

Council Meeting

Monday 29 January 2007

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Items Determined Under Delegated Authority by Council Committees

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

Corporate & Works Committee Meeting held on Monday 22 January 2007

No D Items

Development Control Committee Meeting held on Monday 22 January 2007

- D1 Confirmation of Minutes of Meeting held on 11 December 2006
- D2 DA541/2006 – 75 Drumalbyn Road, Bellevue Hill – Demolition of existing dwelling and construction of new two storey dwelling incorporating a basement level, swimming pool, landscaping and site works – 25/08/06
- D3 DA562/2006 – 61 Dover Road, Rose Bay – Alterations & additions to the existing dwelling-house; new gazebo structure - 1/9/2006
- D4 DA284/2006 – 2A Heeley Street, Paddington – Alterations and additions to existing commercial property – 18/05/2006 – **(See Item R2)**
- D5 DA492/2006 – 11A Jersey Road, Woollahra – New roof sheeting to pergola and internal wall - 09/08/2006 – **(See Item R3)**
- D6 DA218/2006 - 180 Queen St, Woollahra – Alterations to existing single garage to create a new double garage – 24/04/2006
- D7 DA795/2004/3 - 68 Epping Rd, Double Bay – Modification of DA 04/795 including changes to roofing materials, new privacy screens and extension of living area into garage – 09/08/2006
- D8 DA573/2006 - 42-42A Wolseley Road, Point Piper – Demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks – 06/09/2006
- D9 DA1009/2003/6 - 3 Collins Avenue, Rose Bay – The demolition of the existing dwelling-house and garage and the construction of a new residential flat building consisting of 2x3 bedroom units, 5 off-street car parking spaces, a swimming pool and landscape works – 27/10/2006
- D10 DA509/2006/1 - 2 Loch Maree Place, Vaucluse – Alterations and additions to the existing dwelling-house; landscaping works – 16/08/2006
- D11 Register of Current Land and Environment Court Appeals for Building and Development Applications
- R1 DA25/2004 – 47 Russell Street, Vaucluse – Demolition of the existing residential flat building and the construction of a new three storey residential flat building comprising 2 x 3 and 2 x 2 bedroom apartments and basement parking for six (6) vehicles – 13/10/2005
- R2 DA284/2006 – 2A Heeley Street, Paddington – Alterations and additions to existing commercial property – 18/05/2006
- R3 DA492/2006 – 11A Jersey Road, Woollahra – New roof sheeting to pergola and internal wall - 09/08/2006

Urban Planning Committee Meeting held on Monday 18 December 2006

- D1 Confirmation of Minutes of Meeting held on 27 November 2006

Community & Environment Committee Meeting held on Monday 18 December 2006

No D Items



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 29 January 2007 at 8.05pm.**

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

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

Also in Attendance: Nil

Confirmation of Minutes

(Martin/Shapiro)

- 1/1 THAT the Minutes of the Council Meeting held on 18 December 2006 be taken as read and confirmed.

Adopted

Leave of Absence

Nil

Apologies

Nil

Declarations of Interest

Nil

Mayoral Minute

Mayoral Minute No: 1

Subject: Earth Hour - 31 March 2007

Author: Keri Huxley, Mayor of Woollahra

File No: 61.G

Reason for Report: To seek Council's participation in, and support, of Earth Hour.

(Martin/Shapiro)

2/1 Recommendation:

1. That Woollahra Council participates in Earth Hour by ensuring interior lights at its major buildings are turned off on Saturday 31 March 2007 from 7.30pm – 8.30pm.
2. That Woollahra Council promotes Earth Hour to local residents via the website, internal communication and the local media.

Background:

Climate change presents a significant threat to life on Earth. One way to slow the current rate of global warming is to educate each individual to make small adjustments to the way they live. WWF-Australia and Fairfax invite all Sydney households and businesses to turn off their lights for one hour at 7.30pm on 31st March 2007 – this is Earth Hour. Earth Hour has the full support of the Premier of NSW, the Lord Mayor of the City of Sydney, and all city and emergency services.

The Objectives of Earth Hour:

- Encourage as many individuals, households and businesses as possible to turn off their lights as a symbolic statement about the greatest contributor to climate change (coal-fired electricity)
- Educate the community on the threat of global warming and what each individual can do to make a difference in their day-to-day activities to reduce their emissions
- Get corporate participants to communicate Earth Hour through internal and external channels and commit to turn off their lights on the night
- Provide precedent for an annual event and seek involvement from other cities across Australia and around the world
- Measure the change in Sydney's greenhouse gas emissions, aiming for a 5% reduction in the year following Earth Hour.

Commercial Sector

If Australia's commercial sector turned off lights when buildings were not in use and combined this action with other cost effective technology they could reduce lighting emissions by 70%, this would save 2-4 million tonnes of greenhouse gas emissions. Earth Hour aims to show these companies how easy and cost efficient these changes can be through case studies of companies that have already achieved massive reductions in their emissions. Earth Hour is working with 3CBDs, a City of Sydney initiative which aims to reduce the climate change impact of office buildings.

