

Council Meeting

Monday 25 June 2007

Table of Contents

Items Determined Under Delegated Authority by Council Committees	1421
Confirmation of Minutes	1423
Leave of Absence	1423
Apologies	1423
Declarations of Interest	1423
Mayoral Minute	1424
1. Queen's Birthday Honours 2007	1424
Corporate & Works Committee	1426
R1 Confirmation of Minutes of Meeting held on 4 June 2007	1426
R2 Secure Wireless Internet Service.....	1426
R3 Monthly Financial Report - May 2007.....	1427
R4 Bad Debt Write Off	1427
R5 2007/2010 Management Plan.....	1428
R6 Woollahra Preschool Subsidy	1429
R7 Lease of Stratum of Part of Oswald Lane adjoining 14 New Beach Road, Darling Point.....	1429
R8 The Cosmopolitan Centre Ground Lease - 2-22 Knox Street Double Bay	1431
R9 Five Ways, Paddington Streetscape Project – Electrical Works	1432
Development Control Committee	1433
R1 4, 6 & 8 Patterson Street, Double Bay – Demolition of 3 dwellings & construction of seven townhouses with underground parking & associated land- scaping - 23/10/2006	1433
R2 18-20 Oxford Street, Woollahra – New canopy/awning, signage, relocate A/C condenser unit & change of business hours – 3/4/2007.....	1435
Urban Planning Committee	1447
R1 Public Domain Improvements - Double Bay Commercial Centre.....	1447
R2 Review of Development Control Plan for Schools and Colleges	1449
R3 Strategic Planning Working Party Matters.....	1450
Community & Environment Committee	1451
R1 Paddington Waste Service.....	1451
R2 Queen Street Woollahra Carpark Improvements	1452
Notice of Motion	1453
Questions Without Notice.	1454

Items Determined Under Delegated Authority by Council Committees

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

Corporate & Works Committee Meeting held on Monday 18 June 2007

Nil D Items

Development Control Committee Meeting held on Monday 18 June 2007

- D1 Confirmation of Minutes of Meeting held on 4 June 2007
- D2 DA734/2006 – 4, 6 & 8 Patterson Street, Double Bay – Demolition of 3 dwellings & construction of seven townhouses with underground parking & associated landscaping – 23/10/2006 - (See Item R1)
- D3 DA687/2006 – 41 Glenview Street, Paddington – Alterations & additions to existing dwelling including demolition of existing car-port, construction of garage to the rear & new landscaping – 29/9/2006
- D4 DA19/2007 – 5 & 6/40 Wunulla Road, Point Piper – Creation of attic level with balconies for use by upper floor units – 9/1/2007
- D5 DA774/2006 – 11 Drumalbyn Road, Bellevue Hill – Demolition of existing dwelling house, swimming pool & outbuildings & erection of new dwelling-house, swimming pool, landscaping & siteworks – 16/11/2006
- D6 DA686/2006 – 12 Pacific Street, Watsons Bay – Alterations & additions to existing dwelling-house & garage & construction of new pool, spa & deck – 29/9/2006
- D7 DA473/2006 – 53 New Beach Road, Darling Point – Section 82A Review of Refusal – 4/4/2007
- D8 DA193/2007 – 85 Ocean Street, Woollahra – Replace existing signage – 30/3/2007
- D9 DA198/2007 – 18-20 Oxford Street, Woollahra – New canopy/awning, signage, relocate A/C condenser unit & change of business hours – 3/4/2007 - (See Item R2)
- D10 DA54/2005 Part 2 – 5 Glendon Road, Double Bay – Section 96 Application – Proposed internal & external modifications – 2/2/2007
- D11 DA588/2005 – 342-350 New South Head Road, Double Bay – Demolition of 3 existing retail & commercial buildings & construction of new 4 storey retail & commercial building with basement car parking – 23/9/2005
- D12 Register of Current Land and Environment Court Appeals for Building and Development Applications

Urban Planning Committee Meeting held on Monday 12 June 2007

- D1 Confirmation of Minutes of Meeting held on 28 May 2007

Community & Environment Committee Meeting held on Monday 12 June 2007

- D1 Confirmation of Minutes of Meeting held on 28 May 2007
- D2 Woollahra Traffic Committee Minutes - 5 June 2007



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 25 June 2007 at 8.00pm.**

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

Staff: B Daintry (Acting Director – Planning & Development)
D Johnston (Acting Director – Corporate Services)
Z Marolia (Acting Director – Technical Services)
G James (General Manager)
K Walshe (Director – Community Services)
L Windle (Manager – Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Shoebridge/Martin)

- 1/11 THAT the Minutes of the Council Meeting held on 12 June 2007 be taken as read and confirmed.

Adopted

Leave of Absence

(Shoebridge/Comino)

- 2/11 That leave of absence for all meetings of the Council and its Committees be granted to Councillor Tanya Excell for the period 2 July 2007 to 17 July 2007, inclusive.

Adopted

Note: Leave of Absence has previously been granted to Councillor Ehrlich.

