

Council Meeting

Monday 15 December 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 8 December 2008

- D1 Confirmation of Minutes of Meeting held on 24 November 2008
- D2 48 Cranbrook Road, Bellevue Hill - Proposed Road Lease
- D3 Cash Flow Management
- D4 Placement of Investments - Interest Rate Hedging

Development Control Committee Meeting held on Monday 8 December 2008

- D1 Confirmation of Minutes of Meeting held on 24 November 2008
- D2 DA366/2008 – 130 Boundary Street, Paddington – New alteration at rear of existing dwelling & new attic space – 17/6/2008
- D3 DA465/2008 – 236 Old South Head Road, Vaucluse – Alterations & additions – 28/7/2008
- D4 DA950/2003 Part 9 – 2-22 Knox Street, Double Bay - Section 96 Application Proposed modification of internal & external – 26/9/2008
- D5 DA603/2006 Part 3 – 13 Glenview Street, Paddington - Section 96 Application Proposed modification to change to rear elevations, additional detail & clarification of ambiguities on DA drawings – 28/4/2008 – (See Item R1)
- D6 DA208/2008 Part 2 – 7 Dudley Street, Paddington - Section 96 Application Proposed modification deletion of Condition Nos. C.3A, C.3E, C.3F, revised roof profile – 5/9/2008 – (See Item R2)
- D7 DA361/2008 – 8 & 10-12 Ocean Street, Woollahra – Substantial alterations & additions to create a single dwelling, including an extended basement level, new swimming pool, an addition to the northern side & landscape works – 16/6/2008 (See Item R2)
- D8 DA30/2007 – 7 Sutherland Crescent, Darling Point – Erection of new residence & landscape works – 17/1/2007
- D9 DA719/2007 – 98 Bellevue Road, Bellevue Hill – Demolition of existing residential flat building & construction of new 3 storey residential flat building – 6/11/2007
- D10 DA433/2008 – 30 Girilang Avenue, Vaucluse – Demolition of existing 4 unit residential flat building & erection of a 5 unit residential flat building with 8 basement car parking spaces – 11/7/2008
- D11 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 R3)
- D12 Analysis of Class One proceedings in the period July 2007 to October 2008
- D13 Register of Current Land and Environment Court Appeals for Development Applications

Urban Planning Committee Meeting held on Monday 1 December 2008

- D1 Confirmation of Minutes of Meeting held on 17 November 2008

Community & Environment Committee Meeting held on Monday 1 December 2008 No Meeting



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 15 December 2008 at 7.00pm.**

Present: His Worship The Mayor, Councillor Andrew Petrie ex-officio
Councillors Anthony Boskovitz
Sean Carmichael
Peter Cavanagh
Lucienne Edelman
Nicola Grieve
Chris Howe
Susan Jarnason
Greg Medcraft
Ian Plater
Isabelle Shapiro
David Shoebridge
Susan Wynne
Malcolm Young
Toni Zeltzer

Staff: A Coker (Director – Planning & Development)
G Clarke (Director – Corporate Services)
G James (General Manager)
H Tola (Acting Manager – Governance)
K Walshe (Director – Community Services)

Also in Attendance: Nil.

Confirmation of Minutes

(Edelman/Boskovitz)

1/22 THAT the Minutes of the Council Meeting held on 1 December 2008 be taken as read and confirmed.

Adopted

Leave of Absence

2/22 (Shoebridge/Boskovitz)

Resolved:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Isabelle Shapiro for the period 1 January 2009 to 26 January 2009, inclusive.

Adopted

3/22 (Shoebridge/Boskovitz)

Resolved:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Malcolm Young for the period Tuesday 13 January 2009 to Friday 6 February 2009, inclusive.

Adopted

Apologies

Nil.

Declarations of Interest

Councillor Carmichael declared a pecuniary interest in Urban Planning Committee Item R1 (Kiaora Lands, Double Bay - To prepare new draft LEP & DCP) as his present employer is a land holder within Kiaora Lands precinct and left the meeting and did not participate in the debate or vote on the matter.

Mayoral Minute

Mayoral Minute No: 1

Subject: 60th Anniversary (December 2008) of changes to the Municipalities of Woollahra, Vacluse & Paddington - under the Local Government (Areas) Act

Author: Mayor of Woollahra, Councillor Andrew Petrie

File No: 61.G

Reason for Report: To mark the 60th anniversary of changes to the municipalities of Woollahra, Vacluse and Paddington under the Local Government Act, 1948.

