



Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 17 August 2009*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority (“D” Items):

- General financial and corporate management of the Council, except those specifically excluded by statute, by Council direction or delegated specifically to another Committee.
- Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.
- Quarterly review of Council's Management Plan.
- Finance Regulations, including:-
 - Authorisation of expenditures within budgetary provisions where not delegated;
 - Quarterly review of Budget Review Statements;
 - Quarterly and other reports on Works and Services provision; and
 - Writing off of rates, fees and charges because of non-rateability, bad debts, and impracticality of collection.
- Auditing.
- Property Management.
- Asset Management.
- Traffic Management - Works Implementation.
- Works and Services - Monitoring and Implementations.
- Legal Matters and Legal Register.
- Parks and Reserves Management.
- Infrastructure Management, Design and Investigation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agenda (and as may be limited by specific Council resolution).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Corporate and Works Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below.

Recommendation only to the Full Council (“R” Items):

- Such matters as are specified in Section 377 and within the ambit of the Committee considerations.
- The voting of money for expenditure on works, services and operations.
- Rates, Fees and Charges.
- Donations
- Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.
- Matters not within the specified functions of the Committee.
- Asset Rationalisation.
- Corporate Operations:-
 - Statutory Reporting; - Delegations.
 - Adoption of Council's Management Plans; - Policies.
 - Quality Service/Communications; - Tenders as per Regulation requirements.
 - Leases.
 - Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes

Committee Membership:

6 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

13 August 2009

To: His Worship The Mayor, Councillor Andrew Petrie ex-officio
Councillors Greg Medcraft (Chair)
Anthony Boskovitz
Peter Cavanagh (Deputy)
Nicola Grieve
Ian Plater
Isabelle Shapiro

Dear Councillors

Corporate & Works Committee Meeting – 17 August 2009

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Corporate and Works Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 17 August 2009 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 3 August 2009	1
D2	Paddington Pedestrian Walkways – 900.G	2
D3	Monthly Financial Report – July 2009 – 349G	17
D4	Environmental – Infrastructure and Stormwater Works Program – Fourth Quarter Management Plan Review – 827.G 08-11	25
D5	Roads, Traffic and Transport Principal Activity – Fourth Quarter Management Plan Review – 827.G 08-11	41

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Olola Avenue, Vaocluse – Acquisition of Roadway for Public use – 340.G Part 3	56
R2	2008/2009 Revotes - 2007/2008 - 331G *Report to be distributed seperately on Friday 14 August 2009	
R3	Supply, Installation and Maintenance of Parking Meters in Paddington and Double Bay -Tender No. 09/09 *Report to be distributed seperately on Friday 14 August 2009	

Item No: D1 Delegated to Committee
Subject: **Confirmation of minutes of meeting held on 3 August 2009**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 3 August 2009 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Corporate and Works Committee Meeting of 3 August 2009 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Paddington Pedestrian Walkways**
Author: Anthony Sheedy, Property Officer
File No: 900.G
Reason for Report: To provide information on the results of the investigation into Paddington pedestrian walkways as identified by the Paddington Society.

Recommendation:

- A. That the results of the physical and land title investigation be noted.
- B. That no further investigation be undertaken.

Background:

At the Council Meeting of 15 December 2008 a Notice of Motion was adopted as follows:

- A. *That Council investigate maintaining public access to the walkways identified by the Paddington Society for the public benefit.*

The purpose of this report is to address the above Notice of Motion, by firstly providing information on the Council's Title record and accessibility of the pedestrian walkways identified in the Paddington Society's Map of 'Paddington Pedestrian Network', and secondly detail the action being taken by Council staff to maintain public access to those walkways.

Title search & Public Access

In accordance with the resolution Council's Property staff have investigated the matter through discussion with a Property Lawyer, and by title search secured original Parish maps of Paddington; tracking these through to find evidence of Crown grants (larger parcels), and then subdivision into smaller lots. The Parish maps show the land subdivision and those roadways and lanes reserved within the subdivision, which have been dedicated to Council. Many of these Lanes form part of the 'Paddington Pedestrian Network', and 28 properties have been identified by the Paddington Society as shown on the map (Annexure 1).

Paddington is mostly 'Old Systems' Title (pre Torrens Title, 1901) being settled in late 19th and early 20th Century. Land not effectively dedicated remains the property of the Crown. For example, if Owner 1 has been granted a parcel of land and there is a strip (say 66' wide) separating another parcel opposite owned by owner 2 which has not been dedicated out of Government ownership, it continues title as Crown land. Portions of land granted to the subdivider by the Crown, have also been set aside by the subdivider (residues of subdivision) for purposes of private "dunny lane" and rear property access.

From the abovementioned source documents and Council's local records the ownership details have been determined and these are collated in the attached table "Paddington Pedestrian Network – Title, Access & Maintenance" (Annexure 2). This table shows which properties identified in the 'Paddington Pedestrian Network' are available for public access. Of the 28 properties identified by the Paddington Society, only 3 do not have public access. Council records show that these 3 properties are now privately owned, and have been historically consolidated over time into the adjoining property through successful adverse possession claims by their owners. A site inspection revealed that building masonry structures now completely seal all access between the roadway and Lane.

This investigation has been brief in the interests of providing a timely response to the adopted Notice of Motion, however we believe that the data contained in this table is reliable. Ten (10) of the 28 properties have been clearly identified as being owned by Council or in private ownership.

These land parcels are:

- Margaret Place (Council)
- Brown Lane (Council)
- Cooper Street to Glenmore Road (Private)
- Ormond Street to Young Street (Private)
- Oxford Street to Albert Street (Private)
- Elizabeth Street to Elizabeth Place (Private)
- Underwood Street to Elizabeth Street (Private)
- Wentworth Street to Tivoli Lane (Private)
- Sutherland Street to Royston Street (Private)
- Weigall Sports Ground & Glenmore Road (Council & Private)

A more thorough investigation to confirm the ownership of the remaining 18 properties, would require an expensive search by Land Title search companies (Law Stationers) into the complex 'Old System' and Qualified Titles of this historic suburb. We understand that most of the remaining properties would most likely be identified as Council's land.

We estimate that an average of 3 hours per property is required for a comprehensive title investigation of the remaining 18 properties at the rate of \$336 per hour. This equates to a total cost estimate for the searches of \$18,144 inclusive of GST. I note that this is an estimate only, and because of the search complexity it is not possible to determine with any degree of accuracy whether more or less time may be needed when searching 'Old System' titles.

Maintenance

Details of Council's maintenance of the properties identified in the Paddington Pedestrian Network have been determined from Council staff, and these are collated in the attached table "Paddington Pedestrian Network – Title, Access & Maintenance" (Annexure 2).

This table shows the properties identified in the 'Paddington Pedestrian Network' that are maintained by Council staff. Of the 28 properties identified a total of 25 are maintained by Council; the remaining 3 are privately owned and have no public access.

Conclusion:

Initial investigation of those areas of the 'Paddington Pedestrian Network' which lie within Woollahra Council's local Government boundary, reveal that it is reasonable in most cases to assume that ownership of this network vests in Council or the Crown.

A more definitive result would require a deeper investigation by Land Title search companies (Law Stationers) into the Old System and Qualified Titles of this historic suburb. It has been estimated that such a search could have a total cost of \$18,144 inclusive of GST. Because of the significant expense and the likelihood that most of the remaining 18 properties would be identified as Council's land, it is recommended that Council not allocate additional funds to undertake this work.

I note that Public access is available for the majority of properties identified by the Paddington Society being 25 of the total 28, with access to 3 having been lost historically over time due to successful 'adverse possession claims' from adjoining owners in relation to the original subdivider's privately owned 'residues of subdivision'. Such small land parcels "residues" are usually not dedicated to Council by the original subdivider but are left for private property access, and sometimes have 'Rights of Way' attached for the wider public benefit.

Council staff will continue to maintain the 25 properties identified in the 'Paddington Pedestrian Network' to a high standard of accessibility for public benefit.

Anthony Sheedy
Property Officer

Warwick Hatton
Director Technical Services

Annexure:

1. Map Plans A to H of pedestrian walkways identified in the Paddington Society's Map of 'Paddington Pedestrian Network'.
2. Table of 'Paddington Pedestrian Network - Title, Access & Maintenance' detailing Title ownership, Public access availability and Council staff maintenance.

