

Council Meeting

Monday 26 November 2007

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Items Determined Under Delegated Authority by Council Committees

The following Items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Corporate & Works Committee Meeting held on Monday 19 November 2007

- D1 Confirmation of Minutes of Meeting held on 5 November 2007
- D2 Monthly Financial Report - October 2007
- D3 279 Edgecliff Road, Woollahra – Road Reserve Encroachment

Development Control Committee Meeting held on Monday 19 November 2007

- D1 Confirmation of Minutes of Meeting held on 5 November 2007
- D2 DA20/2007 – 4 Carthona Avenue, Darling Point – Alterations & additions to an existing dwelling including a new boatshed – 10/1/2007
- D3 DA264/2007 – 15 Dover Road & 8 Wilberforce Avenue, Rose Bay – Erection of new awning over footpath at 15 Dover Road & removal of requirement for the provision of 13 car spaces at 8 Wilberforce Avenue associated with the use of 15 Dover Road – 27/4/2007
- D4 DA256/2007 – 19-21 Dover Road & 8 Wilberforce Avenue, Rose Bay – Demolition of existing building on 19-21 Dover Road, - Removal of 13 space car park on 8 Wilberforce Avenue – Consolidation of 2 allotments & erection of a commercial building to be used as a food shop (fruit & vegetables/delicatessen) – 24/4/2007
- D5 DA320/2004 Part 2 – 112 Wolseley Road, Point Piper – Section 96 Application Proposed Modification including conditions of consent to allow removal of trees required to be retained & their replacement with new plantings – 30/5/2007
- D6 DA302/2006/3 – 30 Alma Street, Paddington – Section 96 Application - New playing field for Sydney Grammar School with associated car parking and landscaping and land remediation – 31/7/2007
- D7 DA337/2007 – 144 Windsor Street, Paddington – Alterations and additions to dwelling, including garage – 28/5/07
- D8 DA206/2007 – 10 Wharf Road, Vaucluse – Alterations and additions to an existing dwelling, modifications to an existing swimming pool and front fence, landscaping and siteworks – 4/4/07
- D9 Register of Current Land and Environment Court Appeals for Development Applications
- D10 DA 263/2007 - 62 Wunulla Road, Point Piper – Alterations and additions including new basement carpark, creation of an additional unit, new swimming pool and sandstone cladding to sea wall – 27/4/07

Urban Planning Committee Meeting held on Monday 12 November 2007

- D1 Confirmation of Minutes of Meeting held on 29 October 2007

Community & Environment Committee Meeting held on Monday 12 November 2007

- D1 Confirmation of Minutes of Meeting held on 29 October 2007
- D2 Woollahra Traffic Committee Minutes 6 November 2007
- D3 Draft Woollahra State of the Environment Report 2006/2007 - (See Item R2)
- D4 Women in Woollahra – Stage 2
- D5 Library Quarterly Report 1 July 2007 to 30 September 2007
- D6 Gap Park Masterplan



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 26 November 2007 at 8.03pm.**

Present: His Worship the Mayor, Councillor Geoff Rundle
Councillors Anthony Boskovitz
John Comino
Claudia Cullen
Christopher Dawson
Tanya Excell
Wilhelmina Gardner
Julian Martin
Andrew Petrie
Isabelle Shapiro
David Shoebridge
Fiona Sinclair King (arrived 8.09pm)
John Walker

Staff: A Coker (Director – Planning & Development)
G Clarke (Director – Corporate Services)
W Hatton (Director – Technical Services)
G James (General Manager)
K Walshe (Director – Community Services)
L Windle (Manager – Governance)
B Daintry (Manager Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Petrie/Shapiro)

- 1/42** THAT the Minutes of the Council Meeting held on 12 November 2007 be taken as read and confirmed.

