

# Council Meeting

Monday 25 August 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 18 August 2008**

- D1 Confirmation of Minutes of Meeting held on 4 August 2008
- D2 Monthly Financial Report – July 2008
- D3 Bus Shelter Designs
- D4 104 Hopetoun Avenue, Vaucluse - Encroachment Removal Options – (See Item R4)

### **Development Control Committee Meeting held on Monday 18 August 2008**

- D1 Confirmation of Minutes of Meeting held on 4 August 2008
- D2 DA14/2008 – 59 Manning Road, Double Bay – Demolition of existing dwelling-house & ancillary structures, subdivision of the site into 2 allotments & erection of 2 new dwelling-houses – 16/1/2008 - (See Item R1)
- D3 DA219/2008 – 4 Warren Road, Bellevue Hill – Alterations & additions to dwelling & new driveway with garage to the front boundary – 21/4/2008 - (See Item R2)
- D4 DA312/2008 – 5 Harris Street, Paddington – Proposed new plunge pool & new attic in altered roof design – 30/5/2008
- D5 DA113/2008 – 2 & 4/10 Wolseley Road, Point Piper – Alterations & additions including the amalgamation of Unit Nos. 2 & 4 into 1 unit – 7/3/2008
- D6 DA686/2007 – 252 Oxford Street, Paddington – alterations & additions to existing hotel including the use for place of public entertainment, enlargement of caretakers accommodation & extension of trading hours to 1am Monday to Sunday – 23/10/2007
- D7 DA688/2004 – 24A Victoria Road, Bellevue Hill – Demolition of existing structures on site & establishment of parks & gardens – 21/10/2004
- D8 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
- D9 DA208/2008 – 7 Dudley Street, Paddington – Alterations & additions to existing terrace including single storey rear extension & alterations to the street front zone – 16/4/2008
- D10 Register of Current Land and Environment Court Appeals for Development Applications
- D11 DA 387/2007 – 2 Vaucluse Road, Vaucluse (Kincoppal School) – Construction of a multi-purpose building containing a swimming pool, gymnasium, basketball court, car parking & a pick up & drop off point– 14/6/2007

### **Urban Planning Committee Meeting held on Monday 11 August 2008**

- D1 Confirmation of Minutes of Meeting held on 28 July 2008
- D2 DA process regarding hoardings & screening devices – (See Item R3)

### **Community & Environment Committee Meeting held on Monday 11 August 2008**

- D1 Confirmation of Minutes of Meeting held on 28 July 2008
- D2 Woollahra Traffic Committee Minutes 5 August 2008
- D3 Cooper Street, Paddington – Proposed Change Of Parking



# Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 25 August 2008 at 8.23pm.**

Present: 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

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

Also in Attendance: Nil

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## Confirmation of Minutes

**(Boskovitz/Huxley)**

**1/14** THAT the Minutes of the Council Meeting held on 11 August 2008 be taken as read and confirmed.

**Adopted**

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## Leave of Absence

Nil

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## Apologies

Nil

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## Declarations of Interest

Nil

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## Petitions

**Petition No:** 1  
**From:** Residents of Windsor Street, Paddington  
**Table by Councillor:** Huxley  
**File No:** 884.G 2008

The Petition was in terms,

*Petition for increased resident parking in Windsor Street (cul-de-sac end).*

*The current resident parking scheme in this small pocket of Windsor Street (cul-de-sac end) is extremely inadequate for residents. There are only 22 partially regulated spaces in the street out of a total of 69 (the number of dwellings is 60 with an estimated average of 1.5 cars/home). This makes it very attractive to non-residents to use it as a daily "parking lot" causing a great deal of frustration and inconvenience for residents trying to find a parking space in their street. The parking restrictions in place do not cover normal weekday hours (which are extremely busy periods) unlike the parking conditions in the larger neighbouring Hargrave, Cascade and Paddington Streets.*

*As residents of Windsor Street (western end) we would like to request a significant number of 2P parking spaces to be introduced, and for these spaces to be 8am-11pm, 7 days/week (Area 6 Pgmt Permit Holders Excepted).*

**Motion moved by Councillor Huxley**  
**Seconded by Councillor Shoebridge**

**2/14** That the petition lie on the table for fourteen (14) days and be referred to the Woollahra Traffic Committee for consideration.