Item No: D3 Delegated to Committee
Subject: **Monthly Financial Report – July 2009**
Author: Don Johnston, Manager Finance
File No: 349G
Reason for Report: To present the monthly financial report for July 2009

Recommendation:

THAT the monthly financial report for July 2009 be received and noted.

Background:

The monthly financial report for July 2009 is submitted to the Committee for consideration.

The monthly report includes the following:

- Summary of Receipts, Payments and Bank Balance
- Summary of Investments
- Details of Investment Portfolio
- Weighted Average Maturity and Weighted Average Returns Charts
- Maturity Profile Chart
- Movements in Book Value of Investments

Investment Transactions for the Month

Date	Transaction	Description	Amount (\$)
30 June		Book Value of Investments Held	34,110,987.72
14 May	Deposit	Reinstatement of Blackrock Dividend	51,747.03
1 July	Deposit	Blackrock Dividend	97,713.22
1 July	Purchase	Reinvestment of Blackrock Dividend	(97,713.22)
3 July	Maturity	Australian Central CU TD 121 days @ 4.01%	(1,000,000.00)
13 July	Maturity	Withdrawal from GPO ANZ Cash Account	(312,648.31)
21 July	Maturity	Withdrawal from GPO ANZ Cash Account	(49,000.00)
22 July	Maturity	Maitland Mutual BS TD 30 days @ 4.13%	(1,000,000.00)
22 July	Maturity	Members Equity Bank TD 30 days @ 3.80%	(1,000,000.00)
28 July	Maturity	Blackrock Capital Distribution	(233,170.93)
28 July	Deposit	Blackrock Distribution	233,170.93.
28 July	Maturity	Police & Nurses Credit Society TD 60 days @ 4.26%	(1,000,000.00)
28 July	Maturity	The Rock Building Society TD 60 days @ 3.70%	(1,000,000.00)
28 July	Maturity	Credit Union Australia TD 181 days @ 4.30%	(1,000,000.00)
29 July	Purchase	Credit Union Australia TD 60 days @ 4.2%	1,000,000.00
Various	Deposit	Net Movement in AMP Easy Cash Management Acct	2,001,748.42
Various	Withdrawal	Net Movement in Online Savings Cash Account	(689,224.20)
Various	Deposit	Net Movement in GPO ANZ Cash Account (Coupon payments + GPO interest – GPO Fees)	27,477.24
		Net Change in Portfolio	(3,969,899.82)
30 June		Book Value of Investments Held	30,141,087.90

Summary of Receipts, Payments and Bank Balance

Cash Book Balance as at 30 June 2009 -524,660.78

Receipts

Rates 309,245.11
Other 14,551,870.65 14,861,115.76

Total Receipts

Description	Amount
Sundry Debtors Control	-1,114,806.26
GST Clearing Balance Account	-445,397.00
Parking Fines	-424,337.97
S/Dr's-Rates	-309,245.11
Deposits & Bonds Control Account	-199,955.00
Disposal (Asset) Clearing A/C	-175,812.55
Car Park Leases	-127,130.11
Trade Waste Debtors Control	-126,688.22
Security Deposit Misc Deposits	-100,695.00
Development Application Fees	-69,654.82

Payments - Cheque

Cheque Payments -1,347,940.43
Cancelled Cheques 19,979.17
Total Cheque Payments for period -1,327,961.26

Cheque No	Cheque Date	Payee	Description	Amount
204417	06/07/2009	Datacom Holding Pty Ltd	Network upgrade	-102,789.74
204435	06/07/2009	Noel Hutley SC	Legal expenses - Rose Bay/Point Piper Marinas	-84,645.00
204551	16/07/2009	Energy Australia	Street Lighting - Jun'09	-75,203.54
204703	30/07/2009	Full Flow Plumbing Pty Ltd	Drainage works - 52 The Crescent, V'cluse	-53,722.92
204436	06/07/2009	S Flainigan	Legal expenses - Rose Bay/Point Piper Marinas	-52,250.00
204601	17/07/2009	Withheld	Refund of security deposit	-52,182.49
204426	06/07/2009	Roads & Traffic Authority	Concrete pavement - Edgecliffe Rd/Adelaide St	-45,000.00
204449	06/07/2009	SRS Roads P/L	General works - Edgecliff Rd., Woollahra	-39,024.48
204630	23/07/2009	Local Govt Assoc of NSW	Membership Subscription 2009/2010	-36,564.53
204751	31/07/2009	Withheld	Refund of security deposit	-36,412.64

Payments - EFT

EFT Payments -11,241,553.69
Returned EFT Payments 4,865.31
Total EFT Payments for period -11,236,688.38

Reference	EFT Date	Payee	Description	Amount
22082	30/07/2009	Statewide Mutual Fund	Property Insurance renewal 30/06/09-30/06/10	-264,020.31
21887	09/07/2009	WSN Environmental Solutions	Tipping charges -15/06-30/06/09	-227,833.25
21849	09/07/2009	Holdsworth St Community Centre	Sect 356 Donation	-198,264.00
22058	30/07/2009	Jardine Lloyd Thompson Pty Ltd	Insur renewals MV/Pliab/Risk/WC to 30/06/10	-162,593.62
21800	06/07/2009	Sydney Civil Pty Ltd	Footpath works - various	-160,356.90
21895	10/07/2009	D & D Traffic Management	Site management costs - B'vue Hill/Victoria Rd	-148,787.72
21862	09/07/2009	Pan Civil Peakhurst	Emergency works - Bellevue Hill	-111,724.44
21808	06/07/2009	WSN Environmental Solutions	Tipping charges -18/05-31/05/09	-109,347.82
22023	27/07/2009	Fyntrim Pty Ltd	General works - Double Bay/Energy Aust	-108,460.00
21836	09/07/2009	D & D Traffic Management	Site management costs - B'vue Hill/Victoria Rd	-105,073.10

Payments - Direct Debits From Bank A/c

Payroll -1,690,892.70
Bank Charges -10,677.21
Credit Cards 0.00
Councillors' fees -21,448.68
Council Rates 0.00
Total Direct Debits for period -1,723,018.59

Total Payments

-14,287,668.23

Cash Book Balance as at 31 July 2009

Unpresented Cheques No. of Cheques: 150 48,786.75
Outstanding Deposits & Miscellaneous Items 421,008.57
Reconciled Cash Book Balance as at 31 July 2009 57,824.80
Bank A/c Balance as at 31 July 2009 527,620.12
Bank A/c Balance as at 31 July 2009 527,620.12

Unpresented Cheques > \$30,000.00

Cheque No.	Cheque Date	Payee	Amount
204417	06/07/2009	Datacom Holding Pty Ltd	102,789.74
204676	24/07/2009	Withheld	31,371.81
204703	30/07/2009	Full Flow Plumbing Pty Ltd	53,722.92
204751	31/07/2009	Withheld	36,412.64

INVESTMENTS AS AT 31 JULY 2009

CATEGORY	FACE VALUE \$	BOOK VALUE \$
1. LEHMAN BROTHERS (formerly Grange Securities Ltd)		
Funds previously under management	18,224,049	10,825,422
2. OAKVALE CAPITAL Limited		
Funds previously under management	6,247,114	3,102,288

