

Council Meeting

Monday 28 April 2008

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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 21 April 2008

- D1 Confirmation of Minutes of Meeting held on 7 April 2008
- D2 Monthly Financial Report – March 2008
- D3 Capital Projects Status Update
- D4 Legal Services Tender

Development Control Committee Meeting held on Monday 21 April 2008

- D1 Confirmation of Minutes of Meeting held on 7 April 2008
- D2 DA739/2007 – 1/17A Cooper Park Road, Bellevue Hill – Alterations including extension of courtyard, new landscaping & new fencing – 14/11/2007
- D3 DA394/2007 – 3 Wentworth Street, Point Piper – Section 82A Review alterations & additions including the enclosure of balcony with glass windows & doors – 18/2/2008
- D4 DA858/2007 – 5 Dalley Avenue, Vaucluse – Construction of new verandah with awning at rear of the dwelling-house, modifications to swimming pool & landscaping works – 18/12/2007 (See Item R1)
- D5 DA801/2007 – 7/81 Darling Point Road, Darling Point – Alterations to unit No. 7 in existing residential flat building – 30/11/2007 (See Item R2)
- D6 DA709/2007 – 20 Suttie Road, Bellevue Hill – Installation of solar power panels – 31/10/2007
- D7 DA690/2007 – 43A Cascade Street, Paddington – Alterations & additions to existing 2 storey terrace – 24/10/2007
- D8 DA691/2007 – 5 Fullerton Street, Woollahra – Alterations and additions including extending the length of and adding a first floor to the garage and the addition of a new pool house – 24/10/07
- D9 DA587/2007 – 9 Caledonian Road, Rose Bay – Alterations & additions – 12/9/2007
- D10 DA726/2007 – 65 Ocean Street, Woollahra – Alterations & additions to restaurant including the insertion of acoustic plasterboard to two windows, new dance floor, new bar & alterations to the internal layout – 7/11/2007
- D11 DA240/2007 – 254 Old South Head Road, Vaucluse – Demolition of existing house construction of new dwelling & bed & breakfast – 18/4/2007
- D12 DA29/2007 – 10 Military Road, Watsons Bay – Alterations & additions to existing mixed use development including the increase in the number of storeys from 3 to 4 – The number of dwellings from 1 to 2 & the number of off-street carparking spaces from 2 to 4 – 16/1/2007 (See Item R3)
- D13 DA754/2007 – 873 New South Head Road, Rose Bay – Demolition of existing residential flat building & pool - Erection of new residential flat building consisting of four units with associated car parking – Landscaping & siteworks – 19/11/2007
- D14 DA1/2007 – 129 Hopetoun Avenue, Vaucluse – Demolition of existing residential flat building & construction of new residential flat building including basement parking, new swimming pool, landscaping & site works – 2/1/2007 (See Item R4)
- D15 Register of Current Land and Environment Court Appeals for Development Applications

Urban Planning Committee Meeting held on Monday 14 April 2008

- D1 Confirmation of Minutes of Meeting held on 31 March 2008
- D2 Built Environment Principal Activity- Draft 2008-2011 Management Plan

Community & Environment Committee Meeting held on Monday 14 April 2008

- D1 Confirmation of Minutes of Meeting held on 31 March 2008
- D2 Woollahra Traffic Committee Minutes 1 April 2008 and Extraordinary Meeting Minutes 8 April 2008
- D3 Public Art Advisory Committee Minutes



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 28 April 2008 at 8.00pm.**

Present: His Worship the Mayor, Councillor Geoff Rundle
Councillors Anthony Boskovitz
John Comino
Christopher Dawson
Tanya Excell
Wilhelmina Gardner
Keri Huxley
Julian Martin
Andrew Petrie
Isabelle Shapiro
David Shoebridge
John Walker

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

Also in Attendance: Nil

Confirmation of Minutes

(Martin/Comino)

1/7 THAT the Minutes of the Council Meeting held on 14 April 2008 be taken as read and confirmed.

Adopted

Leave of Absence

Nil

Apologies

(Martin/Comino)

2/7 Apologies were received and accepted from Councillors Claudia Cullen, Marcus Ehrlich and Fiona Sinclair King and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Mayoral Minute

Mayoral Minute No: 1

Subject: Sponsorship of the 2008 Wentworth Courier's Truelocal Business Awards

Author: Mayor of Woollahra, Councillor Geoff Rundle

File No: 61.G

Reason for Report: To seek approval for the allocation of \$5000 to support the Business Awards.

