



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 8 September 2008*

Time: *7.00pm*

Woollahra Municipal Council

Notice of Meeting

4 September 2008

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

Dear Councillors

Council Meeting – 8 September 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 8 September 2008 at 7.00pm.**

Gary James
General Manager

Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	25 August 2008
	Confirmation of Minutes – Strategic & Corporate Committee	2 September 2008
	Confirmation of Minutes – Extraordinary Meeting	2 September 2008
2.	Leave of Absence and Apologies	
3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	1 September 2008
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	R3 General Purpose Financial Reports for the year ended 30 June 2008	
	R4 Double Bay Public Art Project	
	R5 Supply & Installation of Multi-Function Poles on New South Head Road, Double Bay	
	R6 Progress Report – Kiaora Lands Development	
9.2	Development Control Committee	1 September 2008
	R1 7-9 Conway Avenue, Rose Bay - Demolition of two existing dwelling-houses and ancillary structures, the consolidation of the two (2) allotments & construction of a new residential flat building containing six (6) units incorporating a roof terrace & basement level parking for fifteen (15) vehicles, new swimming pool, landscaping and siteworks – 27/09/2007	5
	Note: Confidential recommendation issued under separate cover	
	R2 779 New South Head Road, Rose Bay – Change of use to pharmacy, internal alterations & fit-out & new signage – 6/3/2008	6
	R3 733 New South Head Road, Rose Bay – Demolition of existing buildings & construction of new four storey mixed use building comprising retail, commercial, residential & car parking for 8 vehicles off Norwich Road – 30/11/2007	15
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9.2	Development Control Committee – continued	1 September 2008
R4	5 Fullerton Street, Woollahra – Construction of loft above the existing garage – 3/6/2008	17
R5	DA190/2008 – 3 Northland Road, Bellevue Hill – Demolition of existing dwelling & pool & construction of new dwelling, including a double garage & swimming pool – 9/4/2008	18
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10.	Rescission Motion	Nil
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9.1 Corporate & Works Committee

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

Item No: R1 Recommendation to Council
Subject: 279 Edgecliff Road, Woollahra – Road Reserve Encroachment
Author: Anthony Sheedy, Property Officer
File No: 148.279
Reason for Report: To give consideration to the formalisation of an existing encroachment by granting of an easement to permit existing structure to remain on roadway adjoining the property.

Recommendation:

- A. That the building encroachment on Attunga Street, Woollahra from the adjoining property of 279 Edgecliff Road be formalised by granting of an Easement to Permit Existing Structure to Remain, to continue for the life of the building, or the redevelopment of the site, or the redevelopment of the structure, whichever occurs first.
- B. That compensation of \$13,000 (plus any applicable GST), and all Council's costs in this matter, be payable to Council by the owner of 279 Edgecliff Road, Woollahra in return for granting the Easement.

Item No: R2 Recommendation to Council
Subject: June Quarter Budget Review - 2007/2008 Year End Result
Author: Don Johnston, Manager Finance
File No: 331G 2007/2008
Reason for Report: To present the Committee with the final review of the 2007/2008 Budget and, in doing so, the final result for the 2007/2008 financial year

Recommendation:

- A. That the June Quarter Budget Review and the 2007/2008 financial results be received and noted
- B. That \$1,000,000 from the improved working funds position be transferred to a new Reserve as a provision for potential investment losses and a further \$300,000 be transferred to the Computer Reserve to support the future implementation of technological advances
- C. That \$351,000 be transferred to General Reserve from the improved working funds position to fund the withdrawal of the superannuation 'holiday' and Cooper Park Tennis Courts Disabled Toilets as adopted in the 2008/2009 Budget

Item No: R3 Recommendation to Council
Subject: **General Purpose Financial Reports for the year ended 30 June 2008**
Author: Don Johnston, Manager Finance
File No: 331G 2007/2008
Reason for Report: To present the General Purpose Financial Reports for the year ended 30 June 2008 to the Committee and seek the adoption of Council's statement in relation to the Reports

Recommendation:

- 1 That Council, having noted the statement by the General Manager and Responsible Accounting Officer, adopt the following statement in relation to its Financial Reports for the year ended 30 June 2008:

That, in relation to the Financial Reports for the Year Ended 30 June 2008, Council is of the opinion that:

The Financial Reports have been drawn up in accordance with:

- i. the Local Government Act 1993 (as amended) and Regulations made thereunder;
- ii. the Local Government Code of Accounting Practice and Financial Reporting and the Asset Accounting Manual; and
- iii. the Australian Accounting Standards and professional pronouncements

and to the best of our knowledge and belief these Reports:

present fairly Council's financial position and operating result for the year; and

accord with Council's accounting and other records;

and further, the signatories to the Reports, to the best of our knowledge and belief, know of nothing that would make the reports false or misleading in any way;

- 2 That Council formally refer the 2007/2008 Financial Reports for audit; and
 - 3 In anticipation of receiving the Auditor's Reports, set the Corporate & Works Committee meeting to be held on 20 October 2008 as the meeting at which the Financial Reports will be presented to the public.
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Item No: R4 Recommendation to Council
Subject: **Double Bay Public Art Project**
Author: Jo Jansyn – Cultural Development Coordinator
Trent Scrivener – Project Engineer - Streetscapes
File No: 1160 G Public Art (Double Bay)
Reason for Report: To recommend to Council a final concept for the Double Bay Public Art Project

Recommendation:

- A. That further information be provided to the Council meeting of 8 September 2008 on the justification as to the merits of the choice of the artist and the artist's work and that subject to this being satisfactory the Committee recommends B. and C. below.
- B. That Council enter the commissioning stage of the Double Bay Public Art Project (subject to any Development Application considerations) with artist Bronwyn Berman, with the objective to create and install an eastern gateway artwork by early 2009.
- C. That short-listed artists/teams be advised of the assessment of short-listed concepts.