Apologies

(Shoebridge/Comino)

- 3/11 Apologies were received and accepted from Councillors Boskovitz and Petrie and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Mayoral Minute

Mayoral Minute No: 1

Subject: Queen's Birthday Honours 2007

Author: Cr Keri Huxley, Mayor

File No: 13.G/5

Reason for Report: To inform the Council of the local recipients of the Queen's Birthday Honours

(Comino/Gardner)

Resolved:

4/11 That letters of congratulations, signed by the Mayor and General Manager on Council letterhead, be forwarded to the following recipients of the 2007 Queen's Birthday Honours:

- i. Mr David Michael GONSKI, AC, AO
- ii. Professor Judith Lee BLACK, AO
- iii. Mr Mark Douglas BURROWS, AO
- iv. Professor Colin Nicholson CHESTERMAN, AO
- v. Mr Terrey Philip ARCUS, AM
- vi. Professor Richard Hamilton FISHER, AM
- vii. Mr Richard William GIBB, AM
- viii. Ms Belinda Jane HUTCHINSON, AM
- ix. Mr William Richard THORPE, AM
- x. Mr Albert Alexander SELIG, OAM
- xi. Mrs Karoline ZOLSHAN, OAM

I am pleased to inform the Council that eleven (11) residents of Woollahra were among those persons honoured in the recent Queen's Birthday Honours. They are:

Companion (AC) in the General Division

- i. *Mr David Michael GONSKI, AC, AO*
For service to the arts through charitable support and the development of policy initiatives, to business and commerce as a company director, to education, and to the community through a range of philanthropic endeavours.

Officer (AO) in the General Division

- ii. *Professor Judith Lee BLACK, AO*
For service to medicine, particularly as a researcher and teacher in the field of respiratory pharmacology, and through executive and other roles in research related organisations.
- iii. *Mr Mark Douglas BURROWS, AO*
For service to the corporate sector in leading the development of nationally uniform corporate law and financial market regulation, and to the arts through contribution to theatre.

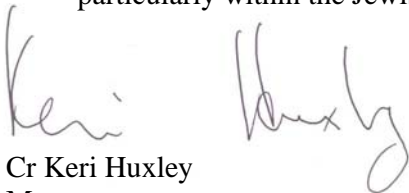
- iv. *Professor Colin Nicholson CHESTERMAN, AO*
For service to medicine and medical research, particularly in the fields of vascular biology, to education, and to the support of national and international professional organisations.

Member (AM) in the General Division

- v. *Mr Terrey Philip ARCUS, AM*
For service to the community through advisory roles with major cultural organisations and philanthropic support for health, education and art organisations.
- vi. *Professor Richard Hamilton FISHER, AM*
For service to the legal profession, to law reform in relation to insolvency and the protection of creditor rights, and to the community.
- vii. *Mr Richard William GIBB, AM*
For service to people with an intellectual disability, particularly through executive roles with the Inala school; to the accountancy profession; and to education and youth organisations.
- viii. *Ms Belinda Jane HUTCHINSON, AM*
For service to business through a range of executive roles in the finance sector, and to the development of financial planning and fundraising initiatives for cultural, medical and social welfare organisations.
- ix. *Mr William Richard THORPE, AM*
For service to the entertainment industry as a musician, songwriter, producer, and as a contributor to the preservation and collection of contemporary Australian music.

Medal (OAM) in the General Division

- x. *Mr Albert Alexander SELIG, OAM*
For service to the Jewish community in Sydney.
- xi. *Mrs Karoline ZOLSHAN, OAM*
For service to the community through a range of charitable and welfare organisations, particularly within the Jewish community.



Cr Keri Huxley
Mayor

Annexures:

nil

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 18 June 2007 Submitted to the Council for Determination

Item No: R1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 4 June 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 4 June 2007 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/Shoebridge)

Resolved without debate:

- 5/11** That the Minutes of the Corporate and Works Committee Meeting of 4 June 2007 be taken as read and confirmed.
-

Item No: R2 Recommended to Council
Subject: **Secure Wireless Internet Service**
Author: Nabil Saleh
File No: 900.G
Reason for Report: Response to Notice of Motion

(Martin/Shoebridge)

6/11 Resolved without debate:

1. That the planned secure wireless network to allow internet access in Council's customer service areas be extended to cover all public meeting rooms.
 2. That wireless internet access be provided on 24 hour basis without password protection for Councillors and customer convenience.
-

Item No: R3 Recommended to Council
Subject: **Monthly Financial Report - May 2007**
Author: Tracey Walker, Financial Accountant
Michelle Phair, Acting Finance Manager
File No: 987G
Reason for Report: To present the monthly financial report for May 2007

(Martin/Shoebridge)

7/11 Resolved without debate:

- A. THAT the monthly financial report for May 2007 be received and noted.
- B. THAT in reporting the monthly Financial Report for June a comparison be made, in dollar terms, of the additional interest earned compared to the bench mark rate as a result of the changed Investment Policy and the move to investment advisors.

Item No: R4 Recommendation to Council
Subject: **Bad Debt Write Off**
Author: Michelle Phair, Acting Manager Finance
File No:
Reason for Report: To seek approval to write-off long-term debts of greater than \$5,000 which are considered not recoverable.

