

Council Meeting

Monday 2 May 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 18 April 2011

No Meeting

Development Control Committee Meeting held on Monday 18 April 2011

- D1 Confirmation of Minutes of Meeting held on 4 April 2011
- D2 DA690/2010 – 40 Kambala Road, Bellevue Hill – Demolition of the existing dwelling & pool & construction of a new dwelling house, pool & landscaping – 20/12/2010
- D3 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
- D4 Register of SEPP 1 Objections

Urban Planning Committee Meeting held on Monday 11 April 2011

- D1 Confirmation of Minutes of Meeting held on 28 March 2011

Community & Environment Committee Meeting held on Monday 11 April 2011

- D1 Confirmation of Minutes of Meeting held on 28 March 2011
- D2 Woollahra Local Traffic Committee Minutes – 5 April 2011
 - Y1 Parking Restrictions Changes
 - Y2 No. 2 Glendon Road, Double Bay – Works Zone
 - Y3 No. 7-21 Saber Street (Newland Street), Woollahra – Works Zone
 - Y4 No. 6-8 Carrara Road, Vaucluse – Works Zone
- D3 Minutes of the Floodplain Risk Management Committee (FPRMC) meeting held on Wednesday 16 March 2011



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 2 May 2011 at 8.00pm.**

Present: Her Worship The Mayor, Councillor Isabelle Shapiro
Councillors Sean Carmichael
Peter Cavanagh
Nicola Grieve
Chris Howe
Susan Jarnason
Greg Medcraft
Andrew Petrie
Ian Plater
David Shoebridge
Susan Wynne
Malcolm Young
Toni Zeltzer

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

Also in Attendance: Nil

Confirmation of Minutes

(Wynne/Zeltzer)

1/7 THAT the Minutes of the Council Meeting held on 11 April 2011 be taken as read and confirmed.

Adopted

Leave of Absence

2/7 (Petrie/Zeltzer)

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Greg Medcraft for the period Tuesday 3 May 2011 to Monday 12 September 2011 inclusive.

Adopted

Apologies

(Petrie/Zeltzer)

3/7 Apologies were received and accepted from Councillors Anthony Boskovitz and Lucienne Edelman and Leave of Absence granted.

Adopted

Declarations of Interest

Councillor Howe declared a Non Significant Non Pecuniary Interest in Urban Planning Committee Item R1 (Reporting on the Opportunity Site Submissions for Sites 1AQ & 1B, as part of the Section 62 Consultation for the Woollahra Principal Local Environmental Plan) as he lives 100 metres from the sites. Councillor Howe stated that it would not affect his vote.

Petitions

Petition No: 1
From: Certain citizens of New South Wales
Table by Councillor: Susan Wynne
File No: 884.G 2011 XR 307.1

The Petition was in terms,

The Pilot Station, Watsons Bay has remained vacant since its closure in November 2008. With over \$2 Million having just been spent on the Watsons Bay baths and library it is imperative that the Pilot Station be adaptively reused in a manner which will enhance this historic precinct, preserve its heritage significance and benefit the local community and residents.

Your petitioners request that the House direct the State Government to conduct broad community consultation to be used to develop future plans for the site that respect the above values.

Motion moved by Councillor Wynne
Seconded by Councillor Petrie

4/7 That the petition lie on the table for fourteen (14) days.

Adopted

Suspension of Standing Orders

Councillor Cavanagh

- 5/7 That Standing Orders be suspended to allow him to raise the Royal Wedding which was held on Friday evening.

Adopted

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

Councillor Cavanagh advised:

As everybody knows it was the Royal Wedding on Friday night which was a fantastic evening. Most of us enjoyed it whether a Monarchist or a Republican. I think that is the great benefit of the Royal Family, the fact the people do join up from all sides of politics. I would like that the Council acknowledge the Duke and Duchess of Cambridge, as they now are, and the Council send its congratulations.

The Mayor endorsed the request.

Councillor Wynne

- 6/7 That the Suspension of Standing Orders continue to allow her to raise ANZAC Day

Adopted

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

Councillor Wynne advised:

I would like to raise, in the wake of the Royal Wedding and also EASTER, that last Monday was ANZAC Day and it is very easy to forget, with everything that has been going on, the importance of this day where we remember those people who gave their lives defending this country and those people who still defend this country. I think that it is something that unfortunately, the way it fell on EASTER Monday, it was a bit of a disappointment because it was very much overlooked and I would like to bring everyone's attention to the fact that as Council we remember those people who did give their lives and also the people who are still defending our country.

The Mayor endorsed the acknowledgement.

Medcraft

- 7/7 That the Suspension of Standing Orders continue to allow him to advise Council of a meeting he attended at White City.