**Adopted**

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**Petition No:** 2  
**From:** Residents of Cooper Street, Stephen Street, Bates Avenue and other nearby streets in Paddington  
**Table by Councillor:** Huxley  
**File No:** 884.G 2008

The Petition was in terms,

*As residents of Cooper Street, Stephen Street, Bates Avenue and other nearby streets, we are strongly opposed to the proposed closure of the laneway at 194 Glenmore Road that connects Glenmore Road to Cooper Street. The unsavoury elements and actions that the owner cites as being the reasons for closing the laneway are not limited to happening in the laneway – they are problems that most residents have experienced from time to time in their streets or on their properties.*

*We have put together the following list of points in support of our objections to any laneway closure. Furthermore we are asking Woollahra Council to work with us and on our behalf to prevent this laneway closure.*

**Motion moved by Councillor Huxley**  
**Seconded by Councillor Shoebridge**

**3/14** That the petition lie on the table for fourteen (14) days and be forwarded to the relevant staff officers as an expression of deep concern by the public that they will lose considerable public benefit.

**Adopted**

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## Public Forum

**Person addressing Council:** Mrs Fiona Shand

**Subject:** Liquor Store – Rose Bay

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**Person addressing Council:** Mr Philip Connolly

**Subject:** Woolworths Liquor Supermarket

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## Suspension of Standing Orders

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**(Boskovitz)**

- 4/14** That Standing Orders be suspended to move as a matter of urgency a motion for Council to make a submission to the Liquor Administration Board on the application for an off-licence for Dan Murphy's at 751-755 New South Head Road Rose Bay as submissions are required to be lodged by 5 September 2008 and there is not another Council Meeting prior to the submission date.

**Adopted**

The Mayor ruled Urgency and permitted the suspension of Standing Orders

**(Boskovitz/Cullen)**

- 5/14** A. That the Council make a submission to the Liquor Administration Board expressing the Council's concerns with the applicant's Social Impact Assessment statement.
- B. That the Council notes the community concerns as to the following matters:
- a. The reasonable risk of negative social impacts due to increased alcohol consumption,
  - b. The reasonable possibility of inappropriate and anti-social behaviour as a result of easier access to alcohol for youth,
  - c. The possible increase in vandalism to Council and resident's property as a result of drunken and disorderly conduct,
  - d. The effect of a greater supply of alcohol on the community as a whole and whether this is promoting the right message to our community,
  - e. The lack thereof of any community consultation such as public meetings or smaller focus groups in this process. (this is required under the new Community Impact Statement provisions – under subheading engagement tools),
  - f. The reasonable possibility that there will be segments of the community adversely affected by this application,
  - g. This proposed liquor licence in this location to this size store is not in the wider public benefit,
  - h. The following issues and concerns as expressed by Council's Director of Planning in his e-mail of 25 August 2008:

**Council's role as Consent Authority**

- The Council has not received a DA and has not had the opportunity to assess the proposal, as required, under the provisions of the Environmental Planning and Assessment Act 1979.
- The application has been made only a short time before the commencement of the Liquor Act 2007 and the Council notified only 4 days before its commencement. In these circumstances there is a strong argument that the LAB should defer consideration of the license application pending the submission of and determination of a Development Application by the Council. This is a clearly preferred process and one now required by the new Act. It would require the applicant to provide all relevant information about the application and allow the Council to make an informed judgement on the merit of the proposal prior to the granting of a liquor license.