Households

Electricity consumption is a direct contributor to global warming and small actions by every individual can make a big difference. When households sign up to take part in Earth Hour they will receive a pack with all the information and tools they need to cut their emissions (and their energy bill).

If all Australian households simply turned off unused lighting and appliances on standby at the power point it would reduce Australia's emissions by at least 5 million tonnes per annum.

Proposal:

- That Council participate in Earth Hour by turning off lighting in its buildings on 31 March 2007 from 7.30pm to 8.30pm (some exterior security lighting will be left on at Redleaf).
- That the Mayor send an email to all staff and Councillors inviting them and their network of contacts to participate in Earth Hour and register their involvement at www.earthhour.org
- That the Council promote Earth Hour through the Council's website, the Wentworth Courier, Eastside Radio and other media and communication outlets prior to 31 March.
- That the Council promote Earth Hour through the 'inaugural speaker series' on 15 March, when Peter Cosier, Director of the Wentworth Group of Concerned Scientists, will speak on climate change.

Identification of Income & Expenditure:

None.

Conclusion:

Woollahra Council's participation in, and promotion of, Earth Hour would demonstrate our willingness to lead by example and to further our greenhouse gas emission savings and environmental initiatives.

Councillor Keri Huxley
Mayor of Woollahra.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 22 January 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Confirmation of Minutes of Meeting held on 11 December 2006
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 11 December 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Martin/Boskovitz)

3/1 Resolved without debate:

That the Minutes of the Corporate and Works Committee Meeting of 11 December 2006 be taken as read and confirmed.

Item No: R2 Recommendation to Council
Subject: Monthly Financial Report - December 2006
Author: Tracey Walker, Financial Accountant
Michelle Phair, Acting Manager Finance
File No: 987G
Reason for Report: To present the monthly financial report for December 2006

(Martin/Boskovitz)

4/1 Resolved without debate:

A. THAT the monthly financial report for December 2006 be received and noted.

Item No: R3 Recommendation to Council
Subject: **Disclosure of Interest Returns Submitted by New Designated Employees October to December 2006**
Author: Merle Karp – Team Leader Governance
File No: 169.G
Reason for Report: To table the disclosure of interest returns that have been lodged by new designated employees during the period October to December 2006
(Martin/Boskovitz)

5/1 Resolved without debate:

- A. That the Disclosure of Interest Returns of the new designated persons who were required to submit a Primary Return during the period October to December 2006 be tabled.
- B. That Council notes that the Primary Disclosure of Interest Returns have been submitted in accordance with the requirements of the Local Government Act 1993.

Item No: R4 Recommendation to Council
Subject: **Blaxland Road, Bellevue Hill - Road Reconstruction and Streetscape Project**
Author: Joe Cavagnino - Purchasing Co-ordinator
File No: Tender 06/14
Reason for Report: To recommend to Council the acceptance of a Tender
(Martin/Boskovitz)

6/1 Resolved without debate:

- A. That Council enter into a Contract with J.N. Civil P/L for the Reconstruction of Blaxland Road, Bellevue Hill, for the Lump Sum Price of \$222,401.40 excluding GST.
- B. That successful and unsuccessful tenderers be advised accordingly.

Item No: R5 Recommendation to Council
Subject: **Waverley/Woollahra Process Plant**
Author: Gary James, General Manager
File No: 1060.G
Reason for Report: To report to the Council on the recommendation from the WWPP Committee meeting of 19 December 2006, to sell the Waverley Woollahra Process Plant (WWPP) site.

(Shoebridge/Martin)

- 7/1** That Council enter into “Closed Session” to discuss the confidential recommendations of the Corporate and Works Committee in accordance with the provisions of section 10A(2)(c) of the Local Government Act 1993.

Adopted

“Closed Session”

Note: Council discussed and debated the confidential recommendation of the Corporate and Works Committee.

(Shoebridge/Walker)

- 8/1** That Council move into “Open Session”.

Adopted

“Open Session”

(Walker/Petrie)

- 9/1 Resolved:**

A. That Council, having regard to:

- i. the independent valuations received by the Councils from CBRE and Landsburys,
- ii. the commercial advice provided by Michael Collins & Associates (MCA),
- iii. the legal advice provided at Tabs A and B of the General Managers’ Report to the Committee on 29 August 2006 which indicates that the Councils are able to procure a sale of the WWPP Site by direct negotiation with a single proponent,
- iv. the achievement of all of the advantages of the Direct Dealing Strategy outlined in Tab E of the General Managers’ Report to the Committee on 29 August 2006,
- v. the receipt of an unconditional sale offer which transfers demolition and contamination remediation responsibility for the WWPP Site to the purchaser, and
- vi. the receipt of an offer that is 20% above the average rezoned values provided by the valuers,

is satisfied that Landcom’s offer of \$17m for the WWPP Site demonstrates best value for public money, **RESOLVES:**