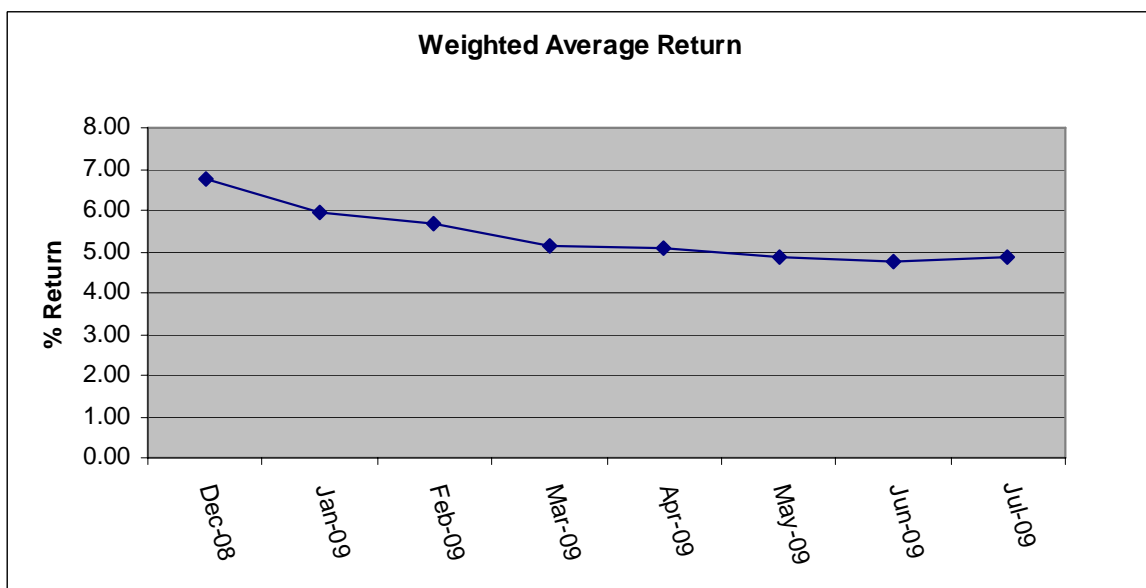
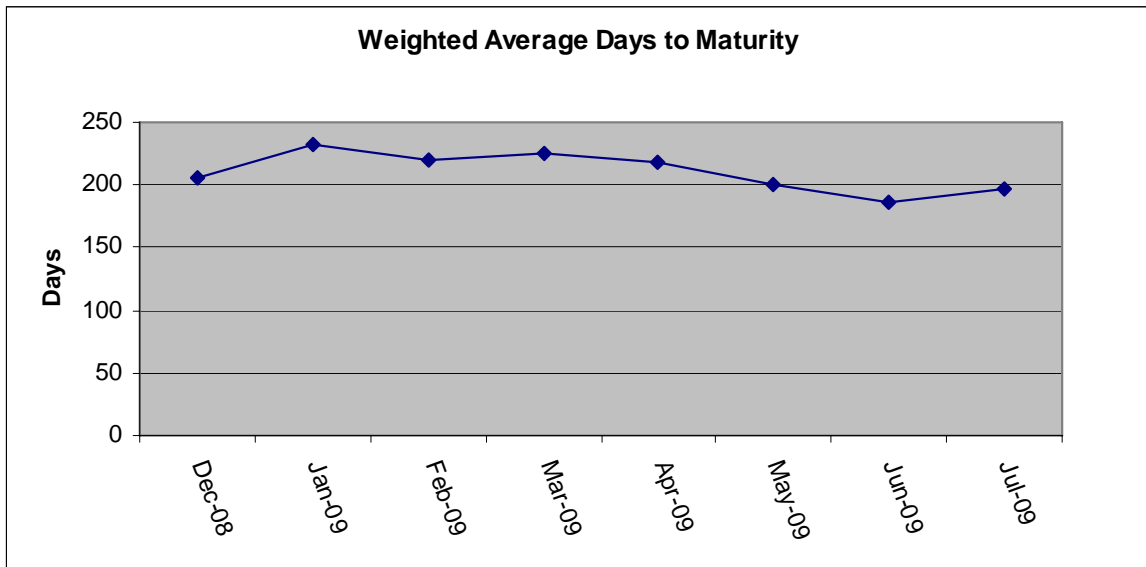
RATING	CATEGORY	PURCHASE DATE	MATURITY DATE	TOTAL TERM (DAYS)	REMAINING DAYS TO MATURITY	%	FACE VALUE \$	BOOK VALUE \$	GOV'T GUARANTEE
3. WMC DIRECT INVESTMENTS									
AAA*	<u>SAVINGS & LOANS CREDIT UNION</u> TERM DEPOSIT	10/12/2008	10/12/2010	730	497	5.15	1,000,000	1,000,000	Guaranteed
AAA*	<u>BANK OF QUEENSLAND</u> TERM DEPOSIT	04/03/2009	04/03/2010	365	216	4.25	1,000,000	1,000,000	Guaranteed
BBB	<u>IMB LTD</u> TERM DEPOSIT	27/11/2008	27/11/2009	365	119	5.00	1,000,000	1,000,000	Guaranteed
	TERM DEPOSIT	02/12/2008	02/12/2009	365	124	5.00	1,000,000	1,000,000	Guaranteed
AAA*	<u>AMP BANK</u> CASH MNGMT ACCT	11/06/2009				4.00	3,001,748	3,001,748	
AAA*	<u>ELDERS RURAL BANK</u> TERM DEPOSIT	24/11/2008	24/11/2009	365	116	6.55	1,000,000	1,000,000	Guaranteed
AAA*	<u>BANK WEST</u> TERM DEPOSIT	27/11/2008	27/11/2009	365	119	5.00	1,000,000	1,000,000	Guaranteed
AAA*	<u>INVESTEC BANK</u> TERM DEPOSIT	28/11/2008	26/11/2009	363	118	5.65	1,000,000	1,000,000	Guaranteed
AAA*	<u>ARAB BANK</u> TERM DEPOSIT	10/12/2008	10/12/2010	730	497	5.65	1,000,000	1,000,000	Guaranteed
AAA*	<u>CREDIT UNION AUSTRALIA</u> TERM DEPOSIT	29/07/2009	27/09/2009	60	58	4.20	1,000,000	1,000,000	Guaranteed
AAA*	<u>BENDIGO BANK</u> TERM DEPOSIT	21/01/2009	16/10/2009	268	77	4.65	1,000,000	1,000,000	Guaranteed
AAA*	<u>VICTORIA TEACHERS CREDIT UNION</u> TERM DEPOSIT	21/01/2009	21/12/2009	334	143	4.25	1,000,000	1,000,000	Guaranteed
AA	<u>COMMONWEALTH BANK</u> TERM DEPOSIT	16/12/2008	16/12/2011	1095	868	6.03	1,000,000	1,000,000	
	ONLINE SAVER A/C					3.00	1,211,629	1,211,629	
	Total WMC Direct Investments						16,213,378	16,213,378	
	Weighted Average Days to Maturity of WMC Direct Investments				196.78				
	Weighted Average Return of WMC Direct Investments (excluding CBA floating rate deposit)					4.89			
	% Government Guarantee of WMC Direct Investments								68%
PORTFOLIO TOTALS							40,684,541	30,141,088	

