



# Ordinary Council Meeting

**Agenda:** *Ordinary Council Meeting*

**Date:** *Monday 14 April 2008*

**Time:** *8.00pm*

# Woollahra Municipal Council

## Notice of Meeting

10 April 2008

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

Dear Councillors

### **Council Meeting – 14 April 2008**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 14 April 2008 at 8.00pm.**

Gary James  
General Manager

## Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	31 March 2008
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3.	Declarations of Interest	
4.	Late Correspondence	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	7 April 2008
	R1 Fisher Ave Vacluse Drainage Works	1
	R2 Energy Performance Contract	
	R3 Investments Update	
	<b>Note: Confidential recommendation issued under separate cover</b>	
9.2	Development Control Committee	7 April 2008
	R1 DA606/2005 Part 2 – 54 Kings Road, Vacluse – Section 96 Application – Proposed modification addition of plant room & addition of louvered openings – 12/9/2007	3
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9.4	Community & Environment Committee	31 March 2008
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	R2 Review of Community Grants Policy & Guidelines	
	R3 Draft Energy Savings Action Plan	
10.	Rescission Motion	Nil
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## 9.1 Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 7 April 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** Fisher Ave Vaocluse Drainage Works  
**Author:** Joe Cavagnino, Purchasing Coordinator  
**File No:** Tender No 07/09  
**Reason for Report:** To recommend to Council the acceptance of a Tender

**Recommendation:**

- A. That Council enter into a Contract with Eco Civil Constructions Pty Ltd) for Fisher Avenue Drainage Works) for the sum of \$185,780.35 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

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**Item No:** R2 Recommendation to Council  
**Subject:** Energy Performance Contract  
**Author:** Rebecca Peacock – Environmental Protection Coordinator  
**File No:** Tender 07/06  
**Reason for Report:** Outcome of the Detailed Feasibility Study of Council sites and recommendation to enter into an Energy Performance Contract.

**Recommendation**

- A. THAT Council enter into an Energy Performance Contract with Energy Conservation Systems contained as annexure 2 of the report to Corporate and Works Committee meeting on 31 March 2008.
  - B. That the energy conservation measures be funded from Council's Property Reserve.
  - C. That further reports be provided on progress in implementing the energy conservation measures.
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**Item No:** R3 Delegated to Committee  
**Subject:** **Investments Update**  
**Author:** Gary James, General Manager  
**File No:** 389.G  
**Reason for Report:** To update the Committee on Council's investments.

**Recommendation:**

That the Corporate and Works Committee endorse the decision taken in closed session.

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## 9.2 Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 7 April 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** **54 Kings Road, Vaucluse – Section 96 Application – Proposed modification addition of plant room & addition of louvered openings – 12/9/2007**

**Author:** Simon Taylor – Senior Assessment Officer

**File No:** DA606/2005 Part 2

**Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal) to the officers recommendation (approval).

**Recommendation:**

THAT Council, as the consent authority, refuse to modify development consent to Development Application No. 606/2005 part 2 for the demolition of the existing dwelling and construction of new dwelling; landscaping and site works on land at 54 Kings Road Vaucluse, for the following reasons:

1. The proposed development involves extensive unauthorised works.
2. Inadequate natural ventilation is provided to the habitable areas of the lower ground floor of the building.
3. Inadequate information has been provided, including the absence of an acoustic report and plans, to enable a proper assessment of the application.
4. The proposed development results in there being an excessive floor space ratio.
5. The proposed development results in there being excessive excavation.
6. The proposed development will adversely impact on the acoustic privacy of 56 Kings Rd.
7. The proposed development is not in the public interest.

**Item No:** R2 Recommendation to Council

**Subject:** **41 Cascade Street, Paddington - Section 96 Application – Proposed modification including modifications to balcony to the rear, reconstruction of shed, deletion of rear deck & modification to rear courtyard layout – 11/1/2008**

**Author:** Caroline Owen - Assessment Officer

**File No:** DA318/2005 Part 2

**Reason for Report:** In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (refusal) to the officers recommendation (approval).