1. to approve the sale of the Process Plant site at 355 Botany Road, Waterloo to Landcom for a price of \$17m on the basis that:
 - (a) the sale is unconditional,
 - (b) all demolition and site remediation responsibilities will be undertaken by the purchaser,and
 - (c) contracts be exchanged by no later than 28 February 2007;
 2. to agree to allow Landcom access to the WWPP Site following the exchange of contracts to enable Landcom to undertake additional contamination testing, groundwater monitoring and inspection of the building.
- B. That the recommendations of the Corporate and Works Committee resolved in closed session remain confidential until Woollahra Council has met and resolved its position, following which Council's decisions and all supporting reports (except for confidential annexures) shall be made public.
- C. That Woollahra's portion of the funds be reserved until the Council determines how the funds are to be allocated.
-

Development Control Committee

**Items with Recommendations from the Committee Meeting of Monday 22 January 2007
Submitted to the Council for Determination**

Item No: R1 Recommendation to Council
Subject: 47 Russell Street, Vaucluse – Section 82A Review the entire proposal – 13/10/2005
Author: David Waghorn –Senior Assessment Officer
File No: DA25/2004
Reason for Report: The original application was refused by the Development Control Committee and the Section 82A Review must be considered by a higher authority and as such is submitted to Council for consideration.

(Gardner/Shoebridge)

10/1 Resolved:

- A. That the matter be deferred to a future Development Control Committee meeting to enable the submission and assessment of cross sections documenting the extent of excavation into the cliff and a further geotechnical report providing recommendations ensuring the stability of the cliff both during and post construction. The geotechnical report to also include assessment of the area known as the “cave”.
 - B. That the matter also be referred back to Council’s Heritage Officer for further review.
 - C. That further consideration be given to the potential impact on Derby Park pursuant to Clause 24 of the Woollahra Local Environment Plan having regard to excavation near cliff faces.
 - D. That the applicant be requested to submit a survey showing the exact property boundaries.
 - E. That the applicant be requested to provide a new model that provides a factual relationship between the development and the rock face.
-

Item No: R2 Recommendation to Council
Subject: **2A Heeley Street, Paddington – Alterations and additions to existing commercial property – 18/05/2006**
Author: Larissa Northridge – Assessment Officer
File No: DA284/2006
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 recommendation of the Development Control Committee to the Officer’s recommendation.

(Petrie/Comino)

11/1 Resolved:

That consideration of Development Application No. 284/2006 for alterations and additions to existing commercial property on land at 2A Heeley Street, Paddington be deferred to enable the applicant to confer with Council staff in order to satisfy the objectives of the Paddington DCP and streetscape form.

Item No: R3 Recommendation to Council
Subject: 11A Jersey Road, Woollahra – New roof sheeting and internal wall – 09/08/2006
Author: Tony Ristevski – Assessment Officer
File No: DA492/2006
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 recommendation of the Development Control Committee to the Officer’s recommendation.

(Comino/Shoebridge)

12/1 **Resolved:**

- A. THAT, as the unauthorised works are unsatisfactory with regard to the relevant objectives and controls of the Woollahra Local Environmental Plan 1995 (WLEP 1995) and Woollahra Heritage Conservation Area Development Control Plan 2003 (WHCA 2003) for the following reasons:
1. The works result in a loss of the shared characteristics of the group of significant items, contrary to the objectives contained in cl 2(2)(g)(i - ii) of the WLEP 1995 and cl.1.6(c) of the WHCA DCP 2003 and the controls contained in C5 and C6 of Section 3.2.1 of the WHCA 2003.
 2. The scale of the works is excessive and is contrary to the controls contained in C5 and C6 of Section 3.2.1 of the WHCA 2003.
 3. The roofing materials are inappropriate within the Conservation Area and contrary to control C1 of Section 3.4.5 of the WHCA 2003 and pose a safety risk.
 4. The roofing will adversely impact on the garden setting and open space.
 5. The proposed development will impact on the visual amenity and acoustic privacy of the surrounding properties, contrary to objective 01 of Section 3.4.12 of the WHCA 2003.

Council requires these works to be removed within 28 days.

- B. That this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council’s Policy on Unauthorised Uses, Buildings and Works for failure to obtain Council’s consent prior to carrying out the unauthorised works.
- C. THAT Council, as the consent authority, grant development consent to that part of Development Application No. 492/2006 for the internal single skin wall only, to the existing dwelling on land 11A Jersey Road, Woollahra, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered A02 and A03, dated July 2006, drawn by J P Designs, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

2. Roof Sheeting

No approval is given or implied by this consent to the roof sheeting over the pergola / awning at the rear of the dwelling. Council has no power under the Environmental Planning and Assessment Act 1979 to grant retrospective approval to a development application in respect of works undertaken without consent.

