



# Ordinary Council Meeting

**Agenda:** *Ordinary Council Meeting*

**Date:** *Monday 26 February 2007*

**Time:** *8.00pm*

# Woollahra Municipal Council

## Notice of Meeting

22 February 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 February 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 February 2007 at 8.00pm.**

Gary James  
General Manager

## Meeting Agenda

		Page
1.	Confirmation of Minutes – Ordinary Meeting	12 February 2007
2.	Leave of Absence and Apologies	
3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	Nil
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	19 February 2007
	R1 Probity and Direct Negotiation Issues with the Woolworth’s Scheme	1
	R2 Floodplain Risk Management - Progress Reports and Recommendations	
9.2	Development Control Committee	19 February 2007
	R1 398 Edgecliff Road, Woollahra – Section 82A Review Section 96 modifications to DA including raising building by 1m	3
9.3	Urban Planning Committee	12 February 2007
	R1 Draft White City DCP ( <b>Submitted to Council 12 February 2007 as a Matter of Urgency</b> )	4
	R2 Planning and Urban Design Assessment, Woolworths Scheme for Kiaora Lands	
9.4	Community & Environment Committee	12 February 2007
	<b>Nil R Items</b>	Nil
10.	Rescission Motion	Nil
11.	Notices of Motion	5
12.	Questions without Notice	7

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## 9.1 Corporate & Works Committee

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

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**Item No:** R1 Recommendation to Council

**Subject:** **PROBITY AND DIRECT NEGOTIATION ISSUES WITH THE WOOLWORTH'S SCHEME**

**Author:** Allan Coker, Director Planning and Development

**File No:** 1133.G WP

**Reason for Report:** To respond to Items 2 and 3 of Council's resolution of 24 July 2006 on the probity and direct negotiation issues that arise from the Woolworths approach to develop the Kiaora Lands site, including any alternatives to direct negotiation such as open tender.

**Recommendation:**

1. That Council agree to discussions with Woolworths in relation to Council's Kiaora Lands site.
2. That direct negotiations with Woolworths be deferred until Council can determine whether or not the Woolworths scheme will satisfy the guidelines and principles set out by the ICAC in its publication, *Direct Negotiations: Guidelines for Managing Risks in Direct Negotiations* (May 2006), including whether or not the scheme will deliver best value for money.
3. That a further report be presented to the working party on how the process should be managed to comply with ICAC and Public Private Partnerships Guidelines including criteria for determining best value for money.
4. That a copy of this report be provided to the Department of Local Government.
5. That Staff provide a prompt report on:
  - Potential and process for an Expression of Interest for the development of the Kiaora Lands site.
  - The possible content of an EOI including the desired public benefit and urban design outcome for the site.
  - How the Kiaora Lands project fits in with the overall strategy for Council's property portfolio.

- Item No:** R2 Recommendation to Council
- Subject:** **FLOODPLAIN RISK MANAGEMENT - PROGRESS REPORTS AND RECOMMENDATIONS**
- Author:** Myl Senthilvasan - Asset Management Engineer (Drainage)
- File No:** 626.G Committee
- Reason for Report:**
1. To report on the outcomes of the Floodplain Risk Management Committee (FPRMC) meeting, held Thursday, 1 February 2007 and recommend further actions.
  2. To recommend the Rushcutters Bay Catchment Flood Study for adoption
  3. To recommend Council accept the grant funding offer from the NSW State Government for the Rose Bay Flood Study.

**Recommendation:**

- A. That the minutes of the FPRMC meeting, 1 February 2007, be noted.
  - B. That Council adopt the Rushcutters Bay Catchment Flood Study prepared by Webb McKeown & Associates Pty Ltd.
  - C. That preparation of a Floodplain Risk Management Study and Floodplain Risk Management Plan for the Rushcutters Bay Catchment be commenced, using available funds and continuing to seek grant funding from the NSW Government and/or Commonwealth Government.
  - D. That funding to complete the Floodplain Risk Management Study and Floodplain Risk Management Plan for the Rushcutters Bay Catchment be included for consideration in the 2007-08 draft budget.
  - E. That Council accept the grant funding offer of \$30,000 from the NSW Government for the preparation of a flood study for the Rose Bay Catchment, and that Council write to the Minister for Natural Resources, Hon Ian Macdonald MLC, thanking him for approving grant funding for this Woollahra floodplain management initiative.
  - F. That the Rose Bay Catchment Flood Study be carried out using available funds, including the grant of \$30,000, and that Webb McKeown & Associates Pty Ltd be commissioned to carry out the study.
  - G. That Council continue to pursue further grant funding from the NSW State Government and/or the Commonwealth Government for this project.
  - H. That the separation of stormwater and sewerage in the Paddington catchment be considered during the course of preparation of the Rushcutters Bay Floodplain Risk Management Study.
  - I. That the flood levels identified be considered in the development to the Draft White City DCP.
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## 9.2 Development Control Committee