Item No: R5 Recommendation to Council
Subject: **Supply & Installation of Multi-Function Poles on New South Head Road, Double Bay**
Author: Mark Ramsay – Manager Depot & Waste Services
File No: Tender No 08/12
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That Council enter into a contract with Power Serve for the lump sum price of \$1,311,364.00 to deliver the Double Bay multi-function pole scheme along New South Head Road
 - B. That the successful and unsuccessful tenderers be advised accordingly.
-

Item No: R6 Recommendation to Council
Subject: **Progress Report – Kiaora Lands Development**
Author: Gary James – General Manager
File No: 1209.G Part 2
Reason for Report: To provide a progress report on commercial negotiations with Woolworths in relation to Kiaora Lands Development proposal.

Recommendation:

- A. That the Briefing Report be noted and resubmitted to the Council following the September 2008 Elections.
 - B. That in accordance with Section 10A(2)(d) of the Local Government Act the confidential annexures remain confidential.
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9.2 Development Control Committee

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

- Item No:** R1 Recommendation to Council
- Subject:** **7-9 Conway Avenue, Rose Bay - Demolition of two existing dwelling-houses and ancillary structures, the consolidation of the two (2) allotments & construction of a new residential flat building containing six (6) units incorporating a roof terrace & basement level parking for fifteen (15) vehicles, new swimming pool, landscaping and siteworks – 27/09/2007**
- Author:** David Waghorn – Acting Team Leader
- File No:** DA628/2007
- Reason for Report:** In accordance with Council's meeting procedures and policy this matter is referred to full Council to obtain Council's decision on how to proceed with the Land & Environment Court appeal.

Recommendation:

- A. That the confidential recommendation in relation to Development Application No. 628/2007 on land at 7-9 Conway Avenue, Rose Bay be adopted.
 - B. That in accordance with Council's policy on confidentiality, the confidential report, late correspondence and legal advice remain confidential for a period of six (6) months or until the conclusion of the appeal, which ever occurs last.
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Item No: R2 Recommendation to Council
Subject: **779 New South Head Road, Rose Bay – Change of use to pharmacy, internal alterations & fit-out & new signage – 6/3/2008**
Author: David Booth – Senior Assessment Officer
File No: DA111/2008
Reason for Report: In accordance with Council’s meeting procedures and policy this matter has been called to full Council by Councillor Boskovitz for the reasons of issues regarding the traffic report & issues regarding the delivery of products.

Recommendation: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

A. THAT the Council, as the consent authority, grant development consent to Development Application No. 111/2008 for the change of use of the premises to a pharmacy, internal alterations, internal fit-out and new signage on land at 779 New South Head Road Rose Bay, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour on the plans numbered P02 & SP01 which carry a Council stamp “**Approved DA Plans**” and the signature of a Council officer, except where amended by the following conditions. This approval does not relate to the following works which have been carried out without the approval of Council:

- The lowering of the ground floor level by approximately 400 mm and the removal of internal stairs.
- The installation of air conditioning units at ground floor level.
- The demolition of internal walls at ground floor level.
- The installation of a series of steel beams.

2. Modifications to signage

a) In order to maintain the visual amenity of the streetscape, the following proposed signs are **not** approved and are to be deleted from the plans submitted with the construction certificate application:

- | | |
|--------|--|
| Sign 3 | a flush wall sign to the New South Head Rd elevation displaying the words “exclusive rewards” etc plus photograph |
| Sign 4 | a window sign on the New South Head Rd entry with wording and photo |
| Sign 5 | a window sign on the corner of New South Head Rd and Newcastle St displaying the words “Priceline Pharmacy...professional advice” plus photo |
| Sign 7 | a flush wall sign on the parapet corner of New South Head Rd and Newcastle St, displaying the words “Priceline Pharmacy”. |

b) In order to maintain the visual amenity of the streetscape and to ensure adequate clearance between the signage on the footpath, the following signs are not to be illuminated and are to be a maximum size of 2400mm x 300mm and the bottom of the signs are to be at least 2600mm above the footpath:

- Sign 2 an underawning sign to the New South Head Rd elevation displaying the words "Priceline Pharmacy"
- Sign 6 a projecting wall sign on the corner of New South Head Rd and Newcastle St displaying the words "Priceline Pharmacy."

Such is to be indicated on the plans submitted with the construction certificate application.

3. Reinstatement of original pedestrian entrance

In order to improve the presentation of the existing building to the streetscape, the pedestrian entrance to the corner of the building is to be reinstated. Such is to be indicated on the plans submitted with the construction certificate application.

4. Payment of Long Service Levy, Security, Contributions and Fees

The person(s) with the benefit of this consent must pay the following long service levy, security, contributions, and fees prior to the issue of any *construction certificate, subdivision certificate or occupation certificate*, as will apply.

The *certifying authority* must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees. Specifically:

- a) prior to the issue of a *construction certificate*, where a construction certificate is required; or
- b) prior to the issue of a *subdivision certificate*, where only a subdivision certificate is required; or
- c) prior to the issue of an *occupation certificate* in any other instance.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	
SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates.	\$9300	No	T600
CONTRIBUTIONS			
under Woollahra Section 94 Contributions Plan 2002 (March 2005 update)			
This plan may inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au			
Contribution towards the provision of public car parking in the Rose Bay Commercial Centre/	\$80,668 + Index Amount	Yes, yearly	T94
Administration of the Woollahra Section 94 Contributions Plan 2002	\$1210 + Index Amount	Yes, yearly	T94
INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$168	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$91,346 Plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

1. Cash deposit with Council,
2. Credit card payment with Council, or
3. Bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

How will section 94 contributions be indexed?

