



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 26 March 2007*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

22 March 2007

To: The Mayor, Councillor Keri Huxley
Councillors Anthony Boskovitz
 John Comino
 Claudia Cullen
 Christopher Dawson
 Marcus Ehrlich
 Tanya Excell
 Wilhelmina Gardner
 Julian Martin
 Andrew Petrie
 Geoff Rundle
 Isabelle Shapiro
 David Shoebridge
 Fiona Sinclair King
 John Walker

Dear Councillors

Council Meeting – 26 March 2007

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 26 March 2007 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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Leave of Absence

Item No: 1
From: Councillor Marcus Ehrlich
Reason for Report: Seeking leave of absence for all meetings of the Council and its Committees from 1 April 2007 to 25 April 2007 inclusive.

Recommendation:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Marcus Ehrlich for the period 1 April 2007 to 25 April 2007, inclusive.

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 19 March 2007 Submitted to the Council for Determination

Item No: R1 Recommended to Council
Subject: **Draft Code Of Meeting Practice**
Author: Les Windle - Manager Governance
File No: 1191.G
Reason for Report: To report on the public exhibition of the draft Code of Meeting Practice

Recommendation:

That the draft Code of Meeting Practice as publicly exhibited be adopted.

Item No: R2 Recommendation to Council
Subject: **2007/2008 D2raft Budget Overview**
Author: Don Johnston Manager Finance
Michelle Phair Team Leader Financial Services
File No: 331G 2007/2008
Reason for Report: A) provide an overview of the preliminary draft 2007/2008 budget
B) seek a determination of how recent initiatives will be funded to allow the preparation of a draft budget for further consideration by the Committee.

Recommendation:

1. That the budget overview be noted
 2. That a meeting of the Strategic and Corporate Committee be convened as a matter of priority to consider the budget issues.
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9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 19 March 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Delegations Babworth House**
Author: Brett Daintry Manager Development Control
File No: 900.G
Reason for Report: Council to review delegations on Babworth House Development Applications

Recommendation:

1. That the limitation upon staff delegations to determine development applications and applications to amend consents in relation for Babworth House and its previous grounds be rescinded.
2. That the assessment and determination of development applications and applications to amend consents in relation to Babworth House and its previous grounds be made in accordance with the normal delegations and safe guards.

Item No: R2 Recommendation to Council
Subject: **81 New Beach Road, Darling Point**
Author:
File No: DA623/2004 Part 3
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 recommendation of the Development Control Committee to the Officer's recommendation.

Recommendation:

THAT Council, as the consent authority, refuse the application to modify the development consent to Development Application No. 623/2004 part 3 for alterations and additions to dwelling (air conditioning) on land at 81 New Beach Road Darling Point, for the following reason:

- The proposal will have a detrimental visual and acoustic impact on the adjoining property.

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 12 March 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Retail Uses In William Street Paddington**
Author: Margaret Zulaikha - Team Leader Urban Design
File No: 1064 G Amend 60
Reason for Report: To respond to Item 2 of Council's resolution of 24 July 2006 and advise of the outcome of the notification of the draft LEP prior to public exhibition.

Recommendation:

1. That the report of the Team Leader Urban Design be received and noted.
2. That Council advises all submitters that their submissions will be considered during the public exhibition of draft Woollahra LEP 1995 (Amendment 60)
3. That a report regarding the Orders issued by Council in respect of the premises in William Street be brought to the Urban Planning Committee.

Item No: R2 Recommendation to Council
Subject: **Draft White City Dcp**
Author: Margaret Zulaikha - Team Leader Urban Design
File No: 1064G Amend 59
Reason for Report: To respond to the Council resolution of 12 February 2007 and present a principles based draft White City DCP for consideration.

Recommendation:

1. That the Draft White City Development Control Plan (**annexure 2**) be publicly exhibited, as soon as possible, in accordance with the requirements of the Environmental Planning and Assessment Act Regulation 2000 subject to the following amendments:
 - a. Inclusion of Figures 6 and 7 contained within the late correspondence submitted by the Team Leader Urban Design onto pages 21 and 22 respectively of the Draft DCP.
 - b. Section 4.2 Building location design and uses – Tennis/Recreation Club Building (page 15 of the Draft DCP)
 - Objective O4 being amended to read “To establish, retain and enhance views from Glenmore Road across the site.”