3. Requirement for a Construction Certificate

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

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

4. Structural details

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

This condition is imposed to ensure the structural integrity of the proposed building work.

5. Demolition, excavation and construction hours

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

6. Building Inspections

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

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

7. Payment of Long Service Levy, Security, Development Levy and Fees

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

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	
SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$2000	No	T600

INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$2,163.00	Plus any relevant indexed amounts and long service levy	

How must the payments be made?

Payments must be made by:

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

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

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

How will the section 94A levy be indexed?

To ensure that the value of the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2005 sets out the formula and index to be used in adjusting the s.94A levy.

Do you need HELP indexing the levy?

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

Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2005

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

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

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

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;

- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank’s obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the section 94A levy will be adjusted in accordance with clause 3.13 of the plan. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

8. Stockpiles

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

9. Location of building operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

10. Disposal of site water during construction

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council’s “*Stormwater Development Control Plan and Local Approvals Policy*”. **Disposal of site water to Council’s stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.**

11. Standard for demolition

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

12. Damage security deposit

A security deposit of \$ 2000 for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of \$163.00, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

Estimated cost of work	Deposit
Works up to \$50,000	\$2,000
Works in excess of \$50,000 & up to \$100,000	\$4,000
Works in excess of \$100,000	\$4,000+\$200/\$10,000 estimated cost>\$100,000

The security or bank guarantee must not have an expiry date.

Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council's requirements.

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

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

14. Public footpaths

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

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

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

15. Water quality protection

The operation of the premises must be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

16. Compliance with Building Code of Australia

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

17. Residential building work

- (a) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:

- in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor license number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- in the case of work to be done by any other person:
 - (iii) has been informed in writing of the person's name and owner-builder permit number; or
 - (iv) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (a) (iv) above is prescribed by regulations under the *Home Building Act 1989*. As at the date on which this Regulation was Gazetted, that amount was \$5,000. As those regulations are amended from time to time, so that amount may vary.

- (b) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

18. Signs to be erected on building and demolition sites

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited; and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign must be removed when the work has been completed.
- (c) This clause does not apply to:
 - (i) building work carried out inside an existing building; or
 - (ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.

Urban Planning Committee Matter of Urgency

**Items with Recommendations from the Committee Meeting of Monday 29 January 2007
Submitted to the Council for Determination**

Item No: R3 Recommendation to Council
Subject: Draft Woollahra Section 94A Development Contributions Plan 2005
(Amendment No.1)
Author: Chris Bluett - Manager Strategic Planning
File No: 1180.G
Reason for Report: To report on the public exhibition of the Draft Development Contributions
Plan
To obtain the Council's approval of the Draft Development Contributions
Plan

(Rundle/Shoebridge)

- 13/01** That in accordance with Council's Code of Meeting Practice, Item R3 of the Urban Planning Committee Meeting held on 29 January 2007 be brought forward as a Matter of Urgency.

Adopted

The Mayor ruled urgency.

(Rundle/Shoebridge)

14/1 Resolved:

- A. THAT the Draft Woollahra Section 94A Development Contributions Plan 2005 (Amendment No.1) as exhibited and contained in annexure 2 of the report to the Urban Planning Committee meeting of 29 January 2007 be approved and come into effect on the date notice of the approval is published in the Wentworth Courier.
- B. THAT Council place the advertisement in the Wentworth Courier at the earliest possible date.
-

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 18 December 2006 Submitted to the Council for Determination

Item No: R1 Delegated to Committee
Subject: Confirmation of Minutes of Meeting held on 27 November 2006
Author: Les Windle – Manager Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of 27 NOVEMBER 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Boskovitz/Ehrlich)

15/1 Resolved without debate:

That the Minutes of the Community and Environment Committee Meeting of 27 NOVEMBER 2006 be taken as read and confirmed.

Item No: R2 Delegated to Committee
Subject: Woollahra Traffic Committee Minutes - 5 December 2006
Author: Alan Opera – Manager, Public Infrastructure
File No: See Traffic Committee Minutes
Reason for Report: For the Committee to consider the recommendations of the Woollahra Traffic Committee.

(Walker/Petrie)

Resolved:

16/1 That Item Y1-4 (Greenoaks Avenue, Darling Point – Parking Restrictions) be referred back to the Traffic Committee for further consideration.

Adopted

(Rundle/Boskovitz)**17/1 Resolved without debate:**

THAT the Recommendations Y1-1 to Y1-Y3 and Y1-5 to - Y7 contained in the minutes of the Woollahra Traffic Committee on Tuesday 5 December 2006 be adopted subject to Item Y7 being amended to read as follows:

- A. That the contents of the Darling Point Precinct Traffic Study dated July, 2005 be noted.
- B. That the Revised Action Plan as detailed in this report be deferred to a later meeting of the Community and Environment Committee to allow the proposed submission by the Darling Point Society to be considered.
- C. That the Darling Point Society be advised of Council's decision.

