



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 30 May 2011*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

26 May 2011

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

Dear Councillors

Council Meeting – 30 May 2011

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 30 May 2011 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	16 May 2011
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4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	23 May 2011
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	R2 2010/2011 Budget Review for the quarter ended 31 March 2011	
9.2	Development Control Committee	23 May 2011
	R1 DA792/2008 Part 3 - 13 Burrabirra Avenue, Vaucluse – Section 96 Application – Proposed modification internal & external – 18/5/2009	2
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9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 23 May 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Annual Fee for Mayor and Councillors**
Author: Les Windle - Manager Governance
File No: 18.G
Reason for Report: The Local Government Act requires that Council determine the annual fees payable to the Mayor and Councillors.

Recommendation:

- A. That, in accordance with Section 248 of the Local Government Act 1993, Council fix the annual fee for Councillors at an amount of \$16,640 per Councillor for the period 1 July 2011 to 30 June 2012.
- B. That, in accordance with Section 249 of the Local Government Act 1993, Council fix the annual fee for the Mayor at an amount of \$36,320 for the period 1 July 2011 to 30 June 2012.

Item No: R2 Recommendation to Council
Subject: **2010/2011 Budget Review for the quarter ended 31 March 2011**
Author: Trang Banfield – Systems and Management Accountant
Don Johnston - Manager Finance
File No: 331.G 2010/2011
Reason for Report: To report on the review of the 2010/2011 Budget for the quarter ended 31 March 2011

Recommendation:

THAT the report be received and noted and the variations to the Budget be adopted.

9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 23 May 2011 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	13 Burrabirra Avenue, Vacluse – Section 96 Application – Proposed modification internal & external – 18/5/2009
Author:	David Booth – Senior Assessment Officer
File No:	DA792/2008 Part 3
Reason for Report:	As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, in accordance with Council’s Codes and Policies, both the Motion and the Amendment are referred to Council for consideration.

Motion moved at Committee

That the site recommendation for approval be adopted. That being as follows:

Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

- A. THAT Council, as the consent authority, modify development consent to Development Application No. 792/2008 Part 3 for alterations and additions to a dwelling-house on land at 13 Burrabirra Avenue, Vacluse, in the following manner:

The addition of the following conditions:

A.3a 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 S96 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)
S96 02-07 inclusive	Architectural Plans	Weir Phillips	16/12/2010

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*.)

I.2 Noise from mechanical plant and equipment

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.

B. THAT, subject to the reduction to the height of the lift shaft to the approved height (RL 113.440) as depicted on the approved DA plans, the external finish (materials and colour) of the lift shaft being compatible with the character of surrounding development and the provision of fixed louvre screening angled at 30 degrees to the horizontal plane to the 2 windows to the approved dining room (north-eastern elevation at ground floor level) and the bank of north-east facing windows to Bedroom 2 (Windows 6 and 7) so as to prevent the overlooking of the adjoining property 15 Burrabirra Ave, the unauthorised works as proposed to be modified, are considered to be satisfactory with regard to the relevant objectives and controls of Woollahra Local Environmental Plan 1995 and Woollahra Residential Control Plan 2003, Council take no action to require these works to be removed subject to the owners making an application for, and Council issuing, a building certificate under Section 149A-149G of Environmental Planning and Assessment Act 1979 for the works. The required building certificate application is to be submitted to Council following the completion of the stipulated reduction to the height of the lift shaft and installation of visual privacy measures and is to be accompanied by the following:

- Full works as executed plans, duly coloured showing all works that have been undertaken without Council consent as modified by the abovementioned stipulated reduction to the height of the lift shaft and installation of visual privacy measures;
- A certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the lift is operating will 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. If sound attenuation is required this must be detailed.
- A certificate from a practising structural engineer certifying the structural adequacy of the works that have been undertaken without Council consent as modified by the abovementioned stipulated reduction to the height of the lift shaft and installation of visual privacy measures; and
- A survey report prepared by a registered surveyor, documenting the levels and location of all structures on the subject property, as modified by the abovementioned stipulated reduction to the height of the lift shaft and installation of visual privacy measures, relative to the boundaries of the site.

C. THAT this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Policy on Unauthorised Uses, Buildings and Works for failure to obtain Council's consent prior to carrying out the unauthorised works.

