

Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 15 December 2008*

Time: *7.00pm*

Note: *Confidential Agenda issued under separate cover & is not available to the public.*

Woollahra Municipal Council

Notice of Meeting

11 December 2008

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

Dear Councillors

Council Meeting – 15 December 2008

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 15 December 2008 at 7.00pm.**

Gary James
General Manager

Meeting Agenda

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Leave of Absence

Item No: 1
From: Councillor Isabelle Shapiro
Reason for Report: Seeking leave of absence for all meetings of the Council and its Committees from 1 January 2009 to 26 January 2009 inclusive.

Recommendation:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Isabelle Shapiro for the period 1 January 2009 to 26 January 2009, inclusive.

Mayoral Minute

Mayoral Minute No: 1

Subject: 60th Anniversary (December 2008) of changes to the Municipalities of Woollahra, Vacluse & Paddington - under the Local Government (Areas) Act

Author: Mayor of Woollahra, Councillor Andrew Petrie

File No: 61.G

Reason for Report: To mark the 60th anniversary of changes to the municipalities of Woollahra, Vacluse and Paddington under the Local Government Act, 1948.

Recommendation:

That the Mayoral Minute on the 60th Anniversary (December 2008) on changes to the municipalities of Woollahra, Vacluse and Paddington under the Local Government (Areas) Act be received and noted.

Background:

December 2008 marks the 60th anniversary of changes effected by the *Local Government (Areas) Act, 1948*. Under this legislation, the total number of Local Government Areas within the County of Cumberland was reduced through a series of amalgamations from 66 to 41, as part of the 'Greater Sydney' movement.

The changes of 1948 have considerable bearing upon the civic history of Woollahra. As a result, the local government areas and administrations of Vacluse and Paddington were officially extinguished at midnight on the 31st December 1948. The former Municipality of Vacluse was reunited with the Municipality of Woollahra, from which it had separated fifty-three years before. The Municipality of Paddington, a portion of which was later amalgamated with Woollahra, became part of the much expanded City of Sydney, along with eight other municipal areas which were contiguous with the City.

The United Council of Woollahra officially met for the first time on the 14th December 1948 with the three newly elected representatives of Vacluse present. On the previous evening these aldermen had attended the penultimate meeting of the former Council of the Municipality of Vacluse. Final business was concluded for the Municipality of Vacluse at a special meeting called for the 22nd December to confirm the minutes of the final ordinary meeting on the 13th and to consider several outstanding reports from officers.

The inaugural meeting of the new City Council was held 60 years ago this month on 14th December, with Paddington Council finalising its business at a meeting held on 20th December, 1948.

Vacluse and Paddington Councils reacted very differently to their fate at the hands of the Greater Sydney Movement - their reactions reflecting the general differences between the two municipalities and their circumstances.

The Borough of Vacluse had been created in 1895 from a division of the Woollahra Municipality, which was staunchly opposed by the aldermen of Woollahra. With a sound financial position in the 1940s, and noted for the prudence of its management, Vacluse Council felt there was little to be gained from any merger, and together with the Vacluse Progress Association (VPA), opposed the movement from the outset. Indeed, a meeting convened by the VPA in 1943 provided the first vehicle for the Local Government Association and several councils of the Eastern Suburbs to formally voice their opposition to the proposals - then not yet even published by the government. Woollahra Council, which had so opposed the secession of Vacluse, now joined the Vacluse aldermen in opposing re-unification.

The circumstances of Paddington Council were, in 1948, very different from those of Vacluse. Proclaimed a Municipality on 17th April, 1860, Paddington was beset by financial problems throughout much of its eighty-eight years. At various times in its history, the Municipality of Paddington had actively sought annexure with the City, partly for the opportunity of having its debts discharged. The fact that most of the proposed Greater Sydney schemes involved Paddington perhaps left its aldermen and residents resigned to absorption into the City.


