



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 29 October 2007*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

25 October 2007

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 – 29 October 2007

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 29 October 2007 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

		Page
1.	Confirmation of Minutes – Ordinary Meeting	8 October 2007
	Confirmation of Minutes – Strategic & Corp Committee	22 October 2007
	Confirmation of Minutes – Extraordinary Meeting	22 October 2007
2.	Leave of Absence and Apologies	1
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	15 October 2007
	R1 Financial Reports for the Year Ended 30 June 2007	2
	R2 Report on Notice of Motion to Limit the Casting Vote of Chairman of Committees	
	R3 Water Craft Storage Fees	
9.2	Development Control Committee	15 October 2007
	R1 88-90 Wolseley Road, Point Piper – Demolition of existing dwelling & construction of new 3 storey dwelling including swimming pool & landscaping – 14/2/2007	4
9.3	Urban Planning Committee	8 October 2007
	R1 Rezoning Proposal at 4A Nelson Street, Woollahra	5
	R2 Draft Woollahra Local Environment Plan 1995 (Amendment 60) Draft Woollahra Neighbourhood Centres Development Control Plan	
9.4	Community & Environment Committee	8 October 2007
	R1 Confirmation of Minutes of Meeting held on 24 September 2007	7
	R2 Woollahra Traffic Committee Minutes - 2 October 2007 (Items Y1 – Y11)	
	R3 Community Facilities Report – Usage Levels	
	R4 Proposed Naming of Bungaree Reserve	
10.	Rescission Motion	Nil
11.	Notices of Motion	16
12.	Questions without Notice	18

Leave of Absence

Item No: 1
From: Councillor Christopher Dawson
Reason for Report: Seeking leave of absence for all meetings of the Council and its Committees from Monday 29 October 2007 to Monday 5 November 2007 inclusive.

Recommendation:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Christopher Dawson for the period 29 October 2007 to Monday 5 November 2007, inclusive.

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 15 October 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Financial Reports for the Year Ended 30 June 2007**
Author: Don Johnston, Manager Finance
File No: 331.G
Reason for Report: To present the Financial Reports for the year ended 30 June 2007 to the Committee for the purpose of recommending to Council the adoption of its statement in regard to the Financial Reports and to set the date of the meeting at which the Reports will be presented to the public.

Recommendation:

- 1 That the review of the 2006/2007 actual results against Budget forecasts be noted;
- 2 That Council, having noted the statement by the General Manager and Responsible Accounting Officer, adopt the following statement in relation to its Financial Reports for the year ended 30 June 2007:

That, in relation to the Financial Reports for the Year Ended 30 June 2007, Council is of the opinion that:

The Financial Reports have been drawn up in accordance with:

- i. the Local Government Act 1993 (as amended) and Regulations made thereunder;
- ii. the Local Government Code of Accounting Practice and Financial Reporting and the Asset Accounting Manual; and
- iii. the Australian Accounting Standards and professional pronouncements

and to the best of our knowledge and belief these Reports:

- present fairly Council's financial position and operating result for the year; and
- accord with Council's accounting and other records;

and further, the signatories to the Reports, to the best of our knowledge and belief, know of nothing that would make the reports false or misleading in any way;

- 3 That Council formally refer the 2006/2007 Financial Reports for audit; and
 - 4 In anticipation of receiving the Auditor's Reports, set the Corporate & Works Committee meeting to be held on 5 November 2007 as the meeting at which the Financial Reports will be presented to the public.
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Item No: R2 Recommendation to Council
Subject: **Report on Notice of Motion to Limit the Casting Vote of Chairman of Committees**
Author: Les Windle - Manager Governance
File No: 900.G
Reason for Report: To report on a Notice of Motion

Recommendation:

THAT Council's Code of Meeting Practice be amended by inclusion of the new section 7.2 (Committee Chairperson to have casting vote in limited circumstances) and "Guidelines for the use of a casting vote by Committee Chairpersons" note.

Item No: R3 Recommendation to Council
Subject: **Water Craft Storage Fees**
Author: David Sheils - Manager Public Open Space
File No: 871.G
Reason for Report: To adopt publicly advertised fees for the storage of water craft on public land.