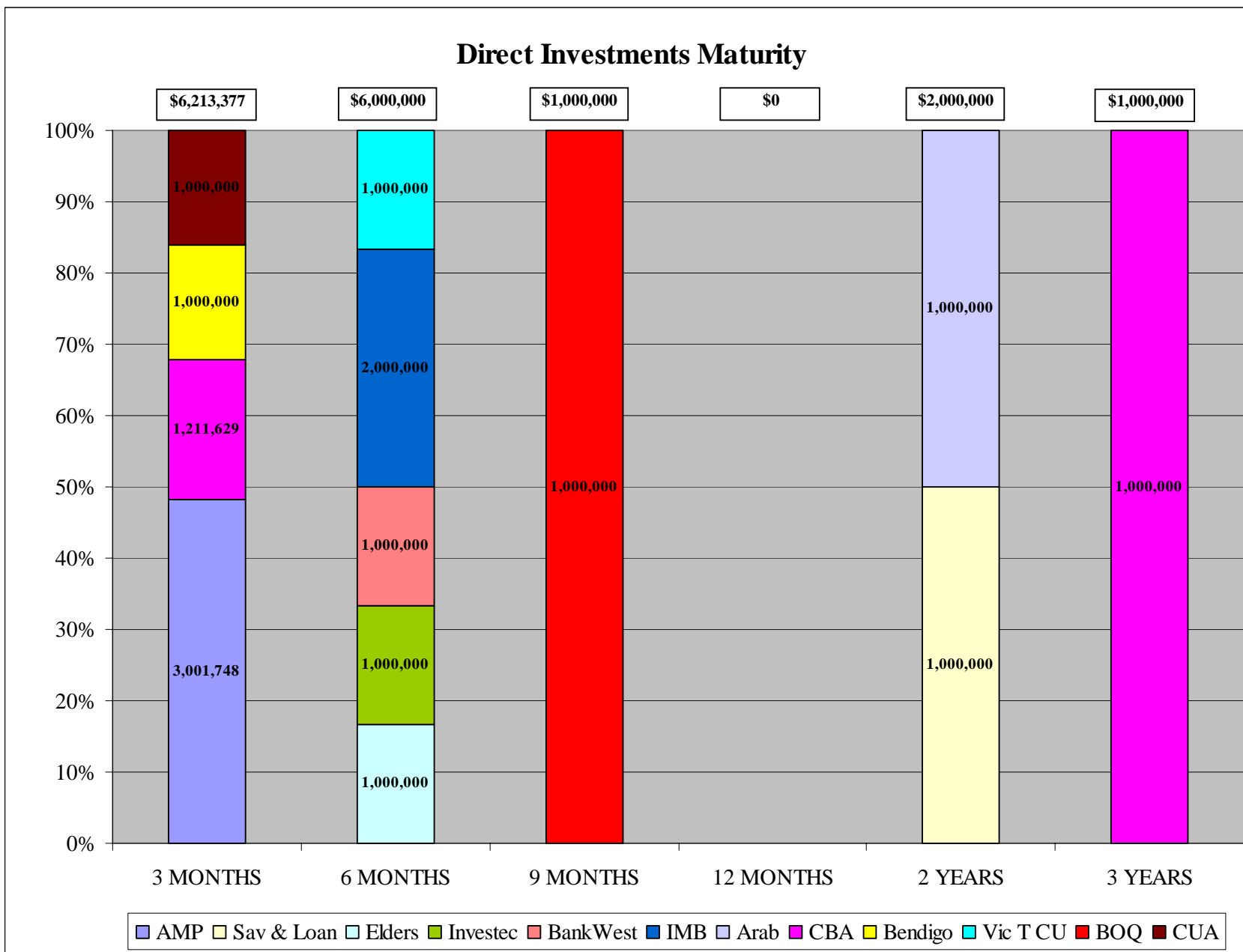
I hereby certify that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's investment policy.

Don Johnston
Manager Finance

INVESTMENTS PORTFOLIO AS AT 31 JULY 2009							
Security	Classification	Purchase Date	Final Maturity Date	Face Value (FV)	Total Purchase Price	Current Book Value	Notes
1. LEHMAN BROTHERES (formerly GRANGE SECURITIES)							
Issued by non-ADIs							
Lehman Global Property Note	Other	13/06/2007	15/06/2009	60,000	60,000	5,000	1
Herald Limited (Quartz AA)	CDO	04/07/2007	20/12/2010	400,000	403,644	221,624	1
BELO (Kalgoorlie AA+)	Other	27/02/2007	27/02/2012	500,000	500,000	357,830	1
Magnolia (Flinders AA)	CDO	08/06/2007	20/03/2012	500,000	513,670	324,180	1
Omega (Henley AAA)	CDO	20/12/2006	22/06/2012	450,000	450,000	140,018	1
Helium (Esperance AA+)	CDO	04/07/2007	20/03/2013	500,000	501,565	110,825	1
Zircon (Merimbula AA)	CDO	06/06/2007	20/06/2013	250,000	250,000	37,105	1
Corsair (Torquay AA)	CDO	04/07/2007	20/06/2013	500,000	501,860	91,945	1
Start (Blue Gum AA-)	CDO	08/01/2007	22/06/2013	400,000	402,768	118,832	1
Corsair (Kakadu AA)	CDO	22/01/2007	20/03/2014	500,000	503,300	83,725	1
Helium (Scarborough AA)	CDO	17/01/2007	23/06/2014	400,000	402,620	80,456	1
Helium (Scarborough AA)	CDO	04/07/2007	23/06/2014	500,000	502,270	100,570	1
Helium (Scarborough AA)	CDO	23/07/2007	23/06/2014	500,000	503,810	100,570	1
Zircon (Coolangatta AA)	CDO	20/03/2007	20/09/2014	500,000	500,000	61,100	1
Beryl (AAA Global Bank Note)	Other	03/04/2007	20/09/2014	100,000	100,000	57,151	1
Zircon (Coolangatta AA)	CDO	04/07/2007	20/09/2014	500,000	501,430	61,100	1
Beryl (AAA Global Bank Note)	Other	04/07/2007	20/09/2014	350,000	350,917	200,029	1
Aphex (Glenelg AA-)	CDO	10/01/2007	22/12/2014	500,000	501,960	125,745	1
Aphex (Glenelg AA-)	CDO	04/07/2007	22/12/2014	500,000	501,405	125,745	1
MAS6-7 (Parkes IIA 'AA-')	CDO	13/06/2007	20/06/2015	450,000	461,687	32,117	1
MAS6-7 (Parkes IIA 'AA-')	CDO	04/07/2007	20/06/2015	500,000	504,315	35,685	1
Zircon (Miami AA)	CDO	16/04/2007	20/03/2017	50,000	50,137	7,546	1
				8,910,000	8,967,358	2,478,896	
Issued by ADIs							
Home Building Society FRN (BBB+)	FRN	10/01/2007	17/08/2009	500,000	511,820	453,835	1
Home Building Society FRN (BBB+)	FRN	11/01/2007	17/08/2009	500,000	511,920	453,835	1
Royal Bank of Scotland (AA)	FRN	04/07/2007	28/10/2009	500,000	508,290	466,345	1
Elders Rural Bank Sub Debt (BBB-)	FRN	04/07/2007	23/03/2010	500,000	504,780	428,445	1
NM Rothschild FRSD (unrated)	FRN	09/07/2007	10/08/2010	1,000,000	1,013,290	789,560	1
HSBC Sub Debt (AA-)	FRN	04/07/2007	20/05/2011	500,000	503,915	437,220	1
Suncorp Metway Sub Debt (A)	FRN	19/01/2007	22/06/2011	500,000	503,285	451,250	1
St George Bank Sub Debt (A+)	FRN	10/01/2007	26/07/2011	1,000,000	1,014,990	905,830	1
HSBC FRN (AA-)	FRN	07/02/2007	22/09/2011	500,000	505,470	456,615	1
CBA FRN (AA)	FRN	19/01/2007	28/09/2011	500,000	503,640	479,285	1
CBA FRN (AA)	FRN	31/01/2007	28/09/2011	500,000	504,785	479,285	1
CBA FRN (AA)	FRN	04/07/2007	28/09/2011	500,000	502,360	479,285	1
Westpac FR Sub Debt (AA)	FRN	07/02/2007	24/01/2012	500,000	501,590	455,330	1
Royal Bank of Scotland (AA)	FRN	31/01/2007	17/02/2012	1,000,000	1,014,560	865,130	1
Adelaide Bank FRN (BBB+)	FRN	04/07/2007	28/03/2012	500,000	501,445	480,480	1
				9,000,000	9,106,140	8,081,730	
Macquarie Cash Trust (AAA)	Cash			1,989	1,989	1,989	4
Grove Portfolio Online	Cash			262,807	262,807	262,807	4
				264,796	264,796	264,796	
Total Lehman Brothers				18,174,796	18,338,293	10,825,422	
2. OAKVALE CAPITAL							
Emeral Reverse Mortgage Series 2007-1 Class B	Mortgage Backed	06/07/2007	06/07/2011	1,000,000	1,000,000	851,350	1
Momentum (Calyon Nickel) Credit Linked Note	CDO	15/05/2007	30/06/2012	1,000,000	1,000,000	0	3
Aramis (Merrill Lynch) Clear 40 - ABS	CDO	02/04/2007	20/12/2012	1,000,000	1,000,000	0	3
Blackrock (Merrill Lynch) Diversified Credit Fund	Managed Fund	05/01/2007		3,247,114	3,247,114	2,250,938	2
Total Oakvale Capital				6,247,114	6,247,114	3,102,288	

