

# Council Meeting

Monday 12 May 2008

## Table of Contents

Items Determined Under Delegated Authority by Council Committees .....	1404
Confirmation of Minutes.....	1406
Leave of Absence.....	1406
Apologies .....	1406
Declarations of Interest.....	1406
Petitions.....	1407
Corporate & Works Committee .....	1408
R1 Oxford St & Glenmore Rd Footpath, Kerb & Gutter Reconstruction, Paddington .....	1408
R2 2007/2008 Budget Review for the Quarter ended 31 March 2008 .....	1408
Urban Planning Committee.....	1409
R1 Centre Management - Double Bay .....	1409
R2 Draft Paddington Heritage Conservation Area Development Control Plan.....	1410
Community & Environment Committee Matter of Urgency.....	1411
R2 Application as an Enforcement Agencies under the <i>Food Act 2003</i> .....	1411
Notices of Motion .....	1412
Questions Without Notice.....	1413

## **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 5 May 2008**

- D1 Confirmation of Minutes of Meeting held on 21 April 2008
- D2 Queens Ave, Vacluse - Proposed Road Closure and Sale
- D3 Customer Service and Communication Principal Activity - 3<sup>rd</sup> Quarter Management Plan Review
- D4 Environmental, Infrastructure and Stormwater Works Program - 3<sup>rd</sup> Quarter Management Plan Review
- D5 Organisation Support Principal Activity - 3<sup>rd</sup> Quarter Management Plan Review
- D6 Roads, Traffic and Transport Principal Activity - 3<sup>rd</sup> Quarter Management Plan Review
- D7 Cooper Street, Paddington
- D8 Wingadal Place Seawall Restoration
- D9 CD0 Update
- D10 2008-2011 Management Plan
- D11 Reconstruction and Upgrading of Watsons Bay Baths

### **Development Control Committee Meeting held on Monday 5 May 2008**

- D1 Confirmation of Minutes of Meeting held on 21 April 2008
- D2 DA716/2007 - 4 Ebsworth Road, Rose Bay – Demolition of existing dwelling and swimming pool, construction of a new dwelling and pool, landscaping and siteworks – 5/11/07
- D3 DA31/2003 Part 2 – 50 Edward Street, Woollahra – Section 96 Application – Proposed internal & external modifications including changes to the roof form, materials & windows & the addition of water tanks – 30/1/2008
- D4 DA723/2007 – 7-9 Bellevue Road, Bellevue Hill – Strata subdivision of building containing low cost dwellings & fire safety upgrade works – 7/11/2007
- D5 Local Performance Monitoring 2006-2007 Published by the NSW Department of Planning – 885.G Performance
- D6 Register of Current Land and Environment Court Appeals for Development Applications

### **Urban Planning Committee Meeting held on Monday 28 April 2008**

- D1 Confirmation of Minutes of Meeting held on 14 April 2008
- D2 Building Certificates – ‘Notice of Motion’ dated 26 November 2007

### **Community & Environment Committee Meeting held on Monday 28 April 2008**

#### **No Meeting**



# Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 12 April 2008 at 8.00pm.**

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

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)  
H Tola (Team Leader – Governance)

Also in Attendance: Nil

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## Confirmation of Minutes

**(Boskovitz/Comino)**

**1/8** THAT the Minutes of the Council Meeting held on 28 April 2008 be taken as read and confirmed.

**Adopted**

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## Leave of Absence

**Item No:** 1  
**From:** Councillor Christopher Dawson  
**Reason for Report:** Seeking leave of absence for all meetings of the Council and its Committees from 12 May 2008 to 23 May 2008 inclusive.

**(Petrie/Sinclair King)**

**2/8** That leave of absence for all meetings of the Council and its Committees be granted to Councillor Christopher Dawson for the period 12 May 2008 to 23 May 2008, inclusive.

**Adopted**

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## Apologies

**(Comino/Petrie)**

**3/8** Apologies were received and accepted from Councillors Marcus Ehrlich, Keri Huxley, John Walker and Leave of Absence granted.

**Adopted**

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## Declarations of Interest

Nil

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## Petitions

**Petition No:** 1  
**From:** Residents of Double Bay  
**Table by Councillor:** Petrie  
**File No:** 884.G 2008 and DA178/2008/1

The Petition was in terms, in part

*We the undersigned are members of the local community and we object to the proposed childcare centre at 61 Manning Road, Double Bay NSW based on the following grounds:*

- *Location*
- *Traffic Congestion*
- *Safety*

**Motion moved by Councillor Petrie**  
**Seconded by Councillor Shoebridge**

**4/8** That the petition lie on the table for fourteen (14) days and be considered by staff when they are assessing the development application.