**Recommendation:**

- A. THAT Council, as the consent authority, refuse to modify development consent to Development Application No. 318/2005 part 2 for mixed residential/commercial on land at 41 Cascade Street Paddington, for the following reasons:
- unacceptable proposal for concrete slabs and a steel balustrade to the rear, not compatible with materials recommended in the DCP
  - issues of access and egress
  - unacceptable intensification
  - not in the public interest
- B. THAT the drawing and photographs tabled at the meeting be referred to the Manager of Compliance to investigate the unauthorised works shown in the drawing and photographs.
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## 9.3 Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 31 March 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** 98B Bellevue Rd, Bellevue Hill  
**Author:** Susan O'Neill – Strategic Heritage Officer  
Chris Bluett – Manager Strategic Planning  
**File No:** 1080 [G] BH  
**Reason for Report:** To respond to the Council decision made on 13 December 2004, deferring the inclusion of 98B Bellevue Rd, Bellevue Hill as a heritage item in Schedule 3 Local Environment Plan 1995, to allow further consideration of objections and reports from the property owner.

**Recommendation:**

- A. THAT 98B Bellevue Rd, Bellevue Hill not be listed as a heritage item.
  - B. THAT the heritage inventory sheet for 98B Bellevue Rd, Bellevue Hill be amended to include the Council's decision.
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## 9.4 Community & Environment Committee

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### Items with Recommendations from the Committee Meeting of Monday 31 March 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommended to Council  
**Subject:** Holdsworth Street Community Centre - 2008-2009 Strategic Plan  
**Author:** Kylie Walshe  
**File No:** 126.6  
**Reason for Report:** To report on the 2008 Strategic Plan for Holdsworth Street Community Centre.

**Recommendation:**

- A. That Council note the quarterly financial report for Holdsworth Street Community Centre for the quarter ending 31 December 2007 and congratulate the organisation for the service growth and improvements.
- B. The Council support in principle the Holdsworth Street Community Centre 2008 -2009 Strategic Plan.
- C. That Council reaffirm the Funding and Management Agreement and consider the budget request by Holdsworth Street Community Centre in its deliberations for the 2008/2009 budget.

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**Item No:** R2 Recommendation to Council  
**Subject:** Review of Community Grants Policy & Guidelines  
**Author:** Kylie Walshe – Director Community Services  
**File No:** 30.G  
**Reason for Report:** Review of the procedure for the allocation of community grants through the Community Grants Program.

**Recommendation:**

- A. That Council continue the current procedure for the allocation of Community Grants in the 2008/09 financial year, with some minor amendments to the Policy, Guidelines and procedures.
- B. That an extensive review of the Community Grants Program be undertaken in accordance with the Social & Cultural Plan 2008, once adopted.
- C. That Council allocate \$40,372 from the Holdsworth Community Centre reserve to additional community grants as detailed in this report.

**Item No:** R3 Recommended to Council  
**Subject:** **Draft Energy Savings Action Plan**  
**Author:** Rebecca Peacock - Environmental Protection Coordinator  
**File No:** 990.G  
**Reason for Report:** To present the draft Energy Savings Action Plan for endorsement of final draft status by Council.

**Recommendation:**

- A. THAT the draft Energy Savings Action Plan, including the optional components, contained in annexure 2 of the report to the Community and Environment Committee Meeting on 31 March 2008, be endorsed for the purpose of referral to the Minister of Utilities for approval.
  - B. That a further report be brought to the Committee on the progress in implementing the Energy Savings Action Plan including initiatives that could see Council achieve a ranking of best practice in the Local Government Industry.
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## Notices of Motion

**Item No:** 1  
**From:** Councillor Shoebridge  
**Date:** 10 April 2008  
**File No:** 900.G

1. That Council supports and endorses the Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2007;
  2. Council calls on the NSW Parliament to immediately pass the Bill to help halt the corrupting influence of developer donations in the NSW political system;
  3. That Council urge the Bill be passed promptly to ensure developer donations do not influence the outcome of the September 2008 Council elections in NSW.
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**Item No:** 12  
**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 31 March 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.  
And to provide a response to Questions without Notice from Council Meeting of 25 February 2008 which have not previously been reported to Council.