Adopted

Leave of Absence

Nil

Apologies

(Petrie/Shapiro)

- 2/42** Apologies were received and accepted from Councillors Marcus Ehrlich and Keri Huxley and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Petitions

Petition No: 1
From: People in Rose Bay and local suburbs against the proposed Rose Bay and Point Piper Marina
Table by Councillor: Isabelle Shapiro
File No: 884.G 2007

The Petition was in terms,

We, the undersigned petitioners, object to the Development Application concerning the Rose Bay and Point Piper Marinas by Addenbrooke Pty Ltd – on the following grounds:

- *Loss of Harbour and District Views*
- *Traffic and Parking Problems in surrounding residential streets*
- *Damage to the harbour Environment – CO2 – Diesel, Noise and Light Pollution*
- *Increased Congestion on the Harbour*
- *Loss of Swing Moorings*
- *Incompatibility with small sailing boats – Kayaks – Rowing boats – Canoes etc*
- *The proposal is not in the public interest.*

Motion moved by Councillor Shapiro
Seconded by Councillor Petrie

3/42 That the petition lie on the table for fourteen (14) days and be considered at the Strategic and Corporate Committee meeting to be held on 28 November, 4 December and 5 December 2007.

Adopted

Petition No: 2
From: People in Rose Bay and local suburbs against the proposed Rose Bay and Point Piper Marina
Table by Councillor: Tanya Excell
File No: 884.G 2007

The Petition was in terms,

We the undersigned petition each of you to oppose the proposed development of the Rose Bay and Point Piper Marinas by Addenbrooke Pty Ltd. Rose Bay has one of the most scenic, historic and publicly accessible harbourside promenades in Sydney. The proposal is unacceptable for reasons that include:

- *It creates a visual wall of boats in the western half of the bay that will obscure the present views of the harbour and northern shore;*
- *It reduces the number of moorings available to the boating public and therefore restricts access to the harbour;*
- *It will replace many relatively affordable swing moorings with fewer, and more costly, floating berths;*
- *It will place added stress on the fragile marine environment from the waste pumping, refuelling and maritime servicing aspects of the development;*
- *It will generate an unacceptable increase in commercial vehicular traffic at Rose Bay; and*
- *It removes the traditional scattered and charming collection of vessels throughout the bay.*

**Motion moved by Councillor Excell
Seconded by Councillor Gardner**

- 4/42** That the petition lie on the table for fourteen (14) days and be considered at the Strategic and Corporate Committee meeting to be held on 28 November, 4 December and 5 December 2007.

Adopted

Petition No: 3
From: People in Rose Bay and local suburbs against the proposed Rose Bay and Point Piper Marina
Table by Councillor: Wilhelmina Gardner
File No: 884.G 2007

The Petition was in terms,

We, the undersigned petitioners, object to the Development Application concerning the Rose Bay and Point Piper Marinas by Addenbrooke Pty Ltd – on the following grounds:

- *Loss of Harbour and District Views*
- *Traffic and Parking Problems in surrounding residential streets*
- *Damage to the Harbour Environment – Carbon Dioxide – Diesel, Noise and Light Pollution*
- *Safety Issue – 75,000 Litre Fuel Storage and 1000 kva Transformer adjacent to Promenade*
- *Increased Congestion on the Harbour*
- *Loss of Swing Moorings*
- *Incompatibility with small sailing boats – Kayaks – Rowing boats – Canoes etc*
- *The proposal is not in the public interest.*

**Motion moved by Councillor Gardner
Seconded by Councillor Shapiro**

- 5/42** That the petition lie on the table for fourteen (14) days and be considered at the Strategic and Corporate Committee meeting to be held on 28 November, 4 December and 5 December 2007.

Adopted

Mayoral Minute

Mayoral Minute No: 1

Subject: Passing of Andrea Stretton

Author: The Mayor, Councillor Geoff Rundle

File No: 61.G

Reason for Report: To inform the Council of the passing of Andrea Stretton, arts journalist and TV presenter who had a long association with Woollahra Library and Information Service

(Rundle/Dawson)

Resolved:

6/42 That Council observe one minute silence in remembrance of Andrea Stretton and that the Mayor forward a letter of condolence to Andrea's family expressing Council's appreciation for Andrea's contribution to the Woollahra community.