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

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**Item No:** R1 Recommendation to Council

**Subject:** **398 EDGECLIFF ROAD, WOOLLAHRA – SECTION 82A REVIEW SECTION 96 MODIFICATIONS TO DA INCLUDING RAISING BUILDING BY 1M**

**Author:** Tony Ristevski Assessment Officer

**File No:** DA 8/2005/4

**Reason for Report:** The original Section 96 application DA8/2005/4 was refused by full Council on the 27 November 2006. In accordance with Council’s delegations, the Section 82A review of the determination of the Section 96 application is referred to full Council for determination.

#### **Recommendation: Pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979**

THAT the Council, as the consent authority, grant development consent to Development Application No. 8/2005 part 4 for Section 96-modifications to DA including raising building by One (1) metre on land at 398 Edgecliff Road Woollahra, subject to the following conditions:

#### **1. Approved Section 96 Plans**

This consent relates to the work, shown in colour, on plans numbered 001, Issue A dated April 2005, 002, Issue A dated April 2005, 003 dated December 2004, 004, Issue A dated March 2005, 005 dated December 2004, 006, Issue A dated April 2005, 007, Issue A dated April 2005, 008 dated December 2004, 009 dated December 2004, 009, Issue A dated March 2005, 010, Issue A dated April 2005, 011 dated December 2004, drawn by Tobias Theodore, including landscape plans dated 23 May 2005, drawn by Paul Bangay, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer; as amended by the works shown in colour on plans numbered 00B to 011B, dated January 2006, drawn by Tobias Partners Pty Ltd, all of which carry a Council stamp “*Approved S96 Plans*” and the signature of a Council officer on the plans, except where amended by the following conditions.

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## 9.3 Urban Planning Committee

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

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**Item No:** R2 Recommendation to Council

**Subject:** **PLANNING AND URBAN DESIGN ASSESSMENT, WOOLWORTHS SCHEME FOR KIAORA LANDS**

**Author:** Allan Coker, Director Planning and Development  
Margaret Zulaikha, Team Leader Urban Design

**File No:** 1133.G WP

**Reason for Report:** To respond to Items 4 and 5 of Council's resolution of 24 July 2006 on how the new scheme for the Kiaora Lands site responds to the Double Bay DCP and to present Woolworth's response to the issues Council asked that it address.

**Recommendation:**

That consideration of the matter be deferred until after the Corporate and Works Committee has received and considered the report, as required by Council's resolution of 24 July 2006, on the probity and direct negotiation issues that arise from Woolworth's approach to develop the Kiaora lands site.

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## Notices of Motion

**Item No:** 1  
**From:** Councillor Fiona Sinclair King  
**Date:** 12 February 2007  
**File No:** 900.G

That a report be brought to the appropriate Committee regarding the Council commissioning some public art on the median strip at Bayswater.

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**Item No:** 2  
**From:** Councillors David Shoebridge and Tanya Excell  
**Date:** 14 February 2007  
**File No:** 900.G

Noting the extent of e-waste in the community and the high levels of heavy metals and toxic chemicals in mobile phones, that Council immediately participate in the Mobile Muster campaign and encourage residents and local businesses to take part in this free-of-charge recycling program for mobile phones.

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**Item No:** 3  
**From:** Councillor Geoff Rundle  
**Date:** 21 February 2007  
**File No:** 900.G

A report, as a matter of urgency, be brought to the Urban & Planning Committee advising Council as to the required and or advisable reports for Council's consideration of the proposed Rose Bay/Point Piper Marinas with emphasis on the reports that have a greater scope in respect to issues of Harbour usage, ecological and related issues over and above issues that pertain to Woollahra Municipality with the view of requesting that the State Government/Waterways undertake such reports or alternatively requesting the financial support of the State Government/Waterways for the undertaking of such reports.

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**Item No:** 4  
**From:** Councillor Geoff Rundle  
**Date:** 21 February 2007  
**File No:** 900.G

A report be brought to Urban & Planning Committee advising of the issues encountered by Council in assessing commercial marina development within the Municipality particularly with respect to the Royal Motor Yacht Club at Point Piper.

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**Item No:** 5  
**From:** Councillors David Shoebridge & Tanya Excell  
**Date:** 22 February 2007  
**File No:** 900.G

That as there was no model and an inaccurate and incomplete photo montage of the effect that the Rose Bay Marina will have on Rose Bay Beach and Promenade that when these two items are received by Council we re-open the exhibition period for a further two weeks so that residents can make submissions that are well informed.