**Recommendation:**

That the responses to previous Questions without Notice be noted.

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**Background:**

The provision for Councillors to ask Questions Without Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

- (1) *As a standard practice, "Questions Without Notice" shall be listed in all agendas of Ordinary Meetings of Council*
- (2) *Questions shall be in writing.*
- (3) *The Mayor shall direct the question to the General Manager or responsible Division Head; or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.*
- (4) *If the answer to a question can be given immediately then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (whether in writing and direct to the Enquirer, or by means of a report to an appropriate Committee, or otherwise.)*
- (5) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions Without Notice" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions Without Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions Without Notice from 25 February 2008 not previously reported to Council are as follows:

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**Councillor Comino asking:**

Concerning the lawyers report on 4 – 8 Patterson Street, Double Bay:

- a) Why has it taken some two (2) months for our lawyers to provide their analysis of the judgement?
- b) Why has the report not addressed the merit issues in details but rather seems to concentrate on attributing blame to others, in particular a court appointed expert?

**Director - Planning and Development in response:**

This QWN was referred to Deacons for comment prior to finalising my reply.

Q.1. Why has it taken two months for our lawyers to provide their analysis of the judgment?

In their response of 12/03/08 Deacons advised that the judgment was not published until 26/01/08. Their initial report on the outcome of the case was provided on 31 January and a further report was provided on 7/2/08. The further report was provided in response to my request since the 31/01/08 report was not provided in the format required in Council's tender document for the provision of legal services.

Q.2. Why has the report not addressed the merit issues in detail but rather seems to concentrate on attributing blame to others, in particular a court appointed expert?

In their response of 12/03/08 Deacons advised that they did not blame, except for a statement made by Commissioner Brown. They indicate that their statement was factually correct but was not intended to focus significant blame on the Commissioner. They also confirmed that they were not critical of the expert evidence in the proceedings provided by Mr Shiels and Ms McCabe.

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**Councillor Comino asking:**

In relation to the hearing and judgement on 4 – 8 Patterson Street, Double Bay, when that matter was listed for hearing, the court directed joint reports be filed by the 30/11/2007 and no further expert evidence be adduced other than Ms Sonter's report.

How then did Council's lawyers believe his evidence could have been given for Council, contrary to the courts direction? In what way did Council's lawyers misinform the hearing dates? Why was Council not notified of Mr Rowan's unavailability to give evidence, at the full Council meeting of the 17<sup>th</sup> December 2007?

**Director - Planning and Development in response:**

Mr Rigg advised that since Mr Rowan has prepared draft conditions of consent the Court would permit the parties to give evidence in support of or objection to draft conditions. This is explained in the letter dated 12 March 2008 from Deacons. As of 17 December 2007 Mr Rowan was available to give evidence.

It was not Deacons who misinformed Mr Rowan of the hearing date. That mistake was made by a Council officer.

**Councillor Petrie asking:**

How much weight did you and our lawyers put on the objectors consultant (Anthony Betros of ABC Planning) to cause a complete flip flop in the case midstream of 4 – 8 Patterson Street?

Why did you and our lawyers believe that the Court would hear Anthony Rowans evidence when even I a mere Councillor, told the Council on 17 December 2007 “that there was no way the Court would listen to them and they didn’t”. Why was Anthony Rowan engaged by Council and by whose instigation was he engaged.

The lawyers report after two (2) attempts is not satisfactory, will you request a further report detailing their flip flop of the century from recommending consent orders to defend without them blaming everybody else.

**Director - Planning and Development in response:**

By e-mail of 29/02/08 I requested Peter Rigg from Deacons to respond to the matters raised in this question.

On 12/03/08 we received a detailed response from Mr Rigg, a copy of which was distributed to Councillors on 26/03/08. The questions raised are answered as follows:

Q.1 How much weight did you and our lawyers put on the objectors consultant (Anthony Betros of ABC Planning) cause a complete flip flop in the case mid stream of 4-8 Patterson Street?