Security	Classification	Purchase Date	Final Maturity Date	Face Value (FV)	Total Purchase Price	Current Book Value	Notes
3. WMC INVESTMENTS							
Credit Union Australia (4.20% 60 days)	TD	29/07/2009	27/09/2009	1,000,000	1,000,000	1,000,000	4
Bendigo Bank (4.65% 268 days)	TD	21/01/2009	16/10/2009	1,000,000	1,000,000	1,000,000	4
Elders Rural Term Deposit (6.55% 365days)	TD	24/11/2008	24/11/2009	1,000,000	1,000,000	1,000,000	4
Investec Aust Ltd (5.65% 363 days)	TD	28/11/2008	26/11/2009	1,000,000	1,000,000	1,000,000	4
Bank West Term Deposit (5.00% 365 days)	TD	27/11/2008	27/11/2009	1,000,000	1,000,000	1,000,000	4
IMB Term Deposit (5.00% 365 days)	TD	27/11/2008	27/11/2009	1,000,000	1,000,000	1,000,000	4
IMB Term Deposit (5.00% 365 days)	TD	02/12/2008	02/12/2009	1,000,000	1,000,000	1,000,000	4
Victoria Teachers CU (4.25% 334 days)	TD	21/01/2009	21/12/2009	1,000,000	1,000,000	1,000,000	4
Bank of Queensland (4.25% 365 days)	TD	04/03/2009	04/03/2010	1,000,000	1,000,000	1,000,000	4
Arab Bank Ltd (5.65% 730 days)	TD	10/12/2008	10/12/2010	1,000,000	1,000,000	1,000,000	4
Savings & Loans CU (5.15% 730 days)	TD	10/12/2008	10/12/2010	1,000,000	1,000,000	1,000,000	4
CBA TCD (90 day BBSW + 1.60% - 3 yrs)	TD	16/12/2008	16/12/2011	1,000,000	1,000,000	1,000,000	4
AMP Cash Management Account	Cash	16/06/2009		3,001,748	3,001,748	3,001,748	4
CBA Online Saver	Cash			1,211,629	1,211,629	1,211,629	4
Total Direct Investments				16,213,378	16,213,378	16,213,378	
Total Portfolio				40,635,288	40,798,785	30,141,088	
PORTFOLIO SUMMARISED BY CLASSIFICATION							
CDO				9,900,000	9,956,441	1,858,887	
FRN				9,000,000	9,106,140	8,081,730	
Mortgage Backed				1,000,000	1,000,000	851,350	
Managed Fund				3,247,114	3,247,114	2,250,938	
TD				12,000,000	12,000,000	12,000,000	
Cash				4,478,174	4,478,174	4,478,174	
Other				1,010,000	1,010,917	620,010	
				40,635,288	40,798,785	30,141,088	
1. Book Value (Fair Value) as at 30 June 2008							
2. Current Value. Fund Closed - Assets being sold and repaid							
3. Defaulted							
4. Face value of deposit / bank bill							
CDO - Collateralised Debt Obligation							
CDOs are constructed from a portfolio of assets. These assets are divided by the issuer into different tranches: senior tranches (rated AAA), mezzanine tranches (AA to BB), and equity tranches (unrated). Losses are applied in reverse order of seniority and so junior tranches offer higher coupons (interest rates) to compensate for the added default risk.							
FRN - Floating Rate Note							
Floating rate notes (FRNs) are bonds that have a variable coupon, equal to a money market reference rate, plus a spread. The spread is a rate that remains constant. Almost all FRNs have quarterly coupons, i.e. they pay out interest every three months.							
Managed Fund							
Managed Funds are a way of investing money with other people to participate in a wider range of investments than those feasible for most individual investors, and to share the costs of doing so.							
Mortgage Backed Security							
A mortgage-backed security is an asset-backed security whose cash flows are backed by the principal and interest payments of a set of mortgage loans. Payments are typically made monthly over the lifetime of the underlying loans.							
Term Deposit							
Term Deposit is a money deposit at an approved deposit taking (ADI) institution for a fixed term at a fixed interest rate. When the term is over it can be withdrawn or it can be held for another term.							





Movements in Book Value of Investments

Lehman Brothers

Date	Description	Securities	Cash (Macq Trust)	Grove Portfolio Online	Total Book Value
01/07/2009		10,560,626.00	1,988.94	312,060.16	10,874,675.10
	Blackrock Interest from May			51,747.03	10,926,422.13
01/07/2009	Blackrock Dividend		97,713.22		11,024,135.35
	Reinvestment of Blackrock Dividend		(97,713.22)		10,926,422.13
	Interest - GPO Cash Account		588.16		10,927,010.29
13/07/2009	Withdrawal		(312,648.31)		10,614,361.98
21/07/2009	Withdrawal		(49,000.00)		10,565,361.98
28/07/2009	Blackrock Dividend		233,170.93		10,798,532.91
Various	July Coupon Payments		26,889.08		10,825,421.99
		10,560,626.00	(99,011.20)	363,807.19	

Oakvale Capital

Date	Description	Securities	Blackrock Managed Fund	Total Book Value
01/07/2009		851,350.00	2,484,109.02	3,335,459.02
	Dividend		(97,713.22)	3,237,745.80
	Dividend Reinvestment		97,713.22	3,335,459.02
28/07/2009	Dividend		(233,170.93)	3,102,288.09
		851,350.00	2,250,938.09	

Don Johnston
Manager Finance

ANNEXURES:

Nil.

Item No: D4 Delegated to Committee

Subject: **Environmental, Infrastructure and Stormwater Works Program - Fourth Quarter Management Plan Review**

Author: Warwick Hatton - Director Technical Services

File No: 827.G 08-11

Reason for Report: To review the status of services for the Management Plan principal activity of Environmental, Infrastructure and Stormwater Works Program for the three months ending 30 June 2009 and to provide an overview of achievements during the 2008-09 financial year.

Recommendation:

- A. That the status of projects for the principal activity 8.0 Environmental, Infrastructure and Stormwater Works Program be noted.
- B. That the variations to projects be agreed.

Background:

Section 407(1) of the Local Government Act requires that Council review the progress of the adopted Management Plan on a quarterly basis. Included with this report is the fourth quarterly review of Principal Activity No 8 of the Management Plan, which is the "Environmental, Infrastructure and Stormwater Works Program". This principal activity has the following sub-activities:

- 8.1 Administration
- 8.2 Water Quality "at source" treatment program
- 8.3 Water Quality "end of line" treatment program
- 8.4 Watercourse and bushland vegetation treatment program
- 8.5 Road Infrastructure Assets (Includes road pavements, footpaths and kerb & gutter works)
- 8.6 Seawalls
- 8.7 Retaining Walls
- 8.8 Floodplain Risk Management Program – Project Implementation
- 8.9 Stormwater Works

The Annexure includes all the details for this principal activity, whereas, set out in the following part of this report is a commentary on variations, changes, exception, completed works, achievements, etc., the purpose being to provide Councillors with a snapshot of the key influences or issues arising from this quarterly review.

Comments on budget variations, where they are material or have an impact on the program of works or projects, may be included in this report. However, the budget review and confirmation of any changed forecast will be considered in a separate budget report, which reviews the overall financial position of the Council at the end of the quarter. It should be noted that this program is funded from a special rate levy and needs to meet the special rate requirements when it comes to variations and changes

Following is the commentary on each sub activity:

8.1 Administration and Auditing

Achievements during the fourth quarter of the 2008/09 financial year for the Environmental Works Program include:

Urban Sustainability Grant (3-Council Ecological Footprint Project)

- A DA has been approved and construction is underway for the Sustainability Demonstration House (Barrett House) to demonstrate affordable sustainable technologies to the community;
- Further free Home Energy Assessments were undertaken during the quarter. The next phase of this project is currently under review.
- Water quality monitoring has commenced at Rose Base Promenade to provide baseline data and to monitor any trends in water quality over the next 12 – 18 months;
- A commercial organic waste collection trial to reduce the amount of waste disposed to landfill is underway,
- The Sustainability Street Project was launched across Woollahra, Randwick and Waverley,
- Woollahra, Randwick and Waverley were awarded funding from Sydney Water to employ a Sustainability Officer to work with Local Business across the Eastern Suburbs.
- The 3-Council Website is under Development.

Environmental Education

- Our Environmental Education Officer is currently working on a list of projects and events focused on four target groups – Residents, Schools, Business, and Council Staff
- Sustainability workshops – ‘The sustainability workshop program for 2009 is underway with presentations and workshops on organic gardening, rainwater tanks, eating sustainably, composting and worm farming.
- ‘Eastern Suburbs Schools Sustainability Network’ meetings were held.