Adopted

Item No: Y1 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **Parking Restrictions Changes**
Author: Frank Rotta – Traffic Engineer
File No: (Refer to Table 1)
Reason for Report: Various parking restriction changes throughout the Woollahra Council area.

Item Y1-1: Pacific Street, Watsons Bay – No Stopping Restrictions**(Rundle/Boskovitz)****18/1 Resolved without debate:**

- 1. That the existing 'No Stopping' zone on the northern side of Pacific Street from 8.6 metres east of the western boundary of No.31 Pacific Street to 32.2 metres east of the western boundary of No.31 Pacific Street be changed to 'No Stopping Saturdays, Sundays & Public Holidays'.
- 2. That full-time 'No Stopping' be introduced from the western side of the driveway to No.31 Pacific Street to opposite the eastern side of the driveway to No.30 Pacific Street, Watsons Bay (Note: this driveway is closest to the bend)

Item Y1-2: Mary Place, Paddington – No Parking Restrictions**(Rundle/Boskovitz)****19/1 Resolved without debate:**

1. That the 'No Parking' zone across the Mary Place frontage of Nos.71, 73 & 75 Glenmore Road be extended 5.8 metres in a south-westerly direction across the Mary Place frontage of No.69 Glenmore Road, Paddington.
-

Item Y1-3: Glenmore Road, Paddington –Advance Pavement Markings**(Rundle/Boskovitz)****20/1 Resolved without debate:**

1. That the proposed advanced zig-zag pavement markings on both Glenmore Road approaches to the raised pedestrian crossing in Glenmore Road just south of Walker Avenue, Paddington not be introduced.
 2. That rumble bars be placed on the unbroken centreline on the south-bound approach (on the curve) in the vicinity of No.454 Glenmore Road.
-

Item Y1-4: Greenoaks Avenue, Darling Point – Parking Restrictions**(Walker/Petrie)****21/1 Resolved:**

That the matter be referred back to the Traffic Committee for further consideration.

Item Y1-5: Gipps Street, Paddington – No Entry Sign**(Rundle/Boskovitz)****22/1 Resolved without debate:**

1. That a 'No Entry' sign be installed (facing northbound traffic in Glenmore Road) on ELP20372 which is located on the southern side of Gipps Street at its intersection with Glenmore Road, Paddington.
-

Item Y1-6: Greycliffe Avenue, Vacluse – Change to Signage**(Rundle/Boskovitz)****23/1 Resolved without debate:**

1. That all of the Angle Parking signage on the western side of Greycliffe Avenue north of Vacluse Road be altered to read '90° Angle Parking, Rear to Fence, Vehicles under 6m only'.
-

Item Y1-7: Greycliffe Avenue, Vacluse – Temporary No Parking Restrictions**(Rundle/Boskovitz)****24/1 Resolved without debate:**

1. That the requested temporary 11 metres of 'No Parking' for Boxing Day 2006 not be introduced.
-

Item Y1-8: Queen Street, Woollahra – Request for Disabled zone**(Rundle/Boskovitz)****25/1 Resolved without debate:**

1. That the '2HR Parking Mon-Sat 8.00am-11.00pm ARVE Pgtn 4' (Arrow Left) sign located 1.3 metres east of the prolongation of the common boundary between Nos.67 & 69 Queen Street, Woollahra be relocated 5.5 metres in a westerly direction.
-

Item Y1-9: Vacluse Road, Vacluse – Alteration to Linemarking**(Rundle/Boskovitz)****26/1 Resolved without debate:**

1. That the concept plan in Annexure 1 illustrating the installation of a broken centreline between the prolongation of the common boundaries of No.4A & 6 Vacluse Road and the southern boundary of Queens Avenue with a southbound lane width of 3.1 metres and a northbound lane width of 4.7 metres be approved.
-

Item No: Y2 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **No. 152 Wolseley Road, Point Piper – Request For Parking Restrictions**
Author: Frank Rotta – Traffic Engineer
File No: T503
Reason for Report: Request for parking restrictions in Wolseley Road, Point Piper

(Rundle/Boskovitz)

27/1 Resolved without debate:

- A. That 'No Parking' be introduced from the western side of the driveway to No.152 Wolseley Road for a distance of 8.3 metres in an easterly direction.

Item No: Y3 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **New South Head Road, Between Rose Bay Park and Lyne Park, Parking Bays on North Side.**
Author: Frank Rotta – Traffic Engineer
File No: 680.G 2005 Pt6
Reason for Report: Resolution of Council for matter to be referred to Woollahra Traffic Committee.

(Rundle/Boskovitz)

28/1 Resolved without debate:

- A. That the RTA's response that it would not support the provision of angle parking in parking bays on the northern side of New South Head Road, between Rose Bay Park and Lyne Park, be noted.