In their response Deacons indicate that they placed no weight on Mr Betros's evidence. The change in position between the first and second prospects advice was due to the further report from Mr Rowan and due to matters that were raised in relation to the SEPP 1 objection by the Director of Planning.

Q.2. Why did you and our lawyers believe that the Court would hear Anthony Rowan's evidence?

Our lawyers were not instructed to file a Notice of Motion to call Mr Rowan because our understanding was that the Court would allow Mr Rowan to give evidence in relation to his draft conditions of consent. Mr Rigg advised that the participation of Mr Rowan at the appeal was a valid expectation and to which the applicant could not have raised sustainable objection.

Q.3. Why was Anthony Rowan engaged by Council and by whose instigation was he engaged?

I engaged Anthony Rowan because I was not happy with the joint expert's report. In my opinion neither the applicant's expert, Mr Shiels or the Court appointed expert, Ms McCabe had applied the correct tests to the SEPP 1 objection. This opinion was confirmed to be correct in Mr Rigg's second prospect's advice.

Q.4. The lawyers report after two (2) attempts is not satisfactory. Will you request a further report detailing their flip flop of the century from recommending consent orders to defending without blaming everybody else?

On 29/02/08 Deacons were requested to provide a further report. The outcome of that request was their letter of 12/03/08 which has been distributed to Councillors.

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**Responses to Councillors Questions Without Notice to Council on 31 March 2008 are as follows:**

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**Councillor Boskovitz asking:**

Percival Park on Collins Avenue, Rose Bay has fallen into a desperate state of disrepair as a result of a combination of a lack of care as well as anti-social behaviour by people often affected by alcohol. Could we possibly make the following arrangements:

1. Repair the lights at the park to illuminate it more so as to ensure that unruly behaviour is less likely to occur.
2. replace the missing sign which states that no alcohol is to be at the park after sunset.
3. remove any debris from the broken lights as well as any other debris which could be used to vandalise the park.
4. look into cleaning the park to rectify it into some sort of condition which invites people to visit it during the day.
5. clean the graffiti off the walls adjoining the park as well as the sea wall outside No. 11 Collins Avenue.
6. write a letter to the police asking them to more closely monitor the park on weekend evenings and other times which they see fit.
7. look into the possibility of installing new lighting which would provide for a safer environment and less anti-social behaviour.
8. look into lopping the canopy of a few of the trees in the park adjoining Collins Avenue so the street lights are more easily able to illuminate the roadway and footpath to attempt to prevent anti-social behaviour.

**Manager Parks & Street Trees in response:**

I have inspected Percival Park and report the following:

The park is the property of Sydney Water but is maintained by Woollahra Council under a licence agreement which commenced in the 1940s. I have notified Energy Australia of their damaged park lights. The broken debris from the damaged park light has been removed. I have ordered a new no alcohol sign for the second light pole. Regular park maintenance is scheduled to occur in week 15 (7 to 11 April 2008). I will arrange for the Hibiscus tiliaceus tree to be uplifted to allow more light throw to the path area. In addition, Parks staff will undertake a replanting of the understorey as a 2008 winter project. The graffiti removal contractor has been notified. I have written to Rose Bay Police requesting that they more closely monitor anti-social behaviour in this area. We will review appropriate lighting treatment for this area.

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**Councillor Boskovitz asking:**

I was recently down at the Cooper Park nets and noticed that one of the nets was badly damaged, mainly behind the wicket. The damage was so bad that when I played and missed (which was quite regularly) the ball would invariably get between the gaps and roll out onto the road.

Could we repair this as soon as possible because it is quite dangerous for both the vehicles driving past as well as the cricketers walking on the road to retrieve the ball?

**Manager Parks & Street Trees in response:**

I have organised for repairs to the cricket nets in Lower Cooper Park.

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**Councillor Boskovitz asking:**

Could the Director please let the appropriate staff know about the following pot holes:

1. at the roundabout on Fitzwilliam Road and Hopetoun Avenue, Vacluse,
2. at the corner of Girilang Avenue and New South Head Road, Vacluse.

and get them repaired as soon as possible?

Could the Director also request his staff to go on a walk along Captain Pipers Road, Vacluse to investigate the condition of the road and repair the potholes that I have observed recently?