(Martin/Shoebridge)

8/11 Resolved without debate:

- A. THAT the debts detailed in confidential Annexure 1 to this report, totalling \$69,601, be written off as bad debts against the provision for doubtful debts.
- B. THAT the amount above which debts are required to be written off by resolution of Council be increased to \$25,000.

Item No: R5 Recommendation to Council
Subject: 2007/2010 Management Plan
Author: Don Johnston
Acting Director Corporate Services
File No: 827G 2007/2010 and 331G 2007/2008
Reason for Report: For the Committee to make a recommendation regarding the approved 3.4% rate increase, review the submissions received following public exhibition of the management plan and make a recommendation regarding the adoption of the 2007 - 2010 Management Plan.

(Martin/Shoebridge)

9/11 Resolved without debate:

1. THAT, subject to the Minister approving Council's application for a special rate variation, Council adopt the exhibition copy of the Draft Management Plan 2007 – 2010 as its Management Plan 2007 – 2010, incorporating a 3.4% allowable rate increase and 6.29% special variation into Rating Structure Scenario 1
 2. THAT, subject to the Minister approving Council's application for a special rate variation, Council make and levy the Rates set out in the Rating Structure incorporating a 3.4% allowable increase and 6.29% special variation
 3. THAT, subject to the Minister approving Council's application for a special rate variation and Council's determination of the percentage increase to be taken up, a further report be prepared recommending the activities and projects to be reinstated in the 2007/2008 Budget
 4. THAT, in the event Council's special variation application is not approved, or approved in part, a further report be presented quantifying the reduction in special levy income and proposing a means of addressing the reduction in income.
 5. THAT the allocation of the additional \$100,000 be referred to the workshop in July.
-

Item No: R6 Recommendation to Council
Subject: **Woollahra Preschool Subsidy**
Author: Kylie Walshe
File No: 45.G, p19
Reason for Report: To seek approval to affix Council's Seal to the NSW Department of Community Services Service Agreement 2007-2008 for the subsidy to Woollahra Preschool, and further, to affix the Seal to the Section 127 Certificate (NSW Industrial Relations Act 1996).

(Martin/Shoebridge)

Resolved without debate:

10/11 That Council's Seal be affixed to:

1. the Service Agreement between Woollahra Municipal Council and the NSW Department of Community Services, and
2. the Section 127 Certificate - (Remuneration Payment Certificate) certifying that Council has remunerated all employees and contractors, in accordance with Section 127 of the New South Wales Industrial Relations Act 1996.

Item No: R7 Recommendation to Council
Subject: **Lease of Stratum of Part of Oswald Lane adjoining 14 New Beach Road, Darling Point**
Author: Anthony Sheedy – Property Officer
File No: 327.14
Reason for Report: To recommend the granting of a lease of road stratum to the adjoining owners of 14 New Beach Road, Darling Point, and entering into a Deed of Agreement to Lease during the construction period.

Note: Late correspondence was tabled at the meeting from Greg and Ruby Penn and Anthony Sheedy, Council's Property Officer.

Motion moved by Councillor Shoebridge
Seconded by Councillor Sinclair King

That the matter be referred back to the next meeting of the Corporate and Works Committee and that notice of the meeting be forwarded to Mr and Mrs Penn, the applicant and all other interested parties.

Amendment moved by Councillor Walker
Seconded by Councillor Martin

That the recommendation be adopted.

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

11/11 Resolved:

- A. That Council enter into an Agreement for Lease with Gregory William Solomons and Andrew Peter Solomons in respect of the garage construction on the stratum of land below the surface of the road portion adjoining 14 New Beach Road, Darling Point.
- B. That Council enter into a Lease with Gregory William Solomons and Andrew Peter Solomons, subject to Council's satisfaction as to completion of the garage on the stratum of land below the surface of the road portion adjoining 14 New Beach Road, Darling Point, and in accordance with the Roads Act, 1993.
- C. That the term of the lease be twenty years with an option to renew for a further twenty years.
- D. That the lease have a commencement rental of \$2,700 per annum plus GST, with review to market on every fifth anniversary of the commencement date of the lease and annual review to CPI in the intervening years. The lessee is to pay all outgoings, including but not limited to all rates and taxes.
- E. That the lessee is to pay all Council's lease preparation costs, including but not limited to advertisement, valuation, reasonable legal fees and survey, etc associated with the stratum lease.

Note: A Division was called by Councillors Shoebridge and Sinclair King

For the Motion

Councillor Comino
Councillor Martin
Councillor Dawson
Councillor Walker
Councillor Rundle
Councillor Shapiro
Councillor Cullen
Councillor Huxley

Against the Motion

Councillor Gardner
Councillor Excell
Councillor Sinclair King
Councillor Shoebridge

8/4

Item No: R8 Recommendation to Council
Subject: **The Cosmopolitan Centre Ground Lease - 2-22 Knox Street Double Bay**
Author: Zubin Marolia - Manager Property and Projects
File No: 269.2 part 14
Reason for Report: To seek approval to affix Council's seal to all necessary legal documents for the commercial arrangement with Gloxinia Pty Ltd, previously approved by Council.