- The proposal may have a significant adverse amenity impact on the community due to increased traffic and congestion in the locality. The Council has not been provided with information on these aspects of the proposal to enable these aspects to be properly assessed. However, we know that Richmond Avenue is already under heavy demand for parking since most residential flat buildings in the street do not have off-street parking and the area is also affected by the parking demands associated with the use of the nearby Woollahra Ovals.
- The impact of the proposal on the heritage significance of the Post Office has not been assessed in the SIA and will require careful assessment at the Development Application stage

### **Issues with the Social Impact Assessment (SIA)**

- There is nothing in the Social Impact Assessment which examines the impacts of large discount liquor stores on local communities, e.g. we don't know from the submitted information whether or not discount stores which provide a wide choice of liquor at discount prices lead to an increase in the community consumption of alcohol and contribute to alcohol related violence and crime. The SIA contains no original research or references to authoritative literature on the effects of these stores in other suburbs of Sydney. Without this information we cannot objectively assess the social impact of the proposal.
- The fact that all other Dan Murphys stores have operated without licensing infringements should not be interpreted as meaning that they do not have any adverse social impacts on local communities.
- The SIA indicates that alcohol related hospital admissions in the Woollahra Statistical area are more than twice that of the State of NSW. The SIA does not comment on the underlying reasons for this or whether or not increasing the availability of alcohol in the local area will impact on these admissions.
- The SIA does not indicate why some commercial centres such as Double Bay and Paddington experience higher alcohol-related assaults than Rose Bay and what the factors are that contribute to alcohol related assaults.
- There may be an increase in the outlet density in the local area since the premises from which the off-license is to be removed is not currently trading and the proposed outlet will have a much larger floor space. Therefore, there will be an increase in the floor space occupied for the sale of liquor within the trading area.

### **The Process**

- The notification we received relates only to 751-755 New South Head Road Rose Bay. However, the proposal also includes the former Post Office at 757 New South Head Road and car parking on land at 12-14 Richmond Road. We ask whether the proposal has been properly notified as may be required under the Liquor Act 1982?
  - The submission of the application just before the coming into operation of the new Act may be seen as a way of avoiding the more onerous Community Impact Statement and development application requirements of the new Act.
- C. That the Mayor put a brief piece in his Mayoral Column in this week's Wentworth Courier, if possible, regarding the opportunity for all residents to be able to make a submission about this proposed license by September 5.

- D. That this matter be placed on Council's website identifying the issues and Council's concerns.
- E. That the Council endeavour to have consideration of the application deferred by the Liquor Administration Board until a development application has been submitted and determined by Council.
- F. That the Mayor write to Woolworths asking them to defer their application for a liquor license pending the submission and determination of a development application.
- G. That as part of the preparation of Council's submission to the Liquor Administration Board the Council seek independent expert opinion as may be required.

**Adopted**

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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 18 August 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Wingadal Place seawall reconstruction**  
**Author:** Mark Ramsay – Manager Depot & Waste Services  
**File No:** Tender No 08/11  
**Reason for Report:** To recommend to Council the acceptance of a Tender

(Petrie/Comino)

**Resolved without debate:**

- 6/14
- A. That the tender panel recommends that Council enter into a Contract with Stone Mason and Artist Pty Ltd for Wingadal Place Seawall Reconstruction for the sum of \$188,865 (excluding GST).
  - B. That successful and unsuccessful tenderers be advised accordingly.
- 

**Item No:** R2 Recommendation to Council  
**Subject:** **Capital Project Status Report & Revotes**  
**Author:** Michelle Phair, Team Leader Financial Services  
**File No:** 331G 2007/2008  
**Reason for Report:** To report on the status of capital projects in the 2007/2008 budget as at 30 June 2008 and recommend the revote of budget allocations for 2007/2008 projects not commenced before 30 June 2008

(Petrie/Comino)

**Resolved without debate:**

- 7/14
- A. THAT the report on project delivery performance and the capital status update report be received and noted; and
  - B. THAT the revote of budget allocations for the projects detailed in ANNEXURES 1 and 2 to this report be adopted
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**Item No:** R3 Recommendation to Council  
**Subject:** **New Model Code of Conduct for Local Councils in NSW**  
**Author:** Les Windle - Manager Governance  
**File No:** 817.G  
**Reason for Report:** To advise Councillors of a new Model Code of Conduct for Local Councils in NSW and recommend adoption of the Model Code of Conduct.