To ensure that the monetary value of the contributions are not eroded over time by increases in costs the contributions will be increased annually. Clause 3.13 of Woollahra Section 94 Contributions Plan 2002 sets out the formula and index to be used in adjusting the contributions.

Do you need HELP indexing the contributions?

Please contact our customer service officers on 9391-7000. Failure to correctly calculate the indexed contributions will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

Deferred periodic payment of Section 94 contributions under Woollahra Section 94 Contributions Plan 2002

Where the applicant makes a written request supported by reasons for payment of the contribution other than as required by clause 3.7 of the plan, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities required by the proposed development;
- c) whether any prejudice will be caused to the efficacy and operation of this Plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Where Council accepts periodic payment by way of instalments, it will be on the basis that each instalment is paid before work commences on the corresponding stage of the development and the amount of each instalment will be calculated on a pro-rata basis in proportion to the cost of the overall development.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the contribution will be indexed in accordance with clause 3.13 of the plan. Under the indexation provisions, if a deferred or periodic payment is made before the next anniversary of the Plan, there will be no increase in the amount payable. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

5. Compliance with Disability Discrimination Act

The development must be designed to comply with the requirements of the *Disability Discrimination Act* and AS 1428 – “*Design for Access and Mobility*”, Parts 1, 2, 3 and 4.

6. Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979*, the erection of the building must not be commenced until:

- a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i) Council; or
 - ii) an accredited certifier; and
- b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- c) at least two days notice, in writing, has been given to Council of the intention to commence work.

7. Structural adequacy

A statement from a qualified practising Structural Engineer, certifying to the adequacy of the existing structural members, walls and footings to support the additional loads imposed by the proposed development, must be submitted with the Construction Certificate application. This condition is imposed to ensure the structural integrity of the proposed building work.

8. Structural details

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members. This condition is imposed to ensure the structural integrity of the proposed building work.

9. Demolition, excavation and construction hours

Demolition, excavation and construction work must not take place outside the hours of 7.00am to 5.30pm Monday to Friday and 7.00am to 1.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays. Noise from construction activities associated with the development must comply with the guidelines contained in the NSW EPA *Environmental Noise Control Manual* Chapter 171.

10. Machine excavation

Excavation or removal of any materials involving the use of machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00 pm Mondays to Fridays, with regular breaks of 15 minutes each hour. This condition is imposed to ensure reasonable standards of amenity for occupants of neighbouring properties.

11. Building Inspections

The Applicant, Owner and Builder, jointly and severally, must ensure that they call their Principal Certifying Authority ("the PCA") to carry out such critical phase building inspections required by the PCA, the PCA Service Agreement and that the PCA is satisfied with the level of compliance achieved before the Builder proceeds to the next phase of construction. Ample notice of required inspections must be given to the PCA in accordance with the PCA Service Agreement. The Applicant, Owner and Builder must comply with the PCA Service Agreement (Service Contract) and any lawful direction given by the Principal Certifying Authority.

Note: It is the responsibility of the PCA to ensure that critical phase building inspections are undertaken in accordance with a PCA Service Agreement and issue to the Applicant, Owner and Builder appropriate Notice under Section 109L of the Environmental Planning & Assessment Act 1979 ("the Act") where any breach of this consent occurs. Failure of the PCA to issue such notice may result in Council taking action under Section 109V of the Act. Failure of the Applicant, Owner and Builder to comply with a PCA Service Agreement and comply with lawful directions of the PCA under this condition may result in Council issuing fines, notices, orders and commencing legal proceedings. Council will only enter into PCA Agreements with the Owner of the land being developed. Council, if appointed as the PCA, will report to the owner of the land being developed.

12. Wet areas

All floors of wet areas are to be constructed and finished so as to be impervious to water and graded to a sufficient number of floor drains.

13. Standard for demolition

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures*.

14. Storage of materials and plant on Council's footpath

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer.

15. Compliance with Building Code of Australia

- a) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

16. Public footpaths

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of Council's document "Standard Specifications for Roadworks, Drainage and Miscellaneous Works dated Jan 2003.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Australian Standard AS1742-3 2002 "*Traffic Control Devices for Work on Roads*". Should the applicant propose to direct pedestrians onto the road pavement of a State road then an application is to be made to the RTA for a Road Occupancy Licence. Licence approval is to be submitted to Council.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

17. Stockpiles

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

18. Location of building operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system. Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

19. Repair of Damaged Infrastructure

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

20. Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA Housing Provisions*, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

Note: Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the *Construction Certificate* application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).

21. Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

22. Noise from mechanical plant and equipment

Noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

23. Public Health Act 1991-Skin Penetration Procedures

The Local Authority (Woollahra Council) must be notified of premises where any skin penetration procedures are carried in order to keep a register of such premises. Skin penetration procedure is defined in Section 51 of the *Public Health Act 1991* and includes ear piercing or any other procedure that involves skin penetration.

24. Hours of operation

The hours of operation are limited to 8 a.m. to 10 p.m. seven days a week.

25. Occupation of premises

A person must not commence occupation or use of the whole or any part of a *new building* (within the meaning of section 109H (4) of the *Act*) unless an occupation certificate has been issued in relation to the building or part.

Note: *new building* includes an altered portion of, or an extension to, an existing building.

Note: In circumstance where the works do not relate to occupation the required *occupation certificate* is essentially a certificate of completion of the approved work.

26. Fire safety upgraded – Change of building use (cl. 93 of the Regulation)

The Principal Certifying Authority shall submit to Woollahra Municipal Council a fire safety schedule indicating existing and proposed fire safety measures to be installed within the building. The fire safety schedule shall be submitted with the notice of proposed commencement required by (s) 81A of the Environmental Planning and Assessment Act 1979 no later than 2 days prior the beginning of any work.