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

(Rundle/Martin)

Resolved without debate:

3/7 That Council provide \$5000 to support the 2008 Wentworth Courier's Truelocal Business Awards.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 21 April 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Trumper Park Tennis Centre Lease**
Author: Warwick Hatton, Director Technical Services
File No: Tender No 08/02
Reason for Report: To recommend to Council the acceptance of a Tender

Note: Late correspondence was tabled at the meeting from Council's Director Technical Services, Warwick Hatton, Wolfie Pizem, Lance Hodgkinson, Brian Gaitz and Stephen Day.

**Motion moved by Councillor Petrie
Seconded by Councillor Walker**

- A. That, subject to satisfactory outcome of financial checking, Council accept the offer of Nazija Holdings Pty Limited (T/a Palms Tennis Centre) for the lease of the Trumper Park Tennis Centre for the commencing rental sum of \$140,000 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

**Amendment moved by Councillor Shapiro
Seconded by Councillor Huxley**

- A. That, subject to satisfactory outcome of financial checking, Council accept the offer of Brian Gaitz Tennis Academy Pty Ltd for the lease of the Trumper Park Tennis Centre for the commencing rental sum of \$142,000 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

**The Amendment was put and lost.
The Motion was adopted.**

4/7 Resolved:

- A. That, subject to satisfactory outcome of financial checking, Council accept the offer of Nazija Holdings Pty Limited (T/a Palms Tennis Centre) for the lease of the Trumper Park Tennis Centre for the commencing rental sum of \$140,000 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

Item No: R2 Recommendation to Council
Subject: **2008/2009 Draft Budget**
Author: Don Johnston, Manager Finance
File No: 331G 2008/2009
Reason for Report: To introduce the 2008/2009 Draft Budget to the Committee and to determine its future consideration by either the Strategic & Corporate Committee or Councillor workshops

(Shoebridge/Petrie)

5/7 Resolved:

- A. That the 2008/2009 Draft Operating and Capital Budgets be incorporated into the 2008/2011 Management Plan for the purposes of public exhibition noting that:
- The withdrawal of the superannuation ‘holiday’ is to be funded from the improved 2006/2007 working funds position;
 - The contribution to Double Bay Centre Management is to be funded from the additional proceeds from the Cosmopolitan Centre commercial arrangements and the remaining additional proceeds will be earmarked for the 2009/2010 contribution; and
 - \$1.1m in interest earnings will be transferred to the Property Reserve
- B. That the 2008/2009 draft operating and capital budget be further considered by a future Corporate and Works committee with a view to prompt consideration at a Councillors workshop or meeting of the Strategic and Corporate committee.
- C. That the Councillors workshop or meeting of the Strategic and Corporate committee give further consideration to the philosophy and strategy in developing the budget in particular the strategies for the preparation of the operating budget.
-

Item No: R3 Recommendation to Council
Subject: **Harbour Foreshore Cleaning Project**
Author: Melanie Tasker - Sustainability Projects Coordinator
David Sheils - Manager Public Open Space
File No: 1142.G
Reason for Report: To outline how proposed mechanical beach cleaning would be incorporated into Council's Foreshore Cleaning Program, including detailed costs, plant and funding options and staff scheduling.

(Petrie/Boskovitz)

6/7 Resolved without debate:

- A. That Council include mechanical beach cleaning into the Foreshore Cleaning Program.
 - B. That Council note the proposed changes to beach cleaning and staff schedules to improve the Program.
 - C. That Council consider funding the required upgrade works to beach access points at Watsons Bay and Camp Cove, as part of the draft 2008/09 Capital Works Program.
 - D. That the purchase of a beach cleaning machine and tractor, be funded from the Environmental Levy, specifically the Harbour Foreshore Cleaning Project listed in the Environmental Works Program (EWP) and the EWP Reserve.
 - E. That Council proceed with the purchase of a Barber Surf Rake Model 400HD at a cost of \$59,300 (GST exclusive) and one Massey Ferguson, Model 5435 2/4 wheel drive tractor at a cost of \$68,300 (GST exclusive) for use in mechanical beach cleaning.
-

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 21 April 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **5 Dalley Avenue, Vaucluse – Construction of new verandah with awning at rear of the dwelling-house, modifications to swimming pool & landscaping works – 18/12/2007**

Author: Sarah Chambers – Assessment Officer

File No: DA858/2007/1

Reason for Report: As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, in accordance with Council's Codes and Policies, both the Motion and the Amendment are referred to Council for consideration.

Note: Late correspondence was tabled at the meeting from Martin Border and Rozanne & Martin Border.