Note: Council observed one minute silence in remembrance of Andrea Stretton.

Andrea Stretton passed away on Friday 16 November 2007, having been diagnosed with lung cancer only two weeks previously. Her funeral was held on Friday 23 November 2007 at St Canice's Church, Elizabeth Bay

Andrea was long term of Woollahra having moved from Victoria in the early 1980's with her son, Jake, who attended Glenmore Road Public School.

Andrea had a long association with Woollahra Library and Information Service. She was a guest reader at the Library's Poets' Picnic in 1992 and 2002 and has chaired its popular Writers & Readers series since 2001, the last being 11 October 2007. The reputation of the Writers & Readers series as a premier literary event is largely due to Andrea's hard work, her relationship with guest writers and audience and the enjoyment she provided through her sharp literary mind and warm personality. Many of the writers Andrea interviewed for the Writers & Readers series commented on what a perceptive, intelligent and sympathetic interviewer she was. Through her interviews she increased the public interest in the book under discussion.

Andrea was the daughter of Dulcie Stretton CBE, the conference organiser, publicist and head of the Australian Library Promotion Council. Andrea was best known as the presenter of the ABC-TV arts program *Sunday Afternoon* and SBS TV's *The Book Show* and *Masterpiece*. Andrea was the artistic director for the 1988 and 1999 *Olympic Arts Festivals*, a contribution to the Keating Government's Creative Nation cultural policy and a well-known figure at Sydney Writers' Week and other literary festivals.

In 2000 Andrea was awarded the Order of Arts and Letters by the French Government for her contribution to arts and culture and for fostering French-Australian relations.

Flowers were sent to Andrea on behalf of Woollahra Council and Woollahra Library Friends two weeks ago when her illness was first diagnosed.

Cr Geoff Rundle
Mayor

Corporate & Works Committee

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

- Item No:** R1 Recommendation to Council
- Subject:** **Section 94 Contributions Plan – Provision of Car Parking in Double Bay Commercial Centre**
- Author:** Chris Bluett – Manager Strategic Planning
- File No:** 136.G
- Reason for Report:** To respond to a decision of Council on 27 November 2006 regarding car parking contributions in the Double Bay Commercial Centre under Woollahra Section 94 Contributions Plan 2002.
To respond to a notice of motion adopted by the Council on dated 9 July 2007.
To obtain a decision of the Council to amend Woollahra Development Control Plan for Off-street Car Parking and Servicing Facilities.
To obtain a decision of the Council to amend Woollahra Section 94 Contributions Plan 2002.

Note: Late correspondence was tabled at the meeting from Lesli Berger.

(Petrie/Walker)

7/42 Resolved without debate:

- A. That a draft development control plan be prepared to amend Woollahra Development Control Plan for Off-street Car Parking and Servicing Facilities by removing the requirement for additional off-street car parking and the requirement for a contribution under Woollahra Section 94 Contributions Plan 2002 for development involving a change of use in the Double Bay Commercial Centre, unless the proposed development will result in a net increase in gross floor area.
- B. That a draft contributions plan be prepared to amend Woollahra Section 94 Contributions Plan 2002 by:
- i. reducing the contribution for car parking in the Double Bay Commercial Centre from \$38,496 per space to \$27,325 per space,
 - ii. making consequential changes to the Contributions Plan, including changes to the following clauses:
 - a. clause 2.2 (works schedule) – to update the total cost figure for providing additional public parking in the Cross Street Car Park,
 - b. clause 3.3 (land and development to which plan applies) – to identify the exemption for change of use proposals and to provide a cross reference to the Car Parking DCP,

- c. clause 4.7.2 (additional public facilities), clause 4.7.3 (apportionment of costs) and clause 4.7.4 (contribution calculations) – to update the total cost figure for providing additional public parking in the Cross Street Car Park; to insert the new contribution rate; and to note the exemption for change of use proposals.
- C. That a report be submitted to the Urban Planning Committee setting out the proposed amendments to Woollahra Section 94 Contributions Plan 2002 and Woollahra Development Control Plan for Off-street Car Parking and Servicing Facilities.
- D. That the Council consider further investigations on the provision of parking in Double Bay in conjunction with the Double Bay business management strategy. These investigations may include:
- a full analysis of existing and anticipated floor space in the Centre, and
 - a review of the 1999 Double Bay traffic and parking study.