**Asset Maintenance Engineer in response:**

Both locations require traffic control, and a specialised machine to undertake the preparation works. The locations will be attended by Friday 11 April 2008, have temporary repairs undertaken, then scheduled for permanent road repairs accordingly. The final repair should be undertaken prior to 30 May 2008.

None of the locations appear to be on the 5 year capital works program and will be forwarded to the Team Leader Assets for review.

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**Councillor Comino asking:**

What is the current state of preparation by Council and its lawyers for the hearing on the Rose Bay/Point Piper marinas development application?

**Director Planning and Development in response:**

This matter is listed for hearing by the Court commencing 15 April 2008. Councillors were provided with an update on current status in our Cr Briefing Notes on 31 March 2008. On 4 April 2008 our Executive Planner, Peter Kauter provided a further update by e-mail.

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**Councillor Comino asking:**

Would you write to Mr Michael Rolfe who last week stepped down from the position of President of the Vaucluse Progress Association after some 25 years of service in that position to the Woollahra Community?

**Mayor in response:**

If you write the letter for me I will be more than happy to send it to Mr Rolfe.

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**Councillor Comino asking:**

I have tried on a number of occasions to have Energy Australia rectify a streetlight that has continuously been flashing on and off since removal of a telegraph pole a few weeks ago. Is there a more effective method of contacting Energy Australia via Council to achieve an effective response?

**Manager Public Infrastructure in response:**

This refers to a flickering light on south west corner of Hopetoun Avenue and Petrarch Avenue. A request has been lodged with Energy Australia as a high priority service – Energy Australia advise that with high priority service it will be repaired within 12 working days.

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**Councillor Huxley asking:**

It has been brought to my attention that owners of a property in Windsor Street have demolished their front heritage fence and stripped the upper floor of its original balustrade. Could somebody please report to this Council on that?

**Manager Compliance in response:**

The property in question is 98 Windsor Street Paddington. A 'Notice of Intention to Give an Order' was served on the owner of the property on 2 April 2008, providing 14 days for representations to be made. The terms of the proposed Order require the following work to be undertaken with 28 days;

- "1. Reduce the height of the brick pillars and fence at the front of the property, so as to match the height of the front brick pillars at number 96 Windsor Street, Paddington.
2. Remove the palisade fence and gate to the front of the property.
3. Remove the balustrade to the first floor balcony.
4. Remove the front entry door to the dwelling.
5. Reinstate traditional iron lacework frieze to the first floor and ground floor barge boards.
6. Reinstate a traditional cast iron balustrade to the first floor balcony.
7. Reinstate a traditional iron palisade fence and gate to the front of the property, so as to match the style and height of number 96 Windsor Street, Paddington.
8. Reinstate a traditional four panel, late Victorian front entry door to the dwelling."

A copy of Council's 'Notice of Intention to Give an Order' has also been sent to the PCA for the development.

**Councillor Huxley asking:**

Given that this Council has spent a great deal of money on upgrading the safety and amenity aspect of 5 Ways, it is extremely disappointing to walk around and have a look at what has occurred there. With the best of intentions by our Technical Services Department, what we are now looking at is, we have seen some old kerbs gone, some stones gone, some new work concrete from about the 1920's or 30's has gone and now we have rolled white concrete kerbing. It is appalling. The speed humps do not comply with our RTA standards and the general finish and quality is of a very poor standard. Could the Director of Technical Services inform Council whether the works are able to be redeemed and the works be brought up to a quality expected of by the Woollahra community?

**Director Technical Services in response:**

I do not accept the Councillor's assertions. As noted, the Council has spent money upgrading the safety and amenity of the Five Ways. The outcomes are that footpaths have been greatly extended and leveled, the stone paving is a significant improvement over the previous mix of asphalt and concrete, trees, and more recently ground planting, have been introduced, the street lighting is vastly improved, the traffic appears to be circulating satisfactorily, the existing pedestrian crossing has been greatly improved and two more crossings added, and the power poles and lines have disappeared.