At the final ordinary meeting of the Vacluse Council, numerous aldermen spoke of their 'deep regret' at the passing of the 'historic' Municipality of Vacluse. In contrast, a mayoral minute from the final meeting of Paddington aldermen reflected quietly on the achievements of the council, and ended on an optimistic note in its appraisal of the future.

A post-script to the history of the former Paddington Municipality occurred in 1968 when, as a result of the *Local Government (City of Sydney) Bill, 1967*, a significant portion of the suburb was added to Woollahra. Assets and liabilities were transferred in stages under the Act during 1968.

In June 1968 three additional aldermen were appointed to Woollahra Council by the Governor under subsection (4) of section 1 of the *Local Government (City of Sydney Boundaries) Act, 1967* to represent the Paddington ward until the next ordinary local government elections. Their appointment was recorded in the *NSW Government Gazette* published 28th June 1968. The first meeting of Woollahra Council following this appointment was held on 12th August, 1968.

The year 2008 marks forty years of Woollahra's administration of northern Paddington which came about as a reaction to the amalgamations of 1948, part of the move towards 'unscrambling the Greater Sydney egg' instigated by the Liberal state government of Robin Askin.

The year 2010 will mark the sesquicentenary of the local government administration of Woollahra, the proclamation of the Municipality so-named having been gazetted on 20th April 1860 and the first meeting of this Council held on 6th June 1860. As we approach the celebration of this landmark year, it is useful to contemplate the significance of the boundary changes of 1948 and 1968 as an integral part of the rich history of our local government area and its civic administration.



Cr Andrew Petrie
Mayor

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 8 December 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Double Bay Streetscape Improvement Works – Cross Street**
Author: Kelley Ambrose - Purchasing Coordinator
File No: Tender No 08/18
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That Council enters into a Lump Sum contract for \$461,735.00 (excluding GST) with Sam the Paving Man Pty Ltd for paving upgrades and associated improvement works in Cross Street, Double Bay
- B. That successful and unsuccessful tenderers be advised accordingly.

Item No: R2 Recommendation to Council
Subject: **Holdsworth Street Community Centre - Annual Report 2007/08 & Quarterly Report 2008**
Author: Kylie Walshe
File No: 126.G
Reason for Report: To present the Holdsworth Community Centre & Services Annual Report 2007/08 and Quarterly Report July to September 2008.

Recommendation:

- A. That Council note the performance of Holdsworth Street Community Centre in 2007/08 and offer congratulations to the Management Committee, staff and volunteers at the Centre.
- B. That Council note the Holdsworth Street Community Centre July to September 2008 Quarterly Report.
- C. That Council agree to revote \$31,970 of unspent operational funding held by Holdsworth Street Community Centre to be expended on the minor capital items requested by the Centre.

Item No: R3 Recommendation to Council
Subject: **Recording of Voting on Planning Matters**
Author: Les Windle - Manager Governance,
Geoff Clarke – Director Corporate Services
File No: 1191.G
Reason for Report: To advise Council of the legal advice obtained in relation to the operation of Section 375A of the Local Government Act and for Council to determine a policy position on the recording of voting on planning matters

Recommendation:

1. That the recording of votes on planning decisions as required by section 375A be for determinative (conclusive determination) decisions on DAs and planning matters and, in addition, as a matter of policy, where determinative decisions are recommended by a committee to the Council for adoption.
 2. Council's Code of Meeting practice be amended to include the requirement set out in 1 above.
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9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 8 December 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **13 Glenview Street, Paddington - Section 96 Application Proposed modification to change to rear elevations, additional detail & clarification of ambiguities on DA drawings – 28/4/2008**

Author: George Fotis – Team Leader

File No: DA603/2006 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 Committee's recommendation (approval) to the officers recommendation (refusal).

Note: A division of votes is required to be recorded for this planning decision.

Recommendation:

A. THAT Council, as the consent authority, approve, that part of the Section 96 Application for modification of the development consent to Development Application No. 603/2006 on land at 13 Glenview Street Paddington, relating to the following works:

- i) re-instate the eve between 11 and 13 Glenview Street, Paddington (on the boundary)
- ii) re-instate the curved capping between 13 and 15 Glenview Street, Paddington (on the boundary)
- iii) retain the existing iron (zinc) roof to the front elevation instead of the originally approved tiled roof.