Details of projects completed are summarised in 8.9 Stormwater Works in this Principal Activity 8, and in 2.8 Sustainability Education in Principal Activity 2.

The following Grant funding was received during the fourth quarter of the 2008/09 financial year;

- \$110,000 from the Sydney Water to work with Small to Medium Water Users SMWU across the eastern Suburbs to reduce water use;

The following Grant funding was received during the 2008/09 financial year;

- \$25,000 from the NSW Government’s Estuary and Coastal Management Programs;
- \$69,700 Sharing Sydney Harbour Access Program for Lyne Park carpark upgrade including Stormwater filtration;
- \$250,000 from the Urban Sustainability Waterways Program for Cooper Park Waterways & Bushland restoration.
- \$79,000 grant awarded for rainwater harvesting and reuse at Holdsworth Community Centre.

8.2 Water Quality "at source" Treatment Program

The objectives of this program are to prevent pollutants, litter, vegetation matter and sediment entering the Harbour. Targeted education programs and installation of water quality devices, such as stormwater inlet pit baskets, are the types of projects that meet this objective.

Achievements over the last quarter in this program are summarised in 8.9 Stormwater Works in this principal activity and within 2.2 Stormwater Systems, 2.5 Street Cleaning and 2.8 Sustainability Education in Principal Activity 2 - Natural Environment.

Refer 8.9 Stormwater Works for achievements in this program.

8.3 Water Quality "End of Line" Treatment Program

The objectives of this program are to prevent pollutants, litter, vegetation matter and sediment entering the Harbour. This may be achieved by projects such as installation of larger water quality devices, such as GPT's and Stormwater Booms, constructed low in the catchment, at the end of the stormwater network, prior to discharging into the Harbour.

Refer 8.9 Stormwater Works for achievements in this program.

8.4 Watercourse and Bushland Vegetation Treatment Program

The objective of this program is to prevent uncontrolled run-off, erosion, nutrient transport and weed intrusion into remnant bushland.

Achievements in this program in the 2008/09 financial year include:

- The completion of the Cooper Park Pond & Upper Creek Upgrade;
- The Business Plan for the Cooper Park Sustainable Water Projects is underway;
- Water Sensitive Urban Design works are under way as part of the Bellevue Road Streetscape improvement project to help treat runoff before entering Cooper Park Creek.
- Christison Park Water efficient irrigation system is now operational;
- The Crescent Vaucluse, Hopetoun Avenue stormwater augmentation project has been completed.

8.5-8.7 Infrastructure Works Projects (includes 8.5 Road Infrastructure Assets; 8.6 Seawalls; 8.7 Retaining Walls)

Achievements in the fourth quarter of the 2008/09 financial year for the Infrastructure Works Projects include:

Road, Footpath and Kerb & Gutter Reconstruction Projects completed:

- Edgecliff Road, Woollahra.
- Holdsworth Street, Woollahra.
- Warren Road, Bellevue Hill.
- Streatfield Road, Bellevue Hill.
- Cambridge Street, Paddington.
- Glenmore Road, Paddington.
- Gurner Street, Paddington.
- Nelson Street, Woollahra.
- Fletcher Street (footpath works), Woollahra.

Road, footpath and kerb & gutter Reconstruction Projects under construction:

- Eastbourne Road, Darling Point.
- Elizabeth Street, Paddington.

Road, footpath and kerb & gutter Reconstruction Projects tendered/quoted:

- Cooper Street, Paddington.
- Old South Head Road, Vaucluse.

Retaining Wall Works Completed in the fourth quarter:

- Sutherland Ave, Paddington.

All designs for works scheduled in 2008/09 Capital Works Program completed or substantially advanced. Pre-design for 2009/10 CWP 20% completed.

Sea wall failure at McKell Park under investigation. Design to be completed by consultants in 1st quarter 2009/10. Rose Bay sea wall under investigation and brief prepared for quotation.

Jetty failure at Rose Bay repaired in 4th quarter in conjunction with Maritime repairs to main wharf.

8.8 Floodplain Risk Management Program – Project Implementation

The floodplain risk management program projects progress in the fourth quarter:

- Floodplain Risk Management Committee meeting held in March and reported to Council in 4th quarter. Next meeting scheduled for 12 August 2009.
- Rushcutters Bay Floodplain Management Study and Plan in progress.
- Double Bay Floodplain Management Study and Plan in progress.
- The Rose Bay Flood Study was amended and was adopted at the Floodplain Risk Management Committee.

8.9 Stormwater Works

Stormwater Works completed in the fourth quarter:

- Nelson Street, Woollahra.
- Warren Road, Bellevue Hill.
- Streatfield Road, Bellevue Hill.
- Hopetoun Avenue, Vaucluse (The Crescent Stage 1) Works including the installation of Gross Pollutant Traps, biofiltration system and Stormwater Upgrade Works.

Stormwater upgrade and reconstruction works under construction in the fourth quarter:

- Eastbourne Road, Darling Point.
- 359 Edgecliff Road, Woollahra.
- 52 The Crescent, Vaucluse.
- Bayview Hill Lane, Rose Bay.

Stormwater upgrade and reconstruction works commenced or tendered for construction in the fourth quarter:

- Cooper Street, Paddington.
- Old South Head Road, Vaucluse.

Warwick Hatton
Director Technical Services

Annexures:

1. June 2009 Quarterly Review of Principal Activity: Environmental Works Program

Item No: D5 Delegated to Committee
Subject: **Roads, Traffic and Transport Principal Activity - Fourth Quarter Management Plan Review**
Author: Warwick Hatton - Director Technical Services
File No: 827.G 08-11
Reason for Report: To review the status of services for the Management Plan principal activity of Roads Traffic and Transport for the three months ending 30 June 2009 and to provide an overview of achievements during the 2008-09 financial year.

Recommendation:

- A. That the status of projects for the Roads, Traffic & Transport principal activity be noted.
 - B. That the variations to projects be agreed.
-

Background:

Section 407(1) of the Local Government Act requires that Council review the progress of the adopted management plan on a quarterly basis. Included with this report is the fourth quarterly review of Principal Activity No 3 of the Management Plan, which is "Roads, Traffic and Transport". This principal activity has the following sub- activities:

- 3.1 Road and Infrastructure Asset Management
- 3.2 Maintenance and Construction
- 3.3 Traffic and Transport
- 3.4 Parking Facilities
- 3.5 Parking Enforcement (Regulatory Services)
- 3.6 Streetscape

Included as an Annexure to this report is the Roads, Traffic & Transport Principal Activity of the Management Plan with detailed comments on the status of items in each sub activity

The Annexures include all the details whereas set out in the following part of this report is a commentary on variations, changes, exceptions, completed work, achievements, etc, the purpose being to provide Councillors with a snapshot of the key influences or issues arising from this quarterly review.

"Notices of Motion" which have a major impact on approved management plan core activities and projects have been included in the management plan as variations so as to facilitate the changing of priorities in an orderly and transparent manner.

Comments on budget variations where they are material or have an impact on the program of works or projects may be included in this report. However, the budget review and confirmation of any changed forecast will be considered in a separate budget report which reviews the overall financial position of the Council at the end of the quarter.

Following is the commentary on each sub activity:

3.1 Road and Infrastructure Asset Management

Implementation of the asset renewal strategy was carried out to schedule, including the integration of the pro-active asset maintenance system. 95% of the designs of road infrastructure projects from the 2008/09 Capital Works Program have commenced or been completed.

A consultant has completed the re-survey of the condition of road infrastructure assets, including data capture for road pavements, kerb and gutter, and footpath assets. The road infrastructure asset model and the 5 year Capital Renewal Program for road infrastructure assets, using the new condition data, were reviewed in February 2009.

3.2 Maintenance and Construction

In the fourth quarter, proactive and reactive maintenance programs have been delivered as programmed. Maintenance activities including road pavement repairs, crack sealing, line marking, footpath grinding and footpath paving repairs, kerb and gutter repairs were identified, prioritised and completed as programmed.