(Martin/Shoebridge)

12/11 Resolved without debate:

- A. That certification from Minter Ellison Lawyers, that the documents protect the Council's interests, be noted.
 - B. That Council authorise the Mayor and General Manager to sign and affix the seal of the Council to all the legal agreements between Council and Gloxinia Investments Pty Ltd in relation to the redevelopment of the Cosmopolitan Centre Double Bay, subject to further certification advice from Council's Lawyers that the liquidated damages matter has been resolved in the interests of Council.
 - C. That Council not require that the Bay Room and Chamber of Commerce areas have separate staircase access from Bay Street but that the common staircase access be included in the Council stratum.
 - D. That Gloxinia be required to pay \$400,000, excl GST, in addition to the amounts already approved by Council in February 2006. This payment to be made with the first instalment payment for the residential strata component.
 - E. That following Council's decisions in relation to this matter all supporting reports (except confidential annexures) be made public.
-

Item No: R9 Recommendation to Council
Subject: **Five Ways, Paddington Streetscape Project – Electrical Works**
Author: Alan Opera - Manager Public Infrastructure
File No: Tender 07/05
Reason for Report: To report on options for electrical undergrounding works at Five Ways Streetscape Project, Paddington

(Martin/Shoebridge)

13/11 Resolved:

- A. That Council proceed with electrical works for the Five Ways Streetscape Project in accordance with Option 2, being removal of power poles around the intersection and installation of underground lines to adjacent poles for the amount of \$625,000 in addition to the previously approved contract sum.
 - B. That the above works be funded by the deferral of the three infrastructure renewal projects identified in the report.
-

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 18 June 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **4, 6 & 8 Patterson Street, Double Bay – Demolition of 3 dwellings & construction of seven townhouses with underground parking & associated landscaping – 23/10/2006**

Author: Damian O’Toole - Assessment Officer

File No: DA734/2006

Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the matter being called by Councillor Shoebridge for the following reasons:

1. The assessment made in the report is principally against the now-defunct Kiaora Lands development and, given that the development will not be built, the assessment is defective.
2. The building is excessive in its FSR and this building bulk presents poorly both in terms of the blockish east-west elevation and in terms of the minimal front setback; and
3. The minimal and non-compliant front set-back represents an unacceptable loss of soft landscaping and an unacceptable loss of future green canopy in the area.

In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the matter being called by Councillor Gardner for the following reasons:

1. Over-development
2. Excessive height
3. Extensive excavation

Note: Late correspondence was tabled by Council’s Brett Daintry - Manager of Development Control & Peter & Maggie Babilis.

**Motion moved by Councillor Shoebridge
Seconded by Councillor Martin**

That the application be refused.

**Amendment moved by Councillor Excell
Seconded by Councillor Comino**

That Council defer consideration of DA 576/2001 in order to allow the applicant to confer with Council staff in order to address the issues of excessive floor space ratio, overshadowing, lack of articulation, the development being too close to the street and too close to the rear.

Councillor Excell subsequently withdrew her Amendment.

**Amendment moved by Councillor Comino
Seconded by Councillor Dawson**

That Council defer consideration of DA 576/2001 in order to allow the applicant to confer with Council staff in order to look at articulation and modification of the design to meet the issues that have been raised by Council in Committee which were:

1. the building is excessive in its FSR and the building bulk presents poorly to the east-west elevation and in terms of the minimal front setback,
2. the minimal and non complaint front setback presents an unacceptable loss of soft landscaping and an unacceptable loss of future green canopy in the area.

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

14/11 Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, refuse development consent to Development Application No 734/2006 for demolition of 3 dwellings and construction of seven townhouses with underground parking and associated landscaping on land at 4, 6 & 8 Patterson Street, Double Bay for the following reasons:

1. that the objection under SEPP1 in relation to the FSR is not well founded and not supported,
2. the application is an excessive and inappropriate development having regard to the following:
 - a. excessive floor space ratio
 - b. excessive footprint
 - c. inadequate front setback
 - d. excessive excavation
 - e. poor articulation and presentation to east and west
 - f. the series of non compliances and excesses have a detrimental amenity impact on the neighbourhood and adjoining residences.

Item No: R2 Recommendation to Council
Subject: **18-20 Oxford Street, Woollahra – New canopy/awning, signage, relocate A/C condenser unit & change of business hours – 3/4/2007**
Author: John Saszczak - Assessment Officer
File No: DA198/2007
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 (approval) of the Development Control Committee to the Officer’s recommendation (refusal).

(Comino/Shoebridge)

15/11 **Resolved without debate:**

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant development consent to Development Application No. 1978/2007 for new canopy/awning, signage and relocate A/C condenser unit & change of business hours on land at 18-20 Oxford Street, Woollahra, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 80 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning and Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to section 79C of the Act.

Standard Condition: A1

A.2 Definitions

Unless specified otherwise words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

Applicant means the applicant for this Consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or *AS/NZS* means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs published by the Southern Sydney Regional Organisation of Councils).

Stormwater Drainage System means all works, facilities and documentation relating to:

- a. The collection of stormwater,
- b. The retention of stormwater,
- c. The reuse of stormwater,
- d. The detention of stormwater,
- e. The controlled release of stormwater; and
- f. Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

PCA means the *Principal Certifying Authority* under the *Act*.