(Petrie/Comino)

**Resolved without debate:**

- 8/14**
- A. THAT the June 2008 Model Code of Conduct for Local Councils in NSW with the inclusion of the additional provisions specific to Woollahra Council's requirements as contained in Annexure 1 to the report to the Corporate and Works Committee on 18 August 2008 be adopted as Council's Code of Conduct.
  - B. THAT a further report be submitted to Council in relation to the independent conduct reviewer/review committee requirements of the Model Code of Conduct.

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**Item No:** R4 Recommendation to Council  
**Subject:** **104 Hopetoun Avenue, Vaucluse - Encroachment removal options**  
**Author:** Anthony Sheedy, Property Officer  
**File No:** 240.104  
**Reason for Report:** To give consideration to the options available to have the encroachments adjoining 104 Hopetoun Avenue removed.

**Note:** Late correspondence was tabled at the meeting from Matthew Carolan.

**Motion moved by Councillor Gardner  
Secoded by Councillor Shoebridge**

- A. That the aluminium fencing and dense planting in the Road reserve are to be removed and replaced with suitable plant species, to be selected by the Manager Parks and Street Trees, the sloping verge is to be reinstated from the public footpath to the property boundary; and the existing retaining wall be reduced in height so as not to intrude above the level of the sloping verge.
- B. That all works be carried out to a landscaping plan to be developed by the Manager Parks and Street Trees, and to be at the expense of the owner of No. 104 Hopetoun Avenue, and to the satisfaction of the Director Technical Services.
- C. That the owner of 104 Hopetoun Avenue be required to reinstate the 3 terraces as previously existed.
- D. That Council exercise its regulatory powers as necessary to remedy the illegal works on Council roadway.

E. That the landscape plan be submitted to the Corporate and Works Committee for approval.

**Amendment moved by Councillor Sinclair King  
Seconded by Councillor Petrie**

That the recommendation be adopted.

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

**Resolved:**

- 9/14**
- A. That the aluminium fencing and dense planting in the Road reserve are to be removed and replaced with suitable plant species, to be selected by the Manager Parks and Street Trees, the sloping verge is to be reinstated from the public footpath to the property boundary; and the existing retaining wall be reduced in height so as not to intrude above the level of the sloping verge.
  - B. That all works be carried out to a landscaping plan to be developed by the Manager Parks and Street Trees, and to be at the expense of the owner of No. 104 Hopetoun Avenue, and to the satisfaction of the Director Technical Services.
  - C. That the owner of 104 Hopetoun Avenue enter into a positive covenant with Council in respect of the road reserve garden landscaping and unenclosed stairs giving access to the adjoining owner's property.
  - D. That Council exercise its regulatory powers as necessary to remedy the illegal works on Council roadway.
  - E. That the landscape plan be submitted to the Corporate and Works Committee for approval.
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## Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 18 August 2008 Submitted to the Council for Determination

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<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>59 Manning Road, Double Bay – Demolition of existing dwelling-house &amp; ancillary structures, subdivision of the site into 2 allotments &amp; erection of 2 new dwelling-houses – 16/1/2008</b>
<b>Author:</b>	David Booth – Senior Assessment Officer
<b>File No:</b>	DA14/2008
<b>Reason for Report:</b>	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 Boskovitz**

That the matter be referred back to the Development Control Committee to conduct a site inspection to view the difficult topography of Manning Road.