These works, including the under grounding of overhead power lines by a separate sub-contractor, were carried out within a very short time frame in very difficult circumstances while trying to maintain traffic circulation and shop access to the maximum extent possible and the finished work is generally not, as claimed, " of a very poor standard". Councillor Huxley is well aware that we are pursuing with the contractor the rectification of some defects, the most significant of which have been the reshaping of two of the speed humps and associated paving and the reconstruction of the stone steps by the hotel. These are also difficult works to carry out while maximising vehicle and pedestrian access. At the conclusion of the rectification works, the paving will be cleaned and sealed.

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**Councillor Martin asking:**

When will the new bin system commence in Paddington?

**Manager Depot & Waste Services in response:**

The bin roll out is due to commence the week beginning 19 May 2008. The service commencement date is set for the first week of June. Both dates are dependant on the delivery of the new garbage trucks required for the service. Affected residents will be advised closer to the actual dates.

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**Councillor Martin asking:**

Has there been any progress with the relevant parties to recreate a north/south pedestrian access way through White City? What will happen when the Grammar fields open? Will the informal path be reinstated as an interim measure?

**Director Planning and Development in response:**

The informal path is there and will remain there, but I will take the question On notice.

**Councillor Martin asking:**

All Paddington Councillors received a letter from a Mr Everard requesting medical costs of \$101 due to an ankle. How are we to reply?

**Manager Risk Control & Safety Services in response:**

The matter is being investigated.

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**Councillor Sinclair King asking:**

As requested previously, could you invite Howard Tanner, heritage architect and incoming president of the Australian Institute of Architects, to address Councillors on the relevance and advantages of heritage listing properties and to speak generally on heritage matters?

**Director Planning and Development in response:**

Arrangements will be made to organise a workshop to cover the matters raised.

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**Councillor Sinclair King asking:**

I have received, as have other Councillors, summaries of recent Land and Environment Court proceedings. What we should do and how we should do it when we spend \$19,000 in the Land and Environment Court on legal fees to be told that development standards in Woollahra Council have virtually been abandoned or destroyed by Council's own actions in granting consents and hence compliance with the standard is unnecessary and unreasonable. What can we do as Councillors to strengthen our controls?

**Director Planning and Development in response:**

This QWN relates to an appeal in response to the council refusal of a DA for the erection of a 5 storey apartment building containing four large units and a 9 car garage at Nos.42 and 42a Wolseley Road Point Piper. In the judgement granting consent to the development the Court noted that the property to the south at 38 Wolseley Road is presently being developed by a 6 level, 4 storey residential flat building with an approved FSR of 1.49: 1 in an area where the FSR control is 0.625:

The Court indicated that the evidence shows that the existing character of the locality is more dense than the controls allow. It said that, "the long term outcome of this is that the future character envisaged by the council's standards will never be achieved in this precinct. This is borne out by a consistent pattern of old and very recent approvals by Council of developments that exceed the same statutes to a greater extent and with obviously more impact in some cases, than the proposal, e.g. No. 38 Wolseley Road adjoining." The Court in dealing with 42,42A Wolseley Road therefore considered the Council's approval of No. 38 as a relevant consideration and no doubt this had some influence on its decision to grant consent to No. 42,42A. It is clear that the court did not see fit to apply our controls because it considered they would not produce a realistic or appropriate outcome for the site, being too restrictive in the context of what already exists and because they had not been consistently applied by Council. In these circumstances Council should review its planning controls for this precinct. This process should include detailed research into existing densities (FSRs) and the recasting of FSRs that better reflect existing built form. It is suggested that this matter be placed on the agenda of the next meeting of the Strategic Planning Working Party.

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**Councillor Sinclair King asking:**

I have also read in detail the letter dated 12 March 2008 from Deacons about 4-8 Patterson Street. I am wondering what the position is. I was really curious to read, as it transpired, that no instructions were received by counsel about a request to file a notice of motion and somebody told Mr Rowan of the dates of the hearing yet gave him the wrong dates for the hearing.

Have we replied to this letter, if we have not replied, perhaps it should be put on the agenda for DCC.