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**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 February 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.

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**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 February 2007 are as follows:

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**Councillor Gardner asking:**

I have received complaints about the street signage of Yarranabbe Road. Upon turning east from New Beach Road into Yarranabbe Road, a street sign indicates that the road continues to the north only. This is incorrect as there is a southern section. Could Council please install another "Yarranabbe Road" street sign that points towards the south? Could the relevant street numbers also be noted on the sign?

**Manager Property & Projects in response:**

Current style of street signs do not have arrows to indicate both ways. An additional sign pointing south has been ordered and will be installed as soon as it is delivered. Council no longer puts street numbers on street name signs.

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**Councillor Gardner asking:**

Many White City Tennis Club members use Council's walkway which runs from Glenmore Road to the Club. Heavy vegetation has overgrown this pedestrian access road. Could Council please prune and tidy up this area?

**Manager Parks & Street Trees in response:**

I have inspected this site and have found that pedestrians are accessing the tennis courts via a walkway which is on the border of council land and land owned by the adjacent townhouses. I will meet with the gardener from the townhouses as soon as possible to organise some vegetation clearance and maintenance to improve access.

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**Councillor Gardner asking:**

I have been contacted by an elderly resident who lives on the southern corner of New South Head Road and Hillside Avenue. Over the years she has caringly looked after her adjoining nature strip. Recently Energy Australia has done some work there and left the footpath and nature strip in a devastating condition. She is most upset about this. Could Council please take steps to return this footpath and nature strip to its previous state?

**Manager Civil Works in response:**

Notification has not been received from a public utility in regard to this work. Work has now been issued out as a CRMS to be completed by 9 March 2007.

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**Councillor Comino asking:**

Some months ago I asked whether our tenant Shindlers at O'Dea Avenue Depot had exercised its option to renew its lease. I was advised that was in hand. I now understand Shindlers is relocating. What steps have been taken to secure another tenant for Council's asset at O'Dea Avenue?

**Director Technical Services in response:**

Steps are being taken to invite proposals for another tenancy.

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**Councillor Comino asking:**

Please advise the current status of the Rose Bay Secondary College (Vaucluse Campus) site. Has the Department of Education sold the site? Has Council received any communications as to the use of the site?

**Director Planning and Development in response:**

This refers to the Vaucluse High School site. I met with a group called the ZINGINGE Group which is a group based in Melbourne. I met with them on Friday 9 February and they have purchased that land and will be submitting a development application to the Council for consent to develop the land for aged persons housing under SEPP Seniors Living. The ZINGINGE Group I understand is a property development group who work only in seniors housing developments. I will provide more detail in the next Councillor notes.

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**Councillor Comino asking:**

To the Director Planning and Development

Are you aware that the Foreshore and Waterways Committee met last Friday, 9 February 2007? Was Council invited?

**Director Planning and Development in response:**

The Foreshores and Waterways Advisory Committee met on 2 February and it was attended by our Mr Peter Kauter. It first dealt with the issue of the marina application that is for Rose Bay and Point Piper Marinas. The Committee decided to defer its consideration of the application and it asked the applicant to provide a 3D walk through model in order to assist it in assessing the visual impact of the development and it therefore deferred its consideration of the application until the completion of the public consultation process.

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**Councillor Petrie asking:**

After hard work by Councillors and staff for the Council reserved playing fields for school girl sport, I am informed that these facilities are no longer being used by the school girls. Can we have a report detailing what grounds and times the school girls are using these facilities for sports?

**Director Technical Services in response:**

Yes we can.

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**Councillor Martin asking:**

I notice the gate exit from White City via the car park next to the Shell Station is now closed off and the area is fenced off. People are now traversing via the overpass and having to exit via the lane next to the Bay Side. Are you aware of this?

**Manager Compliance in response:**

The service station site (Lot 21) is currently owned by Crystal Carwash Pty Ltd, who have fenced off the driveways at both sides of the site that lead to a vacant strip of land at the rear of the site. This strip of land and the rear of the service station site (Lot 2) is owned by State Rail and adjoins land currently owned by Sydney Grammar and Sydney Maccabi Tennis Club (Lot 3). Lot 21 and Lot 3 were originally owned by the NSW Tennis Association Ltd.

In 1981 State Rail granted rights of way to the NSW Tennis Association over Lot 2, to provide access between Lot 21 and Lot 3. There is no indication on Council's files or Land Title records that the rights of way were for public benefit.

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**Councillor Excell asking:**

Now that we have called a stop to the Rose Bay and Point Piper Marina DA process, if we get landowners permission to the application, will the DA be re-notified again with 3 days left to make submissions? Will submissions currently received be still of value? Will it be re-notified for two weeks?