#### **The Motion lapsed for the want of a seconder**

**(Huxley/Shoebridge)**

#### **Resolved:**

**10/14** THAT the Council, as the consent authority, refuse development consent to Development Application No. 14/2008 for the demolition of the existing dwelling-house and ancillary structures, the subdivision of the site into 2 allotments and the erection of 2 new dwelling-houses on land at 59 Manning Road Double Bay, for the following reasons:

- The development proposal does not comply with the prescribed desired future character objectives stipulated under part 4.3 of Woollahra RDCP 2003 thereby resulting in a development which does not respect or enhance the existing elements of the Wallaroy precinct.
- The development proposal does not comply with the performance criteria in relation to boundary setbacks, number of storeys, FSR, deep soil landscaping, front fence height and setback from significant tree which is stipulated under parts 4.3, 5.1, 5.2, and 5.3 of Woollahra RDCP 2003.
- The development proposal exhibits excessive scale and bulk to the detriment of the streetscape, context of the surrounding locality and amenity of adjoining properties.
- The development proposal will have an adverse impact upon the residential amenity of adjoining properties in terms of privacy, solar access, views and visual impact.
- Not in the public interest

**Item No:** R2 Recommendation to Council  
**Subject:** **4 Warren Road, Bellevue Hill – Alterations & additions to dwelling & new driveway with garage to the front boundary – 21/4/2008**  
**Author:** Caroline Owen - Assessment Officer  
**File No:** DA219/2008  
**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).

**Note:** Late correspondence was tabled at the meeting from John and Mary Ziegler.

**(Huxley/Shoebridge)**

**Resolved without debate:**

**11/14** THAT the Council as the consent authority, refuse development consent to Development Application No. 219/2008 for alterations and additions to dwelling and new driveway with garage to the front boundary on land at 4 Warren Road Bellevue Hill, for the following reasons:

1. The proposed development does not comply with the minimum side and rear setback requirements, this results in an unacceptable impact on the visual privacy of adjoining properties and does not provide sufficient separation between surrounding development, contrary to O5.2.2, C5.2.3 and C5.2.5 of Section 5.2 of the Woollahra RDCP, 2003.
  2. The proposed additional crossover to the front of the site would detract from the character and appearance of the streetscape, contrary to O5.1.3 and O5.1.5 of Section 5.1 of the Woollahra RDCP, 2003.
  3. The proposed new garage is located within the front setback, which detracts from the character and appearance of the streetscape, contrary to O5.1.3, O5.1.5, C5.1.2 of Section 5.1 and C4.7.5 (A) and (B) of Section 4.7 of the Woollahra RDCP, 2003.
  4. The proposed development results in a further non-compliance with the minimum deep soil landscaping requirements, contrary to O5.3.6 and C5.3.2 of Section 5.3 of the Woollahra RDCP, 2003.
  5. The proposed new fenestration has an adverse impact on the visual privacy of adjoining properties, contrary to O5.8.1 of Section 5.8 of the Woollahra RDCP, 2003.
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## Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 11 August 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** Art of median strip at Bayswater  
**Author:** Tom Jones  
**File No:** 9--.G  
**Reason for Report:** Resolution of Urban Planning Committee

(Comino/Huxley)

**Resolved without debate:**

- 12/14** That a Public Art section be incorporated into the future revised Edgecliff DCP, in accord with the Public Art Policy October 2006.
- 

**Item No:** R2 Recommendation to Council  
**Subject:** Pedestrian and vehicle links in the Rose Bay Centre DCP  
**Author:** Tom Jones  
**File No:** 985.G  
**Reason for Report:** Urban Planning Committee Resolution

**Motion moved by Councillor Shoebridge/Gardner**

That a report be submitted to the Urban Planning Committee considering an amendment to the Rose Bay Centre DCP to provide, in Section 6.7.2, that the *Guidelines and controls* be that it is preferable for through block connections to provide a clear sightline from one end to the other, for surveillance and accessibility, in any of the locations identified in figure.

**Amendment moved by Councillor Gardner**

That the report required by the Motion moved by Councillor Shoebridge also consider amending the Rose Bay Centre DCP in relation to the following matters:

1. that no existing deep soil areas in these areas is to be reduced by any future development.
2. that the existing discontinuous building frontage of the New South Head Road transition block not be reduced.
3. that no buildings be erected within one and a half meters of the Post Office building.