Item No: Y4 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **No. 6 Loftus Road, Darling Point – Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt7
Reason for Report: Request for a Works Zone

(Rundle/Boskovitz)

29/1 Resolved without debate:

- A. That approval be granted for a Works Zone to be temporarily installed in front of No.6 Loftus Road, Darling Point. The length of the proposed Works Zone is 7 metres, and it is to be located on the southern side of Loftus Road, just east of the double driveway to No.6 Loftus Road and is subject to:
- i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 12 weeks from 5 February, 2007 to 30 April, 2007.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site.
 - iv. Existing parking restrictions (2HR Parking 8.00am-8.00pm ARVE Area RUSH 1) are to be maintained outside of the Works Zone hours of operation.
 - v. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - vi. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vii. This Works Zone is in an area zoned as Residential 2(b). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - viii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - ix. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - x. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all adjacent residents by a letterbox drop of the conditions of the Works Zone.
-

Item No: Y5 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **No. 18 Edgecliff Road (Icasia Lane), Woollahra – Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt7
Reason for Report: Request for a Works Zone

(Rundle/Boskovitz)

30/1 Resolved without debate:

- A. That approval be granted for a Works Zone to be temporarily installed for No.18 Edgecliff Road, Woollahra. The length of the proposed Works Zone is 6 metres, and it is to be located on the northern side of Icasia Lane, across the Icasia Lane frontage to No.18 Edgecliff Road Woollahra and is subject to:
- i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 12 weeks from 29 January, 2007 to 23 April, 2007.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site.
 - iv. Existing parking restrictions (No Stopping) are to be maintained outside of the Works Zone hours of operation.
 - v. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - vi. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vii. This Works Zone is in an area zoned as Residential 2(b). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - viii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - ix. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - x. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all adjacent residents by a letterbox drop of the conditions of the Works Zone.
-

Item No: Y6 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **Elanora Street, Iluka Street and Manion Avenue, Rose Bay - Resident Parking Restrictions**

Author: Greg Stewart - Project Manager Strategic Projects & Policy

File No: 150.G, 249.G, 299.G

Reason for Report: Resident requests received for the introduction of resident parking restrictions.

(Rundle/Boskovitz)

31/1 Resolved without debate:

- A. That 55 (72%) of the total existing car parking spaces in Elanora Street, Iluka Street and Manion Avenue that are currently signposted as 1 Hour Parking 8am-6pm SAT-SUN Permit Holders Excepted be converted to 1 Hour Parking 8am-6pm SAT-SUN, 4 Hour Parking 8am-4pm MON-FRI Permit Holders Excepted.
- B. That once implemented, the Resident Parking scheme recommended above be monitored on a regular basis and any adjustments to the Scheme considered necessary be reported to the Woollahra Traffic Committee for approval. This is to ensure that residents have a reasonable likelihood of finding an available on street parking space during the day and that on street parking spaces not required by the residents are available for public parking.
- C. That the parking on the western side of Elanora Street between New South Head Road and Iluka Street adjacent to the Woollahra Golf Course be signposted as 90 degree rear to kerb parking to reflect the current and long term parking practices at this location.

Item No: Y7 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **Darling Point Precinct Traffic Study**

Author: Frank Rotta – Traffic Engineer

File No: 255.G Darling Point Traffic Study

Reason for Report: Consideration of Darling Point Precinct Traffic Study prepared for Council by Consultant, Stan Mack.

(Rundle/Boskovitz)

32/1 Resolved without debate:

- A. That the contents of the Darling Point Precinct Traffic Study dated July, 2005 be noted.
- B. That the Revised Action Plan as detailed in this report be deferred to a later meeting of the Community and Environment Committee to allow the proposed submission by the Darling Point Society to be considered.
- C. That the Darling Point Society be advised of Council's decision.

Item No: R3 Delegated to Committee
Subject: **Extraordinary Meeting
Woollahra Traffic Committee Minutes - 12 December 2006**
Author: Warwick Hatton, Director – Technical Services
File No: See Traffic Committee Minutes
Reason for Report: For the Committee to consider the recommendations of the Woollahra Traffic Committee.

(Boskovitz/Ehrlich)

33/1 Resolved without debate:

THAT the Recommendations contained in the minutes of the Woollahra Traffic Committee during its Extraordinary Meeting held on Tuesday 12 December 2006, Items Y8-9 be adopted.

Item No: Y8 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **2007 Women's MFS Australian Open**
Author: Frank Rotta – Traffic Engineer
File No: 1188.G
Reason for Report: To submit the proposed Traffic Management Plan for the event to the Committee for approval

(Boskovitz/Ehrlich)

34/1 Resolved without debate:

A. That the Traffic Management Plan, version 2 dated 12 December, 2006, that has been prepared by Assure Event Safety Services for the 2007 Women's MFS Australian Open to be held at the Royal Sydney Golf Course between 1-4 February, 2007 be approved for implementation.