**Director Planning and Development in response:**

There were previous Questions Without Notice on this matter relating to 4-8 Patterson Street. Two from Councillor Petrie and one from Councillor Comino. They are not published in the business paper tonight but I have answered those questions and they will appear in the next Council business paper. My suggestion is that if there are any further questions, given the amount of correspondence and e-mails that have occurred between ourselves and Deacons on this matter, that there be some form of meeting with Deacons on this rather than continuing with our correspondence. I think that would be a more useful way of dealing with the issues in this case.

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**Councillor Dawson asking:**

Double Bay Public School is anxious to have flashing lights to emphasise the danger of the crossing from the school across William Street to Styne Park. School children are constantly using this crossing. How can we persuade the RTA to the urgency of this matter?

**Mayor in response:**

I can indicate that on Friday I attended with Mr Opera of Council, Mr Debnam the local member and the acting Principal and we discussed that steps are proceeding forward to ensure we end up with a safer system

**Director Technical Services in further response:**

It is one of the best sign posted and best visibility crossings near a school in the Municipality. That does not mean that we can't make improvements to it, but it is not the grave safety situation that the school is trying to suggest.

**Manager Public Infrastructure in further, further response:**

We have looked at both the pedestrian crossing in William Street and the one in Cross Street. A CRMS has been forwarded for hazard boards to be removed on both crossings, for pedestrian signs in Cross Street to be upgraded to Fluoro signs, and for signs to be relocated where appropriate to improve visibility. Additionally a letter has been forwarded to the RTA's School Safety Section to consider flashing lights and/or a raised crossing in William Street.

**Councillor Shapiro asking:**

It has been noted by an elderly resident that it is difficult for some elderly to go up and down the stairs to the buses at Edgecliff. She has suggested either a lift or escalators be installed. Please can we respond?

**Director Planning and Development in response:**

On notice.

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**Councillor Shapiro asking:**

Can we please repair the large number of pot holes in the car park at Lyne Park?

**Coordinator Civil Works in response:**

The work is scheduled for the week ending Friday 11 April 2008 with sawcutting commencing on Tuesday 8 April 2008.

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**Councillor Shoebridge asking:**

What steps have been taken to ensure residents seeking to support Council's refusal of the Rose Bay marina application can effectively participate in the proceedings before the Court if they choose and how will residents be informed of any such action?

**Director Planning and Development in response:**

I have indicated that I will send out a briefing to Councillors on where we are up to on that appeal but I can advise there will be a meeting on Wednesday 9 April and at that meeting our solicitors will be attending and briefing residents as to the appeals process. I can also advise Council that we have sent out, in the order of about 1,500, letters to all persons who made submissions in relation to that application and that letter has asked them to indicate to our lawyers whether or not they would like to give evidence. I understand as of today's date we have around about 25 people who have indicated that they wish to give evidence. There may be more. We have written to residents to inform them of that meeting and that will be followed up by, as necessary, with phone calls or e-mails.

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**Councillor Shoebridge asking:**

Do we have in place a review of the poor pedestrian access from Woollahra and Bellevue Hill to Bondi Junction train station, bus interchange and shopping centre? If not, is one intended to be done in the near future?

**Director Technical Services in response:**

We have a pedestrian ramp program and when high desired routes are brought to our attention we then develop pedestrian ramps along that route. If that is one of those routes we will look into it.

**Councillor Petrie asking:**

I refer to my Question Without Notice and your response. Councillor Walker has informed me that all signs in the Colleagues car park have been painted black to hide the parking times. Can you activate a lasting solution?

**Manager Public Infrastructure in response:**

Parking surveys to be conducted on 5, 6 and 12 April 2008 to ascertain extent of problem and the impact of residents on the carpark.

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**Councillor Petrie asking:**

The good burghers of Bellevue Hill Shopping Centre tell me that the road in the shopping centre was being surveyed for re-sheeting. Could it be done in winter with plenty of notice to all? By signage in the centre?

**Director Technical Services in response:**

The road is being surveyed for the urban design scheme which is being developed for the shopping centre. That will be reported shortly to Council and to the local community and we will then be talking about program dates.

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Gary James  
General Manager

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**Annexures:**

Nil