**The Amendment lapsed for the want of a seconder.**

**Resolved:**

- 13/14** That a report be submitted to the Urban Planning Committee considering an amendment to the Rose Bay Centre DCP to provide, in Section 6.7.2, that the *Guidelines and controls* be that it is preferable for through block connections to provide a clear sightline from one end to the other, for surveillance and accessibility, in any of the locations identified in figure.
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**Item No:** R3 Delegated to Committee  
**Subject:** **DA process regarding hoardings and screening devices**  
**Author:** Patrick Robinson – Manager Development Control  
Peter Kauter – Acting Director Planning & Development  
**File No:** 900.G  
**Reason for Report:** For information

(Comino/Huxley)

**Resolved without debate:**

- 14/14** That Council adopt the following new condition of consent, which may be applied to development consents requiring the erection of hoardings in a commercial or retail area.

*“Any hoarding must ensure that its fascia is treated in a manner which provides complete and coordinated graphic design or be painted in muted earthy tones. The fascia may depict the following information:*

- *The relevant elevational image depicting the proposed development*
- *Information of community interest*
- *Artwork and graphic material of visual interest*
- *Photomontage*
- *Decorative patterns drawing, texts and illustrations*

*The fascia may not be treated with graphics or artworks which are dominated by primary colours, fluro colours or the like.*

*The graphic design must not constitute advertising other than by way of general depiction of the development proposed for the site.”*

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## Notices of Motion

**Item No:** 1  
**From:** Councillors Huxley & Shapiro  
**Date:** 18 August 2008  
**File No:** 900.G

**(Huxley/Shapiro)**

**15/14** That a report be brought urgently to the Urban Planning Committee which investigates the retention and protection of the walkways and lanes used by the public throughout Paddington and that Woollahra Council do all that is necessary to maintain and protect the public benefit provided by these walkways.

That Woollahra Council commit sufficient planning resources necessary for a thorough investigation into the walkways and lanes that currently provide linkages between streets and lanes used by local residents and the wider public to traverse the locality.

And that Council explore all legal avenues regarding ownership, public liability, and that Council consider taking action to acquire easements over such 'dunny lanes', walkways and lanes for the public and community benefit throughout Paddington and Woollahra.

**Adopted**

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

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

**Motion moved by Councillor Boskovitz**

**Seconded by Councillor Petrie**

**16/14** That the responses to previous Questions without Notice be noted.

**Adopted**

**The following questions were asked:-**

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**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, Vacluse.

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?

**Director Technical Services in response:**

On notice

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**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.

**Director Technical Services in response:**

On notice

**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?

**Director Technical Services in response:**

On notice

**Director Community Services in response;**

On notice

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**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?

**Director Technical Services in response:**

On notice

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**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.

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**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 oversized construction and demolition waste trucks and alienation of public parking by unauthorised extension of such work zones.

**Director Planning and Development in response:**

On notice

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**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?

**Director Technical Services in response:**

Yes

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**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?

**Director Technical Services in response:**

Yes

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**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.

**Director Technical Services in response:**

The relative levels can be indicated without a model.

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**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?

**Director Planning and Development in response:**

I will be very happy to arrange for staff to patrol that area regularly and to issue appropriate warnings and notices as may be required.

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**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?

**Director Technical Services in response:**

On notice

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**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.

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**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

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**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?

**Director Technical Services in response:**

On notice

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**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.

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**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?

**Director Planning and Development in response:**

I am not aware of that application so I will take the question On notice.

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**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.

**Director Technical Services in response:**

On notice

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**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.

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**Councillor Shoebridge asking:**

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

**General Manager in response:**

On notice

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There being no further business the meeting concluded at 10.35pm.

*We certify that the pages numbered 2820 to 2844 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 25 August 2008 and confirmed by Council at the ordinary Meeting of Council on 8 September 2008 as correct.*

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**General Manager**

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**Mayor**