Principal Contractor has the same meaning as in the *Act* or where a *principal contractor* has not been appointed by the *owner* of the land being developed *Principal Contractor* means the *owner* of the land being developed.

Professional Engineer has the same meaning as in the *BCA*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same mean as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

WLEP 1995 means *Woollahra Local Environmental Plan 1995*

Work for the purposes of this consent means:

- a. the use of land in connection with development,
- b. the subdivision of land,
- c. the erection of a building,
- d. the carrying out of any work,
- e. the use of any site crane, machine, article, material, or thing,
- f. the storage of waste, materials, site crane, machine, article, material, or thing,
- g. the demolition of a building,
- h. the piling, piling, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- i. the delivery to or removal from the *site* of any machine, article, material, or thing, or
- j. the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: Interpretation of Conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.
Standard Condition: A2

A.3 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp "Approved DA Plans" **unless modified by any following condition**. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
LF-02.01	Architectural Plans	GPR Design	23/3/2007
LF-01.07	Architectural Plans	GPR Design	23/3/2007

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A5

A.4 Prescribed Conditions

Prescribed conditions in force under the *Act* and *Regulation* must be complied with.

Note: It is the responsibility of those acting with the benefit of this consent to comply with all prescribed conditions under the *Act* and the *Regulation*. Free access can be obtained to all NSW legislation at www.legislation.nsw.gov.au
Standard Condition: A30

A.5 Air conditioning

No approval is given or implied by this consent for the relocation of any air conditioning unit.

B. Conditions which must be satisfied prior to the demolition of any building or construction

No conditions applicable.

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)

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 Plus any relevant indexed amounts and long service levy		

Building & Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building & Construction Industry Long Service Payment Act, 1986*, must be paid and proof of payment provided to the *Certifying Authority* prior to the issue of any *Construction Certificate*.

Note: The Levy can be paid directly to the Long Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or by telephoning the Long Service Payments Corporation on 13 14 41.

How must the payments be made?

Payments must be made by:

- a. Cash deposit with Council,
- b. Credit card payment with Council, or
- c. 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.
Standard Condition: C5

C.2 Road and Public Domain Works – Council approval required

This development consent does NOT give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to and approved by *Council* under the *Roads Act 1993*, before the issue of any *Construction Certificate*.

Specific works include:

- a. Awning over footpath.

All public domain works must comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 unless expressly provided otherwise by these conditions. This specification can be downloaded from www.woollahra.nsw.gov.au.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: *Road* has the same meaning as in the *Roads Act 1993*.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

Standard Condition: C13

D. Conditions which must be satisfied prior to the commencement of any development work

D.1 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

The erection of the building in accordance with this development consent must not be commenced until:

- a. a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b. the person having the benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and

- ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1. the principal certifying authority has, no later than 2 days before the building work commences:
- i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- b2. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv. given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Note: *building* has the same meaning as in section 4 of the *Act* and includes part of a building and any structure or part of a structure.

Note: *new building* has the same meaning as in section 109H of the *Act* and includes an altered portion of, or an extension to, an existing building.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 82A(2) of the *Act* (including the need for a *Construction Certificate*) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: *Construction Certificate* Application, *PCA Service Agreement* and *Notice of Commencement* forms can be downloaded from Council's website www.woollahra.nsw.gov.au.

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 81A(2) of the *Act*.
Standard Condition: D15

E. Conditions which must be satisfied during any development work

E.1 Compliance with Building Code of Australia

For the purposes of section 80A (11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

- a. that the work must be carried out in accordance with the requirements of the Building Code of Australia,

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the Regulation, or
- b. to the erection of a temporary building.

In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

Standard Condition: E1

E.2 Hours of Work –Amenity of the neighbourhood

- a. No *work* must take place on any Sunday or public holiday,
- b. No *work* must take place before 7am or after 5pm any weekday,
- c. No *work* must take place before 7am or after 1pm any Saturday, and
- d. No piling, piercing, cutting, boring, drilling, rock breaking, rock sawing, jack hammering or bulk excavation of land or loading of material to or from trucks must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday.
- e. No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Note: The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

Note: Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement out side the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

Note: EPA Guidelines can be down loaded from <http://www.epa.nsw.gov.au/noise/nglg.htm> .

Note: See http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf

Standard Condition: E6

E.3 Maintenance of Vehicular and Pedestrian Safety and Access

The *principal contractor* or *owner builder* and any other person acting with the benefit of this consent must:

- a. Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b. Not use the road or footway for the storage of any article, material, matter, waste or thing.

- c. Not use the road or footway for any *work*.
- d. Keep the road and footway in good repair free of any trip hazard or obstruction.
- e. Not stand any plant and equipment upon the road or footway.

This condition does not apply to the extent that a permit or approval exists under the section 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 of the *Local Government Act 1993* except that at all time compliance is required with:

- a. Australian Standard AS 1742 (Set) Manual of uniform traffic control devices and all relevant parts of this set of standards.
- b. Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Any road closure requires Police approval.

Note: Section 138 of the *Roads Act 1993* provides that a person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the council including:

Part C Management of Waste:

- “1. For fee or reward, transport waste over or under a public place
- 2. Place waste in a public place
- 3. Place a waste storage container in a public place.”