The pit cleaning truck is logging all inspections and activities electronically using our electronic asset maintenance system.

Risk assessment and prioritisation of defects have been workshopped, and is now implemented when selecting defects for repair each quarter.

3.3 Traffic and Transport Management

The installation of traffic calming measures for Neild Avenue/Brown Street and Cascade Street were commenced and will be completed in July 2009.

Council remains in negotiations with the RTA and STA to introduce traffic calming measures in the three other streets where vehicle speeds still exceed the 40K limit, namely, Hargrave Street, McDonald Street and Neild Avenue.

Pedestrian Access and Mobility Plan (PAMP) projects were completed in the 4th quarter at Jersey Rd/Paddington St, at Queens St/Victoria Ave, at Glenmore Rd/Campbell Ave. Glenmore Rd/Brown St and Queens St/Holdsworth Street projects were commenced in 4th quarter and will be completed in July 2009. The remainder of the 2008/09 PAMP program have been designed and approved or have been referred back to the Traffic Committee for design changes following review by the Paddington Traffic Working Party.

The raised pedestrian crossing in Greenoaks Avenue at Darling Point Rd was completed. Pedestrian refuges/splitter islands were completed in Greenoaks Avenue at Ocean Avenue and in Forrest Road at Kiaora Rd. Other projects have been delayed due to works by Jemena, but have been scheduled for 1st quarter 2009/10.

Agreement has been reached on the Gipps Street/Shadforth Street design and works have been scheduled for construction immediately following Optus works in these streets.

Following public consultation Council has reached agreement with the STA, Police and RTA for speed claming devices in New Beach Rd. The project is now in final design stage and works will be scheduled to commence in 1st quarter 2009/10.

3.4 Parking

Review of the Woollahra Area 1, Woollahra Area 2, Paddington Area 4 and Edgecliff Area 1 Resident Parking Schemes was completed. Reviews of Paddington Areas 1 and 2 are proceeding. Tenders for Parking Meters and Collection Services will be called in July 2009 and be assessed and reported to Corporate and Works Committee in August 2009, with a view to installation before December 2009.

3.5 Other Transport Facilities

The Woollahra Bike Strategy and Bike Plan (2000) Review is to be considered at the Bike Working Party meeting scheduled for 2 July 2009 and will be reported to Council in the 1st quarter 2009/10. Staged implementation of the Woollahra Bike Plan 2000 continued with Routes 3, 27 and 29 installed as designed. Council imposed a stop on the construction of new bike facilities until the Bike Strategy and Bike Plan (2000) Review is reported to Council. As a consequence, RTA funding for Routes 8, 19 and 23 (\$22,000) was withdrawn in 2008/09.

3.6 Streetscape

Drilling for the Double Bay multi-function pole installation project commenced on 29 June 2009. Works are scheduled for completion in August/September 2009.

The paving contract for New South Head Road, Double Bay was to be advertised in May 2009. Tender evaluation for New South Head Road paving is underway and will be reported to Council in July 2009/10.

Paving contract for Cross Street was completed in 4th quarter 2009.

Detailed design of street and footpath upgrading works Short St/Gumtree Lane/Goldman Lane is complete. Civil works will be coordinated with the completion of the Cosmopolitan redevelopment and redevelopment of 2 Short Street.

Detailed design of street and footpath upgrading works in Kiaora Lane is 95% complete.

Bellevue Hill Shopping Centre contracts were let. Installation of MFP's is scheduled to commence in August 2009. Powerserve commenced the stage 1 electrical works on 4 May 2009. The sequence of these works has had to be changed due to the landslip at the junction with Victoria Rd. The remediation works will be undertaken over the next few weeks, so that Powerserve will not be delayed.

Warwick Hatton
Director Technical Services

Annexures:

1. June 2009 Quarterly Review of Principal Activity: Roads, Traffic and Transport
2. June 2009 Quarterly Review of Outstanding Notices of Motion, Roads, Traffic and Transport

Item No: R1 Recommendation to Council
Subject: **Olola Avenue, Vaocluse - Acquisition of Roadway for Public Use**
Author: Zubin Marolia, Manager – Property and Projects
File No: 340. Part 3
Reason for Report: Olola Avenue, Vaocluse is not a road dedicated to the public. Council have maintained Olola Avenue as if it were a Public Roadway in order to provide vehicular and pedestrian access to the public. Olola Avenue needs to be dedicated to the public to ensure public access in future.

Recommendation:

1. That Council proceed with the dedication of Olola Avenue, Vaocluse under Section 16 of the Roads Act 1993, as recommended by HWL Lawyers, by undertaking the following actions:
 - (a) Affixing a notice on Olola Avenue, Vaocluse in a conspicuous place for 28 days.
 - (b) Placing an advertisement in a local newspaper advising of Council's intention to dedicate all of Olola Avenue, Vaocluse as a public road in accordance with Section 16 of the Roads Act 1993 (draft copies of the notice and advertisement are attached).
2. That Council authorise the Mayor and General Manager to execute and affix the Council seal on all necessary documents.

Background:

In a letter to Council from S J Dixon and Associates, dated 10 December 2003, Council was advised that at that date Olola Avenue, Vaocluse was not a road dedicated to the public.

On 12 December 2003, S J Dixon and Associates were engaged to provide Council with a defined plan of survey for the made and unmade portions of Olola Avenue, which could later be dedicated to the public.

On 7 February 2004, a request was made to Gadens Lawyers to investigate the dedication of Olola Avenue, Vaocluse as a Public Road.

The Linen Plan of Survey of Olola Avenue was provided to Council by S J Dixon and Associates on 22 October 2004.

Investigations were carried out by Council Lawyers and Council Property division and on 15 February 2005 the Department of Lands sent a reply by fax suggesting Council had three options. These were:

1. Dedication under Section 10 of the Roads Act.
2. Apply to the Supreme Court for a prescriptive order, or
3. Lodge a Possessory Application to claim the road.

Between February 2005 and November 2008, there was lengthy communication between Council and HWL Lawyers as to the alternative methods Council may use in order to acquire ownership of Olola Avenue, Vaocluse and to dedicate it as a public road, whilst taking into account the impact on Council and the community.

Options:

On 17 November 2008, after looking into the available alternatives, the three most likely methods that Council could take to successfully acquire ownership of Olola Avenue were considered to be:

1. Application under Section 16 of the Roads Act.
2. Possessory Title.
3. Compulsory Acquisition.

As any of these processes takes time, on 4 February 2009, a caveat was lodged by Council on the title to Olola Avenue, Vaocluse.

HWL Lawyers advised Council on 1 April 2009 that acquisition by compulsory acquisition would expose Council to a claim for compensation in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Possessory Title was also considered less effective than an application under Section 16 of the Roads Act 1993 because Section 45D(5) of the Real Property Act may require evidence, for example, searches on the Estates of W C Wentworth, deceased and F W Hixson, deceased resulting in notices being served on these owners who are long deceased and further delaying acquisition by Council.

Lodging a request pursuant to Section 16 of the Roads Act 1993 was considered to be the most beneficial to Council. Section 16 applies to land that is set aside for the purposes of a road left in a subdivision of land effected before 1 January 1907, or in a plan of subdivision that was registered by the Registrar General before 1 January 1920.

Under Section 16, but subject to Section 17:

- Council may, by notice published in the gazette, dedicate the land as a public road.
- On such publication, the land is dedicated as a public road.
- No compensation is payable arising from the operation of Section 16; and
- Land may not be dedicated as a public road if the Land and Environment Court makes a declaration under Section 17.

Under Section 17:

- Before dedicating land as a public road under Section 16, the Council must cause at least 28 days notice of its intention to do so to be served on the owner of the land.
- During that period, the owner of the land may apply to the Land and Environment Court for a declaration that the land should not be dedicated as a public road; and
- The Court may make such decision as it sees fit with respect to the application.

As the present owner of Olola Avenue is unknown, Council can affix a notice on Olola Avenue, Vaocluse in a conspicuous place for 28 days and place an advertisement in a local newspaper advising of Council's intention to dedicate all of Olola Avenue, Vaocluse as a public road in accordance with Section 16 of the Roads Act 1993.

History:

Olola Avenue appears to have been formed as a result of a subdivision of Wentworth family land, as the “13th subdivision” of the “Vaucluse Estate”.