Amendment moved at Committee

That the site recommendation for approval be adopted subject to the removal of the louvers from all floors. That being as follows:

Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

- A. THAT Council, as the consent authority, modify development consent to Development Application No. 792/2008 Part 3 for alterations and additions to a dwelling-house on land at 13 Burrabirra Avenue, Vaucluse, in the following manner:

The addition of the following conditions:

A.3a 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 S96 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)
S96 02-07 inclusive	Architectural Plans	Weir Phillips	16/12/2010

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*.)

I.2 Noise from mechanical plant and equipment

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.

- B. THAT, subject to the reduction to the height of the lift shaft to the approved height (RL 113.440) as depicted on the approved DA plans, the external finish (materials and colour) of the lift shaft being compatible with the character of surrounding development the unauthorised works as proposed to be modified, are considered to be satisfactory with regard to the relevant objectives and controls of Woollahra Local Environmental Plan 1995 and Woollahra Residential Control Plan 2003, Council take no action to require these works to be removed subject to the owners making an application for, and Council issuing, a building certificate under Section 149A-149G of Environmental Planning and Assessment Act 1979 for the works. The required building certificate application is to be submitted to Council following the completion of the stipulated reduction to the height of the lift shaft and installation of visual privacy measures and is to be accompanied by the following:

- Full works as executed plans, duly coloured showing all works that have been undertaken without Council consent as modified by the abovementioned stipulated reduction to the height of the lift shaft and installation of visual privacy measures;
 - A certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the lift is operating will 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. If sound attenuation is required this must be detailed.
 - A certificate from a practising structural engineer certifying the structural adequacy of the works that have been undertaken without Council consent as modified by the abovementioned stipulated reduction to the height of the lift shaft and installation of visual privacy measures; and
 - A survey report prepared by a registered surveyor, documenting the levels and location of all structures on the subject property, as modified by the abovementioned stipulated reduction to the height of the lift shaft and installation of visual privacy measures, relative to the boundaries of the site.
- C. THAT this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council’s Policy on Unauthorised Uses, Buildings and Works for failure to obtain Council’s consent prior to carrying out the unauthorised works.
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Item No: R2 Recommendation to Council
Subject: **9 Milton Avenue, Woollahra – Alterations & additions including new 2nd floor level & double garage – 4/11/2010**
Author: Dimitri Lukas – Senior Assessment Officer
File No: DA598/2010
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).

Recommendation:

That Development Application DA598/2010 for alterations and additions including new 2nd floor level and double garage at 9 Milton Avenue, Woollahra be refused for the following reasons:

- The location of the proposed second floor level balcony will result in overlooking through the skylights and to the private open space of 7 Milton Avenue, Woollahra
- The proposed second floor level results in a three-storey development which does not comply with C4.3.7.2 under WRDCP 2003. This non-compliance will result in a loss of views and amenity to 1/24 Chester Street, Woollahra.

Item No: R3 Recommendation to Council
Subject: **10 Queens Avenue, Vacluse – Demolition of existing dwelling house and construction of a new dwelling with basement and swimming pool – 21/04/2010**
Author: Mark Bolduan – Assessment Officer
File No: DA171/2010
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).

Recommendation:

That Development Application No. 171/2010 for the demolition of existing dwelling house and construction of a new dwelling house with basement and swimming pool at 10 Queens Avenue, Vacluse be refused for the following reasons:

- Non-compliance with the rear setback control RDCP C.5.2.3 which results in unacceptable impacts to neighbouring properties;
 - Non-compliance with Part 5.5 (Views) of the RDCP;
 - Non-compliance with side setback control on the eastern 1st floor level together with unarticulated wall resulting in an unacceptable sense of enclosure to neighbouring property;
 - A more skilful design including a reduction to the building height to retain the interface harbour views from neighbouring properties;
 - Sense of enclosure for 8 Queens Avenue, Vacluse; and
 - Sense of enclosure for 18 Vacluse Road.
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9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 16 May 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Draft Woollahra LEP 1995 (Amendment No.66) - Heritage Items**

Author: Chris Bluett - Manager Strategic Planning

File No: 1064.G (Am 66)

Reason for Report: To present the assessment of submissions received during public exhibition of the Draft LEP.
To make recommendations on amendments to the planning proposal (Draft LEP)
To obtain Council's decision to proceed with the Draft LEP process.