Item No: Y9 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **No. 17 Hamilton Street, Rose Bay – Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt7
Reason for Report: Request for a Works Zone

(Boskovitz/Ehrlich)

35/1 Resolved without debate:

- A. That approval be granted for a Works Zone to be temporarily installed in front of No.17 Hamilton Street, Rose Bay. The length of the proposed Works Zone is 6 metres, and it is to be located on the western side of Hamilton Street, just west of the driveway to No.19 Hamilton Street, Rose Bay and is subject to:
- i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 12 weeks from 29 January, 2007 to 23 April, 2007.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site.
 - iv. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - v. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vi. This Works Zone is in an area zoned as Residential 2(b). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - vii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - viii. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - ix. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all adjacent residents by a letterbox drop of the conditions of the Works Zone.
-

Item No: R4 Delegated to Committee

Subject: **Local History User Satisfaction Survey 2006**

Author: Kerry-Ann Prideaux – Information Services Librarian

File No: 474.G

Reason for Report: To report to Council on the outcome of the results of the Local History Centre User Satisfaction Survey 2006.

(Boskovitz/Ehrlich)

36/1 Resolved without debate:

- A. That Council receive and note the report.
- B. That the results of this survey be included in the development of the upcoming Library and Information Services Strategic Plan.

Item No: R5 Recommendation to Council

Subject: **Adoption of Draft Crime Prevention Plan**

Author: Susan Turner, Manager, Community Development

File No: 79.G

Reason for Report: Presentation of submissions received following the public exhibition period and recommending amendments to the draft Crime Prevention Plan.

(Boskovitz/Ehrlich)

37/1 Resolved without debate:

- A. That Council adopt the draft Crime Prevention Plan with amendments as recommended.

Notice of Motion

Item No: 1
From: Councillors Shoebridge and Gardner
Date: 11 December 2006
File No: 900.G

(Shoebridge/Petrie)

- 38/1** That in respect of sale of public land that neighbours who would ordinarily be notified later in the process, be notified at the beginning of the process so that they can attend on site when the Committee forms the initial recommendation to sell/not sell the land.

Adopted

Item No: 2
From: Councillor Comino
Date: 16 January 2007
File No: 900.G

(Comino/Shoebridge)

- 39/1** That a report be brought to Urban Planning Committee of Council addressing and examining the anomaly currently existing between the zoning of areas immediately north of Sid Einfeld Drive (in particular Vernon Street & Junction Street, Bondi Junction), the restrictions of the Heritage Conservation Area and Woollahra Conservation DCP, the permissibility of medical uses under the zoning for this area and Council becoming obliged to refuse DA's for Medical Rooms in this area due to lack of parking availability on-site and taking on board the development application for the proposed works depot by Waverley Council under Syd Einfeld Drive.

Adopted

Item No: 3
From: Councillor Comino
Date: 16 January 2007
File No: 900.G

(Comino/Petrie)

- 40/1** That a report be prepared and brought to the appropriate Committee of Council reviewing the provisions of Council's Section 94 Plan 2002 and Council's Development Control Plan for Off-Street Car Parking Provisions and Servicing Facilities having regard to the levy and parking requirements imposed on clubs and organisations that provide educational and/or community services in Woollahra.

Adopted

Questions Without Notice

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 18 December 2006 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

41/1 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Comino asking:

What is the current status of the Committee of Review dealing with issues, regulation and control of accredited certifiers? Has the Building Professionals Board been appointed as yet and what are its powers over accredited certifiers?

Director Planning and Development in response:

The body which regulates accredited certifiers is the Building Professionals Board. The other part of the question I will take On notice because I am not foremost to the recent appointments to that Board.

Councillor Comino asking:

Has Council been notified of a proposal by Waverley Council to construct a works depot under the Syd Einfeld Drive? If so, has Waverley Council held any discussions with Woollahra Council with a view to establishing such depot as a joint Councils works depot?

Director Planning and Development in response:

That matter has been drawn to our attention by some local residents but I don't believe we have been formally advised by Waverley Council.

Councillor Comino asking:

To the General Manager

In view of one of our legal panel, Homes Wilkinson Lowry (HWL) merging with Abbott Tout Lawyers as of 2 April 2007, will you and/or the Director Planning and Development seek information from HWL as to the nature of that merger and what changes (if any) are proposed to the legal representation and personnel conducting Council's cases?

General Manager in response:

I'll provide you with the correspondence in relation to that. We have had contact with them, it's a case of HWL taking over from Abbott Tout and our advice is that none of the personnel that are servicing us now will be affected by that change. I will provide a copy of the fax and e-mail we have received from them.

Councillor Comino asking:

Will you ensure that the draft contract for the sale of the Waverley Woollahra Process Plant site be brought to the Corporate and Works Committee of this Council for a report and comment thereon and that both the Joint Committee members and Waverley Council are so informed?

General Manager in response:

Yes

Councillor Petrie asking:

Is it true that a representative/employee of Maritime Services is accusing Woollahra Municipal Council of being the one that is delaying the removal of "Rose Bay Afloat"?