B. THAT Council refuse consent for all other works that are part of the subject Section 96 application for the following reasons:

i) Aims and Objectives of the Woollahra LEP

The proposal does not accord to the general aims and objectives of the LEP with respect to heritage conservation and does not comply with Clause 8(5) of the LEP.

ii) Heritage Conservation

The proposal would have a detrimental impact upon the Heritage Conservation Area and does not comply with Clause 2(2)(g)(ii) of the Woollahra LEP.

iii) Site Coverage, setbacks and levels

The proposal would not reflect the existing established rear building alignment and pattern of setback to the rear laneway at the first floor and does not comply with Objective O2 & O3 of Part 5.1.5 of the Paddington DCP.

iv) Chimneys

The proposal demolition of the fireplaces and chimney would be contrary to Objective O1 and Guideline G1 of Part 5.2.2 of the Paddington DCP.

Item No: R2 Recommendation to Council
Subject: **7 Dudley Street, Paddington - Section 96 Application Proposed modification deletion of Condition Nos. C.3A, C.3E, C.3F, revised roof profile – 5/9/2008**
Author: Larissa Northridge – Senior Assessment Officer
File No: DA208/2008 Part 2
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal) to the officers recommendation (approval).

Note: A division of votes is required to be recorded for this planning decision.

Recommendation:

THAT Council, as the consent authority, refuse development consent to Development Application No. 208/2008 part 2 for Section 96 Modification on land at 7 Dudley Street Paddington for the following reasons:

- To protect the character and appearance of the conservation area and to maximise solar access to No. 9 Dudley Street
 - i) the rear extension shall not extend past No. 9 Dudley Streets rear building alignment.
 - ii) the proposed rear extension shall incorporate a traditional lean-to roof form (with the high side being on the eastern boundary – No. 9 Dudley Street) with a height to a maximum of RL 58.655.
 - iii) the rear extension shall not extend in a westerly direction past the existing western wall built alignment (setback 900mm from the western boundary).

Item No: R3 Recommendation to Council
Subject: **59 Manning Road, Double Bay – Demolition of existing dwelling, subdivision of the existing site into two allotments, erection of two new dwellings – 16/01/2008**
Author: David Booth – Senior Assessment Officer
File No: DA 14/2008 Part 1
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council from the DCC Site Inspection held on the 10 December 2008.

Note: A division of votes is required to be recorded for this planning decision.

Note: Confidential Agenda issued under separate cover.

Recommendation:

- A. THAT in respect of the appeal to the Land and Environment Court against Council’s refusal to grant consent to Development Application No. 14/2008 for the demolition of the existing dwelling-house and ancillary structures, the subdivision of the site into 2 allotments and the erection of 2 new dwelling-houses on land at 59 Manning Road Double Bay, the Council resolve to enter into closed session with the press and public excluded to consider the confidential report on this matter in accordance with the provisions of Section 10A(2)(g) of the Local Government Act 1993.
 - B. THAT the confidential recommendation of the Site Meeting be adopted.
 - C. THAT in accordance with Council’s policy of confidentiality, the confidential report remain confidential for a period of six (6) months or until the conclusion of the appeal, which ever occurs last.
 - D. THAT the recommendation of this site meeting be referred to the full Council Meeting on the 15 December 2008.
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9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 1 December 2008 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	Kiaora Lands, Double Bay - To Prepare new draft LEP& DCP
Author:	Allan Coker – Director Planning and Development Chris Bluett – Manager Strategic Planning Jacquelyne Jeffery, Team Leader Strategic Planning Tom Jones, Urban Designer/Planner
File No:	1133.G Rezoning submission
Reason for Report:	To obtain a decision to prepare a draft LEP and draft DCP for land known as Kiaora Lands in Double Bay.

Recommendation:

- A. That a draft local environmental plan (LEP) be prepared for land known as Kiaora Lands, being that land the subject of Woollahra LEP 1995 (Amendment No. 44).