(Shapiro/Medcraft)

4/22 **Resolved:**

That the Mayoral Minute on the 60th Anniversary (December 2008) on changes to the municipalities of Woollahra, Vacluse and Paddington under the Local Government (Areas) Act be received and noted.

Adopted

Background:

December 2008 marks the 60th anniversary of changes effected by the *Local Government (Areas) Act, 1948*. Under this legislation, the total number of Local Government Areas within the County of Cumberland was reduced through a series of amalgamations from 66 to 41, as part of the 'Greater Sydney' movement.

The changes of 1948 have considerable bearing upon the civic history of Woollahra. As a result, the local government areas and administrations of Vacluse and Paddington were officially extinguished at midnight on the 31st December 1948. The former Municipality of Vacluse was reunited with the Municipality of Woollahra, from which it had separated fifty-three years before. The Municipality of Paddington, a portion of which was later amalgamated with Woollahra, became part of the much expanded City of Sydney, along with eight other municipal areas which were contiguous with the City.

The United Council of Woollahra officially met for the first time on the 14th December 1948 with the three newly elected representatives of Vacluse present. On the previous evening these aldermen had attended the penultimate meeting of the former Council of the Municipality of Vacluse. Final business was concluded for the Municipality of Vacluse at a special meeting called for the 22nd December to confirm the minutes of the final ordinary meeting on the 13th and to consider several outstanding reports from officers.

The inaugural meeting of the new City Council was held 60 years ago this month on 14th December, with Paddington Council finalising its business at a meeting held on 20th December, 1948.

Vaucluse and Paddington Councils reacted very differently to their fate at the hands of the Greater Sydney Movement - their reactions reflecting the general differences between the two municipalities and their circumstances.

The Borough of Vaucluse had been created in 1895 from a division of the Woollahra Municipality, which was staunchly opposed by the aldermen of Woollahra. With a sound financial position in the 1940s, and noted for the prudence of its management, Vaucluse Council felt there was little to be gained from any merger, and together with the Vaucluse Progress Association (VPA), opposed the movement from the outset. Indeed, a meeting convened by the VPA in 1943 provided the first vehicle for the Local Government Association and several councils of the Eastern Suburbs to formally voice their opposition to the proposals - then not yet even published by the government. Woollahra Council, which had so opposed the secession of Vaucluse, now joined the Vaucluse aldermen in opposing re-unification.

The circumstances of Paddington Council were, in 1948, very different from those of Vaucluse. Proclaimed a Municipality on 17th April, 1860, Paddington was beset by financial problems throughout much of its eighty-eight years. At various times in its history, the Municipality of Paddington had actively sought annexure with the City, partly for the opportunity of having its debts discharged. The fact that most of the proposed Greater Sydney schemes involved Paddington perhaps left its aldermen and residents resigned to absorption into the City.


At the final ordinary meeting of the Vaucluse Council, numerous aldermen spoke of their 'deep regret' at the passing of the 'historic' Municipality of Vaucluse. In contrast, a mayoral minute from the final meeting of Paddington aldermen reflected quietly on the achievements of the council, and ended on an optimistic note in its appraisal of the future.

A post-script to the history of the former Paddington Municipality occurred in 1968 when, as a result of the *Local Government (City of Sydney) Bill, 1967*, a significant portion of the suburb was added to Woollahra. Assets and liabilities were transferred in stages under the Act during 1968.

In June 1968 three additional aldermen were appointed to Woollahra Council by the Governor under subsection (4) of section 1 of the *Local Government (City of Sydney Boundaries) Act, 1967* to represent the Paddington ward until the next ordinary local government elections. Their appointment was recorded in the *NSW Government Gazette* published 28th June 1968. The first meeting of Woollahra Council following this appointment was held on 12th August, 1968.

The year 2008 marks forty years of Woollahra's administration of northern Paddington which came about as a reaction to the amalgamations of 1948, part of the move towards 'unscrambling the Greater Sydney egg' instigated by the Liberal state government of Robin Askin.