Mayor in response:

Yes

Councillor Comino asking:

To the Mayor

Will you write to the Wentworth Courier about that issue as there has been a court decision and at least two decisions of this Council to remove the floating restaurant.

Mayor in response:

Yes. I had Mr Coker prepare a folder of the documentation which demonstrates how hard Council has been trying to get rid of it and Maritime Services obstinacy and refusal to agree to it. I was really shocked and surprised last week when I was told categorically that we were the difficult ones.

Councillor Martin asking:

Should we investigate the cost of a simple outdoor wall-less marquee for Australia Day? Being outdoors was a great idea but it was a little distressing seeing the citizens to be sweltering in the hot sun, whilst we Councillors were under the balcony?

Mayor in response:

Absolutely, I agree. I could not agree with you more.

Suspension of Standing Orders

(Shoebridge/Petrie)

- 42/1** For the sake of absolute clarity, that Standing Orders be suspended to allow Council to again move our unanimous resolution that we support the immediate removal of the Rose Bay Afloat Restaurant.

Adopted

The Mayor ruled Urgency and permitted the Suspension of Standing Orders.

43/1 (Shoebridge/Petrie)

1. That Council require the immediate removal of the Rose Bay Floating Restaurant.
2. That Council advise the Hon Joe Tripodi, Minister for Ports and Waterways and NSW Maritime accordingly.

Adopted unanimously

Questions Without Notice continued

Councillor Dawson asking:

When is shrubbery to be replaced on the median strip on Bayswater section of New South Head Road? Can it also be stated for the benefit of the bewildered public what the Council is proposing? Could a notice be raised on either side of the dual roadway briefly stating what we are doing?

Director Technical Services in response:

The trees, we are advised, will be brought in probably on Friday of this week for the replanting. Energy Australia is carrying out the replanting and Council will be reimbursed approximately 50% of the cost and the details have been provided in e-mails and memos to the Councillors but I am happy to provide them again.

Councillor Rundle asking:

To the Mayor

On Australia Day you held a very successful citizenship ceremony and the announcement of the Woollahra Citizen of the Year. Much of the reason for the success of the day was the involvement of Council staff in the organisation of the day, setting up and re-establishing the Council. Would you please write to all staff involved in the day and record same in your column?

Mayor in response:

Sure.

Councillor Rundle asking:

To the Director Technical Services

A resident who lives adjacent to the upper level of Cooper Park rang me last week to congratulate the Council for the restoration work undertaken to the Park. Could you please pass these congratulations on to the appropriate staff?

Director Technical Services in response:

I'd be happy to do so.

Councillor Rundle asking:

What steps have been undertaken in respect to consideration of the construction of a round a bout at the corner of Bay Street and Cross Street, Double Bay?

Director Technical Services in response:

Some planning has been done on that intersection. It followed the briefing to the Double Bay Chamber and Councillors late last year and a report will be brought to Council in the near future on that.

Councillor Sinclair King asking:

When is the next meeting of the Double Bay Working Party?

Director Planning and Development in response:

I propose that we have a joint meeting of the Double Bay and the Oxford Street Working Parties to consider the two reports that we will have on the business development issues in both Oxford Street and Double Bay. Council will be aware that there was a further resolution passed to conduct an owners survey in Double Bay. That has been commenced and will be completed shortly. The report on Oxford Street has not been received yet but I expect that this week so I hope to convene a meeting of the Working Parties on a Tuesday night next month, I know there are a number of Tuesdays already taken, to discuss the full reports on Oxford Street and Double Bay including the land owners survey. I hope to put all of these matters to the Working Parties mid to late February.

Councillor Sinclair King asking:

Could Councillors receive a report on the extensive poisoning of trees on the Babworth site at Darling Point in view of the very successful Babworth DCP which had an extensive landscape plan preserving and bonding many beautiful and mature trees? Have any charges been laid? Can a sign be erected in a highly visible location?

Director Technical Services in response:

We are pursuing the matter and should be able to provide a report shortly.

Councillor Cullen asking:

I have had requests from concerned residents that would like to see the fountain on the corner of Queen Street and Oxford Street flowing again? I understand this is a reticulated system, however would like to know if there would be any concerns with water waste or if it might be possible to reinstate the long extinct flow of water?

Director Technical Services in response:

It is in hand. I understood that it had already started but if not I will pursue that tomorrow.

Councillor Excell asking:

What is the progress of the restoration of the Watsons Bay Baths?

Director Technical Services in response:

There was a report to the working party on the various options for the development of the baths which was agreed upon. Subsequently there have been a number of technical investigations and some cost estimates, all of which are very close to finalisation and we should have a report to you very soon.

There being no further business the meeting concluded at 9.37pm.

We certify that the pages numbered 47 to 85 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 29 January 2007 and confirmed by Council at the ordinary Meeting of Council on 12 February 2007 as correct.

General Manager

Mayor