**Director Planning and Development in response:**

There will be no need to readvertise the application. The submissions already received will still stand and they will be dealt with in the normal way.

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**Councillor Dawson asking:**

That bus shelter opposite Manion Avenue Rose Bay War Memorial. When is it to be reinstated?

**Director Technical Services in response:**

That bus shelter is, along with the Etham Avenue bus shelter, the subject of a resolution by the Council for a further report and we have just received the recommendations from the consultant on that and a report will be submitted shortly.

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**Councillor Sinclair King asking:**

Walking to or from Double Bay Village via the Marathon Road steps Darling Point, one could be forgiven for mistaking that they are in the Bronx, New York City. Could the strip of garden be weeded, pruned and replanted, rubbish cleared and Graffiti cleared?

**Manager Parks & Street Trees in response:**

The leaf litter which has washed down the Marathon Steps during the recent rain will be removed this week. The graffiti removal contractor has been notified to remove the graffiti as soon as possible. The long garden bed will be progressively weeded pruned and replanted over the next 2 months during the regular scheduled maintenance visits.

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**Councillor Sinclair King asking:**

The landscaping of the median strip at Bayswater looks very sad. Could we consider commissioning some public art for this site?

**Director Technical Services in response:**

The landscaping is unfinished. The removal of planting has been necessary to allow Energy Australia to upgrade their main supply line in this area at short notice. A landscaping plan, incorporating turfing and replanting with figs, palms and some screen planting adjacent to the hideous Optus structure was agreed with EA and they are paying for the works.

However, this site has previously been identified in the Gateways Project in Council's Management Plan, and further opportunity for urban design improvements, which could include public artwork, will be investigated in due course and will be reported on. It will be appreciated that such a project will require some time to develop, and that restoration of the area needed to be expedited in the meantime.

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**Councillor Boskovitz asking:**

I received a letter from a Mr Knobelman of the Watsons Bay Residents Group regarding the Anglicare clothing bin at 331 Old South Head Road Watsons Bay. I will provide a copy of the letter. They request the removal of the bin because:

- (1) they believe there was no appropriate approval,
- (2) the bin is being cleared at inappropriate times of the day.

Could you please address the first point regarding the approval and also communicate with the owner of the bin to ensure that collection only occurs at appropriate times?

**Manager Compliance in response:**

No approval or development consent is required for the placement of a clothing bin on private property. Council does have a policy for the control of clothing bins on Council owned or managed property. If the empty of the clothing bin is creating offensive noise and is occurring in the early hours of the morning, Council could take action pursuant to the Protection of the Environment Operations Act 1997. This matter has been recorded in Council's Customer Request System (reference CRMS 301020438) and referred to Council's Area Environmental Health Officer for investigation and action.

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**Councillor Boskovitz asking:**

To the Mayor, General Manager or Director Community Services

I received an e-mail from a group from Minneapolis, Minnesota in the United States today which is running a program to try to educate kids with childhood obesity. Could one or all of you please communicate with these people and try to help them as much as possible in their work? I enclose a copy of the e-mail for your information.

**Director Community Services in response:**

Contact will be made with this group and assist them in their endeavours to contact the local schools of the Woollahra area.

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**Councillor Shoebridge asking:**

There is a metal fence outside Ms Jennifer Parkinson's residence at 186 Hargrave Street Paddington. It is on the road side edge of the footpath and places a considerable barrier in getting into and out of hers and other neighbour's vehicles for no apparent reason. Can this please be reviewed?

**Director Technical Services in response:**

The purpose of it is to prevent people falling over the kerb which is raised at that point. It can be reviewed.

**Manager Public Infrastructure further in response:**

The pipe rail barrier in question is necessary for safety reasons. At this location and elsewhere in the street a high kerb has been constructed in order to prevent flooding of premises. This high kerb is a potential trip hazard for pedestrians and therefore the railing cannot be removed. However, we recognise the difficulty it creates and are investigating possible options.

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**Councillor Shoebridge asking:**

Outside the residence of Mr Zannetides at No 3 Hargrave Street Paddington there are an anomalous group of non-residential parking spots that have very long-term parking on them and often prevent him and other residents from having a parking spot. Can this please be reviews?

**Manager Public Infrastructure in response:**

Met Mr Zannetides on site and advised that the location of resident parking spaces was a result of the original surveys for this parking scheme. Advised that Council would review this scheme in the near future to determine if the location of resident parking spaces should be adjusted, or if the number of allocated spaces should change. Also advised, however, that the problem was likely to persist even if resident parking was located outside his premises as these spaces could be utilised by other residents.

Gary James  
General Manager

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**Annexures:** Nil