A copy of the final fire safety certificate shall be submitted to the Council with the occupation certificate and then also to the Commissioner of the New South Wales Fire Brigades and displayed within the building as soon as practical after the completion of the works.

Within 12 months after the final fire safety certificate is issued an annual fire safety statement dealing with each essential fire safety measure in the building shall be submitted to Woollahra Municipal Council, the Commissioner of the New South Wales Fire Brigades and displayed in the building in accordance with the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000.

27. Removal of existing advertisement

In order to remove the visually obtrusive advertisement and to mitigate the existing adverse visual impact upon the Newcastle and New South Head Road streetscapes, the existing black, blue and white paint is to be removed from the western wall and from all of the building parapets. The face brickwork to the entire building is not to be painted and is to be restored so that it presents a uniform condition to the streetscapes.

B. THAT, as the unauthorised works are considered to be satisfactory in terms of environmental impact, Council take no action to require these works to be removed subject to the owners making an application for, and Council issuing, a building certificate under Section 149A-149G of Environmental Planning and Assessment Act 1979 for the works. The required building certificate application is to be submitted to Council within twenty (28) days of this determination and is to be accompanied by the following;

- i) Full works as executed plans, duly coloured showing all works that have been undertaken without prior Council consent.
- ii) A certificate from a practising structural engineer certifying the structural adequacy of the works that have been undertaken without prior Council consent. Such certificate should also certify the impact of the works that have been undertaken on the structural adequacy of the existing building.

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

Advisings

1. Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr David Booth. However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing. This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed assessor having the full authority to completely determine the matter at the conference.

2. Modifications to the consent

Changes to the external configuration of the building, changes to the site layout or any changes to the proposed operation or use *will* require the submission and approval of an application under Section 96 of the *Environmental Planning & Assessment Act 1979* before the issue of a Construction Certificate.

3. Hazardous waste removal

Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

- New South Wales *Occupational Health and Safety Act, 1983*;
- New South Wales *Construction Safety Act, 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983*;
- The *Occupational Health and Safety (Hazardous Substances) Regulation 1996*;
- The *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996*; and
- The *Waste Minimisation and Management Act and Regulations*.

4. Hazardous Material Management (to be included in all Development Consents)

"Builders are advised to obtain a copy of the EPA publication *Solutions to Pollution for Builders* which provides environmental information including hazardous material management. The EPA can be contacted by phone on 131 555 or at www.epa.nsw.gov.au "

Item No: R3 Recommendation to Council

Subject: **733 New South Head Road, Rose Bay – Demolition of existing buildings & construction of new four storey mixed use building comprising retail, commercial, residential & car parking for 8 vehicles off Norwich Road – 30/11/2007**

Author: David Waghorn – Acting Team Leader

File No: DA804/2007

Reason for Report: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (refusal) to the Officer's recommendation (approval).

Recommendation:

- A. THAT the Council, as the consent authority, refuse Development Application No. 804/2007 for the demolition of existing buildings and construction of a new four storey mixed use building comprising retail, commercial, residential and parking for 8 vehicles off Norwich Road on land at 733 New South Head Road Rose Bay, for the following reasons:
1. The development fails to comply with Council's 12.0m height control and height objectives stipulated under Clauses 12 & 12AA of WLEP 1995. Additionally the SEPP 1 objections is not well founded.
 2. The development does not comply with Council's FSR control and FSR objectives stipulated under Clauses 11 & 11AA of WLEP 1995. Additionally, the SEPP 1 objection is not well founded.
 3. The development does not comply with the front articulation/depth control and setback controls stipulated under the Rose bay Centre DCP.
 4. The front setback of the development from New South Head Road does not respect the dominant front setback pattern of No 735 New South Head Road.
 5. The development does not comply with Council's off-street car parking requirements and will result in a significant increase and impact on the demand for on-street car parking.
 6. The development will have any adverse impacts on the amenity of No 735 New South Head Road in terms of solar access and visual bulk (sense of enclosure).
 7. The development is not in the public interest.
 8. The loss of district views.
- B. THAT Council consider entering into consent orders subject to compliance with the below listed matters as resolved by full Council on the 14 July 2008:
1. To provide a setback at all levels at the front of the building that is consistent with No. 735 New South Head Road, Rose Bay.
 2. To ensure full compliance with the FSR requirements.

3. To aim to comply with the parking requirements by providing additional on site parking.
 4. To provide a reduction in the height of the building to protect the amenity of No. 735 New South Head Road, Rose Bay.
-

Item No: R4 Recommendation to Council
Subject: **5 Fullerton Street, Woollahra – Construction of loft above the existing garage – 3/6/2008**
Author: Eleanor Smith - Assessment Officer
File No: DA322/2008
Reason for Report: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (refusal) to the Officer's recommendation (approval).

Recommendation:

- A. THAT the Council, as the consent authority, refuse Development Application No. 322/2008 for the construction of a loft above the existing garage on land at 5 Fullerton Street Woollahra, for the following reasons:
- The inappropriate location of the loft garage.
 - Visual bulk and scale.
 - Unreasonable overshadowing impact of adjoining properties.
- B. THAT it be noted in the minutes, that the applicant Mr Mendel sought to bully the Councillors into accepting the staff recommendation (in relation to the Development Application No. 322/2008 for 5 Fullerton Street, Woollahra) on the basis that he would personally sue two councillors if the recommendation for approval was not adopted.
-

Item No: R5 Recommendation to Council
Subject: **3 Northland Road, Bellevue Hill – Demolition of existing dwelling & pool & construction of new dwelling, including a double garage & swimming pool – 9/4/2008**
Author: Caroline Owen - Assessment Officer
File No: DA190/2008
Reason for Report: In accordance with Council's meeting procedures and policy this matter is referred to full Council due the recommendation from Site Inspection as resolved by the DCC Committee.

