the roof terrace.”

Amendment moved by Councillor Young

That the recommendation from the Development Control Committee for refusal of the application be adopted.

The Amendment lapsed for the want of a seconder

(Grieve/Howe)**9/13 Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979**

Note: This decision of Council was required to be referred to the Development Control Committee Meeting to be held on Monday 1 August 2011 for clarification of the conditions of consent.

THAT Council, as the consent authority, modify development consent to Development Application No. 372/2010 part 2 for the addition of a new roof terrace on land at 23 Serpentine Parade Vacluse, in the following manner:

Insert the following condition:**A.5 Approved Amended (s96) Plans and supporting documents**

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp "Approved Section 96 Plans" listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
<u>Job 2905</u> <u>Dwg 1 'Section 96(1) Date 06-04-11'</u> <u>& 'REVISIONS DATE 19-07-11'</u>	<u>Modified</u> <u>Architectural</u>	<u>Andre Baroukh +</u> <u>Associates Architects</u>	<u>28 July 2011</u>
Job 2905 Dwg 4 'Section 96(1) Date 06-04-11' Dwg 5 'Section 96(1) Date 06-04-11' Dwg 6 'Section 96(1) Date 06-04-11'	Modified Architectural Drawings	Andre Baroukh + Associates Architects	6 April 2011

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A6

Amend the following Conditions as Indicated in Bold**C.1 Modification of details of the development (s80A(1)(g) of the Act)**

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) To ensure that the development will achieve a suitable amount of deep soil landscape area in accordance with WRDCP 2003 control C5.3.2, at least 225m² of deep soil landscape area is provided on-site – this area must not be built above or below by any structures, including fence and building footings, water tanks or other.

- b) In order to improve the relationship between the dwelling-house and the street, maintain pedestrian safety and ensure the visibility of gardens within the front setback area for their significant positive contribution to precinct character and streetscape amenity, the front fence and pedestrian and vehicular gates are to achieve total compliance with control C4.14.7.4 of the Woollahra Residential Development Control Plan, which states: 'If solid, front fences are to be no greater in height than 1.2m. Front fences to a maximum height of 1.5m may be permitted where 50% of the fence is transparent.
- c) **Deleted.**
- d) The external windows/doors to the basement level bedroom and 'home theatre'/entertainment room are to be operable to ensure that these rooms are provided with adequate access to natural light and ventilation and reduce the necessity for mechanical heating and cooling.
- e) The front setback of the first floor level of the proposed dwelling is to be increased by 1.2m to reduce the view loss impacts of the development upon the master bedroom of the dwelling house at 21 Serpentine Parade. Internal alterations and reconfigurations to the arrangement of rooms may be undertaken.
- f) **The proposed privacy screens to be constructed to the south of the roof terrace and to the access stairs are to be deleted.**
- g) **No sightlines must be created between the north-facing windows to the bedrooms located on the first floor level of the neighbouring house at 21 Serpentine Parade and adjoining balcony from the first floor level and roof terrace of the approved dwelling house shown on drawing 1 'Section 96(1) Date 06-04-11' & 'REVISIONS DATE 19-07-11' and drawings 4 – 6 marked as 'Section 96(1) Date 06-04-11'.**
- h) **The 1.2m balustrade immediately surrounding the roof terrace is to be constructed of clear glass.**
- i) **There is to be no roof or fixed umbrellas on the roof terrace.**

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

Standard Condition: C4

I.6 Outdoor lighting – Residential

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600 mm above the finished floor level of the roof terrace.

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting.

Standard Condition: I42

I.7 Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

This condition has been imposed to protect the amenity of the neighbourhood and applies to all activities on-site, **including use of the roof terrace**, mechanical plant such as pool plant, pumps and mechanical ventilations systems.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

Standard Condition: I50

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed.

This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf) ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>) ISBN 1741370671, dated December 2004.
Standard Condition: I53

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion***Against the Motion***

Councillor Boskovitz
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie

Nil

12/0

Item No: R3 Recommendation to Council

Subject: **7, 9 & 10 Fern Place, Woollahra – Construction of 2 x 2x3 storey detached residential dwellings with a common basement car park – 20/5/2009**

Author: Simon Taylor – Senior Assessment Officer

File No: DA239/2009

Reason for Report: In accordance with Council’s meeting procedures and policy this matter has been called to full Council by Councillor Boskovitz for the following reasons:

- Lack of public consultation regarding the potential sale of public land
- The future of the RTA who may eventually sell the asset, is in question
- Planning issues that are involved in the proposal

Note: Councillor Boskovitz declared a Non-Significant Non-Pecuniary Interest in this Item as one of the objectors was previously a Liberal candidate for Woollahra Council at the 2004 election. Councillor Boskovitz does not believe it would affect his vote.