**Adopted**

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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 5 May 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** Oxford St & Glenmore Rd Footpath, Kerb & Gutter Reconstruction, Paddington  
**Author:** Trent Scrivener – Project Engineer  
**File No:** Tender No 08/01  
**Reason for Report:** To recommend to Council the acceptance of a Tender

(Petrie/Comino)

**5/8 Resolved without debate:**

- A. That Council enter into a Lump Sum contract for \$280,567 (excl GST) with AYZ Landscapes & Civil (*subject to the results of a financial capability check*) for the footpath, kerb and gutter reconstruction along Oxford Street and Glenmore Road, Paddington.
- B. That Council note additional anticipated expenditure of \$19,350 for paver infills to service pit lids.
- C. That successful and unsuccessful tenderers be advised accordingly.

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**Item No:** R2 Recommendation to Council  
**Subject:** 2007/2008 Budget Review for the Quarter ended 31 March 2008  
**Author:** Michelle Phair – Team Leader Financial Services  
**File No:** 331.G  
**Reason for Report:** To report on the review of the 2007/2008 Budget for the quarter ended 31 March 2008

(Petrie/Comino)

**6/8 Resolved without debate:**

- A. THAT the report be received and noted and the variations to the Budget be adopted.
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## Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 28 April 2008 Submitted to the Council for Determination

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<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>Centre Management - Double Bay</b>
<b>Author:</b>	Allan Coker, Director Planning and Development
<b>File No:</b>	1178 & 1179.G
<b>Reasons for Report:</b>	<ol style="list-style-type: none"><li>1. To present for Council's adoption the Memorandum of Understanding between Council and the Double Bay Partnership.</li><li>2. To present for Council's information the draft Constitution and Rules of the Double Bay Partnership</li></ol>

(Comino/Shapiro)

**7/8 Resolved without debate:**

1. That Council note the Memorandum of Understanding (MOU) between Woollahra Council and the Double Bay Partnership committing both parties to work collaboratively together to advance Double Bay Commercial Centre through sustainable economic and social growth.
2. That the Mayor and General Manager be authorised to sign the MOU after the incorporation of the Double Bay Partnership.
3. That Council note the Constitution and Rules of the Double Bay Partnership.
4. That Council transfer matching funds, not exceeding \$200,000 to the Double Bay Partnership, when the General Manager, Mayor and the Double Bay Commercial Centre Working Party are satisfied as to the following:
  - a) that the Constitution and Rules of the Double Bay Partnership will provide a satisfactory framework for the operation of centre management under the umbrella of the MOU.
  - b) that the Double Bay Partnership has been incorporated as an association under the *Associations Incorporation Act 1984*
  - c) voluntary contributions by the business community of at least \$125,000 have been received and deposited into a bank account of the Double Bay Partnership Incorporated
  - d) that, in the event of termination of the Double Bay Partnership, the balance of any assets will be given to Council to be expended on activities for the benefit of the Double Bay commercial centre.
5. That Council establish a Review Committee with the roles and functions set out in clause 8 of the MOU.
6. That the Mayor appoint two Councillors to the Review Committee.

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7. That the Double Bay Commercial Centre Working Party be wound up following the incorporation of Double Bay Partnership under the *Associations Incorporation Act, 1984*.
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**Item No:** R2 Recommendation to Council  
**Subject:** **Draft Paddington Heritage Conservation Area Development Control Plan**  
**Author:** Chris Bluett - Manager Strategic Planning  
**File No:** 899.G  
**Reason for Report:** To report on the further public exhibition of the Draft DCP.  
To obtain the Council's approval of the Draft DCP.

(Comino/Shapiro)

**8/8 Resolved without debate:**

THAT Draft Paddington Heritage Conservation Area Development Control Plan 2008 as contained in **annexure 2** of the report to the Urban Planning Committee meeting on 28 April 2008 and subject to alterations listed in that report (including **annexure 5**) be approved and come into effect on the date a public notice of Council's approval is placed in the newspaper.

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## Community & Environment Committee

### Matter of Urgency

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**Items with Recommendations from the Committee Meeting of Monday 12 May 2008  
Submitted to the Council for Determination**

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**Item No:** R2 Recommendation to Council  
**Subject:** **Application as an Enforcement Agencies under the *Food Act 2003***  
**Author:** Tim Tuxford Manager - Compliance  
**File No:** 10.G  
**Reason for Report:** To determine what category of enforcement agency the Council will nominate for pursuant to the *Food Act 2003*, following a review of Council's current Environmental and Public Health functions.