The purpose of the draft LEP will be to—

- a. replace existing controls that apply to the land, including those set out in the Woollahra LEP 1995 clause 21E and
 - b. establish zone, height and floor space ratio controls consistent with those that apply to adjoining lands and that recognise the transitional nature.
- B. That a draft development control plan (DCP) be prepared to amend provisions in the Double Bay Centre DCP that apply to Kiaora Lands.

The draft DCP may contain performance based controls that guide future development outcomes consistent with Council's objectives for Double Bay in the Double Bay Centre DCP, and as outlined in section 5 of this report.

Including controls that—

- a. recognise the subject land as a significant local site,
- b. enhance and improve the public domain and architectural design outcomes,
- c. provide for sustainable development,
- d. enhance and improve public facilities,
- e. maintain the centre's commercial viability within the retail market, and
- f. controls that are consistent with Council's resolution of the 28 July 2008 which reads :

That a prompt report be submitted to the appropriate Committee of Council regarding the development on the Kiaora Lands site, and any development that Council leases or obtains possession of as a result of any redevelopment of its Kiaora lands site so that it considers the question of adopting the Australian best practice in terms of its environmentally sustainable design; and also would meet the 6 Star Green Star rating in accordance with the standards set by the Green Building Council of Australia.

- C. In accordance with Council's Fees and Charges, Woolworths be required to pay 100% of the costs incurred by Council for preparing, exhibiting and processing the draft LEP and draft DCP.
 - D. That a further report be provided to the Urban Planning Committee that includes the draft LEP and draft DCP for the Committee's consideration prior to public exhibition of the draft plans.
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Item No: R2 Recommendation to Council
Subject: **Rezoning Proposal at 4a Nelson Street, Woollahra Draft Woollahra LEP 1995 (Am.62)**
Author: Anne White – Senior Strategic Planner
File No: 1064.G
Reason for Report: To report on the exhibition of the rezoning proposal
To obtain Council's approval of the rezoning proposal

Recommendation:

- A. That Draft Woollahra Local Environmental Plan 1995 (Amendment No. 62) as contained in **annexure 2** of the report to the Urban Planning Committee meeting on 1 December 2008, be referred to the NSW Department of Planning for approval by the Minister for Planning and for gazettal, subject to any legal drafting alterations by the Parliamentary Counsel.
 - B. That retaining a special use zone for aged care/community facility for the site, be considered in the course of the compilation of the new principal LEP.
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Notices of Motion

Item No: 1
From: Councillors Shoebridge, Grieve & Jarnason
Date: 1 December 2008
File No: 900.G

That Council immediately undertake a study to identify two suitable sites for two Council run childcare centres and provide a report on funding models for their construction and operation.

Item No: 2
From: Councillor Zeltzer
Date: 5 December 2008
File No: 900.G

That Council produce an album of Woollahra developments which are exemplary examples of good planning, architecture, urban design and/or heritage conservation best practice.

Featured developments can relate to both new buildings as well as alterations and additions. The album is to be held at Council's Customer Service Centre and is to be accessible to local residents, landowners, architects and developers. The objective of the album is to inform and guide others wishing to develop their properties so that development is sympathetic to location, streetscape and respects precinct character and the heritage value of the individual building or precinct.

A number of development categories can be established, including:

- mixed residential and commercial development
- new dwellings
- development on zone boundaries
- development of heritage items and within conservation areas
- development on the harbour foreshore

The album is to include before and after photographs, architectural details, plans and citations and could be produced in paper and/or electronic formats.

Item No: 3
From: Councillors Medcraft, Petrie, Cavanagh, Plater, Wynne & Zeltzer
Date: 9 December 2008
File No: 900.G

That a report be provided on the cost and process for a study of child care in the Municipality. The study will include a detailed review of child care needs, the types of child care in demand now and in the future and recommend suitable sites and funding models for the construction and operation of child care centres.