Adopted

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

Councillor Medcraft advised:

I attended a meeting at White City yesterday and wanted to mention that it was a meeting called with residents, and I was a little surprised and disappointed that Councillors were not invited, nor was Council. One of the issues that came out of the meeting was that the Hakoah Club would like access through to New South Head Road and have approached Grammar to have that access and have been rejected. I would like to suggest that perhaps you, Madam Mayor, could convene a meeting to try and facilitate access and for Council to take leadership in this issue.

The Mayor advised that she would discuss the matter with the relevant Director and General Manager.

Development Control Committee

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

Item No: R1 Recommendation to Council

Subject: 23 Victoria Street, Watsons Bay – Land & Environment Court Update – Section 96 Application – Proposed Modification landscaping adjacent to Camp Cove frontage – 19/11/2010

Author: David Booth – Senior Assessment Officer

File No: DA777/2008 Part 12

Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council for determination, as this matter was previously considered by full Council.

Note: Late correspondence was tabled at the meeting from Council’s Manager Governance, Les Windle.

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

That Council note that the Mayor and General Manager have exercised their delegated authority to implement the following Development Control Committee recommendation:

- A. *THAT, based upon the advice from its solicitors, Council enters into consent orders based upon the staff recommendation of the Section 96 Application Assessment Report considered by full Council on 14 February 2011 to modify development consent to Development Application No. 777/2008 part 12 for the demolition of an existing dwelling house and ancillary structures and erection of a new dwelling house and ancillary structures, landscaping and site works on land at 23 Victoria Street, Watsons Bay.*
- B. *THAT in accordance with Council’s policy on confidentiality, the confidential report remain confidential for a period of 6 months or until the completion of the appeal, whichever occurs last.*

**Amendment moved by Councillor Shoebridge
Seconded by Councillor Petrie**

That given the Council’s position to date and the need to ensure that community concerns with this development be adequately presented at tomorrow’s hearing, that Council continue to defend the appeal.

**Councillor Howe withdrew his Motion
As the original Motion was withdrawn, the Amendment moved by Councillor Shoebridge and
Seconded by Councillor Petrie became the Motion**

**Amendment moved by Councillor Carmichael
Seconded by Councillor Cavanagh**

That Council note that the Mayor and General Manager have exercised their delegated authority to implement the following Development Control Committee recommendation:

- A. *THAT, based upon the advice from its solicitors, Council enters into consent orders based upon the staff recommendation of the Section 96 Application Assessment Report considered by full Council on 14 February 2011 to modify development consent to Development Application No. 777/2008 part 12 for the demolition of an existing dwelling house and ancillary structures and erection of a new dwelling house and ancillary structures, landscaping and site works on land at 23 Victoria Street, Watsons Bay.*
- B. *THAT in accordance with Council's policy on confidentiality, the confidential report remain confidential for a period of 6 months or until the completion of the appeal, whichever occurs last.*

**The Amendment was put and Lost
The Motion was put and Adopted**

(Shoebridge/Petrie)

Resolved:

- 8/7** That given the Council's position to date and the need to ensure that community concerns with this development be adequately presented at tomorrow's hearing, that Council continue to defend the appeal.

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 Medcraft
Councillor Wynne
Councillor Zeltzer
Councillor Jarnason
Councillor Shoebridge
Councillor Howe
Councillor Grieve
Councillor Petrie
Councillor Plater

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Young
Councillor Shapiro

9/4

Urban Planning Committee

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

- Item No:** R1 Recommendation to Council
- Subject:** **Reporting on the Opportunity Site Submissions for Sites 1A & 1B, as part of the Section 62 Consultation for The Woollahra Principal Local Environmental Plan**
- Author:** Anne White – Senior Strategic Planner
- File No:** 1064.G Principal LEP
- Reason for Report:** The purpose of this report is to
- Consider the submissions received during the section 62 consultation for the Woollahra Principal Local Environmental Plan – with regards to the opportunity sites at:
 - Site 1A: Vaocluse Village: 1-7 Hopetoun Avenue, 22A -24 New South Head Road, 1 Petrarch Avenue, Vaocluse
 - Site 1B: Vaocluse Village: 77 New South Head Road, Vaocluse (car wash site)
 - Obtain Council's approval to include the proposed planning changes identified for these opportunity sites in the preparation of the Draft Woollahra Principal Local Environmental Plan.
- Note:** Councillor Howe declared a Non Significant Non Pecuniary Interest in Urban Planning Committee this Item as he lives 100 metres from the sites. Councillor Howe stated that it would not affect his vote.

(Howe/Zeltzer)

9/7

Resolved without debate:

- A. That the proposed planning changes, for *Opportunity Site 1a: Vaocluse Village: 1-7 Hopetoun Avenue, 22A -24 New South Head Road, 1 Petrarch Avenue, Vaocluse*, be included with amendments in the Draft Woollahra Principal Local Environmental Plan.
- B. That the proposed planning changes, for *Opportunity Site 1b: Vaocluse Village: 77 New South Head Road, Vaocluse*, be included in the Draft Woollahra Principal Local Environmental Plan.
- C. That all persons notified during the Section 62 Consultation stage be notified during the Section 66 Consultation stage and informed of the changes arising from the Section 62 Consultation, irrespective of whether they made a submission or not.
- D. That a further report be presented to the Urban Planning Committee on the inclusion of the Edgecliff Centre site (203-233 and 235-285 New South Head Road, Edgecliff) as an opportunity site.