The year 2010 will mark the sesquicentenary of the local government administration of Woollahra, the proclamation of the Municipality so-named having been gazetted on 20th April 1860 and the first meeting of this Council held on 6th June 1860. As we approach the celebration of this landmark year, it is useful to contemplate the significance of the boundary changes of 1948 and 1968 as an integral part of the rich history of our local government area and its civic administration.



Cr Andrew Petrie
Mayor

Suspension of standing orders

(Wynne)

That Standing Orders be suspended to commend the HMAS Watson and Council on the Carols on the Bay.

The Mayor ruled and permitted the Suspension of Standing Orders

Councillor Wynne advised:

That she would like to extend her congratulations to the HMAS Watson and Council for the Carols on the Bay as held on Saturday 6 December 2008, advising that it was a fantastic night enjoyed by family and children alike.

(Boskovitz)

That Standing Orders remain suspended to commend the Queen St & West Woollahra Association on the Carols in the Park.

Councillor Boskovitz advised:

That he would like to extend his congratulations to the Queen St & West Woollahra Association and Council for the Carols in the Park as held on Tuesday 9 December 2008, advising that it was an extremely successful event.

Would the Mayor pass on a note to the Queen St & West Woollahra Association on Council's behalf.

The Mayor in response:

I shall be having a meeting with them later this week and shall pass on Council's congratulations.

(Petrie)

The Mayor advised:

That he would like to extended sincere condolences on behalf of Council to Councillor Wynne and her family on the loss of her father.

The Mayor advised:

That he would like to congratulate Councillor Medcraft on behalf of Council on his appointment as a Commissioner to ASIC (Australian Securities and Investment Commission).

The Mayor resumed Standing Orders.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 8 December 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Double Bay Streetscape Improvement Works – Cross Street**
Author: Kelley Ambrose - Purchasing Coordinator
File No: Tender No 08/18
Reason for Report: To recommend to Council the acceptance of a Tender

(Medcraft/Grieve)

5/22 Resolved without debate:

- A. That Council enters into a Lump Sum contract for \$461,735.00 (excluding GST) with Sam the Paving Man Pty Ltd for paving upgrades and associated improvement works in Cross Street, Double Bay
- B. That successful and unsuccessful tenderers be advised accordingly.

Item No: R2 Recommendation to Council
Subject: **Holdsworth Street Community Centre - Annual Report 2007/08 & Quarterly Report 2008**
Author: Kylie Walshe
File No: 126.G
Reason for Report: To present the Holdsworth Community Centre & Services Annual Report 2007/08 and Quarterly Report July to September 2008.

(Medcraft/Grieve)

6/22 Resolved without debate:

- A. That Council note the performance of Holdsworth Street Community Centre in 2007/08 and offer congratulations to the Management Committee, staff and volunteers at the Centre.
- B. That Council note the Holdsworth Street Community Centre July to September 2008 Quarterly Report.
- C. That Council agree to revote \$31,970 of unspent operational funding held by Holdsworth Street Community Centre to be expended on the minor capital items requested by the Centre.

Item No: R3 Recommendation to Council
Subject: **Recording of Voting on Planning Matters**
Author: Les Windle - Manager Governance,
Geoff Clarke – Director Corporate Services
File No: 1191.G
Reason for Report: To advise Council of the legal advice obtained in relation to the operation of Section 375A of the Local Government Act and for Council to determine a policy position on the recording of voting on planning matters

Motion moved by Councillor Shoebridge
Seconded by Councillor Jarnason

1. That the recording of votes on planning decisions as required by section 375A be for all determinative (conclusive determination) decisions on DAs and planning matters and, in addition, as a matter of policy, all procedural decisions on DA's and planning matters.
2. Council's Code of Meeting practice be amended to include the requirement set out in 1 above.

Amendment moved by Councillor Howe
Seconded by Councillor Shapiro

1. That the recording of votes on planning decisions as required by section 375A be for determinative (conclusive determination) decisions on DAs and planning matters and, in addition, as a matter of policy, where determinative decisions are recommended by a committee to the Council for adoption.
2. Council's Code of Meeting practice be amended to include the requirement set out in 1 above.

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

(Howe/Shapiro)

7/22 Resolved:

1. That the recording of votes on planning decisions as required by section 375A be for determinative (conclusive determination) decisions on DAs and planning matters and, in addition, as a matter of policy, where determinative decisions are recommended by a committee to the Council for adoption.
2. Council's Code of Meeting practice be amended to include the requirement set out in 1 above.