**(Excell/Sinclair King)**

**9/8** THAT in accordance with Council's Code of Meeting Practice, Item R2 of the Community & Environment Committee Meeting held on 12 May 2008 be brought forward as a Matter of Urgency.

**Adopted**

**The Mayor ruled urgency.**

**(Excell/Sinclair King)**

**10/8 Resolved:**

A. That Council formally nominates to the NSW Food Authority to be appointed as an enforcement agency pursuant to the provisions of the *Food Act 2003*, with a 'Category B' responsibility.

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## Notices of Motion

**Item No:** 1  
**From:** Councillors Comino & Petrie  
**Date:** 5 May 2008  
**File No:** 900.G

**Note:** Late correspondence was tabled by Charlotte Feldman, President of the Darling Point Society.

**(Petrie/Comino)**

- 11/8** That a report be brought to Community & Environment Committee setting out Council's Tree Policy and suggested amendments to make it an up to date document.

Special attention to trees that cause view loss, including Council's own trees.

**Adopted.**

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**Item No:** 2  
**From:** Councillors Excell and Comino  
**Date:** 5 May 2008  
**File No:** 900.G

**(Excell/Comino)**

- 12/8** That having regard to the major waste problem created by the manufacture and disposal of plastic bottled water containers, Council investigate the feasibility of installing bubblers at all public venues where people gather, such as parks, children's playgrounds, sports fields, beaches, ferry wharves and at all public lavatories.

That a report be presented to the relevant committee, listing venues by priority, the cost, and a time line for the installation of bubblers.

**Adopted.**

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**Item No:** 3  
**From:** Councillors Comino & Petrie  
**Date:** 5 May 2008  
**File No:** 900.G

**(Comino/Petrie)**

- 13/8** A report be brought forward to the appropriate Committee of Council investigating any current controls covering road reserve areas and whether Council should develop a strategic plan for the public/private management of our road reserves, dealing with private encroachments onto Council's road reservations as well as the need to protect the streetscape and rockfaces where they exist at the streetscape within such road reservations.

**Adopted.**

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## Questions Without Notice Tabled Answers

**Item No:** 11  
**Subject:** Questions Without Notice  
**Author:** Gary James, General Manager  
**File No:** 467.G/Q01  
**Reason for Report:** To provide a response to Questions without Notice from Council Meeting of 28 April 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

**Motion moved by Councillor Petrie**

**Seconded by Councillor Boskovitz**

**14/8** That the responses to previous Questions without Notice be noted.

**Adopted**

**The following questions were asked:**

**Councillor Boskovitz asking:**

As you would know Boris Johnston was recently elected as the new Mayor of London. Would the Mayor be prepared to write on behalf of Council to Mr Johnston and congratulate him on his election to this high office?

**Mayor in response:**

If you provide me with a draft document, I will consider it.

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**Councillor Boskovitz asking:**

I have received correspondence from a resident adjoining Percival Park, Rose Bay stating that not much work had been done in regards to the rejuvenation of the park.

His particular concerns included:

- the light had not been fixed;
- the graffiti on his boundary wall facing the harbour has yet to be cleaned; and
- some debris which could potentially be dangerous and used in an inappropriate way has not been removed.

Could this situation be remedied hastily? Could I get an update on the works that have been done and what the plans are into the future?

**Director Technical Services in response:**

On Notice.

**Councillor Boskovitz asking:**

Could the Director Planning and Development please provide details on the amount of penalty notices issued to vehicles of the 5 wards within the Woollahra Municipal Council?  
Could he also provide the amount of revenue that is generated per ward from parking penalty notices issued?

**Director Planning and Development in response:**

On Notice.

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**Councillor Boskovitz asking:**

The Council had requested some funding from the State Government for the works that the Council propose to do at Gap Park. What is the status of this funding submission? Has the State Government got back to us on this matter yet?

**Director Technical Services in response:**

The application has been prepared and is being sent at the moment.

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**Councillor Comino asking:**

Are the high timber and chainwire fences now erected along the cliff leading to and away from the Gap installed by Council or the State Government? What is planned for the lower areas fencing remaining in place to the ocean side of the new enclosure fencing?

**Director Technical Services in response:**

On Notice.

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**Councillor Comino asking:**

Is Council aware of the exhibition titled "Flying Boats" being held at the Museum of Sydney May 10 to September 14, which centres around Rose Bay as home to Sydney's first international airport. As this year marks the 70<sup>th</sup> anniversary of the establishment of the Catalina Flying Boat Base at Lyne Park, Rose Bay, has Council planned any commemorative activities?

**Director Community Services in response:**

On Notice.

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**Councillor Sinclair King asking:**

I have received a letter concerning barking dogs at Marathon Mews and wish to tender this letter to Council.