- c. Section 4.3 Landscape (page 16 of the Draft DCP)
 - Objective O5 being amended to read “To encourage the use of locally indigenous plant species and to ensure that sustainable and low water use plantings are used.”
 - d. Section 4.3 Landscape (page 16 of the Draft DCP)
 - Control C6 being amended to read “Retain all significant existing trees and vegetation, particularly the trees on Glenmore Road, the Hills Figs on the south western corner of the site at Glenmore Road and the vegetated embankment at Edgecliff. No development is to occur within the dripline of the Hills Figs on Glenmore Road.
 - e. Section 4.2 Building location, design and uses – Tennis/Recreation Club Building (page 15 of the Draft DCP)
 - Deletion of Objective O1.
 - f. Section 1.5 Objectives of this plan (page 4 of the Draft DCP)
 - Deletion of the objective “to support the establishment of a child care facility.”
 - Deletion of the objective “to provide medical facilities ancillary to a multi-purpose tennis/sporting facility.”
2. That a further report be presented to the Urban Planning Committee on the public submissions received in relation to the draft plan.
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9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 12 March 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Commercial Fitness Training Activities On Public Open Space (2007) - Amended**
Author: Rod Ward - Acting Manager Public Open Space
File No: 172.G
Reason for Report: To report the amendments to the draft policy and strategy and recommend adoption

Recommendation:

- A. That the draft Commercial Fitness Training Activities on Public Open Space Policy (2007) to be placed on exhibition include the amendment to the regulations to apply to the Redleaf site, as set out in the report.
- B. That the proposed signage be noted.

Item No: R2 Recommendation to Council
Subject: **Sustainable Choice Purchasing Program**
Author: Mark Ramsay – Manager Depot & Waste Services
File No: 776.G
Reason for Report: To seek endorsement for Council to join the Sustainable Choice Purchasing Program

Recommendation:

- A. That Council commits to joining the LGA's 'Sustainable Choice Purchasing Program'
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Notices of Motion

Item No: 1
From: Councillors Comino & Boskovitz
Date: 12 March 2007
File No: 900.G

A report be prepared with a view to re-classifying the unmade road reserve adjacent to 26 Pacific Street Watsons Bay, to public park so as to secure it's protection for public use and recreation in perpetuity.

Item No: 2
From: Councillors Shoebridge & Excell
Date: 15 March 2006
File No: 900.G

That council immediately take steps to introduce a uniform 40km/h speed zone throughout the road network of those parts of Woollahra and Edgecliff that are west of Ocean Street and within the control of Council, whether acting alone or together with the RTA.

Item No: 3
From: Councillors Shoebridge & Excell
Date: 15 March 2006
File No: 900.G

That a report be brought to Council as to the practicality, benefits and demerits of introducing shared pedestrian and traffic zones in some or all of the narrow streets that lead from the Queen Street shopping area including Spicer Street.

Item No: 4
From: Councillors Shoebridge & Excell
Date: 15 March 2006
File No: 900.G

That a report be brought to Council as to the practicality, benefits and demerits of extending any 40km/h speed zone throughout the whole of the Woollahra Heritage Conservation Area.

Item No: 5
From: Councillor Ehrlich
Date: 21 March 2006
File No: 900.G

That a report be submitted to the appropriate Committee of Council on the possibility of Council leading an advertising campaign encouraging residents to car pool, (particularly focusing on school drop offs and pick ups given the high incidence of large schools in the Municipality).

Item No: 12
Subject: Questions Without Notice
Author: Gary James, General Manager
File No: 467.G/Q01
Reason for Report: To provide a response to Questions without Notice from Council Meeting of 12 March 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Recommendation:

That the responses to previous Questions without Notice be noted.