Note: A division was called by Councillor Shoebridge.

For the Motion

Against the Motion

Councillor Boskovitz
Councillor Carmichael
Councillor Cavanagh
Councillor Edelman
Councillor Howe
Councillor Medcraft
Councillor Petrie
Councillor Plater
Councillor Shapiro
Councillor Wynne
Councillor Zeltzer

Councillor Grieve
Councillor Jarnason
Councillor Shoebridge
Councillor Young

11/4

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 8 December 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **13 Glenview Street, Paddington - Section 96 Application Proposed modification to change to rear elevations, additional detail & clarification of ambiguities on DA drawings – 28/4/2008**

Author: George Fotis – Team Leader

File No: DA603/2006 Part 3

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 (approval) to the officers recommendation (refusal).

Note: A division of votes is required to be recorded for this planning decision.

Note: Late correspondence was tabled by Rachel Lynch.

Motion moved by Councillor Howe
Seconded by Councillor Boskovitz

THAT the original staff recommendation of the Development Control Committee Meeting held on the 8 December 2008 (refusal) be adopted.

Amendment moved by Councillor Shoebridge
Seconded by Councillor Carmichael

THAT the recommendation as printed in the business paper be adopted.

Councillor Boskovitz withdrew seconding of the Motion.
Councillor Young seconded the Motion.

The Amendment was put and lost.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Amendment

Councillor Boskovitz
Councillor Carmichael
Councillor Edelman
Councillor Grieve
Councillor Jarnason
Councillor Shapiro
Councillor Shoebridge

7/8

Against the Amendment

Councillor Cavanagh
Councillor Howe
Councillor Medcraft
Councillor Petrie
Councillor Plater
Councillor Wynne
Councillor Young
Councillor Zeltzer

The Motion was put and carried.**(Howe/Young)****8/22 Resolved:**

THAT Council, as the consent authority, refuse to modify development consent to Development Application No. DA 603/2006 for Section 96 Modification on land at 13 Glenview Street PADDINGTON 2021, for the following reasons:

1. Aims and Objectives of the Woollahra LEP

The proposal does not accord to the general aims and objectives of the LEP with respect to heritage conservation and does not comply with Clause 8(5) of the LEP.

2. Heritage Conservation

The proposal would have a detrimental impact upon the Heritage Conservation Area and does not comply with Clause 2(2)(g)(ii) of the Woollahra LEP.

3. Street Frontages

The proposal would not be compatible with the group of building and does not comply with the Objective O7 of Part 5.1.1 of the Paddington DCP.

4. Site Coverage, setbacks and levels

The proposal would not reflect the existing established rear building alignment and pattern of setback to the rear laneway at the first floor and does not comply with Objective O2 & O3 of Part 5.1.5 of the Paddington DCP.

5. Chimneys

The proposal demolition of the fireplaces and chimney would be contrary to Objective O1 and Guideline G1 of Part 5.2.2 of the Paddington DCP.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Cavanagh
Councillor Howe
Councillor Medcraft
Councillor Petrie
Councillor Plater
Councillor Wynne
Councillor Young
Councillor Zeltzer

Against the Motion

Councillor Boskovitz
Councillor Carmichael
Councillor Edelman
Councillor Grieve
Councillor Jarnason
Councillor Shapiro
Councillor Shoebridge
8/7

Item No: R2 Recommendation to Council
Subject: **7 Dudley Street, Paddington - Section 96 Application Proposed modification deletion of Condition Nos. C.3A, C.3E, C.3F, revised roof profile – 5/9/2008**
Author: Larissa Northridge – Senior Assessment Officer
File No: DA208/2008 Part 2
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: A division of votes is required to be recorded for this planning decision.

Note: Late correspondence was tabled by Helen Tola Acting Manager - Governance, Alex Smith of CSA Planning and Robyn Attuell of the Paddington Society.

Motion moved by Councillor Zeltzer
Seconded by Councillor Medcraft

THAT the recommendation as printed on the business paper be adopted.

Amendment moved by Councillor Howe
Seconded by Councillor Boskovitz

THAT Council approve the Section 96 Modification to the development consent to Development Application No. 208/2008 on land at 7 Dudley Street Paddington by deleting Condition No. C.3 (f).