Recommendation:

- A. THAT consideration of Development Application No. 190/2008 for demolition of existing dwelling and pool and the construction of a new dwelling, including a double garage and swimming pool be deferred and the applicant confer with Council staff to address the following:
- The rejection of the pool in its proposed location and the proposed pool is to remain on the basement level (present location).
 - There is to be no terracing above RL 35.54 on the south-western boundary to prevent overlooking and not to incorporate any trafficable terracing.
 - A flat roof in lieu of the proposed pitch roof was to address the breach of height compliance.
 - The balcony off bedroom 3 is to be redesigned to be in the form of a Juliet balcony and made non trafficable.
 - The submission of a survey from a registered surveyor, indicating the RL's of the subject site along the boundaries adjacent to No. 22 Suttie Road and No. 5 Northland Road.
 - The proposed ground floor ensuite, laundry, and kitchen windows and the proposed first floor study, dressing room and ensuite windows along the south-eastern elevation are to be provided with fixed and translucent glazing to a height of 1.7metres above floor level.
 - That any future recommendation is to incorporate a condition requiring a Dilapidation Report in relation to the paint grey wall (boundary wall) which is at the rear wall of No. 22 Suttie Road.
 - That the development does not comply with Council's FSR and height controls. The above measures are required to ensure the objectives of Council's FSR and height controls are met and to address the amenity impacts on No. 5 Northland Road and No. 22 Suttie Road, Bellevue Hill.
- B. THAT the next Council be advised that we recommend that the new Development Control Committee should undertake a site inspection with height poles to be erected.
-

DEVELOPMENT CONTROL COMMITTEE SITE INSPECTION REPORT

ITEM No.	R5
FILE No.	DA 190/2008/1
ADDRESS:	3 Northland Road BELLEVUE HILL 2023
PROPOSAL:	Demolition of existing dwelling and pool & the construction of a new dwelling, including a double garage and swimming pool
TYPE OF CONSENT:	Local
APPLICANT:	Domus Homes
OWNER:	Mrs G A Nabarro
DATE LODGED:	09/04/2008
AUTHOR:	Ms C Owen

Site Inspection

A site inspection in relation to this Development Application was conducted on Wednesday 3 September 2008, with the following Councillors and staff present:

Present: Councillors Keri Huxley
Christopher Dawson

Staff: N Economou (Acting Manager Development Control)
G Fotis (Team Leader – Team South West)
H Tola (Team Leader – Governance)

Apologies: His Worship the Mayor, Councillor Rundle
Councillors Tanya Excell
Wilhelmina Gardner
Isabelle Shapiro
David Shoebridge

The following people addressed the Councillors:

Dominika Gruia of Bellevue Hill, Emanuel Cassimaty of Bellevue Hill, Antonette Cassimaty of Bellevue Hill, objectors and Stuart Harding on behalf of the applicant addressed the Committee.

The Councillors at the site inspection submit the following recommendation for consideration by the Council Meeting to be held on the 8 September 2008.

(Huxley/Dawson)

Recommendation:

- A. THAT consideration of Development Application No. 190/2008 for demolition of existing dwelling and pool and the construction of a new dwelling, including a double garage and swimming pool be deferred and the applicant confer with Council staff to address the following:
- The rejection of the pool in its proposed location and the proposed pool is to remain on the basement level (present location).
 - There is to be no terracing above RL 35.54 on the south-western boundary to prevent overlooking and not to incorporate any trafficable terracing.
 - A flat roof in lieu of the proposed pitch roof was to address the breach of height compliance.
 - The balcony off bedroom 3 is to be redesigned to be in the form of a Juliet balcony and made non trafficable.
 - The submission of a survey from a registered surveyor, indicating the RL's of the subject site along the boundaries adjacent to No. 22 Suttie Road and No. 5 Northland Road.
 - The proposed ground floor ensuite, laundry, and kitchen windows and the proposed first floor study, dressing room and ensuite windows along the south-eastern elevation are to be provided with fixed and translucent glazing to a height of 1.7metres above floor level.
 - That any future recommendation is to incorporate a condition requiring a Dilapidation Report in relation to the paint grey wall (boundary wall) which is at the rear wall of No. 22 Suttie Road.
 - That the development does not comply with Council's FSR and height controls. The above measures are required to ensure the objectives of Council's FSR and height controls are met and to address the amenity impacts on No. 5 Northland Road and No. 22 Suttie Road, Bellevue Hill.
- B. THAT the next Council be advised that we recommend that the new Development Control Committee should undertake a site inspection with height poles to be erected.
-

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 25 August 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Car Volume Pressures - Cross-City Tunnel
Author: Lorna Oliver, Traffic and Transport Planner
File No: 583.G
Reason for Report: To report on the traffic impacts of the Cross-City Tunnel

Recommendation:

- A. That the information be noted.
- B. That the Mayor write to the Department of Planning requesting the immediate release of the report prepared by the Roads and Traffic Authority on the impacts of the Cross City Tunnel for the eighteen month review of the consent conditions.