Item No: R2 Recommendation to Council
Subject: **Tender for Three Rear Loading Compactors**
Author: Mark Ramsay Manager Depot & Waste Services
File No: Tender 07/17
Reason for Report: The acquisition of replacement compaction units required for the Solid Waste Section

(Petrie/Walker)

8/42 Resolved without debate:

- A. That Council accept the tender received from Macdonald Johnston Engineering Pty Ltd for the supply and delivery of two “JP5” 19cm rear load compactor units at a cost of \$256,500.00 (Exc GST) for use in the collection of domestic waste rubbish.
- B. That the purchase of the rear load compactor units be funded from the Internal Plant Reserve
- C. The successful and unsuccessful tenderers are advised accordingly.

Item No: R3 Recommendation to Council
Subject: **Drumalbyn Road Bellevue Hill – Road Reconstruction**
Joe Cavagnino – Purchasing Coordinator
File No: Tender No 07/15
Reason for Report: To recommend to Council the acceptance of a Tender

(Petrie/Walker)

9/42 Resolved without debate:

- A. That Council enter into a Contract with Tropic Asphalts Pty Ltd for the Drumalbyn Road Bellevue Hill Road Reconstruction project for the sum of \$235,116 (exc GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

Item No: R4 Recommendation to Council
Subject: **Palmerston Street Vacluse – Road Reconstruction**
Author: Joe Cavagnino – Purchasing Coordinator
File No: Tender No 07/16
Reason for Report: To recommend to Council the acceptance of a Tender

(Petrie/Walker)

10/42 Resolved without debate:

- A. That Council enter into a Contract with Tropic Asphalts Pty Ltd for the Palmerston Street Vacluse Road Reconstruction project for the sum of \$189,422.00 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

Development Control Committee

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

Item No: R1 Recommendation to Council
Subject: Register of Current Land and Environment Court Appeals for
Development Applications – 51 John Street, Woollahra
Author: Joseph La Posta – Senior Assessment Officer
File No: DA571/2006
Reason for Report: In accordance with Council's meeting procedures and policy this matter has
been referred to the Council by the Committee

Note: Confidential late correspondence was tabled at the meeting from Geoff Clarke,
Council's Director Corporate Services.

(Shoebridge/Petrie)

10/42 Resolved:

- A. THAT the attached register of current Land and Environment Court Appeals for
Development Applications be received and noted.
 - B. THAT the Confidential recommendation relating to 51 John Street Woollahra from the
Development Control Committee meeting of 19 November 2007 be adopted.
-

Urban Planning Committee

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

Item No: R1 Recommendation to Council
Subject: **Woollahra Comprehensive Local Environmental Plan**
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G
Reason for Report: To respond to a request from the Mayor, Councillor Rundle, about the progress of work on the Comprehensive LEP.

(Comino/Petrie)

11/42 Resolved without debate:

1. That the report on the Woollahra Comprehensive LEP be received and noted.
 2. That, under section 54 of the *Environmental Planning and Assessment Act 1979*, Council decide to prepare a draft comprehensive local environmental plan for the whole of the land within the Municipality of Woollahra, based on the *Standard Instrument (Local Environmental Plans) Order 2005*, which was gazetted on 31 March 2006.
 3. That the statutory notice, consultation, and plan making processes, as set out in the *Environmental Planning and Assessment Act 1979* and Regulation be commenced.
-

Community & Environment Committee

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

Item No. R1 Recommendation to Council

Subject: Unmade Road Portion - Victoria Street, Watsons Bay

Author: Paul Fraser, Parks and Recreation Coordinator

File No: 1158.G

Reason for Report: Proposed closure of unmade road portion of Victoria Street, Watsons Bay
(Excell/Shoebridge)