Background:

The provision for Councillors to ask Questions Without Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

- (1) *As a standard practice, "Questions Without Notice" shall be listed in all agendas of Ordinary Meetings of Council*
- (2) *Questions shall be in writing.*
- (3) *The Mayor shall direct 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.*
- (4) *If the answer to a question can be given immediately 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 and the basis upon which the answer is to be provided (whether in writing and direct to the Enquirer, or by means of a report to an appropriate Committee, or otherwise.)*
- (5) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions Without Notice" 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 Without Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions Without Notice on 12 March 2007 are as follows:

Councillor Comino:

I understand the developer of the building site adjacent to Franklins in Dover Road, Rose Bay, has secured a crane permit for 17 March 2007 but works were carried out last Saturday blocking the westbound lanes in contravention of the DA consent. On what basis does Council issue a crane permit on the Dover Road frontage having regard to the strict requirements that the Development Control Committee placed, when this application came up to Council, for any work zone on this site to be restricted to part of Council's car park at the rear of the building site?

Manager Compliance in response:

Development work at 7-11 Dover Road Rose Bay is being undertaken pursuant to development consent DA 41/2003. I have reviewed the development consent and I cannot locate any restriction on the work zone being limited to the carpark area. Condition 42 on the original consent dated 4 August 2003 stated;

"42. Work Zone

A Work Zone (Construction Zone) is required for this development. The developer must liaise with Councils Traffic Engineer concerning the length and location of the Work Zone. An application for the required Work Zone must be submitted to Woollahra Council's Local Traffic Committee prior to any Construction Certificate being issued. Prior to commencement of any demolition, land clearing, piling, piling, excavation, construction or like work or the issue of a Notice of Commencement, approval for the required Work Zone must have been obtained and the Work Zone signs must have been erected.

Note: The Woollahra Local Traffic Committee meets monthly. A minimum of eight weeks is required for assessment and determination of a Work Zone application. Failure to comply with this condition may result in fines and proceedings to stop work."

Determination of an application to modify development consent DA 41/2003 on 16 February 2005 resulted in the above condition being modified as follows;

"42. Work Zone

A Work Zone (Construction Zone) is required for this development. The developer must liaise with Councils Traffic Engineer concerning the length and location of the Work Zone. An application for the required Work Zone must be submitted to Woollahra Council's Local Traffic Committee prior to the commencement of any site works. Prior to commencement of any demolition, land clearing, piling, piling, excavation, construction or like work or the issue of a Notice of Commencement, approval for the required Work Zone must have been obtained and the Work Zone signs must have been erected.

Note: The Woollahra Local Traffic Committee meets monthly. A minimum of eight weeks is required for assessment and determination of a Work Zone application. Failure to comply with this condition may result in fines and proceedings to stop work."

A "permit to stand plant" is issued by Council's Customer Services Section, on receipt of a Police permit. The permit is in effect a 'part road closure' and would be issued pursuant to the Roads Act, not Section 68 of the Local Government Act 1993. Council's Planning & Development Division and Compliance Section does not have any involvement in issuing these permits, however our Rangers do ensure that oversized vehicles such as cranes have obtained the relevant permit.

A permit to stand plant was not issued by Council for the subject property on 10 March 2007 and the crane operations were shut down on that day. A Police permit and a 'permit to stand plant' (Reference No. 3659) has been issued for 17 March 2007 between 7.00am to 5.00pm

Director Technical Services further in response:

The use of the site for construction purposes is controlled by a lease. A condition of the lease is that works must be carried out in accordance with the attached Construction Management Plan Revision No. 6. The CMP clearly indicates the intent to use the leased area of the carpark for crane deliveries/removals, and to use the loading zone in Dover Road only for minor deliveries. However, there is no express condition prohibiting use of Dover Road for standing plant, so it was open to the developer to apply to the police and Council for permission to stand plant in the road. These applications are processed by Customer Services, and issued subject to standard conditions in circumstances where the police (and the RTA in a main road) have given permission, evidence of public liability insurance is provided and the fees paid. Such a permit would not be valid if it conflicted with a Development Consent condition, but as noted above no such condition applied.

Councillor Comino asking:

What is the current status of the toilet and change shed building in Lyne Park? Is there any proposal or further report forthcoming on the use of such building for kiosk or other public uses?