The Amendment was put and lost.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Amendment

Councillor Boskovitz
 Councillor Howe

Against the Amendment

Councillor Carmichael
 Councillor Cavanagh
 Councillor Edelman
 Councillor Grieve
 Councillor Jarnason
 Councillor Plater
 Councillor Petrie
 Councillor Shapiro
 Councillor Shoebridge
 Councillor Wynne
 Councillor Young
 Councillor Zeltzer

2/13

The Motion was put and carried.

(Zeltzer/Medcraft)**9/22 Resolved:**

THAT Council, as the consent authority, refuse the Section 96 Modification to the development consent to Development Application No. 208/2008 on land at 7 Dudley Street Paddington for the following reasons:

1. To protect the character and appearance of the conservation area.
2. The rear addition that extends past No. 9 Dudley Streets rear building alignment and does not comply with Part 4.1.3 (Control C6) of the Paddington HCA Development Control Plan 2008.
3. The proposed rear extension does not incorporate a traditional lean-to roof form and does not comply with Part 4.1.4 (Objective O3) of the Paddington HCA Development Control Plan 2008.
4. The rear addition that extends in a westerly direction past the existing western wall built alignment does not comply Part 4.1.2 (Objective O2) of the Paddington Heritage Conservation Area Development Control Plan 2008.

As such **Condition No C.3 (a), (b), (c), (d), (e) & (f)** of the original consent dated 18/8/2008 is retained.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
 Councillor Cavanagh
 Councillor Edelman
 Councillor Grieve
 Councillor Jarnason
 Councillor Medcraft
 Councillor Plater
 Councillor Petrie
 Councillor Shapiro
 Councillor Shoebridge
 Councillor Wynne
 Councillor Young
 Councillor Zeltzer

Against the Motion

Councillor Boskovitz
 Councillor Howe

13/2

Item No: R3 Recommendation to Council
Subject: **59 Manning Road, Double Bay – Demolition of existing dwelling, subdivision of the existing site into two allotments, erection of two new dwellings – 16/01/2008**
Author: David Booth – Senior Assessment Officer
File No: DA 14/2008 Part 1
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council from the DCC Site Inspection held on the 10 December 2008.

Note: A division of votes is required to be recorded for this planning decision.

Note: Confidential Agenda issued under separate cover.

Note: Late correspondence was tabled by Helen Tola, Acting Manager-Governance.

“Open Session”

(Boskovitz/Shoebridge)

10/22 THAT the Committee resolve to enter into closed session with the press and public excluded to consider the confidential legal advice on this matter in accordance with the provisions of Section 10A(2)(g) of the Local Government Act 1993.

Adopted

In closed session

The Council discussed the Confidential recommendation from the Site Inspection and adopted a motion.

(Wynne/Grieve)

11/22 That the Committee move into “Open Session”.

Adopted

In Open Session

(Shoebridge/Howe)

12/22 Resolved:

A. THAT in respect of the appeal to the Land and Environment Court against Council’s refusal to grant 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, the Council resolve to enter into closed session with the press and public excluded to consider the confidential report on this matter in accordance with the provisions of Section 10A(2)(g) of the Local Government Act 1993.

- B. THAT Council defend the appeal, subject to the Recommendation in closed session.
- C. THAT the Confidential Recommendation of the Council Meeting be adopted.
- D. THAT in accordance with Council's policy of confidentiality, the confidential report remain confidential for a period of six (6) months or until the conclusion of the appeal, which ever occurs last.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Cavanagh
Councillor Edelman
Councillor Grieve
Councillor Howe
Councillor Jarnason
Councillor Medcraft
Councillor Plater
Councillor Petrie
Councillor Shapiro
Councillor Shoebridge
Councillor Wynne
Councillor Young
Councillor Zeltzer

Against the Motion

Councillor Boskovitz
Councillor Carmichael

13/2

Urban Planning Committee

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

Item No: R1 Recommendation to Council

Subject: **Kiaora Lands, Double Bay - To Prepare new draft LEP& DCP**

Author: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Jacquelyne Jeffery, Team Leader Strategic Planning
Tom Jones, Urban Designer/Planner

File No: 1133.G Rezoning submission

Reason for Report: To obtain a decision to prepare a draft LEP and draft DCP for land known as Kiaora Lands in Double Bay.