This release, which opened up land on either side of “Vaucluse Park” (ie. Vaucluse House grounds) had been acquired by the State Government in 1910. The “13th subdivision” was presented for sale by auction on Saturday 7 February 1914 at 3pm, (Annexure 1)

By early 1914, when land in the “13th subdivision” was offered at auction, the advertisement for its release in the Sydney Morning Herald claimed that all sites on offer were “practically ready to build upon” and that all had “made roads” in front.

Parcels of land from the “13th subdivision” are not listed under the heading “Olola Avenue” in the Vaucluse Council Rate and Valuation Series until triennial Council Valuation produced for the years 1917 – 1919, so this would seem consistent with subdivision and sale during the previous triennium (1914 – 1916).

Local history records that Vaucluse House was built between 1827 and the late 1830’s by William Charles Wentworth, incorporating the original cottage built in 1803 by Sir Henry Brown Hayes which was never finished. Wentworth left for England in 1853 and sold up his personal effects returning only once in 1860 – 1861, after that, family members and tenants occupied the house.

Significant buildings including the stables built around the same time incorporate some of the first gothic styling in the colony (Cookney, Architect). The convict barracks which stood on the hillside north-east of and above the stables were demolished in 1917 when Olola Avenue was put through.

Given this history, Olola Avenue, Vaucluse is land to which Section 16 of the Roads Act, 1993 applies.

HWL – Historical Information:

The facts surrounding the creation of the road are as follows.

At least the planning of the roadway dates back to a date prior to the resumption of Vaucluse Park area in 1910, possibly 1906.

The land comprising the 13th release includes the land described as “proposed road 66’ wide” and surrounds the area resumed for Vaucluse Park, which is generally consistent with the present position of Olola Road. The land comprising the 13th release appears to have been auctioned on 7 February 1914 (see sales brochure of Richardson & Wrench).

The following minutes of Vaucluse Council may be relevant to the issue of whether the road was opened and subsequently dedicated in accordance with the provisions of the 1906 Act:

November 5, 1913

Correspondence

“Robert Fisher

On behalf of the Trustees of the late W C Wentworth submitting for the Council’s approval a lithograph showing the proposed subdivision of part of their property at Vaucluse.

Robert Fisher

Stating that some of the roads in the proposed 12th (sic) subdivision of the Wentworth Estate are not yet completed and that the Council's permission to hold the sale of the land on the date advertised. That letter also states that Mr Fisher will undertake that the roads will be completed in accordance with the approved plans and specifications.

These two letters were received and taken together.

Moved ... that permission be given for the sale to be held on the date advertised and that the Council approve of the plan of subdivision subject to the roads being completed in accordance with the approved plans and specifications and the conditions contained in the permission letter sent to Mr Fisher on the subject of roads."

November 26, 1913

"Robert Fisher

Resubmitting plan showing the position of a proposed road 66' wide which the trustees of the Vaucluse Estate propose opening through that Estate and asking for the Council's consent in writing to the opening of this proposed road.

It was agreed that the plans as submitted be approved by the Council, and the Council consent to the opening of such road."

January 7, 1914

"Robert Fisher

On behalf of the Wentworth Estate submitting 2 plans showing a proposed subdivision of part of their property at Vaucluse, and asking for the Council's written approval."

April 15, 1914

"MOTIONS PURSUANT TO NOTICE:

Alderman Rose moved a motion appearing in his name on the Business Paper, seconded by Alderman Newton, viz: "That in view of the unsatisfactory experience in the past with regard to the roads in this Municipality having been ballasted and surface dressed with metal of local production, it is imperative that no new roads be accepted as satisfactory unless they are top-dressed with, say, 4 (four) inches of hard metal."

Alderman Johnston rose to a point of order and said that a resolution previously passed by this Council dealing with ... the Vaucluse and the Folly Estate (the latter now being known as Harbour Heights Estate) made it allowable for the roads to be constructed of the best local metal procurable; such being the case it was his contention that the motion was out of order.

The Mayor ruled that it was in order ... but said at the same time that individual applications would have to be dealt with as they were made, irrespective of any general resolution such as the one under discussion which might be passed by the Council.

On being put to the meeting the motion was carried."

February 3, 1915

“E. S. Dunhill [the estate’s solicitor]: (21/1/15) Re Vaocluse Estate, intimating that the Registrar General now requires the Council’s consent to all transfers where no deposited plans have been lodged or, as an alternative, that a lithograph of the subdivision should be lodged in the Land Titles Office with the Council’s consent endorsed thereon. The letter goes on: “I enclose 10 lithographs” (5th. to 14th. Inclusive), “and should be very glad if you will have the Council’s consent to each subdivision endorsed on the respective plans, and return to me as soon as possible.”

Moved by the Mayor, seconded by Alderman Johnston, “That the plans submitted be approved with the exception of those of the 11th., 12th., and 13th. and 14th. subdivisions.” Carried.”

As we have noted, Deposited Plans 9245 and 9328 were lodged with the Land Titles Office on 27 June 1918 and 31 July 1918, respectively. The two plans were plans of subdivision of the land surrounding the Vaocluse Park (the 13th release) and included the road (now described as Olola Avenue) and which appears to be in the same position as the road shown “66’ wide” on the brochure of Richardson & Wrench advertising the sale of the land in the release area on 7 February 1914.

It is arguable that the two resolutions of Council of 5 November 1913 and 26 November 1913 consenting to a subdivision and the opening of a road refer to the subdivision of the land comprising the 13th release and the opening of the road, both of which are referred to in the sales brochure.

It would appear that any difficulties concerning the quality of the road construction in Olola Avenue and referred to in the Minutes of the Council on 15 April 1914 and 3 February 1915 were resolved by the approval by Council of the subdivision and the registration of the two plans referred to above, in 1918. That is, the registration of the plan effected a dedication of Olola Road, as a public road.

In summary, it is arguable that the road now known as Olola Avenue was “opened” under the 1906 Act when the Council granted its consent to the opening of the road referred to in the resolution of the Council of 26 November 1913 and dedicated as public road on registration of DP 9245 and 9328, in 1918.

History of Expenditure:

Earliest evidence traced in VMC records to Council expenditure on Olola Avenue

7th August 1918 p. 176

Correspondence from Vaocluse Park Trust (25 July 1918) thanking the Council for the good work it did in front of the Park in Wentworth Road, the Secretary of the Trust says that the Trustees would be glad if the Council could see its way to fix up a short length of Olola Avenue on the eastern side of the park. Received.

It was agreed to inform the Park Trustees that there was no money available for this work at present.

4th September 1918 p. 182

Correspondence from the Vaocluse Park Trust (22 September 1918 p. 182) writing in connection with the big demonstration at Vaocluse House on Saturday 26th October in memory of William Charles Wentworth at which his Excellency the Governor General, Sir Walter Davidson, and other prominent citizens will be present, the Secretary of the Trust writes pointing out that it would be a fitting occasion for the Council to receive him, and welcome him to the district, suggesting that a formal address might be presented. Received.

It was agreed that His Worship the Mayor, Alderman HAD Christison, accompanied by the other members of Council should received and welcome His Excellency on the date mentioned.

It was agreed to inform the Park Trustees of the Council's decision.

Correspondence from the Vaucluse Park Trust (22 September 1918) stating that on the 26th next a big demonstration is to be held at Vaucluse House 'at which the Governor General and others in high authority will be present, the Secretary of the Trust asks that the Council would make some repairs to Olola Avenue, as the visitors motor cars will traverse that route'.

A sum of £5 was voted for the work.

Conclusion:

It is recommended that Council:

- Proceed with the placement of the notice in a conspicuous place in Olola Avenue and lodgement of the advertisement in a local newspaper.
- Instruct HWL Lawyers to execute the necessary actions to effectively have Olola Avenue, Vaucluse dedicated as a public road.

Zubin Marolia
Manager – Property and Projects

Warwick Hatton
Director – Technical Services

Annexures:

1. The "13th subdivision" presented for sale by auction on Saturday 7 February 1914

**POLITICAL DONATIONS DECISION MAKING FLOWCHART
FOR THE INFORMATION OF COUNCILLORS**