Manager Public Open Space in response:

A report concerning the change rooms and future uses has been prepared for the Community and Environment Committee meeting of 26 March 2006.

Councillor Ehrlich asking:

To Councillor Shoebridge

No man can serve two masters and be loyal to them both equally. Will you resign if elected to the Legislative Assembly, from Woollahra Council?

Councillor Shoebridge in response:

If I do get elected I would think that I would be a valuable asset on the Council and I would like to stay on the Council for the balance of my Council term.

Councillor Petrie asking:

To the Mayor

Everybody has noticed Greens Party corflutes all along Lyne Park, Rose Bay Promenade, Cooper Park and Lough Park and everywhere else. This is an environmental abuse and I ask you to ask Councillor Shoebridge, Green candidate for Vaocluse, to request that the Green hierarchy remove them in the next 2 days.

Mayor in response:

I can make the request.

Councillor Shoebridge in response:

Why don't you ask me directly?

Councillor Petrie asking;

To Councillor Shoebridge

Will you write to the hierarchy and get them to remove these corflutes which are all over every park in Woollahra?

Councillor Shoebridge in response:

There is no such hierarchy who has put in place the corflutes around Woollahra.

Councillor Martin asking:

In reference to the fence and cement works now blocking the old entrance to White City from New South Head Road. Now that walkers have made an informal path under the railway viaduct to Mahoney Lane, should we make a proper path to avoid pedestrian injury? Can we discuss this with Sydney Water or another land owner if relevant? This new path may also negate the need for a pathway to be part of the public benefit as part of the rezoning?

Director Planning and Development in response:

I will take that On notice but just to note that the Council is not the owner of that land and any public access way through that land or across that land would need to be negotiated with the owner of that land.

Mayor further in response:

We can write a letter to Rail Corp requesting that they assist, seeing it is their land.

Councillor Excell asking:

The lawn around the Council Chambers from New South Head Road to half way along the sarcophagi is in a terrible state. We have had plenty of rain and most lawns in the area are blooming. What is the reason for all this dead lawn? Could it be addressed and can our lawn be rejuvenated or replaced with low water usage ground covers?

Manager Parks & Street Trees in response:

The lawn around the Council Chambers is growing on very shallow soils suspended over the main office area. This lawn was originally irrigated with pop up sprinklers which can no longer be used due to the Sydney Water restrictions. Over the last summer this lawn was watered by hand at least once a week using bore water trucked over from the Woollahra Oval bore. Unfortunately there was a period in January where the hand watering was not sufficient to stop the most shallow areas from drying out completely. Council staff are currently seeking feasibilities and quotes on converting this irrigation system to drip and/or to use bore water. The immediate plan is to get the remaining turf to grow into the bare patches over the next couple of months. Returfing would be possible but expensive and unbudgetted.

Councillor Dawson asking:

What is the number of clothing disposal bins allowed in Lyne Park? At the moment at least three bins meet ferry travellers at the Rose Bay Wharf and there are further two bins in the car park by the tennis courts.

Manager Compliance in response:

Three (3) clothing bins are approved in both the Lyne Park carpark at Rose Bay Wharf and the tennis court carpark.

Councillor Shapiro asking:

Some months ago Councillor Excell and I requested a garbage bin at the bus stop outside 103 Birriga Road. As a result the cleaning schedule was increased at that site. I note that there are still piles of rubbish in the rockery behind the bus stop, so please can we now install a garbage bin as the increased cleaning schedule does not seem to have worked?

Manager Public Infrastructure in response:

The area has been monitored for three months and there has been little evidence of dumped rubbish. However, a request has been issued for a litter bin to be installed.

Councillor Shapiro asking:

There is a large sign from a real estate agent on the grass verge outside 48-50 Birriga Road. Can you please investigate?

Manager Compliance in response:

Matter has been recorded in Council's Customer Request Management System (CRMS Reference No. 301148994) and referred to Council's Rangers for investigation and action as appropriate.