**Motion moved by Councillor Boskovitz
Seconded by Councillor Shapiro**

That the motion from the Development Control Committee to approve the application be adopted with the inclusion of an additional advising in relation to maintaining the height of the trees located immediately adjoining the proposed new structure to a maximum height of 3.6 meters.

**Amendment moved by Councillor Gardner
Seconded by Councillor Shoebridge**

That the motion from the Development Control Committee to refuse the application be adopted.

Foreshadowed Amendment advised by Councillor Huxley

That consideration of the application be deferred to allow the applicant to confer with Council staff and the matter reported back to the Development Control Committee.

**The Amendment was put and carried.
The Amendment became the Motion.**

**Amendment moved by Councillor Huxley
Seconded by Councillor Martin**

A. That consideration of Development Application No. 858/2007 on land at 5 Dalley Avenue Vaucluse for construction of new verandah with awning at rear of the dwelling-house, modifications to swimming pool and landscaping works be deferred to allow the applicant to confer with Council staff in relation to the following matters:

1. a reduction in the height of the verandah,
2. a reduction in the proposed FSR
3. the non compliance of the height and setback of the side wall.

B. That the outcome be reported back to the Development Control Committee.

The Amendment was put and carried.

The Amendment became the Motion.

The Motion was adopted.

7/7 Resolved:

A. That consideration of Development Application No. 858/2007 on land at 5 Dalley Avenue Vaucluse for construction of new verandah with awning at rear of the dwelling-house, modifications to swimming pool and landscaping works be deferred to allow the applicant to confer with Council staff in relation to the following matters:

1. a reduction in the height of the verandah,
2. a reduction in the proposed FSR
3. the non compliance of the height and setback of the side wall.

B. That the outcome be reported back to the Development Control Committee.

Item No: R2 Recommendation to Council
Subject: **7/81 Darling Point Road, Darling Point – Alterations to unit no. 7 in existing residential flat building – 30/11/2007**
Author: Larissa Northridge – Senior Assessment Officer
File No: DA801/2007/1
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal) to the officers recommendation (approval).

Note: Late correspondence was tabled at the meeting from Karam Elkhouri.

(Huxley/Shoebridge)

8/7 Resolved:

- A. THAT Development Application No. No. 801/2007 on land at 7/81 Darling Point Road Darling Point for alterations to unit No. 7 in existing residential flat building be refused for the following reasons:
1. **Acoustic amenity**
The proposed rearrangement of rooms including living areas and wet areas will result in the loss of acoustic privacy to adjoining lots, contrary to O5.8.1 of WRDCP, 2003.
 2. **Hydraulic amenity**
The proposed rearrangement of wet areas will result in the loss of hydraulic and acoustic amenity contrary to O5.8.1 of the WRDCP, 2003.
 3. **Precedent leads to poor internal amenity**
The proposed rearrangement of wet areas and living areas creates an undesirable precedent within the building, which would have an adverse cumulative impact on the acoustic and internal amenity of adjoining lots, contrary to O5.8.1 of the WRDCP, 2003.
- B. THAT the matter be referred to the Director Planning and Development and Manager Compliance for a further report and process of prosecution.
-

Item No: R3 Recommendation to Council

Subject: **10 Military Road, Watsons Bay – Alterations & additions to existing mixed use development including the increase in the number of storeys from 3 to 4 – the number of dwellings from 1 to 2 & the number of off-street carparking spaces from 2 to 4 – 16/1/2007**

Author: David Booth – Senior Assessment Officer

File No: DA29/2007/1

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

**Motion moved by Councillor Comino
Seconded by Councillor Petrie**

That the staff recommendation for approval of the application submitted to the Development Control Committee meeting on 21 April 2008 be adopted.

**Amendment moved by Councillor Shoebridge
Seconded by Councillor Huxley**

That the recommendation from the Development Control Committee to refuse the application be adopted.

**The Amendment was put and carried.
The Amendment became the Motion.
The Motion was adopted.**

Resolved:

9/7 THAT Development Application No. 29/2007 for alterations and additions to an existing mixed use development including the increase in the number of storeys from 3 to 4, the number of dwellings from 1 to 2 and the number of off-street carparking spaces from 2 to 4 on land at 10 Military Road Watsons Bay be refused for the following reasons:

1. The SEPP 1 objection to Council's 8.2 m height development standard is not supported due to the inconsistency of the non-compliant aspect of the proposal with objective 12AA (a) of Woollahra LEP 1995 due the impact on views of Sydney Harbour and the foreshore from 11 – 17 Military Road, Watsons Bay.
2. The proposed number of storeys (4) exceeds the maximum permissible (2) under Section 4.6.1 C1 (Building Height) of the Watsons Bay Heritage Conservation Area DCP.
3. Excessive bulk and scale.
4. The proposed excavation at basement floor level to the alignment of both of the side boundaries is non-compliant with the minimum required 1.5 m boundary set back for excavation under Section 4.6.1 C9 (Siting and Alignment) of the Watsons Bay Heritage Conservation Area DCP.