Recommendation:

- A. That the Planning Proposal for heritage items in Darling Point, Edgecliff, Paddington, Point Piper, Vacluse, Watsons Bay and Woollahra be varied by:
- (i) deleting No.8 Victoria Street, Watsons Bay from the list of heritage items.
- B. That the Planning Proposal for heritage items in Darling Point, Edgecliff, Paddington, Point Piper, Vacluse, Watsons Bay and Woollahra, contained in **annexure 14** of the report to the Urban Planning Committee meeting on 16 May 2011, as varied by A, above, be referred to the Department of Planning and Infrastructure.
- C. That the heritage inventory sheets contained in **annexure 2**, as amended by the sheets in **annexures 11, 12 and 13**, all of which are contained in the report to the Urban Planning Committee meeting on 16 May 2011, be adopted and used in the assessment of development applications for the subject properties.
- D. That Council write to the Minister for Planning, Minister for Heritage, Local Government Association and the National Trust of Australia (NSW) indicating Council's concerns at the Heritage Branch, Department of Planning's requirement to remove the heritage item group category from the Draft Woollahra LEP 1995 (Amendment 66) – Heritage Items Planning Proposal, particularly as it would remove the heritage item group of 17, 19, 21 and 23 Jersey Road, Woollahra.
- E. That Council forward a submission to the Department of Planning requesting that a local definition be permitted in Council's Principal Local Environmental Plan for heritage item groups.

Item No: R2 Recommendation to Council
Subject: **Assessment of the Current Controls Applying to the Residential 2(A) Zone and Residential 2(B) Zone Interface**
Author: Brendan Metcalfe, Strategic Planner
Tom Jones, Urban Design Planner
File No: 900.G
Reason for Report: To report on whether the current planning controls for the Residential 2(a) zone and Residential 2(b) zone interface are adequate.

Recommendation:

- A. That the matter be deferred to a future meeting of the Urban Planning Committee to allow consultation with residents and property owners within the Edgecliff Road/Wallaroy Road area.
 - B. That Council request the staff review the appropriateness of the Residential 2(b) zoning of the residential properties at the zone interface in the Edgecliff Road/Wallaroy Road area.
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9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 16 May 2011 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Traffic Signal Box Project**
Author: Maria Lacey, Cultural Development Officer
File No: 1160.G
Reason for Report: To seek Council endorsement for the commencement of the Traffic Signal Box Project as a Public Art Advisory Committee initiative.

Recommendation:

- A. That Council endorse the commencement of the Traffic Signal Box Project as a Public Art Advisory Committee initiative.
 - B. It be noted that all appropriate OH&S issues will be implemented to ensure the safety of the artists.
-

Notices of Motion

Item No: 1
From: Councillors Howe & Wynne
Date: 23 May 2011
File No: 900.G

1. That Council introduce time limited parking restrictions on New South Head Road, Rose Bay;

- (a) on the south side from Norwich Road to O'Sullivan Avenue
- (b) on the north side from the entrance to Lyne Park to the STA Bus Stop opposite Norwich Road

for the purpose of restricting the length of time boat trailers, vehicles displaying advertising, and other vehicles can park in this vicinity.

2. That Council traffic and compliance staff determine the most appropriate parking restrictions to apply to this area which prevents long term parking of boat trailers, "advertising" trailers and other vehicles displaying business advertising without unreasonably affecting resident and commuter parking.

These parking restrictions are to prevent boat trailers, trailers with advertising hoardings and other vehicles displaying business advertising from being parked in this vicinity for extended periods, therefore adversely affecting the amenity of the area including restricting public views of the harbour from New South Head Road through Lyne Park and Tingara Reserve.

Item No: 2
From: Councillors Wynne, Carmichael, Shapiro, Zeltzer & Petrie
Date: 25 May 2011
File No: 900.G

That, Council endorse the request from Cr Wynne and Cr Carmichael to switch membership on the Development Control Committee and the Corporate and Works Committee until September 2011, commencing Monday 20th June.

Item No: 3
From: Councillor Wynne
Date: 25 May 2011
File No: 900.G

That staff provide a report to the appropriate committee that looks at the feasibility of installing water drinking and filling stations (similar to those along the beaches in Waverley) in high traffic areas like the ferry wharves and in primary tourist areas such as Watsons Bay.

Item No: 4
From: Councillors Grieve, Jarnason & Shoebridge
Date: 26 May 2011
File No: 900.G

That Council immediately investigate adding to our heritage register Nos 11 and 12 Olola Ave, Vaocluse.

Background

No 11 Olola Avenue, Vaocluse is a classic Harry Seidler house from the fifties of much architectural merit. It dates from the 1950's and is in pristine original condition. This house is on a par with Rose Seidler house.