Part E Public roads:

- “1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
- 2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.
Standard Condition: E7

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Change of building use of existing building requires occupation certificate (section 109N of the Act)

A person must not effect a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part.

Standard Condition: F2

F.2 Fire Safety Provisions

Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000 Council as the consent authority requires the building to be brought into **partial** conformity with the Building Code of Australia as the measures contained in the building are inadequate to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and to restrict the spread of fire from the building to other buildings nearby. The following works shall be completed and compliance certificates submitted together with a final fire safety certificate to council **prior to the issue of an occupation certificate**.

- (a) Portable fire extinguishers shall be installed within the building in accordance with AS 2444.2001
- (b) Fire blankets shall be installed within the building in accordance with AS 2444.2001
- (c) The building shall not be used for any habitable purpose.

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

No conditions applicable.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

H.1 Covenant for Private Works on Council Property

A positive covenant, pursuant to Section 88E of the *Conveyancing Act*, must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions, and the on-going maintenance of any private structures on Council property for which consent has been given, such as steps, retaining walls, access ways.

The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Land Property Information Office prior to the issuance of any Occupation Certificate.

Note: The required wording of the Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au. The PCA must supply a copy of the WAE Plans to Council together with the *Occupation Certificate*. No *Occupation Certificate* must be issued until this condition has been satisfied.condition has been satisfied.

Standard Condition: (Autotext HH19)

I. Conditions which must be satisfied during the ongoing use of the development

I.1 Trading hours

Trading hours are limited to:

- a. Monday to Friday 10.00am to 6.00pm extended to 8.00pm on Thursdays
- b. Saturday 10.00am to 6.00pm
- c. Sunday and Public Holiday 10.00am to 4.00pm

Reason: This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

Note: This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches may be restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws.
Standard Condition: I2

I.2 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to Council and the Commissioner of the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Note: *Essential fire safety measure* has the same meaning as in clause 165 of the *Regulation*. *Annual fire safety statement* has the same meaning as in clause 175 of the *Regulation*. Part 9 Division 5 of the *Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety www.woollahra.nsw.gov.au.
Standard Condition: I22

J. Miscellaneous Conditions

No conditions applicable.

K. Advisings

K.1 Criminal Offences – Breach of Development Consent & Environmental laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws are also a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent; and/or
- Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the *Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. You can obtain further information from the following web sites:

<http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's www.agd.nsw.gov.au.
Standard Advising: K1

K.2 Builders Licences and Owner Builders Permits

Section 81A of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a *principal contractor* for residential building work who must be the holder of a contractor licence.

Further information can be obtained from the NSW Office of Fair Trading website about how you obtain an owner builders permit or find a principal contractor (builder):

<http://www.dft.nsw.gov.au/building.html> .

The Owner(s) must appoint the PCA. The PCA must check that Home Building Act insurance is in place before the commencement of building work. The Principal Contractor (Builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the Home Building Act 1989 for the residential building work.

Standard Condition: K5

K.3 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact:

John Saszczak, Assessment Officer on (02) 9391 7090

However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14

K.4 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 80A of the *Act*.

The securities will not be released until a *Final Occupation Certificate* has lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.

Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.

Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the Bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Application for Refund of Security form can be downloaded from
<http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>
Standard Condition: K15

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 12 June 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Public Domain Improvements - Double Bay Commercial Centre**
Author: Greg Stewart - Project Manager Strategic Projects & Policy
File No: 527.G Part 19
Reason for Report: Double Bay Public Domain Improvement Program

(Rundle/Comino)

16/11 Resolved without debate:

- A. That Council endorse the following Public Domain Improvement Program of Works for the Double Bay Commercial Area:
1. Replacement of paving where affected by EnergyAustralia's network upgrade or to rectify deficient or damaged paving.
 2. Replacement planting or upgraded landscaping.
 3. New South Head Road (A)
 - a. Remove clutter of sign poles, decorative streetlight standards, streetlight/power poles, traffic light standards and replace with a rationalised layout of multi-function poles at regular intervals to carry signs, street lighting, decorative lights, hanging baskets, traffic lights where required and decorative banners. The decorative banners will provide colour and movement in the street, promote local events from time to time and emphasise the curve of the road through Double Bay.
 - b. Carry out gateway treatments at the eastern and western approaches to Double Bay comprising footpath widening, clustering of banner poles and entry signage. This will announce that you have entered the Double Bay Shopping Centre and lead into the banner pole avenue treatment.
 - c. Replace the stained white pavers on the north side with grey pavers to match the side streets, in the Double Bay pattern.
 4. New South Head Road (B)
 - a. Explore with the RTA and STA the potential for footpath widening by removing one or both clearways or retaining the clearways and having a moveable centre line (marked by lights) and a report to be submitted to the Urban Planning Committee.