12/42 Resolved without debate:

- A. That Council apply to the Minister to close the unmade portion of Victoria Street, Watsons Bay, for future dedication as public open space.
 - B. That for the purposes of proceeding with the road closure, Council authorise the General Manager to execute all necessary documentation including affixing of Council's seal to the documentation.
-

Item No: R2 Delegated to Committee
Subject: **Draft Woollahra State of the Environment Report 2006/2007**
Author: Rebecca Peacock - Environmental Protection Coordinator
File No: 883.G
Reason for Report: To present the draft Woollahra State of the Environment Report 2006/2007 In accordance with Council's Codes & Policies this matter has been called to Full Council by Councillor Shoebridge for the reason that it is a matter of significance for the whole of the Council area.

Note: Late correspondence was tabled at the meeting from Council's Manager Governance, Les Windle.

(Excell/Shoebridge)

13/42 Resolved without debate:

- A. THAT the Draft Woollahra State of the Environment Report 2006/2007 be received and adopted.
 - B. THAT the Draft Woollahra State of the Environment Report 2006/2007 be distributed to the following organisations and individuals: Council's libraries, schools within the Woollahra area, resident action groups within the Woollahra area, Chambers of Commerce within the area, adjoining councils and the Southern Sydney Regional Organisation of Councils.
 - C. THAT Council formally thanks the organisations and individuals that contributed to the preparation of the Draft Woollahra State of the Environment Report 2006/2007.
-

Notice of Motion

Item No. 1
From: Councillors Excell & Shoebridge
Date: 4 October 2007
File No: 900.G

Note: This Notice of Motion was submitted to the Council Meeting on 29 October 2007 and deferred until after the Federal Election. The Notice of Motion is resubmitted for the consideration of Council.

Note: Late correspondence was tabled at the meeting from Council's Manager Governance, Les Windle.

Note: Councillor Excell distributed an amended Notice of Motion in relation to this matter.

Note: The Mayor ruled that the amended Notice of Motion was Out of Order and could not be considered by Council this evening.

Note: Councillor Excell advised that she would submit the amended Notice of Motion to the next Council Meeting and withdrew the Notice of Motion that was on the Council Agenda.

Item No: 2
From: Councillor David Shoebridge
Date: 12 November 2007
File No: 900.G

(Shoebridge/Walker)

14/42 That Council:

1. Notes with concern that there has been a dramatic reduction in our small native bird species in Woollahra over the last three decades;
2. Recognises that to facilitate both the preservation and re-establishment of small native bird species will require improved landscaping and planting practices on both private and public land;
3. Undertakes, in consultation with the community, to identify at least three significant roadside, or other under-used public sites, in Woollahra for adaptation as model sites and to then plant them with an appropriate range of native species for the preservation and re-establishment of small native birds in the Municipality;
4. To provide educational signs at each model site to inform residents about how to preserve and re-establish small native birds in Woollahra;

5. To develop a model landscaping/planting regime that encourages the preservation and re-establishment of native small bird species in the Municipality for use in all of Council civil works that allow for significant plantings ;and
6. To report on what, if any, model landscape/planting regimes can be supplied to local property owners in the DA process, including specific professional advice by appropriate council officers, to encourage the preservation and re-establishment of native small bird species in the Municipality.

Adopted

Item No: 3
From: Councillors John Comino & Anthony Boskovitz
Date: 19 November 2007
File No: 900.G

(Comino/Boskovitz)

- 15/42** That Council bring a report to the appropriate Committee with a view to recommending amendments to the Environmental Planning and Assessment Act relating to issue of Building Certificates. The purpose of such amendment(s) being to protect Councils against being stopped from taking action, where it is subsequently discovered the survey (on which the Building Certificate application was based) was materially incorrect revealing encroachments on Council or other property.