No 12 Olola Avenue, Avenue is a remarkable example of the Californian bungalow's that would have made up most of the initial building in the street when the land became available for housing. It is in very good condition and totally original. It has a wonderful high sleep-out veranda high up in the trees. Its setting makes the house a wonderful example to preserve for the future.

Item No: 5
From: Councillors Howe & Wynne
Date: 26 May 2011
File No: 900.G

1. That staff prepare a report and table to the appropriate standing committee on the implications of extending the notification time of planning matters which come before the Application Assessment Panel, Development Control Committee and Urban Planning Committee, including consideration of;
 - i) Extending the time Application Assessment Panel and Development Control Committee Agendas and Papers are posted on the Council website to a minimum period of 5 working days.
 - ii) Extending the time that Urban Planning Committee Agendas and Papers which contain proposed amendments to the LEP, DCP's or other Council Planning Instruments are posted on the Council website to a minimum period of 5 working days.
2. The purpose of extending the notification time that committee or panel agendas and papers which contain either development applications or proposed amendments to Council's planning instruments is to allow reasonable time for residents and other affected parties to consult planning professionals or seek other advice on the implications of the proposals, thus enabling those persons and parties to include such information or advice in any submissions made to the appropriate committee or panel.
3. In consideration of the regular and continued submissions to the Development Control Committee and the Urban Planning Committee by residents, residents groups, and other affected parties relating to insufficient time to either seek further information, obtain professional advice, or preparing detailed submissions on planning matters, that staff investigate this matter and prepare the requested report as a matter of priority.

Item No: 6
From: Councillors Howe & Wynne
Date: 26 May 2011
File No: 900.G

That staff prepare a report and table to the appropriate standing committee on the implications and practicality of:

- i) Providing Councillors with electronic copies (pdf) of plans, elevations, sections and other architectural drawings and information included in agendas, reports and annexures distributed to Councillors for matters coming before the Application Review Panel, Application Assessment Panel and Development Control Committees.

Background

The current practice of providing Councillors with A4 copies of architectural drawings, often reduced to A4 from the original A1 drawings, regularly results in that information either being unreadable, or indecipherable, with important information such as dimensions or amendments being obscured.

Consequently Councillors are often unable to adequately assess the particular proposals without either contacting staff prior to committee meetings, or seeking the information by way of questions at the meeting, both practices being inefficient, and the later unnecessarily extending meeting times. Furthermore provision of precise and accurate information to Councillors prior to planning hearings enables Councillors more time to assess the particular, correspondingly increasing the quality of the decision process.

Item No: 7
From: Councillors Jarnason, Grieve & Shoebridge
Date: 26 May 2011
File No: 900.G

That a tour of suitable libraries in surrounding Councils be organised for the Mayor, Councillors and relevant staff to investigate and experience the recent advances in modern day library facilities.

Rational

Woollahra Council is well positioned to provide a world class library and community hub in our new proposed location in the Kiaora Lands Site in Double Bay.

Libraries in the twenty first century have become much more than a place to borrow books. They are increasingly seen as information hubs and community gathering points, especially for our younger and older residents.

The library site in Double Bay will also be a council presence in a commercial centre affording access to people who may not make a purposeful trip to the library will now drop in for resources, information and education about our municipality.

Many libraries in Sydney are capitalising on opportunities to bring their community into the library using design, offering activities and spaces to appeal to different age groups as well as being a community meeting place.

The Surry Hills and Custom House sites in the City of Sydney are two that get consistent praise.

A tour of the best public library sites in the nearby region would be an excellent investment for councillors and staff alike.

Questions for the 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 provide a response to Questions for Next Meeting from Council Meeting of 16 May 2011 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Recommendation:

That the responses to previous Questions for Next Meeting be noted.

Background:

The provision for Councillors to ask Questions for Next Meeting is contained in Section 3.2 of Council's Code of Meeting Practice which states:

3.2 QUESTIONS FOR NEXT MEETING – No previous notice of questions required

- 1) *As a standard practice, "Questions for Next Meeting" shall be listed in all agendas of Ordinary Meetings of Council. The agenda item shall contain a report of the questions asked at the last Council Meeting and the responses to those questions and provide an opportunity for the Councillors to ask questions for the next Council Meeting.*
- 2) *Questions asked at a Council Meeting shall also be submitted in writing.*
- 3) *The Councillor must put every question directly, succinctly and without argument.*
- 4) *The Mayor shall refer the question to the General Manager or responsible Division Head, or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.*
- 5) *If the answer to a question can be given immediately, and it makes sense to do so, then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed.*
- 6) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions for Next Meeting" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions for Next Meeting should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions for Next Meeting on 16 May 2011 are as follows:

Councillor Shoebridge asking:

Madam Mayor, when were you first advised of Councillor Howe's conflict of interest regarding the former Ashington site? And by whom?