- Item No:** R4 Recommendation to Council
- Subject:** **129 Hopetoun Avenue, Vaucluse – Demolition of existing residential flat building & construction of new residential flat building including basement parking, new swimming pool, landscaping & site works – 2/1/2007**
- Author:** Simon Taylor – Senior Assessment Officer
- File No:** DA1/2007/1
- Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal) to the officers recommendation (approval).
- Note:** Late correspondence was tabled at the meeting from Council’s Senior Assessment Officer, Simon Taylor.

(Huxley/Shoebridge)

10/7 Resolved without debate:

- A. THAT Development Application No. 1/2007 on land at 129 Hopetoun Avenue Vaucluse, for demolition of existing residential flat building and construction of new residential flat building including basement parking, new swimming pool, landscaping and site works be refused for the following reasons:
1. the excessive amount of excavation for the basement level car park will have an adverse impact on the amenity and stability of adjoining properties due to the minimal setback of excavation from the boundaries and adjoining properties.
 2. the size and siting of the vehicular entrance within the natural sandstone rockface and the subsequent replacement of the natural sandstone rockface with new sandstone rock and cladding will have a detrimental impact on the visual amenity of the streetscape of Hopetoun Avenue.
 3. the setback of the proposal from the adjoining buildings will have an adverse impact on the amenity of adjoining properties in terms of sense of enclosure, loss of solar access, loss of privacy and bulk and scale.
 4. the adverse impacts on adjoining properties including stability, loss of privacy, loss of solar access, sense of enclosure and bulk and scale is indicative the proposal represents an overdevelopment of the site to the detriment of the streetscape and adjoining properties
- B. THAT in accordance with Council’s policy of confidentiality, the confidential report remain confidential for a period of six (6) months.

**Motion moved by Councillor Shapiro
Seconded y Councillor Shoebridge**

That the matter be recommitted to consider the late correspondence.

The Motion was put and lost.

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 14 April 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **4 Victoria St And 18 Cliff St, Watsons Bay**

Author: Jodi Ayre – Former Strategic Heritage Officer
Susan O'Neill - Strategic Heritage Officer
Chris Bluett - Manager, Strategic Planning

File No: 1080 [G] WB

Reason for Report: In accordance with Council's Code of Meeting Practice the Committee chair is not able to use a casting vote to determine the matter. As the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, both the Motion and the Amendment are referred to Council for consideration.

**Motion moved by Councillor Comino
Seconded by Councillor Shapiro**

- A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995, by including the following place as a heritage item in Schedule 3:
Cliff Street Watsons Bay Cobble sandstone road archaeology
- B. THAT 18 Cliff Street not be listed as a heritage item in Woollahra Local Environment Plan 1995
- C. THAT a development control plan be prepared to amend the Watsons Bay Heritage Conservation Area Development Control Plan by deleting the listing of 18 Cliff Street Watsons Bay as a contributory item.
- D. THAT, in principle, Council intends to list 4 Victoria St, Watsons Bay as a heritage item in the Watsons Bay Heritage Conservation Area Development Control Plan subject to hearing submissions from the owner of the property and other interested parties.

**Amendment moved by Councillor Huxley
Seconded by Councillor Shoebridge**

- A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995, by including the following place as a heritage item in Schedule 3:
Cliff Street Watsons Bay Cobble sandstone road archaeology
- B. THAT 18 Cliff Street not be listed as a heritage item in Woollahra Local Environment Plan 1995.
- C. THAT 18 Cliff St, Watsons Bay continue to be identified as a contributory item in the Watsons Bay Heritage Conservation Area Development Control Plan.

- D. THAT, in principle, Council intends to list 4 Victoria St, Watsons Bay as a heritage item in the Watsons Bay Heritage Conservation Area Development Control Plan subject to hearing submissions from the owner of the property and other interested parties.

The Amendment was put and lost.

The Motion was adopted.