Item No: 4
From: Councillors Boskovitz & Carmichael
Date: 11 December 2008
File No: 900.G

The mayor write to the Roads and Traffic Authority, Roads Minister, transport Minister, Premier, member for Vacluse Peter Debnam and member for Wentworth Malcolm Turnbull requesting that the lanes marked T2 heading both Westbound and Eastbound along New South Head Road and William Street be removed immediately and be replaced by either a:

1. General use lane open to all commuters*
2. Bus lane*

Can the mayor write a letter to the minister for transport again outlining the rage of Council and the community regarding the lack of bus services in the Eastern Suburbs in particular the lack of services of the 321, 324, 325 and 327.

* In co-ordination with the current rules regarding clearways

Item No: 5
From: Councillor Boskovitz
Date: 11 December 2008
File No: 900.G

That a report be brought to the Corporate and Works committee reviewing and potentially altering Woollahra Council's policy on banners specifically to:

1. Allow for appropriate commercial advertising on banners on street poles for any reasonable business and primarily for business' in the Woollahra Municipality.
 2. Look into ways in which we can generate alternate forms of revenue through the sensitive commercialisation of banner placement on light poles across the municipality.
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Item No: 6
From: Councillor Boskovitz
Date: 11 December 2008
File No: 900.G

In light of the recent figures that Woollahra Council's staff have produced, I call on the Council to immediately put into practice a system whereby all decisions made by Councillors which are contrary to that of the Council's professional staff be recorded in the minutes of all committee and Council meetings.

Item No: 7
From: Councillors Grieve, Shoebridge & Jarnason
Date: 11 December 2008
File No: 900.G

1. That Council note that it is obliged to provide increased dwelling numbers in accordance with state and regional housing strategies.
2. That Council commit to amending its planning controls to prevent the loss of dwelling numbers as a result of development.
3. That a report be brought to the Urban and Planning Committee outlining strategies and amendments to our local planning instruments to achieve the above.

Item No: 8
From: Councillors Cavanagh, Medcraft & Jarnason
Date: 11 December 2008
File No: 900.G

That Council investigate maintaining public access to the walkway in Glenmore Road for the public benefit.

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 1 December 2008 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 1 December 2008 are as follows:

Councillor Boskovitz asking:

Would the Director of Technical Services please investigate the state of the road surface on Captain Pipers Road especially outside 16A Captain Pipers Road, which has seemingly collapsed?
Could the state of the footpath also be inspected because as of last week it was a very unsafe state?

Mayor in response:

The answer is yes.

Manager Civil Works & Infrastructure further in response:

An inspection of the road pavement and footpath was completed. The road pavement defects will be excavated and repaired as part of our roads maintenance program. The footpath defects will be identified, temporary repairs completed and permanent repairs scheduled as part of our scheduled footpath maintenance program. The overall condition of all road pavements are measured using a condition analysis of road pavement condition data. The condition data will be reviewed for Captain Pipers Road to determine if it should be included in future works programs.

Councillor Boskovitz asking:

Acknowledging that the Christison Park project will cost less than \$750,000 can staff please organise for either or both of the following:

- i) a digital 3D model of the plan including any potential light spill
- ii) a physical model reflecting the location of the lights and the potential light spill

Have there been any investigations in regards to the possibility of installing more towers of less height?

Mayor in response:

This is clearly a Notice of Motion.

Councillor Boskovitz asking:

I noticed that the Greens fliers remain at the site of the pre-poll for the recent local government election.

All other parties have removed these eyesores in keeping with the rules of the Council which has asked for their removal a certain time after an election.

Mr Mayor, could you either:

1. Ask the Greens to remove these eyesores yet again.
2. Request our regulatory or any other staff to go and remove them on their behalf. If this is the case, please ensure that they are removed carefully and returned to the Greens for their re-use at a future time.

Acting Manager Compliance response:

Two Greens Party signs on New South Head Road Edgecliff and 1 Liberal Party sign in Elizabeth Street Paddington identified. Council has written to the relevant parties requesting that they remove these signs.