Note: The Mayor Councillor Shapiro declared a Non-Significant Non-Pecuniary Interest in this Item as one of the objectors was previously a Liberal candidate for Woollahra Council at the 2004 election. Councillor Shapiro does not believe it would affect her vote.

(Edelman/Grieve)

10/13 Resolved:

THAT the Council, defer Development Application No. 239/2009 for the construction of 2 x two/three storey detached residential dwellings with a common basement car park on land at Lot 7, 9 and 10 DP 262918 in Fern Place, Woollahra, to the next Development Control Committee of the 1 August 2011 for the following reason:

- To allow affected parties further time to consider the development application and their associated impacts.

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 11 July 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Woollahra Principal LEP Dwelling Opportunity Sites**
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G Principal LEP
Reason for Report: To inform Council about advice from the Department of Planning and Infrastructure on the dwelling opportunity sites and preparation of the Principal LEP.
To obtain a decision to prepare a planning proposal for 9A Cooper Park Road, Bellevue Hill

Note: Councillor Carmichael declared a Significant Non-Pecuniary Interest in this Item as one of the objectors is a friend of his mother. Councillor Carmichael left the meeting and did not participate in the debate or vote on the matter.

Note: Councillor Petrie declared a Pecuniary Interest in this Item as he lives next door to 9A Cooper Park Road, Bellevue Hill. Councillor Petrie left the meeting and did not participate in the debate or vote on the matter.

Note: Councillor Grieve declared a Non-Significant Non-Pecuniary Interest in this Item as her Aunt is one of the objectors to the proposal. Councillor Grieve does not believe it would affect her vote.

Note: Late correspondence was tabled by Michael d'Apice and Council's Director Technical Services, Tom O'Hanlon.

Motion moved by Councillor Howe
Seconded by Councillor Plater

- A. That the Council advise the Department of Planning and Infrastructure that it would prefer to proceed with a staged approach to the delivery of additional housing opportunity sites in Woollahra through planning proposals as suggested in the Department's letter of 22 June 2011.
- B. That the Council defer consideration of the remaining opportunity sites or other sites that have or may be brought to the Council's attention until gazettal of the Principal LEP, unless strong and supportable planning reasons are brought forward.
- C. That a planning proposal be prepared for 9A Cooper Park Road, Bellevue Hill incorporating the changes endorsed by the Council in Part A of its resolution of 16 May 2011 relating to the site.

Amendment moved by Councillor Boskovitz**Seconded by Councillor Shoebridge**

- A. That the Council advise the Department of Planning and Infrastructure that it would prefer to proceed with a staged approach to the delivery of additional housing opportunity sites in Woollahra through planning proposals as suggested in the Department's letter of 22 June 2011.
- B. That the Council defer consideration of the remaining opportunity sites or other sites that have or may be brought to the Council's attention until gazettal of the Principal LEP, unless strong and supportable planning reasons are brought forward.
- C. That 9A Cooper Park Road, Bellevue Hill not be rezoned for residential purposes and that further investigations be made as to the appropriate use for this land.
- D. That Council, if it wishes to continue to investigate opportunity sites, that it investigate areas of land in the vicinity of transport hubs.

The Amendment was put**The Mayor did not "carry" the Amendment****The Motion was put and declared carried on the casting vote of the Mayor****(Howe/Plater)****11/13 Resolved:**

- A. That the Council advise the Department of Planning and Infrastructure that it would prefer to proceed with a staged approach to the delivery of additional housing opportunity sites in Woollahra through planning proposals as suggested in the Department's letter of 22 June 2011.
- B. That the Council defer consideration of the remaining opportunity sites or other sites that have or may be brought to the Council's attention until gazettal of the Principal LEP, unless strong and supportable planning reasons are brought forward.
- C. That a planning proposal be prepared for 9A Cooper Park Road, Bellevue Hill incorporating the changes endorsed by the Council in Part A of its resolution of 16 May 2011 relating to the site.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Edelman
 Councillor Shapiro
 Councillor Young
 Councillor Howe
 Councillor Plater

Against the Motion

Councillor Boskovitz
 Councillor Wynne
 Councillor Jarnason
 Councillor Shoebridge
 Councillor Grieve

5/5**The Motion was declared carried on the casting vote of the Mayor.**

Rescission Motion

Item No: 1
From: Councillors Shoebridge, Jarnason and Grieve
Date: 19 July 2011
File No: 900.G 2011

(Jarnason/Grieve)

12/13 That the motion carried at the Council Meeting held on 11 July 2011 being Item Number R3 of the Corporate and Works Committee dealing with the Installation of a lift at the Hugh Latimer Centre be rescinded.

Adopted

Notice of Motion

Item No: 1
From: Councillors Grieve, Jarnason and Shoebridge
Date: 19 July 2011
File No: 900.G

(Jarnason/Grieve)

- 13/13** A. That Council approve the installation of a lift at the Hugh Latimer Centre Woollahra Preschool, to comply with the Disability Discrimination Act and Department of Education funding agreement.
- B. That the sum of \$75,000 from the Preschool reserve be utilised to fund the installation of a lift and Council continue to seek grant funding for this project, when they become available.