**Mayor in response:**

I have a reply that I have signed tonight and it will be going out tomorrow. A copy will be given to you. A Notice of intention to declare the Dogs a Nuisance was issued on the 2 May 2008.

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**Councillor Sinclair King asking:**

Is Council aware that Woollahra residents who have submitted objections to the significant expansion of the Double Bay Marina are now no longer able to berth boats at the Marina, even if they require access to NSW Waterways swing moorings? To get to swing moorings you need to go from the Marina. Isn't the DA being promoted as a community asset?

**Mayor in response:**

The letter you are referring to was a commercial arrangement with the gentleman paying \$160 per month to access his swing moorings from that. I saw the letter as well. I think the General Manager has seen it as well. We are not promoting the DA at all, they are promoting it.

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**Councillor Excell asking:**

Could our regulatory officers please attend the Scotts Prep drop off line in a frequent adhoc manner as I have had several complaints regarding the unruly behaviour of the mummies while dropping off their children?

**Director Planning and Development in response:**

On Notice.

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**Councillor Excell asking:**

Do we supply facilities in public areas, parks, playgrounds for people to recycle of their disposable bottles?

**Director Technical Services in response:**

No.

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**Councillor Excell asking:**

Are our waterless urinals still waterless?

**Director Technical Services in response:**

On Notice.

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**Councillor Shapiro asking:**

Turning right from Bundarra Road into Victoria Road, there is a blind spot when cars are parked along Victoria Road close to the corner. Twice I have had near misses as I was half way across Victoria Road before I could see a car approaching. Please can we put a sign so that there is ample sight lines.

**Director Technical Services in response:**

I will refer the matter to Council's traffic section, with a report to the Traffic Committee.

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**Councillor Shapiro asking:**

There is a large boat parked in Victoria Road just off March Street. Although it is legally parked it blocks sight lines for cars from March Street. Please can we request it move further down Victoria Road?

**Director Technical Services in response:**

Not if it is legally parked.

**Mayor in further response:**

We can't do a thing, we cant even find out the owner.

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**Councillor Shapiro asking:**

A letter in the Wentworth Courier from Esther Vine, President of the resurrected Double Bay Theatre Committee asks Council to "listen to the community and fulfil our obligations" by re-opening the Double Bay theatre. Please can you respond?

**Mayor in response:**

I have responded to that letter, we had difficulty trying to track the lady down because she is not registered on the rolls, she is not a rate payer but we have sent a letter via the Wentworth Courier personally addressed to her and not the Courier, addressed to her explaining the situation to her and suggesting that she might address her concerns to the owners or Westfield.

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**Councillor Cullen asking:**

When will the jetty and pontoons at Rose Bay (old walkways for the floating restaurant) be removed?

**Director Technical Services in response:**

The removal is being organised by NSW Maritime. We understand that they have called tenders for a contractor. I would have to ascertain whether or not that contractor has been engaged to date.

**Mayor in further response:**

They took 9 months to move the floating restaurant.

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**Councillor Shoebridge asking:**

I have received correspondence from the owners of 88-90 Wolseley Road, Point Piper regarding the potentially unlawful pruning of a significant smooth barked Apple Tree on the harbour shore by a commercial tree pruning service at the direction of a third party. I enclose correspondence from the owner relevant to this issue.

**Director Technical Services in response:**

We have received the information today Mr Mayor and we will be instructing our solicitor tomorrow. We will first of all need to interview the Council officers who went to the site who is presently on an RDO today and there we will be action taken once we have been able to do that. I would point out however, that in order to obtain a prosecution we would need documentary evidence of who engaged the contractor and who the contractor was and we do not have either of these things at the moment.

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**Councillor Shoebridge asking:**

I have received two letters from two different residents who because they objected to the Double Bay Marina had their access to the Marina denied them explicitly because they had exercised their right to object to the Marina's development. Does Council have anyway of protecting residents from this behaviour?

**General Manager in response:**

I am happy to take the question on notice and ask the question, but my response is that it is not a matter for the Council. I think we would be concerned about that action, but we are not the applicant and it is a matter between the commercial operators and the person that is using the mooring

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**Councillor Petrie asking:**

On behalf of the board of Point Zero could you thank the staff, especially Kylie Walshe's department for the extra \$5,000 grant given to this very important charity and cause?

**Mayor in response:**

Thank you, I will do that with pleasure.

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There being no further business the meeting concluded at 8.50pm.

*We certify that the pages numbered 1403 to 1418 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 12 May 2008 and confirmed by Council at the ordinary Meeting of Council on 26 May 2008 as correct.*

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**General Manager**

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**Mayor**