Note: Councillor Carmichael declared a pecuniary interest in this Item, as his present employer is a land holder within Kiaora Lands precinct and left the meeting and did not participate in the debate or vote on the matter.

Motion moved by Councillor Zeltzer
Seconded by Councillor Howe

THAT the recommendation printed in the business paper be adopted.

The Motion was put and carried.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Boskovitz
Councillor Cavanagh
Councillor Edelman
Councillor Grieve
Councillor Howe
Councillor Jarnason
Councillor Medcraft
Councillor Petrie
Councillor Plater
Councillor Shapiro
Councillor Shoebridge
Councillor Wynne
Councillor Young
Councillor Zeltzer

Nil

14/0

(Zeltzer/Howe)

13/22 Resolved without debate:

- A. That a draft local environmental plan (LEP) be prepared for land known as Kiaora Lands, being that land the subject of Woollahra LEP 1995 (Amendment No. 44).

The purpose of the draft LEP will be to—

- a. replace existing controls that apply to the land, including those set out in the Woollahra LEP 1995 clause 21E and
- b. establish zone, height and floor space ratio controls consistent with those that apply to adjoining lands and that recognise the transitional nature.

- B. That a draft development control plan (DCP) be prepared to amend provisions in the Double Bay Centre DCP that apply to Kiaora Lands.

The draft DCP may contain performance based controls that guide future development outcomes consistent with Council's objectives for Double Bay in the Double Bay Centre DCP, and as outlined in section 5 of this report.

Including controls that—

- a. recognise the subject land as a significant local site,
- b. enhance and improve the public domain and architectural design outcomes,
- c. provide for sustainable development,
- d. enhance and improve public facilities,
- e. maintain the centre's commercial viability within the retail market, and
- f. controls that are consistent with Council's resolution of the 28 July 2008 which reads :

That a prompt report be submitted to the appropriate Committee of Council regarding the development on the Kiaora Lands site, and any development that Council leases or obtains possession of as a result of any redevelopment of its Kiaora lands site so that it considers the question of adopting the Australian best practice in terms of its environmentally sustainable design; and also would meet the 6 Star Green Star rating in accordance with the standards set by the Green Building Council of Australia.

- C. In accordance with Council's Fees and Charges, Woolworths be required to pay 100% of the costs incurred by Council for preparing, exhibiting and processing the draft LEP and draft DCP.
- D. That a further report be provided to the Urban Planning Committee that includes the draft LEP and draft DCP for the Committee's consideration prior to public exhibition of the draft plans.

Item No: R2 Recommendation to Council
Subject: **Rezoning Proposal at 4a Nelson Street, Woollahra Draft Woollahra LEP 1995 (Am.62)**
Author: Anne White – Senior Strategic Planner
File No: 1064.G
Reason for Report: To report on the exhibition of the rezoning proposal
 To obtain Council’s approval of the rezoning proposal

Motion moved by Councillor Zeltzer
Seconded by Councillor Howe

THAT the recommendation printed in the business paper be adopted.

The Motion was put and carried.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Boskovitz
 Councillor Carmichael
 Councillor Cavanagh
 Councillor Edelman
 Councillor Grieve
 Councillor Howe
 Councillor Jarnason
 Councillor Medcraft
 Councillor Petrie
 Councillor Plater
 Councillor Shapiro
 Councillor Shoebridge
 Councillor Wynne
 Councillor Young
 Councillor Zeltzer
15/0

Nil

(Zeltzer/Howe)

14/22 Resolved without debate:

- A. That Draft Woollahra Local Environmental Plan 1995 (Amendment No. 62) as contained in **annexure 2** of the report to the Urban Planning Committee meeting on 1 December 2008, be referred to the NSW Department of Planning for approval by the Minister for Planning and for gazettal, subject to any legal drafting alterations by the Parliamentary Counsel.
- B. That retaining a special use zone for aged care/community facility for the site, be considered in the course of the compilation of the new principal LEP.

Notice of Motion

Item No: 1
From: Councillors Shoebridge, Grieve & Jarnason
Date: 1 December 2008
File No: 900.G

Note: The Mayor ruled that Notice of Motion 1 and Notice of Motion 3 in the business papers would be considered as a Motion and Amendment respectively.

Motion moved by Councillor Shoebridge
Seconded by Councillor Jarnason

That Council immediately undertake a study to identify two suitable sites for two Council run childcare centres and provide a report on funding models for their construction and operation.