Item No: R2 Recommendation to Council
Subject: William Street Paddington - Expansion of Permissible Land Uses
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G
Reason for Report: To obtain clarification about a decision of the Council made on 10 June 2008

Recommendation:

- A. That draft local environmental plans be prepared for two options incorporating the matters deferred from Draft Woollahra LEP 1995 (Amendment 60) as follows:
 - Option 1 - the draft local environmental plan attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008, including the words, "the upper floor may only be used for residential purposes" and the list of permissible additional uses being extended to include florists and artists' studios.
 - Option 2 - the draft local environmental plan attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008, excluding the words, "the upper floor may only be used for residential purposes" and subject to:

- (i) the list of permissible additional uses being extended to include florists and artists' studios, and
 - (ii) the plan applying only to Nos.32, 34, 36, 40, 50, 52, 64, 70, 76, 78, 80, 84 and Nos. 3, 5, 9, 11, 15, 17, 19, 21, 23, 53, and 59 William Street. This list of properties being those identified by survey on 15 August 2008 as being occupied by a proposed additional permissible use nominated in the draft LEP attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008 and as extended by uses set out in this resolution.
- B. That a draft development control plan be prepared to amend the Paddington Heritage Conservation Area DCP based on the proposed provisions contained in annexure 5 of the report to the Urban Planning Committee meeting on 26 May 2008 and additionally preventing amalgamation of lots and uses in William Street, Paddington.
-

9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 25 August 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Public Tree Management and Views**
Author: David Sheils - Manager Public Open Space
Bruce Rann - Manager Parks and Street Trees
File No: 262.G
Reason for Report: To respond to a Council Notice of Motion

Recommendation:

- A. That a Public Tree Management Policy for the whole of the Woollahra Municipality be prepared.
 - B. That prior to the Policy being submitted to the Community and Environment Committee, that the draft policy be reviewed by appropriate consultants and that there be public consultation and working parties involving the public to enable them to have an input into the draft policy.
 - C. That staff undertake a detailed assessment of each individual tree with the assistance of external consultants, along New Beach Road to determine options (if any), which may be able to be implemented which can retain the uniformity of the avenue, the health and integrity of the Figs, whilst considering the views of adjoining residents.
 - D. That following preparation of the report required by Part A, a report be brought to the appropriate committee with a view to reviewing the Rushcutters Bay Park Plan of Management and in particular considering the Tree Policy, including selective view pruning and selective tree replacement and the report identify any changes required to the Rushcutters Bay Park Plan of Management arising from the review of the Tree Policy.
-

Item No: R2 Recommendation to Council
Subject: **Minutes of the Floodplain Risk Management Committee (FPRMC) Meeting held on Wednesday 30th July 2008 and Recommendations**
Author: Michael Casteleyn - Design & Investigations Engineer – Stormwater & Environment
File No: 626.G Committee
Reason for Report: To report on the outcomes of the Floodplain Risk Management Committee meeting, held on Wednesday 30th July 2008, and recommend further actions.

Recommendation:

- A. That the minutes of the FPRMC meeting, 30th July 2008, be noted.
 - B. Re Item 3.2 of the report.
 - 1. That Council engage Bewsher Consulting to commence the Double Bay Catchment Floodplain Risk Management Study and Plan with the available funds
 - 2. That Council seek further funds from the DECC to complete the Double Bay Catchment Floodplain Risk Management Study and Plan.
 - C. Re Item 3.5 of the report
 - 1. That in regards to the Rose Bay Catchment Flood Study, Council seek further clarification from the consultant to address the issues raised, and that the draft study be amended to incorporated any changes required.
 - 2. That Council invite Waverley Council to participate in the flood plain risk management process.
 - D. Re Item 3.9 of the report
 - 1. That Council write to the Commonwealth Government and State Government stating that given the likelihood of floods occurring more frequently due to climate change it is imperative that Council takes a proactive approach to flood prevention and mitigation and that therefore, the current levels of funding need to be increased or a least maintained.
-

Item No: R3 Recommendation to Council
Subject: **Woollahra Bike Plan - Bicycle Working Party Minutes - 19 August 2008**
Author: Warwick Hatton – Director, Technical Services
File No: 256.G Working Party
Reason for Report: For the Committee to consider the recommendations of the Bicycle Working Party.

Recommendation:

- A. THAT the Recommendations contained in the minutes of the Woollahra Bike Plan – Bicycle Working Party meeting held on Tuesday 19 August 2008, be adopted:.
2. Item 4.1: Celebration of Cycling Event
 - a. That the information be noted.
 3. Item 4.2: Woollahra Bicycle Strategy Review
 - a. That, in carrying out the review, the consultant take into account, and include investigations and recommendations on the issues raised in the Notice of Motion adopted 29 January 2008, namely:
 - i. Use and cost of bike lanes elsewhere
 - ii. Cost of construction and implementation of bicycle infrastructure in the Woollahra Municipality
 - iii. Estimates of stages yet to be constructed
 - iv. Estimates of number of users
 - v. Visual impacts of signage and linemarking
 - b. That the consultant also focus on key gaps on strategic routes in the existing network, which should be completed as a priority, and rationalising the extent and number of lower priority routes.
 - c. That the review also investigate and report on potential sources of funding for implementation of the revised Bike Strategy
 4. Item 4.3: Design of Bicycle Routes
 - a. That the information be noted.
-

Notices of Motion

Item No: 1
From: Councillor Sinclair King
Date: 21 August 2008
File No: 900.G

That a report be brought with input from a landscape or urban designer on the lighting of significant trees in public spaces in the municipality (by flood lighting, fairy lighting or otherwise) especially in the commercial centres. That such report consider the use of Light Emitting Diode (LED) lighting and the use of alternative power such as solar or wind generator powered lighting.

Item No: 2
From: Councillor Sinclair King
Date: 21 August 2008
File No: 900.G

That a report be brought on improving the public open space in Jamberoo Lane, Double Bay.

Item No: 3
From: Councillor Sinclair King
Date: 21 August 2008
File No: 900.G

That Council write to the Premier and the NSW Minister for Planning objecting strongly to the decision by the State Government to call in for assessment by the Department of Planning the *Ashington* Development proposed for 33 Cross Street, Double Bay and reminding the Department of the relevant Double Bay Commercial Centre planning controls.