Could you provide Councillors with a copy of the emails?

Mayor in response:

It was by e-mail, I think it was on either the 28 or 29 April, I am not aware of the exact date. I was copied into the e-mail sent to the General Manager.

Mayor further in response:

A copy of Councillor Howe's e-mail was forwarded to all Councillors on Tuesday 17 May 2011.

Councillor Shoebridge asking:

General Manager, when were you first advised of Councillor Howe's conflict of interest regarding the former Ashington site? And by whom?

General Manager in response:

By the same e-mail, but it would have been probably one day prior to that because I had a short discussion with Councillor Howe in relation to the matter and I advised him to declare a Pecuniary Interest.

General Manager further in response:

A copy of Councillor Howe's e-mail was forwarded to all Councillors on Tuesday 17 May 2011.

Councillor Shoebridge asking:

Councillor Howe, noting your answer to last Council Meeting regarding the former Ashington site at Double Bay, can you please advise Council of:

1. the dates on which you declared a conflict of interest,
2. the exact nature of the conflict of interest declared,
3. who in Council you advised of this conflict of interest, and when?.

Councillor Howe in response:

I am very pleased to do so. I met with the General Manager the day before I sent an e-mail to the General Manager, copied into the Mayor and copied into the Manager Governance. I am not going to debate what the date was because I have a copy of the e-mail and I will circulate it to all Councillors tomorrow morning. The following day, on having spoken to the General Manager and advising him I have a Pecuniary Interest in the matter I sent an e-mail to the General Manager, the Mayor and Mr Windle to confirm that and requesting that no information was provided to me in that respect and I would remove myself from all matters relating to that matter.

Councillor Plater asking:

Could the General Manager please advise the process for Council investigating concerns about breaches of the Local Government Act, particularly after a declaration of interest has been declared?

General Manager in response:

The process for a breach of a Pecuniary Interest under the Local Government Act, that would involve the Department being provided with information and pursuing that investigation. The staff, the Council itself has no power to investigate.

Councillor Howe asking:

Could staff please advise what response Council has received from the RTA in respect of my correspondence to Alan Opera some 3 weeks ago regarding the unsafe and non-compliant traffic lanes on New South Head Road adjacent to the STA bus stop outside the Rose Bay RSL?

My correspondence requested Mr Opera to ask the RTA to reconsider their previous response, namely that the RTA considered the lane width of the left lane at 2.6m was adequate and did not constitute a traffic accident risk and did not require rectification, even though the lane was substantially less than the Australian Standard and could have been rectified by either an adjustment of the right lane width or deletion of two car spaces outside the RSL.

At a further time I asked Mr Opera to inform the RTA that I was in receipt of original information in respect of actual accidents that have occurred as a result of the non compliant lane width.

Director Technical Services in response:

I will be able to answer the question in part but I will have to provide follow up information to the Council.

My understanding is, that when Mr Opera put the question to the RTA about the lane widths, their response was that, as they were envisaging works to reseal the entire road in the next financial year, they were proposing to leave the line marking as it is for the moment but when they remark the road after resealing it they would have adjusted the lane widths.

Manager Engineering Services further in response:

Council is still awaiting a response from the RTA in respect of the timing of resheeting works. When Council receive a response it will be forwarded to Councillors.

Councillor Zeltzer asking:

Can we please investigate the provision of a small bank of lockers at Redleaf Pool. I have been contacted by a number of users of the Pool who get there by public transport. There is an inability to store their clothes, keys and wallets in a secure way whilst they are swimming?

Manager Open Space & Trees in response:

Council staff agree that lockers would be beneficial and will investigate costings, with a view to installing them as funds become available.

Councillor Grieve asking:

I note that in relation to a Building Certificate regarding 3 Northland Road, Bellevue Hill that the applicant is seeking Council's approval for a certificate that includes a serious non-compliant balcony.