5. Goldman Lane, Gumtree Lane and Short Street: Upgrade footpaths, kerb and gutter and road pavements, including raised threshold treatments at the entrances to the lanes and a raised pavement to create a pedestrian plaza outside the new south entrance to the refurbished Cosmopolitan Shopping Mall.
 6. Kiaora Lane: Upgrade footpaths, kerb and gutter and road pavements, including raised threshold treatment to create a pedestrian plaza outside Woolworths.
 7. Cross Street carpark footpath and forecourt.
 8. Guilfoyle Park and Knox Street: Extend the footpath east into Bay Street, install new paving and upgrade the planting.
 9. Install lighting in selected street trees, such as major fig tree specimens in Bay Street, Cross Street and Transvaal Avenue.
 10. Install welcome and way-finding signage at key intersections and entry points.
- B. That it be noted that Kiaora Lane is to be constructed with funds currently available in this years Capital Works Budget.
- C. That the following projects be carried out with the funds currently allocated in the Draft 2007 / 2008 Capital Works Budget for streetscape improvement works in Double Bay:
- 1 The reinstatement of footpaths disturbed as a result of the works being carried out by EnergyAustralia
 - 2 The replacement of the sections of footpath paving identified as being in poor condition
 - 3 The installation of multi function banner poles in New South Head Road
 - 4 Gateway treatments at either end of New South Head Road
 - 5 The reconstruction of Gumtree Lane, Goldman Lane and Short Street.
- D. That the remaining projects in the Public Domain Improvement Program of Works be carried out as funds can be made available.
-

Item No: R2 Recommendation to Council
Subject: **Review of Development Control Plan for Schools and Colleges**
Author: Tom Jones, Urban Design Planner
File No: 1197.G/ Part 1
Reason for Report: To respond to a recommendation from the Strategic Planning Working Party on 30th January 2007 to review the current Development Control Plan for Schools and Colleges.

Motion moved by Councillor Shoebridge
Seconded by Councillor Gardner

That the recommendation be adopted with the inclusion of an additional part 3 to read as follows:

3. That there be a general planning principle that we retain the existing open space in our schools and colleges.

Amendment moved by Councillor Rundle
Seconded by Councillor Martin

That the recommendation be adopted

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

17/11 Resolved:

1. That Council resolve to prepare a new Development Control Plan for Schools and Colleges generally in accordance with the conclusions set out in the report to the Urban Planning Committee on 12 June 2007.
 2. That the draft DCP for Schools and Colleges be presented to the Urban Planning Committee for consideration prior to public exhibition.
-

Item No: R3 Recommendation to Council
Subject: **Strategic Planning Working Party Matters**
Author: Tom Jones Urban Design Planner
File No: 1167.G WP 1
Reason for Report: Informing the Urban Planning Committee of the matters discussed at the Strategic Planning Working Party.

(Rundle/Comino)

18/11 Resolved without debate:

1. That the matters discussed by the Strategic Planning Working Party be noted.
 2. That reporting on the potential need for regulation regarding the transitions between residential zonings is postponed until the determining of the Billgate case.
-

Community & Environment Committee

**Items with Recommendations from the Committee Meeting of Monday 12 June 2007
Submitted to the Council for Determination**

Item No: R1 Recommendation to Council
Subject: **Paddington Waste Service**
Author: Mark Ramsay – Manager Depot and Waste Services
File No: 588.G
Reason for Report: To inform Councillors of the results of the survey of residents regarding their attitude to a change to the current garbage service in Paddington/West Woollahra and to make recommendations.

(Martin/Gardner)

19/11 Resolved:

- A. That the current 55 litre twice a week collection in Paddington be altered in March 2008 to a 120 litre once a week collection or, where the resident so chooses, a one or two 55 litre, once a week, service.
 - B. That a letter be sent to all affected households setting out the reasons for the change and the environmental and amenity benefits which it will bring, and offering to consult with households to address individual needs where necessary.
 - C. That the changes be notified in the Wentworth Courier and Mayoral Column.
-

Item No: R2 Recommendation to Council
Subject: **Queen Street Woollahra Carpark Improvements**
Author: Jake Matuzic - Team Leader Infrastructure Assets Management
File No: 131 and 373.109
Reason for Report: Council resolution requiring a further report

(Excell/Martin)

20/11 Resolved without debate:

- A. THAT Council proceed with the Queen Street Woollahra Car Park Improvements project in accordance with the current Management Plan and Budget.
 - B. THAT the unexpended 2006/2007 budget provision be carried forward for completion of the project in the 2007/2008 financial year.
-

Notice of Motion

Item No: 1
From: Councillor Sinclair King
Date: 12 June 2007
File No: 900.G

(Sinclair King/Martin)

- 21/11** That a report be brought to the appropriate Committee on upgrading or replacing all parking meters within the municipality to allow the use of credit cards.

Adopted

Item No: 2
From: Councillor Sinclair King
Date: 12 June 2007
File No: 900.G

Note: Late correspondence was tabled by Kate Dowling President of The Double Bay Chamber of Commerce.

(Sinclair King/Shoebridge)

- 22/11** That a report be brought to the appropriate Committee regarding options for the introduction of free 15 minute parking from Council's parking meters.

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 12 June 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Motion moved by Councillor Comino
Seconded by Councillor Martin

23/11 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Comino asking:

When can we expect a reply to my Question without Notice detailing aspects of the Eastern Region Strategy as discussed in your meeting with Minister Sartor last month.

Mayor in response:

I have some notes that Mr Coker sent me, so I will make a note and forward that to you.