Item No: 4
From: Councillors Shoebridge and Huxley
Date: 28 August 2008
File No: 900.G

That a report be brought to the Urban Planning Committee considering controls prohibiting site amalgamation in Paddington and Woollahra Heritage Conservation Areas considering:

1. Heritage issues
2. Affordability and divesting of dwellings

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 25 August 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 25 August 2008 are as follows:

Councillor Boskovitz asking:

I attended a meeting with a number of residents regarding the trees that have been decimated on the corner of Hopetoun Avenue and Fitzwilliam Road, Vaucluse.

This issue was subsequently brought up by Mr Watson at the Community & Environment Committee Meeting of 25 August 2008.

What has occurred in this instance and does the Council have a good explanation for this? Also will the trees ever return to their former glory?

Manager Parks & Street Trees in response:

The staff member overseeing the work and the contractors responsible for pruning the fig trees at the Corner of Hopetoun Avenue and Fitzwilliam Road have been counseled with respect to following Council and Australian Standards for appropriate tree pruning.

I believe that the trees will start to recover later this spring, and will make a full recovery in time.

Councillor Boskovitz asking:

Could you please outline to Council the works taking place on Hopetoun Avenue near Samuel Park which have dramatically changed traffic conditions and to a certain extent caused a few safety hazards.

Manager Civil Works & Infrastructure in response:

The works being undertaken are associated with the Hopetoun Ave Drainage Works and GPT installation (The Crescent Stage 1). Site has been established by the contractor which includes the establishment of site barricading and fencing and implementation of the site Traffic Management Plan, including the establishment of temporary linemarking around the site.

The Traffic Management Plan has been reviewed by Council's Traffic Section and complies with our requirements, in addition we have instructed the contractor to place warning lights on the barricades on the road shoulder to provide adequate warning of the changed conditions at night. Council's Project Manager will follow this up on 29 September 2008 to ensure this has been carried out as per our instructions. As the works progress and traffic management around the site is changed, revised traffic management plans will be reviewed by our Traffic Section to ensure that they comply with our requirements and our Project Manager will inspect on site to ensure that our requirements are implemented.

Councillor Boskovitz asking:

At any time in the past has the Council or its staff investigated the feasibility of installing play equipment for disabled children in our playgrounds around Woollahra and especially at our main parks? If so, could they provide an explanation?

Manager Public Open Space in response:

Most of our playgrounds provide play opportunities for children with various forms of disability. Access arrangements and experiences suitable for special needs users including a wheelchair access is provided at our larger playground sites such as Robertson Park and Lyne Park and will be included at Rushcutters Bay Park which is currently being designed.

Councillor Boskovitz asking:

There is a car that has been dumped outside 154 Victoria Road, Bellevue Hill. The Police have removed its number plates and as of 31 May it has been unregistered. Could we take steps to remove this car?

Manager Compliance in response:

No record of the subject vehicle in Council's Impounding Register or in Council's Customer Request Management (CRM) system. The matter has now been recorded in the CRM system (reference No. 10097167/2008) and has been referred to Council's Rangers to commence action to have the vehicle removed.

Councillor Comino asking:

When can Councillors expect to receive the solicitor's report and judgement of the Land and Environment Court recently handed down in favour of the applicant for the Grand National Hotel in Paddington?

Would Council circulate a note comparing what was granted by the Court with the current application and subsequent amended applications for this Hotel?

Director Planning and Development in response:

I will circulate that as soon as I can. I haven't seen it personally but will obtain it and circulate it as soon as I can.

Manager Development Control further in response:

I have requested that Thomass Wong contact the relevant solicitors and expedite the Case Management Report and once received to distribute this to all Councillors.

Councillor Comino asking:

In relation to work zones approved by the Traffic Committee. What is the distinction between taking matters of breach of conditions action as between Council's Compliance Section and pursuing the Principal Certifying Authority particularly where residents' amenity is adversely affected by oversize construction and demolition waste trucks and alienation of public parking by unauthorised extension of such work zones.

Manager Compliance in response:

Details of any alleged breaches of approved Work Zones or breaches of the Australian Road Rules by oversize construction and demolition vehicles will be referred to the Council's Regulatory Services Sections (Parking Enforcement Officers and/or Rangers) for action. Such matters can not be actioned by the Principal Certifying Authority, as they are occurring off-site.

Councillor Gardner asking:

Rain causes deep puddles on the footpath outside the gate of 691 New South Head Road. The owners have to wade through water to access their property. Can Council fix this problem?

Manager Civil Works & Infrastructure in response:

Customer Request raised for our footpath maintenance inspections officer to inspect and arrange for the footpath to be repaired as required to eliminate the puddles reported. Customer request reference number CRM 10097210/2008.

Councillor Gardner asking:

Council intends to introduce floodlighting over four playing fields on Christison Park using seven 25 metre high poles on 1.1m high bases with seven floodlights of 2,000 watts each. A total of 14,000 watts. Can Council guarantee that the floodlights will not interfere with the functions of the adjacent Light House?

Manager Public Open Space in response:

The lightpoles are not supported on top of a 1.1m high base. The footing are below the natural ground level. We have received advice from lighting experts that there will be no negative impact to the operation of the Lightstation. The lights are designed to illuminate downwards only. The lighthouse projects a horizontal lightbeam which is approximately 8,000,000 Lux, whilst the fields will be lit to 50Lux. Light spill beyond the coastal fence ranges from 0 to 10 Lux. Where light spill does occur, it does not extend more than 15 metres.

Councillor Gardner asking:

There is no model of Christison Park proposed floodlighting. Could Council please provide one indicating relative levels of the Light House and houses along New South Head Road.

Manager Public Open Space in response:

Plans are provided with the Statement of Environmental Effects which illustrates the proposed Lux levels at Christison Park. These plans illustrate areas of lux intensity in the same way a contour plan illustrates height levels. These plans are used in assessing compliance with the relevant standards for sports ground use and light spill.