Councillor Edelman asking:

I have been approached by the Vicar of St Michaels Church, Vaucluse and the Vaucluse Progress Association to request seating be installed at the Bus Stop between Vaucluse Road and Hopetoun Avenue, Vaucluse. The reason for this is that school children have been observed sitting on the footpath with their feet in the gutter. It is considered that a seat would enhance safety and keep children away from the edge of the road.

Manager Engineering Services in response:

Multiple attempts to contact Vicar and obtain further details have been unsuccessful. Will continue to persue.

Councillor Wynne and Councillor Edelman asking:

There is a cliff-side streamlet collection point opposite 5 Cliff Street, Watsons Bay. There is a plaque naming it Glen's spot, after Glen O'Sullivan, who built the house at 2 Cliff Street, Watson Bay. Glen used to do some volunteer planting there, and his wife, Beth looked after it for many years after he died. She died a few years back, and the place has been deteriorating rapidly ever since. It has been long neglected, and is almost buried beneath dumped palm leaves at present.

Could Council's resources stretch to cleaning it up, restoring at least some of the real greenery with serious planting, and maybe providing some kind of protective design to discourage the dumping of garden refuse from across the roadway?

Manager Parks & Street Trees in response:

The greenwaste dump has been removed by Council staff and the horticultural projects team will carry out some weeding mulching and planting in this area in the next few weeks. I do not think that a design or structure to discourage greenwaste dumping would be easily achieved in this area, however the planned planting may discourage this activity.

Councillor Wynne asking:

Would it be possible to have staff look at a solution to the problem with regards to all the trailers and boats along Old South Head Road next to Christison Park. This is becoming a major problem. The other day I counted that there were at least 15 trailers and boats parked in a 250 metre space. This is not just visual pollution in an area heavily visited by tourists but it is becoming very difficult to park.

We do not want to have restrictions to regular parking but really need to look at the boats and trailers. Is there any way of doing what we did in O'Sullivan or where we put up a 1 hour, 1 day a week?

Traffic Engineer in response:

The issue of trailer parking is becoming widespread. Previously when treatments such as O'Sullivan Road have been taken this has forced trailers into other streets/areas. An investigation will be carried out into what actions may be available to Council and this will be reported to the Woollahra Traffic Committee and Community & Environment Committee.

Councillor Medcraft and Councillor Cavanagh asking:

Could we get an update on the progress of the opening pedestrian access from Paddington to Rushcutters Bay via White City?

Director Planning and Development in response:

The White City site is now divided into a number of ownerships as follows:

1. Land north of the Railway Viaduct - Crystal Car Wash.
2. Land under the Railway Viaduct - Rail Corp
3. The Playing fields between the railway viaduct and the stormwater canal - Sydney Grammar School.
4. The land south of the stormwater canal - Sydney Grammar School, Poplar Holdings and Maccabi Tennis Club are owners as tenants in common.

It will require the agreement of all owners to secure public access across the land from Alma Street to New South Head Road. Sydney Grammar School, Poplar Holdings and Rail Corp have indicated their 'in principle' support subject to the issues of costs, security and public liability being resolved. Poplar Holdings has indicated that while it may be prepared to facilitate public access it cannot negotiate access with the Council at this stage since it does not own the land in its own right and because its development application for a multi-functional recreation centre is yet to be determined. On 23 October 2007 staff met with Rail Corp executives to outline a proposal to formalise an existing pathway under the railway viaduct from the Sydney Grammar School site to Mahoneys Lane. It was agreed that the Council would prepare a concept plan for the pathway and then commence negotiations with Rail Corp to secure this part of the access.

A concept plan has been prepared and a meeting will be organised with Rail Corp in the near future to further negotiations on securing a legal right of public access.

Until Council has secured a legal right of public access over this privately owned land it cannot proceed with any works for public use.

Councillor Medcraft and Councillor Cavanagh asking:

Could we get an urgent update on action proposed to deal with dangerous situations that now exist in respect of 2 loading parking bays located at 5-ways, Paddington?