Amendment moved by Councillor Medcraft
Seconded by Councillor Plater

That a report be provided on the cost and process for a study of child care in the Municipality. The study will include a detailed review of child care needs, the types of child care in demand now and in the future and recommend suitable sites and funding models for the construction and operation of child care centres.

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

15/22 (Medcraft/Plater)

That a report be provided on the cost and process for a study of child care in the Municipality. The study will include a detailed review of child care needs, the types of child care in demand now and in the future and recommend suitable sites and funding models for the construction and operation of child care centres.

Adopted

Item No: 2
From: Councillor Zeltzer
Date: 5 December 2008
File No: 900.G

Note: The motion was adopted unanimously.

16/22 (Zeltzer/Plater)

That Council produce a report on the feasibility of producing an album of Woollahra developments which are exemplary examples of good planning, architecture, urban design and/or heritage conservation best practice.

Featured developments can relate to both new buildings as well as alterations and additions. The album is to be held at Council's Customer Service Centre and is to be accessible to local residents, landowners, architects and developers. The objective of the album is to inform and guide others wishing to develop their properties so that development is sympathetic to location, streetscape and respects precinct character and the heritage value of the individual building or precinct.

A number of development categories can be established, including:

- mixed residential and commercial development
- new dwellings
- development on zone boundaries
- development of heritage items and within conservation areas
- development on the harbour foreshore

The album is to include before and after photographs, architectural details, plans and citations and could be produced in paper and/or electronic formats.

Adopted

Item No: 3
From: Councillors Medcraft, Petrie, Cavanagh, Plater, Wynne & Zeltzer
Date: 9 December 2008
File No: 900.G

Note: The Mayor ruled that Notice of Motion 1 and Notice of Motion 3 in the business papers would be considered as a Motion and Amendment respectively. (See NOM 1).

Item No: 4
From: Councillors Boskovitz & Carmichael
Date: 11 December 2008
File No: 900.G

(Boskovitz/Carmichael)

The Mayor write to the Roads and Traffic Authority, Roads Minister, Transport Minister, Premier, Member for Vacluse Peter Debnam and Member for Wentworth Malcolm Turnbull requesting that the lanes marked T2 heading both Westbound and Eastbound along New South Head Road and William Street be removed immediately and be replaced by either a:

1. General use lane open to all commuters*
2. Bus lane*

Can the mayor write a letter to the minister for transport again outlining the concerns of Council and the community regarding the lack of bus services in the Eastern Suburbs in particular the lack of services of the 321, 324, 325 and 327.

* In co-ordination with the current rules regarding clearways

The Motion was put and lost.

Item No: 5
From: Councillor Boskovitz
Date: 11 December 2008
File No: 900.G

(Boskovitz/Carmichael)

That a report be brought to the Corporate and Works committee reviewing and potentially altering Woollahra Council's policy on banners specifically to:

1. Allow for appropriate commercial advertising on banners on street poles for any reasonable business and primarily for business' in the Woollahra Municipality.
2. Look into ways in which we can generate alternate forms of revenue through the sensitive commercialisation of banner placement on light poles across the municipality.

The Motion was put and lost.

Item No: 6
From: Councillor Boskovitz
Date: 11 December 2008
File No: 900.G

(Boskovitz)

In light of the recent figures that Woollahra Council's staff have produced, I call on the Council to immediately put into practice a system whereby all decisions made by Councillors which are contrary to that of the Council's professional staff be recorded in the minutes of all committee and Council meetings.

The Motion was put and lost.

Item No: 7
From: Councillors Grieve, Shoebridge & Jarnason
Date: 11 December 2008
File No: 900.G

**Motion moved by Councillor Grieve
Seconded by Councillor Shoebridge**

1. THAT Council note that it is obliged to provide increased dwelling numbers in accordance with state and regional housing strategies.
2. THAT Council commit to amending its planning controls to prevent the loss of dwelling numbers as a result of development.
3. THAT a report be brought to the Urban and Planning Committee outlining strategies and amendments to our local planning instruments to achieve the above.

The Motion was put and lost.

Item No: 8
From: Councillors Cavanagh, Medcraft & Jarnason
Date: 11 December 2008
File No: 900.G

Note: The motion was adopted unanimously.