Councillor Huxley asking:

Will Council staff please monitor and book if necessary those vehicles standing in the loading zone in Glenmore Road, Five Ways on Friday nights through Saturday am through to Sunday evening? In order to ensure the maximisation of the pedestrian amenity of Five Ways?

Manager Compliance in response:

The concern identified by this QWN has been recorded in Council's Customer Request Management system (reference CRM No. 10097171/2008) and has been referred to Council's Regulatory Section to ensure parking patrols are arranged on the days concerned.

Councillor Huxley asking:

Will Council staff please review the state of Peaker Lane from Spicer Street to Ocean Street? The lane is unkempt, potholed and with rubbish lying about along the laneway?

Manager Civil Works & Infrastructure in response:

The road maintenance inspector will inspect the lane and arrange for the road maintenance team to make the necessary repairs to road defects, and arrange for the lane to be cleared of any rubbish.

Councillor Sinclair King asking:

Does Woollahra Council still get a right to make an assessment of the Asshington DA of 33 Cross Street, Double Bay even though the Minister is now the consent authority pursuant to the Director General declaring the project one to which Part 3A of the Act applies? If so, what we do about it, when, how, where?

Director Planning and Development in response:

We have been advised formally now that the Minister is the consent authority for that project. We have also been requested to provide what are called the assessment criteria for the project and that is essentially a list of issues that the assessment team at the Department of Planning will apply in dealing with the application when that application is made. However, the Council will not fulfil the normal function as consent authority and it will not be the Council's responsibility to assess the application. The assessment responsibility will be with the officers of the NSW Department of Planning and they will prepare a report on the application which will have regard to Council's issues but they will reach the necessary conclusions and make their recommendations to the Minister and it will be the Minister who will ultimately determine the application.

Councillor Sinclair King asking:

Do we as a Council get any right to make comments or to make submissions on the development application if we don't get a right to assess it?

Director Planning and Development in response:

The application will need to be advertised in the normal manner and in that process the Council will get the opportunity to make a submission.

Councillor Excell asking:

In relation to the application for gates across the access lane at 194 Glenmore Road, connecting to Cooper Street, Paddington. Is it possible through the Community and Safety Committee and our contacts with the local Police to assess the accuracy of statements made in a letter to local residents by the owners of the lane asserting that there have been recent attacks on individuals, excessive graffiti and drug dealing in the lane? And whether we could use the results of this enquiry in assessing the development application?

Director Planning and Development in response:

On notice

Councillor Excell asking:

I was concerned walking along Rose Bay Promenade this weekend that work so recently completed is in such a state of bad repair.

The varnish on the wooden hand rails of the stairs is already badly bubbling and peeling, the stainless steel struts and wire bracing are already rusted and the brass plaque is seriously eroded.

Did we commission such poor quality workmanship and if not what is our recourse to having it amended?

Manager Property & Projects in response:

The promenade stairs were inspected. Our advice is that the stainless steel wires have not rusted but that the stains are from the tannin of the timber. These stains have seeped from the timber handrail coating and are easily wiped off. Due to the harsh environment in which these stairs are located, in order to protect the fixtures we have arranged additional and more frequent maintenance by Council staff. No bubbling or peeling was evident, degradation of the protective coating was noticed due to solar and salt exposure. The plaque has been stained by animal urine, probably dogs, and will also be washed on a regular basis to avoid discoloration.

Councillor Excell asking:

Could you please explain how Notice of Motions are prioritised for the writing and presenting of reports to relevant committees?

General Manager in response:

We have a Motions database which is reviewed regularly at our Manex meetings. There is a priority attached there. We obviously have regard to anything that is in the Management Plan, we would have regard to the amount of investigation or research that is involved. There is no particular rationale in terms of priority over 1 over 2 over 3, it's a matter of assessment by the staff in terms of the allocation of resources.

Councillor Shapiro asking:

A commercial gym has recently opened at Easts Rugby Club. Residents are concerned as it has the potential for an increase in traffic in this residential area.

This was previously a gym only for use by the Rugby Club and Golf Club members. Was a DA submitted for the commercial gym?

Who is receiving the money for the lease, is it Council as land owner or the Rugby Club?

Manager Property & Projects in response:

No DA has been submitted to Council for the commercial use of the gym. Compliance Department staff are investigating the alleged unauthorised use.

Council has a Deed of Licence Agreement with Easts Rugby Club and receives a license fee of \$20,127 pa. The Deed of Licence stipulates that the gymnasium is to be available for use by members of the public and is not limited to use by Club members. We have requested them to provide the fee details for the gym.

Councillor Cullen asking:

Could you please consider the issue of car speed in the Rose Bay Shopping Centre at the next Traffic Committee. There are a number of frail aged and young in the centre and 60km/hr speed limits are inappropriate and dangerous, 40km/hr would appear to be a more appropriate limit.

Manager Engineering Services in response:

Requests have been forwarded in the past to the RTA seeking a reduction in the speed limit on New South Head Road through Rose Bay, without success. The RTA is the responsible authority for NSH Road. A further request will now be forwarded requesting a reduction to 40K or 50K.

Councillor Shoebridge asking:

When will you be in a position to provide the information to the public regarding the current state of negotiations and/or proposals to develop Council's Kiaora lands and any adjoining land?

General Manager in response:

There is a status report in relation to that coming to next weeks Corporate and Works Committee meeting.

Councillor Shoebridge asking:

Can a model please be provided representing the proposed construction of the light poles in Christison Park?

Manager Public Open Space response:

As the project is valued less than \$750,000, a model was not required, in accordance with Council's DA guidelines. Other sports lighting DA proposals such as Woollahra Ovals 2 & 3 have been assessed in detail without the need for a model.

Council's assessment staff have not requested a model be prepared, or considered warranted to adequately assess this proposal.

Gary James
General Manager

Annexures:

Nil