Councillor Comino asking:

To the Director Community Services

Following an earlier question regarding the withdrawal of adult dental services from July 1. Are you aware Sydney Dental Hospital will cease to provide dental care to residents of Woollahra and adjoining Municipalities except in cases of traumatic injury?

Director – Community Services in response:

Yes, I am, and we have actually received a reply back saying it has been noted. I will forward that reply onto you.

Councillor Comino asking:

In respect of my question to the Director – Community Services, did you receive any reply to the letters you wrote to the Premier, Minister of Health and Shadow Minister of Health and on the subject?

Director – Community Services in response:

Yes we did.

Councillor Rundle asking:

On walking to site inspection last Thursday I noticed that along Kambala and Victoria Roads, Bellevue Hill that the refuse bins had promotional material for the NSW Police on what appeared to be a A4 sheet of paper – the Police promo occupied one half the other half was an advertisement for NRMA Home Insurance, or a dump bin service or an eco service. I noticed today walking along Edgecliff Road that the refuse bins just had the Police promotional material on what appeared to be a half A4 sheet.

Has Council approved this promotional activity and if so does Council receive a fee?

Alternatively, if permission has not been sought is it within Council's domain to request the cessation of such practice or alternative receive a fee for such activity?

General Manager in response:

The first promotion referred to was the one that involved the NRMA and Dial-a-Dump and Eco Service and was commenced without any reference or permission from us. We made contact with them and they have actually ceased that promotion. We are doing our level best to remove those stickers from the bins. It is not an easy job. The one that actually involves Crime Stoppers with the Council logo is done by permission and in conjunction with the Council.

Councillor Shapiro asking:

While the Cross Street Car Park lift is out of order, please can we set aside several more bays for cars with prams on the lower ground level? From personal experience, I assure you it is very awkward and also unsafe to wheel a pram up and down the car ramps?

General Manager in response:

We can look at that.

Councillor Shapiro asking:

How many car parking spaces have been lost in Bellevue Road as a result of the traffic calming works? A recent article in the Wentworth Courier quotes a local shopkeeper as saying up to 6 spaces have been lost?

Acting Director Technical Services in response:

On notice.

Councillor Shapiro asking:

Last year residents who used the ferry to McKell Park complained about a lack of lighting and also the dangers of tripping on the gravel path following any rain. I was told by the Manager – Open Space that money had been set aside in the budget and lighting would be installed before the winter months, as part of a plan for the Park.

I was amazed to learn that nothing has been done and in these recent rains it was fortunate there were no incidents. Please can you investigate when the plan will be implemented as it seems to be a dangerous situation?

Acting Director Technical Services in response:

I will.

Councillor Sinclair King asking:

When will the lifts be repaired in the Cross Street Car Park and why the delay for the repairs?

Acting Director Technical Services in response:

An order has been placed with Schindler. The parts have been ordered because the lift has been very extensively damaged, the motor and all the electrical components have had to be replaced and they are being manufactured as we speak by Schindler in Switzerland. The earliest they can do is 18 weeks. It is almost a brand new lift that we will be getting.

The Mayor, Councillor Huxley stated:

At the Double Bay Liaison meeting last Friday the issue of the lift came up. We spoke about the fact that we were not going to be ripping that building down. It is going to be there for quite some time, so long as it is structurally sound but there was probably going to be a good case to actually put a new lift in and to refurbish the lift well which everyone was complaining about, the smell of urine from people who, obviously for what ever they do, but they are quite disgusting and there was a huge 2 inches of water in the base of part of the lift which people could not even step into the stair well. It was really disgusting. What I think is we really need to ask Warwick Hatton or have the General Manager actually look at the costings for a new lift and to refurbish that, seeing as we are not going to be pulling it down in the shorter term.

General Manager in response:

I am happy to look at that, I was not aware that there was something like an 18 week delay, I just need to understand if it is something like an 80% return from insurance and given the balance maybe funded probably out of Section 94, I would be prepared to have a look at that to see if we could expedite a new lift. Until I have the full costings I cannot give you a definite answer.

Councillor Cullen asking:

The temporary fencing along New South Head Road (Rose Bay near the promenade) has led to dangerous pedestrian behaviour. People seem to be walking along the road into oncoming traffic. Is there any way to improve this situation or to improve the signage before someone is seriously hurt?

Mayor in response:

It will be looked at tomorrow.

Councillor Cullen asking:

To the Mayor

Could you please set up a meeting with the Management of NSW Ferries to discuss timetable concerns with our Municipality?. These were outlined in my earlier Notice of Motion and we have struggled to get any action on this matter?

Mayor in response:

On notice.

Councillor Shoebridge asking:

What if any consideration has been given to the potential spread of the noxious weed Caulerpox Toxifolia in the Rose Bay Marina proposal noting in particular that the risk of spread of this noxious weed was a principal reason for the Minister for Planning not approving a similar scale marina at Careel Bay, Avalon?

Acting Director – Planning & Development in response:

On notice.

There being no further business the meeting concluded at 9.09pm.

We certify that the pages numbered 1420 to 1458 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 25 June 2007 and confirmed by Council at the ordinary Meeting of Council on 9 July 2007 as correct.

General Manager

Mayor