11/7 Resolved:

- A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995, by including the following place as a heritage item in Schedule 3:
Cliff Street Watsons Bay Cobble sandstone road archaeology
- B. THAT 18 Cliff Street not be listed as a heritage item in Woollahra Local Environment Plan 1995
- C. THAT a development control plan be prepared to amend the Watsons Bay Heritage Conservation Area Development Control Plan by deleting the listing of 18 Cliff Street Watsons Bay as a contributory item.
- D. THAT, in principle, Council intends to list 4 Victoria St, Watsons Bay as a heritage item in the Watsons Bay Heritage Conservation Area Development Control Plan subject to hearing submissions from the owner of the property and other interested parties.
-

Notice of Motion

Item No: 1
From: Councillors Huxley and Petrie
Date: 18 April 2008
File No: 900.G

12/7 (Huxley/Petrie)

- A. That Senior staff be requested to meet with representatives of Woollahra's Jewish Community to discuss the installation of permanent and retractable bollards as safety devices for the protection of people and buildings owned by the Jewish Community, of the kind as are in place at Parliament House Canberra. These retractable bollards provide an acceptable amenity and planning outcome as safety and security devices and would serve to protect selected Jewish Institutions into the future.
- B. That a report on the outcomes from discussions be brought to the appropriate Committee.

Adopted

Item No: 2
From: Councillor Shoebridge
Date: 21 April 2008
File No: 900.G

(Shoebridge/Petrie)

- 13/7** That a report be brought promptly to Council on the feasibility and costs of Council, in consultation with the St Johns Ambulance or any other not for profit education provider, conducting free, accessible and well publicised public education courses on emergency revival and first aid for parents and other residents of the municipality.

Adopted

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 14 April 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Motion moved by Councillor Petrie

Seconded by Councillor Comino

14/7 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Comino asking:

What are the public liability issues for the Council posed by the installation of bollards on the public domain? Would Council be entitled to seek any indemnity from adjoining land owners requesting installation of bollards on public footpaths and other areas of the public domain?

Director Technical Services in response:

That information would be part of the report that has been asked for.

Councillor Comino asking:

Would you convey the thanks and appreciation of the Committee and parishioners of St George Church, Rose Bay to your staff who provided assistance in the form of barriers and other traffic measures during the recent Easter celebrations?

Director Technical Services in response:

Yes, I would be happy to do that.

Councillor Comino asking:

What advances have been taken to activate The Gunyah for community use?

Mayor in response:

On notice.

Councillor Gardner asking:

Could Council please correct these two problems in Watsons Bay:

On the ground at the start of the beach promenade entrance along Doyle's Restaurant are two circular steel disks between two bollards. One steel disk has a couple of bolts sticking out, up to a height of 3cm. They are hazardous, as people could trip over them. Could Council please remove these obstacles?

Director Technical Services in response:

Yes, we will repair that.

Councillor Gardner asking:

The pedestrian wharf to the ferry is used by delivery vans for off loading goods onto large Charter Boats. At times the vans travel along the wharf while passengers get on and off the ferry. This is dangerous. Could Council please install notices stating that vehicles are not to drive on the wharf?

Director Technical Services in response:

The wharf is not Council's but we can discuss that with NSW Maritime.

Councillor Gardner asking:

I ventured out along the Hermitage shore walk from Nielson Park to Bayview Hill Road. I found the pathway most hazardous and at places almost inaccessible. Could Council please clear this track so that this magnificent route along the foreshore can be enjoyed without the need of pruners?

Director Technical Services in response:

That section of waterside walk is part of the national park but we can convey these requests to the National Parks.

Councillor Gardner asking:

Nowhere along this demanding path are any drinking water fountains. Could Council please install one? It may reduce the litter of empty bottles and cans.

Director Technical Services in response:

On notice.

Councillor Gardner asking:

Could Council also prune the overgrowing vegetation along the Strickland House fence in Vaucluse Rd?

Director Technical Services in response:

On notice.

Councillor Huxley asking:

Will the Director Planning and Development please organise a briefing on the White City application sooner rather than later? I really don't believe we need to wait weeks for you to have look at it. I think we would benefit by having one within the next couple of weeks and I ask the Mayor, if he would, to organise that please?

Mayor in response:

On notice.

Councillor Dawson asking:

Despite all the plaudits, one resident has complained about the lack of height of the heritage wall along Rose Bay. Does the great wall of Woollahra meet all safety requirements?

Director Technical Services in response:

Yes it does.

Councillor Shapiro asking:

Some months ago I requested that we investigate a pedestrian crossing across Old South Head Road near the corner of Wilberforce Avenue, Rose Bay. This is a busy corner and a woman had just been knocked down. Please can I have an update?

Director Technical Services in response:

On notice.

There being no further business the meeting concluded at 9.40pm.

We certify that the pages numbered 1320 to 1338 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 28 April 2008 and confirmed by Council at the ordinary Meeting of Council on 12 May 2008 as correct.

General Manager

Mayor