Adopted

Item No. 4
From: Councillor Shoebridge
Date: 9 November 2007
File No: 900.G

(Shoebridge/Petrie)

- 16/42** Recognising that the stretch of Oxford Street from Queen Street to Ocean Street has:

1. poor pedestrian access to the rest of Woollahra;
2. poor footpaths;
3. poor streetscape;
4. a number of vacant properties; and
5. many decaying residential and commercial streetfronts,

Council calls for a report to be brought to the Urban Planning Committee:

1. Considering if the current zoning is delivering appropriate results including a survey of the existing built form and occupancy on the street;
2. Considering if allowing for more retail, restaurant or similar development would be appropriate;

3. Considering how to improve the footpaths and general streetscape from the present poor condition; and
4. Considering how to deliver safe pedestrian access between Oxford Street and Ocean and Wallis Streets.

Adopted

Suspension of Standing Orders

The Mayor suspended Standing Orders to advise Councillors that Council's Manager Development Control, Brett Daintry will be leaving Council on Friday to take up a position of Director at Hurstville City Council.

The Mayor advised that Mr Daintry, who is at the meeting tonight, will be at his last Council Meeting. Mr Daintry has been at Council for seven and a half years and during that period of time he has provided superlative service to the Council, Councillors and the community.

The Mayor congratulated Brett on being appointed as a Director and the promotion in his field and expressed a note of sadness that he is leaving this Council but at the same time recognised the sterling effort he has provided to all of us.

The Council unanimously supported the comments of the Mayor.

Questions Without Notice Tabled Answers

Item No: 11
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 November 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Motion moved by Councillor Comino

Seconded by Councillor Petrie

17/42 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Comino asking:

Does Council have any bulletins, circulars or other information relating to Minister Sartor's proposed amendments to planning legislation, in particular:

- a. expansion of the categories of exempt and complying development,
- b. measures affecting Councillor consideration and decision making in development control matters?

Director Planning and Development in response:

There has been a lot of speculation in the press about proposed changes to the Environmental Planning and Assessment Act. My advice is that there will be a "White Paper", a discussion paper released before Christmas which will canvass a number of changes to the Act including mandatory introduction of expanded exempt and complying development provisions. When that discussion paper is released we will certainly bring that to Councillors attention, It may be after the reporting cycle but I will certainly pass that on to the Councillors and almost certainly there will be a report to the Urban Planning Committee as soon as possible thereafter.

Councillor Comino asking:

What is Council's policy regarding provision for drainage in the low lying parts of Rose Bay (particularly New South Head Road and the shopping centre) concerning requiring raising of ground floors of buildings in new developments? How does this relate to Council's responsibilities under the Disability Discrimination Act (Commonwealth)?

Director Planning and Development in response:

The matters raised in that question are complex and there are also some legal issues. I think it prudent that I take the question On Notice.

Councillor Comino asking:

What is the current status of the development and unauthorised works at 38 Fitzwilliam Road, Vaucluse?

Director Planning and Development in response:

That particular site has a very lengthy history, again it would be appropriate to take the question On Notice.

Councillor Sinclair King asking:

The proposed removal of abandoned water craft at Rose Bay appears to be in chaos. Three mornings ago when I walked past there were three upright boats in the dinghy storage facility and there seemed to be about 40 boats and kayaks around the base. I am wondering whether the message has got across and if not how are we going to get it across?

Director Technical services in response:

On notice.

Councillor Cullen asking:

Could you please organise for the Council bus to transport Councillors from the Chambers to Cranbrook School for the Strategic and Corporate Committee Meeting this week and the following?

Mayor in response:

We will arrange for transportation for those Councillors who require it.

Councillor Petrie asking:

Ten days ago I re-opened the fountain at the corner of Oxford and Queen Streets and stated that I would be responsible to keep the re-opened fountain flowing. Guess what? Last Sunday, no water no sparkle and I am getting calls. Why and please get the fountain flowing again?

Director Technical Services in response:

On notice.

There being no further business the meeting concluded at 8.57pm.

We certify that the pages numbered 3183 to 3203 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 26 November 2007 and confirmed by Council at the ordinary Meeting of Council on 17 December 2007 as correct.

General Manager

Mayor