Manager Engineering Services in response:

No complaints have been received since this loading bay was altered. Additionally the STA has advised that it has no problem with the existing layout. A further report will be submitted to the next Traffic Committee which will consider options for this Work Zone.

Councillor Medcraft asking:

Does Council have a position on Part 3A of the Planning Act? Does the Local Government Association, have a position and strategy in relation to Part 3A? Have we been proactive in lobbying the Local Government Association?

Director Planning and Development in response:

I assume you are referring to Part 3A which deals with state significant development. Council has passed a number of resolutions as a consequence of the Ashington Development and I think that could be interpreted as a position more generally in relation to part 3A of the Act because part of the November resolution included an objection of the use of part 3A of the Act certainly as it related to the site in Double Bay.

The Mayor further in response:

We have.

Councillor Cavanagh asking:

Does the Council have a Policy on overgrowth of vegetation on the street, particularly in relation to hedges protruding onto the footpath. I note walking down Paddington Streets in particular that hedges are being trimmed and increasingly protruding upto 2 feet into the footpath, which impedes foot traffic.

If there is no policy do we plan to have one?

Manager Parks & Street Trees in response:

Council staff have a procedure for pruning vegetation encroaching on public access ways, or if appropriate, requiring the resident to carry out this pruning. Any specific addresses will be investigated.

Councillor Howe asking:

What is Council's Policy and what instructions have been issued to our Rangers regarding the loading and unloading of goods outside the designated loading bays which have either been closed or made inaccessible as a result of street improvements in Double Bay.

I am aware of a number of cafes and restaurant owners who have received infringement notices as a result of unloading goods in the rear laneway of their premises because of the unavailability of loading bays.

This is adding additional financial loss to businesses who have already had to suffer loss due to the Double Bay Streetscape Improvements.

Director Planning and Development in response:

No special instructions have been given to our Rangers in relation to this matter and the area has not been targeted for loading related offences. The Coordinator of Regulatory Services has advised that persons can legally load and unload in metred parking spaces and that Rangers target safety related offences such as parking in No Stopping zones and Double Parking.

Councillor Howe asking:

When will the uneven ground, lumps of concrete and pavers and surplus construction materials be removed from the south-eastern end of Guilfoyle Park? The ground and concrete residue are a distinct trip hazard and are likely to cause injury to shoppers and park users if not removed as a matter of priority.

Manager Parks & Street Trees in response:

The construction waste has been removed from Guilfoyle Park and the affected area has been returfed. The hot weather has caused some browning of the turf surface, however recent watering (and rain) is establishing the roots of this grass. The barricades and barricade tape which were scattered in this area by vandals have been removed. This park is due for scheduled horticultural maintenance in the week beginning 15 December 2008.

Councillor Shapiro asking:

Please can we enforce Council's requirement for all skip bins in Woollahra to have reflectors on both the rear and the front of each container? I have never yet seen a reflector which works on any of the skip bins in Woollahra. I was going to put it forward as a Notice of Motion, however was told that we do have a Skip Bin Policy.

Director Planning and Development in response:

Approval is required under Section 68 Part C3 of the Local Government Act 1993 for the placement of a waste storage container in a public place. "Skip bin" companies apply annually for approval under Section 68 Part C3. Approval is granted subject to compliance with a number of conditions including, colour and provision of reflectors. Council is writing to each registered bin provider to reinforce these requirements and an audit of existing bin placements is being undertaken by Council's Regulatory and Building & Compliance staff. Bins will be required to be removed or penalties issued for breaches of these approvals.

Councillor Shapiro asking:

Could Council consider putting either a bollard or blister at the pedestrian crossing in Bellevue Road (original crossing) and also at the crossing at the intersection of Elizabeth Street and Paddington Street, so that cars cannot stop illegally and block site lines?

Manager Engineer Services in response:

Matters will be investigated and reported to Traffic Committee

Councillor Shapiro asking:

Can the Traffic Committee consider replacing 'No Stopping' signs with unbroken yellow lines to avoid the proliferation of signage along our streets?