The non-compliant balcony has been built by the applicant in direct contraction of a condition of approval that was imposed by Councillors to address serious concerns raised by objectors concerning building bulk and privacy. Despite requests for action from myself, objectors and the PCA, it appears that rather than stand up for the conditions imposed on the development application, Council is waiting for the applicant to lodge a S96 to delete this condition.

Can this matter please be given your urgent attention and can all reasonable attempts be made to support conditions placed on DA rather than rely on the watering down of conditions via S96 application?

Director Planning and Development in response:

There is a lengthy history to this and there is already correspondence between the Manager of Compliance and Councillor Grieve on this matter. I will take the question On notice and I will get back to you with further information but one observation I can make, and that is, that if an applicant chooses to deal with this by way of a S96 application, an applicant has a right to do that.

Director Planning and Development further in response:

The owners made an application for a Building Certificate to regularize these unauthorized works. The application was deferred on 16 May 2011 subject to the applicant undertaking the following remedial works:

1. Demolition of the 1040mm high solid balustrade that is situated 1000mm from the master bedroom external sliding doors.;
2. Demolition of any works forming a trafficable balcony off the master bedroom at first floor level. Condition C.1(e) of development consent DA190/2008 requires the first floor rear balcony off the master bedroom be replaced with a Juliet balcony with a depth of 100mm. The balcony must be enclosed by a 1 metre high fixed balustrade. Works to this balcony have been undertaken contrary to condition C.1(e) of development consent DA190/2008.

The deferral notice is in effect an Order pursuant to section 149D(5) of the Environmental Planning and Assessment Act to undertake works. A period of 28 days has been specified in the deferral notice. A follow up inspection has been scheduled following expiry of this period and any failure to undertake these works or otherwise remedy the breach will result in the refusal of the Building Certificate and commencement of enforcement action through the Notice and Order process. Council's Team Leader Compliance has been in regular contact with the adjoining owners in this matter and will provide further information following the follow up inspection.

Councillor Grieve asking:

Could you please explain the urgency that required the teams of Council workers to be clearing up 9A Cooper Park Road last Saturday and were penalty rates paid for this weekend work?

Director Technical Services in response:

I will have to take the question partly On notice. I understand there was some clearing work done because we were attempting to investigate the encroachment question that came through the late correspondence that you passed on to us. As to it being done on the weekend and whether penalty rates were paid, I don't know the answer to that tonight.

Manager Open Space & Trees further in response:

9A Cooper park was cleared last weekend to allow the surveyor to investigate encroachment issues. Staff were paid at overtime rates as this was the most effective way to clear the site at short notice without interrupting the regular horticultural schedules.

Councillor Grieve asking:

Has there been any communication between Council and any proponents discussing the sale or purchase of 9A Cooper Park Road?

Mayor in response:

Not that I am aware of.

General Manager in response:

No.

Councillor Petrie asking:

Why did you, Councillor Shoebridge, ask me the question you asked me at the last Council Meeting. Which was “Could you please place on the record any communication 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.” Why did you ask me that question? If you did ask me that question, was it a fishing exhibition or did you have any evidence of asking me that question?

Councillor Shoebridge in response:

I didn't ask you the question Councillor Petrie, I asked the Mayor the question and you jumped up and offered to answer it in your own right. You volunteered and because you jumped up to volunteer I said well then I will ask you that question Councillor Petrie. Because you volunteered yourself. Because you put yourself in the slot and volunteered yourself.

Councillor Petrie asking:

I disagree with the minutes of the meeting of 2 May 2011.

In answer to Councillor Shoebridge, I said as I remember it, “I don't know bloody what you are talking about” was what I thought I said. Which sounds more like me than the way it is reported here, might I add to you. So I would like a report back next time on the minutes.

Manager Governance in response:

The meeting recording has been checked and the Minutes reflect Councillor Petrie's response to the Question.

Councillor Petrie asking:

To Councillor Shoebridge and Councillor Grieve

Do you two Councillors still support the anti Israeli stance you took in Woollahra in support of the Palestinians?

Councillor Shoebridge in response:

Madam Mayor, that question is out of order under 2.27 cause it is clearly argumentative. But for the record, I stand by the position that I have said publicly, that I am strongly in support of the human rights of the Palestinian people and ensuring that they have a fair and equal say in divisive questions over the Middle East. But I do that in the context of recognising and adopting the Australian Greens policy which recognises the right of Israel to exist in safe and secure UN mandated borders.

Gary James
General Manager

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