- E. That a further be presented to the Urban Planning Committee on the impacts of definition changes to gross floor area and floor space ratio in terms of dwelling yields.
- F. That a further report be presented to the Urban Planning Committee on the options for mandating additional dwellings when additional floor space and height is allowed.

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 Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie
Councillor Plater

Nil

13/0

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.

(Carmichael/Cavanagh)

10/7 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted

The following questions were asked:-

Councillor Petrie asking:

I would like to thank the Director Technical Services and his staff for making Woollahra Oval No. 1 the best quality/conditioned oval in wet weather in the whole of rugby over the last 4 weeks. The oval has been the best.

Director Technical Services in response:

Thank you Councillor Petrie.

Councillor Petrie asking:

The Colleagues Car Park parking restriction signs have been graffitied. Please can we prevent this abuse/vandalism of public property?

Director Technical Services in response:

The signs that were put in to limit the time parking on Saturday and Sunday morning have on two separate occasions been totally blacked out with paint. The first time it happened we cleaned them up, not very effectively it has to be said, they were pretty hard to clean. The second time it happened we decided that rather than to continue in this foolish chase that we would actually replace the signs with some new ones which had extra anti graffiti treatment. Those have been ordered and as I understand from my staff will be delivered on the 10th May and installed immediately.

Councillor Wynne asking:

Could staff be formally thanked for their time at the public meeting held at Christison Park with regards to the fire trees near the new residential development?

Director Technical Services in response:

They will.

Councillor Howe asking:

When will the report regarding the Notice of Motion regarding incentives for hotels or cinemas in Double Bay be completed and presented to Council?

I ask this question as there area number of organisations currently investigating the establishment of hotel(s) in Double Bay who are clearly interested in any changes or amendments to Council Planning or other instruments regarding development and operations of hotels in Double Bay.

Director Planning and Development in response:

We have collected quite a deal of mostly market information about hotels. However we are not very well advanced with the report on that at this stage. I don't expect that a report will be ready for the Committee probably until at least the second meeting in June and maybe in July.

Councillor Young asking:

What can be done to rescue the shocking state of the grass on the northern most section of Steyne Park (that lying between the sea wall and the path leading from the 18 Footers to Wiston Gardens)?

Despite the recent rains it has never recovered since the recent sailing carnival.

Can a watering system be considered? The area contrasts very badly with the grass on the southern part of the park.

Director Technical Services in response:

On notice.

Councillor Young asking:

Did we get any contribution to restoration of the grass from the organisers of the sailing carnival when we licensed the space to them?

Director Technical Services in response:

On notice.

Councillor Young asking:

What can be done to rescue the poor state of the grass lawn areas adjoining the beach at Redleaf Pool? The bare areas mixed with weeds contrasts very badly with our lovely lawns up the slope in front of this Council.

Can a watering system be introduced?

Director Technical Services in response:

On notice.

Councillor Grieve asking:

Some time ago I asked about a pram access at the bottom of Rose Bay Avenue and New South Head Road to assist the students that are riding to school. Now the road restoration has finished in this area the difficulties have been removed. Could this be put on the schedule to be done asap?

Director Technical Services in response:

I am very familiar with this site having visited after the last time Councillor Grieve asked me about this. As I understand it Jake Matuzic the Manager of Civil Infrastructure did say that he would look at it after the roadworks were completed so we can ask him to look at it now.

Councillor Grieve asking:

Could the Director Planning and Development please investigate how it is possible that residents of Camp Cove were not notified until after the Development Control Committee Meeting?

Could we in future use electronic communication to avoid this situation in the future?

Director Planning and Development in response:

On notice.

Councillor Shoebridge asking:

To the Mayor

Could you please place on the record any communications of which you have knowledge between Council, including any Councillors, and any proponents for increasing the density or FSR on what was the Ashington site at Double Bay?

Mayor in response:

On notice.

Councillor Shoebridge asking:

To Councillor Petrie

Could you please place on the record any communications of which you have knowledge between Council, including any Councillors, and any proponents for increasing the density or FSR on what was the Ashington site at Double Bay?

Councillor Petrie in response:

No. I don't even now who they are.

At this stage Councillor Howe advised that he has declared a Pecuniary Interest in this matter to the General Manager and the JRPP because his firm has been engaged to provide some advice to the owners of that site (Ashington site).

There being no further business the meeting concluded at 8.39pm.

We certify that the pages numbered 788 to 802 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 2 May 2011 and confirmed by Council at the ordinary Meeting of Council on 16 May 2011 as correct.

General Manager

Mayor