Director in response:

We did follow up the matter with the RTA after Councillor Shapiro spoke with me and were advised that the RTA will not support it.

Manager Engineering Services further in response:

The RTA has examined this several times over the past two decades and has reaffirmed that it does not support this. The RTA has however advised today that the RTA and CoS are planning a joint study to re-examine linemarking vs. signposting. This study is likely to be completed by mid-2009 and may or may not lead to a pilot project. Council officers will follow this process.

Councillor Carmichael asking:

Mr Mayor, I was wondering if placing visible water bottles on the Council tables advertising messages such as "Simply Eco Logical" either constitutes propaganda or even political advertising and should not be permitted on the Council table while in session, as was in this session and the Urban Planning Committee?

Mayor in response:

The matter is out of order.

Councillor Grieve asking:

Could Council investigate putting a gross pollutant traps on the two stormwater outlets in Rose Bay Beach (opposite the RSL) in front of Tingara Park. The gross pollutant traps could be in the form of nets?

Mayor in response:

This requires a Notice of Motion.

Director Technical Services further in response:

I propose that initially an audit will be carried out of all our stormwater outlets to the harbour to identify lines which have end of line gross pollutant traps already, those which have upstream devices (pit baskets), and the rest. We can then develop the most effective strategy for installation of future pollution devices, and provide a report to Council on this matter.

Councillor Grieve asking:

Would it be possible to have only one copy of the standard conditions or present conditions printed per Development Control Committee with any variation to the standard conditions only to be printed behind each Development Application?

Director Planning and Development in response:

Yes that is possible, however I would recommend we come back to the Development Control Committee with a report on that to examine carefully the pros and cons in relation to such.

Director Planning and Development further in response:

Referred to the Manager Development Control for report back to the Development Control Committee.

Councillor Young asking:

Re: 'Hillside' 412 Edgecliff Road, Woollahra

Will the Director agree to arrange the meeting requested by the owners corporation's lawyers, Grace Lawyers in their letter to Council of 14 November 2008, particularly having regard to the prima facie evidence given in that letter of:

1. Unauthorised works to and occupation of the roof of this heritage item by a Mr Bonthorne of Lot 11.
2. A stop work order earlier issued by Council.
3. The recent issuance by Council of a building certificate for the roof works on the application of Mr Bonthorne, despite the application not having the requisite consent of the owners corporation as owner of the land under the EP&A Act.
4. The unsafe state of the roof works.

Mayor in response:

It is quite a lengthy discussion and should be on notice.

Director Planning and Development in further response:

On 9 December 2008 Acting Manager Compliance Craig Jenner met with representatives of the Owners Corporation Mr Waddington and Ms Roche along with Colin Grace of Grace Lawyers and their building consultant Mr Montif.

The application for building certificate related to the removal of internal walls to unit 11 and a superimposed roof which is shown on the unit entitlement of unit 11. Council considers the application pursuant to section 149B of the Environmental Planning and Assessment Act 1979 was correctly made by the owner of the land. The issuance of this certificate does not grant consent or otherwise sanction to use of the roof area as a terrace.

It was agreed that Mr Grace would write to Council seeking a declaration from Council regarding the approved use of the roof area adjacent to lot 11.

Councillor Shoebridge asking:

Late last week a large sign was erected on Newland Street stating that last 2 sections of the public car parks under the Syd Einfield overpass near Vernon Street, Woollahra and Newland Street were up for lease and/or proposals of interest by owner the RTA, with a closing date of early this month.

- Does Council know of any, RTA proposals for the site?
- Do we know if any carparking may be lost?
- Were we consulted by the RTA before, they proposed to lease out our public car park?

Manager Property & Projects in response:

Woollahra Council has not been consulted in any way by the RTA for its proposals to lease 7,344m² of the site. Syd Einfield overpass is within Waverley Council local government area. The property professionals handling the proposals for the RTA have advised that the RTA intend to retain the existing 152 carparking spaces and any change will require a DA consent from Waverley Council.

Gary James
General Manager

Annexures:

Nil

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