Adopted

Item No: 12
Subject: Questions on Notice
Author: Gary James, General Manager
File No: 467.G/Q 10
Reason for Report: To introduce Councillors Questions on Notice submitted in accordance with Council's Code of Meeting Practice.

(Boskovitz/Carmichael)

14/13 **Resolved:**

That the Question on Notice be noted.

The below Questions on Notice was submitted by Councillor Carmichael.

Councillor Carmichael asking:

Question on Notice to Director of Corporate Services RE: Impact of Carbon Tax on Council's Budget

Based on available information, what impact do you expect the Commonwealth Government's proposed carbon dioxide tax will have on Council's future budgets?

Particularly, I note Brisbane City Council's 'warning' to residents that rates may rise an additional 2% due to the proposed tax. Can Woollahra ratepayers expect a similar rise in the coming years?

Director Corporate Services in response:

It's very difficult at this stage to put a dollar figure on any impact the Carbon Tax will have on Council's budget. Given we don't operate any direct carbon emission business activities that would attract the direct \$23 / tonne carbon tax, any impact on us will be through flow-on costs as other industries and suppliers pass on the tax through price increases.

The only relevant indicator I can find from the Clean Energy Future website shows the carbon price is expected to increase the CPI by 0.7% in 2012/13. But there are a range of price indicators IPART will use in their Local Government Costs Index to determine the rate pegging limit for 2012/13, including fuels, electricity, gas, building & construction materials etc. An estimate of the impact the carbon tax will have on these indicators isn't available at this stage so it is difficult to forecast what IPART's rate increase determination for 2012/13 might be.

It is worth noting that Council's rate increase for 2012/13 is already locked in at an effective 4% under the recently approved SRV, i.e., the estimated rate cap of 3% plus the additional 1% to recover some of the Emergency Management Contribution increases. Our long term financial modelling submitted with the SRV forecasts rate increases of 3% from 2013/14, being the estimated rate pegging limit which is subject to IPART's annual determination.

I would suggest that Brisbane Council are only able to provide the estimated 2% rate increase impact because they don't have the restriction of rate pegging.

Questions for Next Meeting

Item No: 13
Subject: Questions for Next Meeting
Author: Gary James, General Manager
File No: 467.G/Q 10
Reason for Report: To allow Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Boskovitz /Carmichael)

15/13 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted

The following questions were asked:-

Councillor Boskovitz asking:

Could I get a response to my question regarding the change in parking conditions on New South Head Road, Vacluse and Rose Bay?

Director Technical Services in response:

No stopping signs were installed. We had no knowledge of that and the RTA is denying any knowledge of it as well. Having had their presence pointed out to them by us the RTA has formed a view that they quite like them. We have challenged that view on the basis that there was no proper discussion before their installation. Where it rests at the moment is that they are still examining their organisation to determine why they were put in.

Councillor Jarnason asking:

Are the Mayor and fellow Councillors aware that the Paddington shopkeepers are being subject to substantial disruption as a result of huge longitudinal road works that are being implemented by Ausgrid?

Unlike our own Council there was no consultation with shopkeepers re this.

Mayor in response:

I am aware. My understanding is that there is nothing we can do.

Councillor Howe asking:

What action is being taken to stop the stormwater which is currently overflowing over New South Head Road outside Council Chambers and is Council pursuing a permanent solution to this problem which seems to occur every time we have a period of high rainfall?

Director Technical Services in response:

I can confirm that the matter has been referred to Sydney Water who have told us they are coming out to investigate the issue tomorrow morning.

Councillor Shoebridge asking:

Did Council staff support Council's refusal of the DA for 76 Oxford Street when the matter came before the Land and Environment Court on 21 July 2011, and if not why not?

Director Planning and Development in response:

My recollection on that case was that the Council staff had recommended approval of the application, then on appeal we appointed an independent planner to support the Council's decision and through that process there were amendments made to the scheme and I think they were agreed to by the independent planner who was appointed in those proceedings.

There will be a formal report coming back. There has been quite a deal of e-mail correspondence on this matter and I will send out a more detailed report on that case to Councillors.

Councillor Young asking:

Could the Director of Planning respond to concerns expressed by Ms Tara Morice in the email which I forwarded to you about the conduct of the 76A Oxford Street appeal?

Director Planning and Development in response:

I will be happy to do that. I will send something out to all Councillors on this case because I think that the correspondent has sent this around to all Councillors so I thought I would reply to all Councillors.

There being no further business the meeting concluded at 10.10pm.

We certify that the pages numbered 1849 to 1873 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 25 July 2011 and confirmed by Council at the ordinary Meeting of Council on 8 August 2011 as correct.

General Manager

Mayor