17/22 (Medcraft/Cavanagh)

THAT Council investigate maintaining public access to the walkways identified by the Paddington Society for the public benefit.

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

Motion moved by Councillor Boskovitz

Seconded by Councillor Shoebridge

18/22 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Boskovitz asking:

I have noticed recently the plethora of Orange Neon signs on our Council verges across the municipality. In some cases they are even in parking bays. While I acknowledge that the messages on these signs are very relevant I fear that they are quite dangerous and unsightly.

In fact just today one of these popped up on the footpath on Oxford Street, Bondi Junction.

Does Council have a say on the location in which these pop up and if so can we be a little more strategic in our selection of their placement. If we do not have a say, who can we complain to and can we complain saying that these large orange neon signs are dangerous and counter productive in their current location?

Mayor in response:

On notice.

Councillor Wynne asking:

As a result of the strong winds and high tides over the weekend at Rose Bay, a large amount of debris washed over the sea wall on Dumaresq Reserve. As the debris is salt laden, spills over the wall and would it be possible to get this cleaned up quickly.

General Manager in response:

We will do that.

Councillor Shapiro asking:

Because of the irregular planting on the southern side of New South Head Road, has Council thought about reinstating the original concept of avenue parking?

Mayor in response:

On notice.

Councillor Shapiro asking:

Has Council any arrangement with Queen Street & West Woollahra Association for lighting in the trees along Queen Street and Moncur Street? There is already lighting in the shops but will there be lighting in the streets as well?

Mayor in response:

On notice.

Councillor Shapiro asking:

I have a letter from a resident of Wallis Street requesting a resident parking scheme for that street. Apparently Wallis Street is the only residential street within a one kilometre radius of Queen Street that does not have resident parking. Please can Council investigate and if appropriate introduce such as scheme?

Mayor in response:

On notice.

Councillor Carmichael asking:

Bradley Avenue is currently undergoing road works, of which stage two is currently underway. Is it possible if the footpath outside number 24, currently laden with tar, can be repaired with new concrete if not already a part of the proposed works?

Mayor in response:

On notice.

Councillor Carmichael asking:

Are 'Left Turns on red permitted after stopping' no longer registered signs in NSW?

General Manager in response:

I think it is all over the state. On notice.

Councillor Young asking:

Following requests from a number of senior Darling Point residents, is it possible that Council could assist them with a regular community bus service for the elderly to go shopping or to the doctors etc, in Double Bay?

Perhaps the Holdsworth Community Centre bus could be used two or three times a week?

At present elderly residents of Darling Point without a car, have to catch a bus which only goes once an hour to Edgecliff and then wait there for a bus to Double Bay and vice versa on their return trip.

Director Community Services in response:

Holdsworth Community Centre are looking at a shuttle bus service and a pilot. Council has funded some of that and they are also looking at getting some funding from public transport. I can send you some information and it is on the agenda and Darling Point is definitely on there.

Councillor Young asking:

Last Thursday there were the following parked on Kiaora Road, Double Bay:

- 9 boats, this evening it was 11.
- 2 camper tents (there for weeks)
- 2 trailers
- Large amount of dumped rubbish.

What action can be taken by Council to have the mess removed?

Mayor in response:

You may be aware over the last 12 months we have been speaking with the residents, seeking how we can get rid of this problem, and the residents are of the views and so we are preparing a report at the moment, I suspect were we would have to have something like 1 hour Wednesdays. I shall chase that up have that for you as it is most urgent.

Councillor Shoebridge asking:

What is the policy of Council regarding the confidentiality of proposed Notices of Motion submitted to Council prior to their being published in the Council agenda?

General Manager in response:

There is no policy in relation to that, it has been certainly my practice for any number of Mayors that if a request has been made from time to time for Notices of Motion, I have provided those, I have also have requests from other staff in relation to whether notices of motion have been submitted in a particular fashion or from Councillors. They are not treated on a confidential basis from Councillor to Councillor. The policy is that they appear on the Council agenda in the order in which they are received.

The Mayor, thanked Geoff Clarke – Director Corporate Services very much for his work over the years and wished Geoff all the very best in the future.

There being no further business the meeting concluded at 9.25pm.

We certify that the pages numbered 4069 to 4095 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 15 December 2008 and confirmed by Council at the ordinary Meeting of Council on 27 January 2009 as correct.

General Manager

Mayor