Councillor Sinclair King asking:

Many months ago I asked for details regarding approval of a car advertisement on one side of the Edgecliff Centre and a report generally on signage of the Edgecliff Centre buildings. The car advertisement was later replaced with a more specific Edgecliff Centre advertisement has been put up but no report on signage has been forthcoming. Since then there has been signage creep on all facades of the building (it has become a giant billboard) and special effects lighting. Is Council the consent authority for signage and lighting on the Edgecliff Centre buildings, if so what signage has been authorised and what signage is unauthorised?

Director Planning and Development in response:

We are the consent authority. Development consent has been granted for a general advertising sign. From what you say there appears to be more signs than what may have been approved and I will take that part of the question On notice. I will organise for one of my staff to carry out an inspection and to audit the current signs against the approvals.

Manager Compliance further in response:

Matter has been recorded in Council's Customer Request Management System (CRMS reference no. 301148688) and has been referred to Council's Development Control Officer to investigate and take action as appropriate.

Councillor Sinclair King asking:

Can we have an update on the concrete slab at the Shell Service Station and what advice our Lawyers have given Council?

Director Planning and Development in response:

I will be very happy to provide a briefing note to all Councillors on the current position with that unauthorised work. Suffice to say, I understand that we have a letter of undertaking from the owner not to carry out further work. I will provide a briefing note to Councillors. We have not asked the owner to remove the slab and that is a matter that we will need to consider in the context of our enforcement policy and the degree of environmental harm which is caused by the slab, the cost to Council and whether or not such action would be in the public interest.

Director Planning and Development further in response:

The owner of the subject property has given us an undertaking that no further work will be undertaken without obtaining development consent.

The matter has been referred to the Manager Compliance and our Solicitors to determine whether the circumstances warrant the commencement of prosecution proceedings.

Councillor Shoebridge asking:

Can our Regulatory staff look at the advertising hoarding promoting a future redevelopment of the old Consulate on the corner of Trelawney and Ocean Streets, Woollahra?

Manager Compliance in response:

The property in question is 12A Trelawney Street Woollahra. Development consent DA 358/2006 for alterations and additions to create a residential flat building containing three dwellings and strata subdivision at was granted by the Land & Environment Court on 17 November 2006. A privately issued construction certificate was submitted to Council on 14 March 2007, together with a notice of commencement indicating that work is about to commence. The two signs that have been erected at the front of the site at the corner of Trelawney and Ocean Streets would constitute "real estate signs" as they are inviting enquiries on the future "luxury apartments". However, pursuant to Council's Development Control Plan - Exempt & Complying Development, only one of the signs is permitted without consent. Accordingly, the matter has been recorded in Council's Customer Request System (CRMS Reference No. 301151221) and referred to Council's Development Compliance officer for action.

Councillor Shoebridge asking:

Can we please have water wise native grasses and ground cover planted in the Rushcutters Bay median island rather than a high maintenance and water hungry lawn?

Manager Parks & Street in response:

A significant proportion of the turf for this area was ordered some time ago and will arrive this Friday 16 March. I recommend that we proceed with the establishment of turf.

It was decided to establish a hardy variety of turf after consideration of the ongoing maintenance requirements, the safety of workers undertaking this maintenance, and the long-term visual amenity of the area. The turf can be easily maintained using a ride-on mower, reducing the time required for staff to work at the site. As there will be no watering of the turf after the initial establishment period there are no foreseeable water savings by using Australian native plants in this situation. Native grasses and ground covers do not suppress weeds as effectively as a mat forming turf and also act as traps for wind blown litter, requiring regular labour intensive maintenance visits.

Councillor Shoebridge asking:

To Councillor Comino

Why did you stay in the Urban Planning Committee and vote on the final resolution whilst the Committee considered the building envelopes for land which I understand your firm's client owns?

Councillor Comino in response:

Councillor Shoebridge, through the Mayor to you, you are very well aware of the reason, I answered that at both the commencement before the discussion took place. I also made sure that I did not participate in the progressive vote on the amendments which you put forward in relation to that part of the site, north of the viaduct, which the Chair is well aware of. And I also had it noted at the end of the meeting as well.

Gary James
General Manager

Annexures: Nil