Recommendation:

That Council adopt the following fees for the storage of water craft on Council managed land:

	Permit type	
	Annual	Three years
Resident / ratepayer	\$80 / yr	\$200
Non-resident	\$150 / yr	\$400

9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 15 October 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **88-90 Wolseley Road, Point Piper – Demolition of existing dwelling & construction of new 3 storey dwelling including swimming pool & landscaping – 14/2/2007**

Author: Dimitri Lukas – Senior Assessment Officer

File No: DA85/2007

Reason for Report: In accordance with Council’s meeting procedures and policy this matter has been called to full Council by Councillor Petrie to allow discussion of amendments required to address the reasons for refusal.

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

That consideration of Development Application No. 85/2007 for demolition of existing dwelling and construction of new three storey dwelling including swimming pool and landscaping, be deferred to enable staff to assess the changes to the plans submitted in the late correspondence tabled by Robert Chalmers & BBC Consulting Planners & Graham Ormsby of Ormsby Kerrins Freeman and to report back to the Development Control Committee.

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 8 October 2006 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Rezoning Proposal at 4A Nelson Street, Woollahra
Author: John Davies - Strategic Planner
File No: 1064.G
Reason for Report: To respond to the Council's decision made on 27 August 2007
To obtain a decision of Council to rezone 4A Nelson Street, Woollahra

Recommendation

- A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995, to change the zoning of 4A Nelson Street from Special Use 5 (Integrated Housing for Aged Persons/Community Facility) to Residential 2(a).
 - B. THAT in order to retain the heritage significance of the site, the current allotment size be retained and no minimum allotment size be set under the Woollahra LEP 1995. All subdivision proposals are subject to development consent and will be assessed with regard to impact on heritage significance.
 - C. THAT in resolving to prepare a draft local environmental plan the Council is not indicating its acceptance of a development proposal or building works on the site or other sites from which Jewish Care (the owner) operates or intends to operate. These matters will need to be assessed separately through the development application process.
 - D. THAT as required by the Council's adopted Fees and Charges, the applicant is to pay all costs incurred by Council for the preparation and exhibition of the amending local environmental plan, including the assessment of the rezoning application report.
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Item No: R2 Recommendation to Council
Subject: **Draft Woollahra Local Environment Plan 1995 (Amendment 60)**
Draft Woollahra Neighbourhood Centres Development Control Plan
Author: Tom Jones – Urban Design Planner
File No: 1064.G
Reason for Report: To report on the public exhibition of the Draft Woollahra Local Environment Plan 1995 (Amendment 60) and the Draft Woollahra Neighbourhood Centres Development Control Plan.

Recommendation

- A. THAT the amended Draft Woollahra Local Environment Plan 1995 (Amendment 60) as contained in **Annexure 8** of the report to the Urban Planning Committee meeting of 8 October 2007 be referred to The NSW Department of Planning for approval by the Minister and for gazettal, subject to:
- i) adding a provision that has the effect of delaying the provisions for William Street Paddington coming into force until the date on which the amendment to the Paddington Heritage Conservation Area DCP, as proposed by item C of this decision, comes into force.
 - ii) omitting the rezoning of No.77 New South Head Road, Vacluse
 - iii) any legal drafting alterations requested by Parliamentary Counsel.
- B. THAT the amended Draft Neighbourhood Centres Development Control Plan as contained in **Annexure 9** of the report to the Urban Planning Committee meeting of 8 October 2007, including the amendments contained in **Annexure 7** of the report to the Urban Planning Committee meeting of 8 October 2007, be approved subject to removal of reference to No.77 New South Head Road, Vacluse.
- C. THAT a draft development control plan be prepared to amend the Paddington Heritage Conservation Area Development Control Plan to include controls for buildings in William Street, Paddington which may be used for non-residential purposes under the current provisions of Woollahra LEP 1995 and under Woollahra LEP 1995 (Amendment 60).
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9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 8 October 2007 Submitted to the Council for Determination

Item No: R1 Recommended to Council
Subject: Confirmation of Minutes of Meeting held on 24 September 2007
Author: Les Windle – Manager Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of 24 SEPTEMBER 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.

Recommendation:

That the Minutes of the Community and Environment Committee Meeting of 24 SEPTEMBER 2007 be taken as read and confirmed.

Item No: R2 Recommended to Council
Subject: Woollahra Traffic Committee Minutes - 2 October 2007
Author: Zubin Marolia, Acting Director – Technical Services
File No: 595.G 2007
Reason for Report: For the Committee to consider the recommendations of the Woollahra Local Traffic Committee.

Recommendation:

THAT the Recommendations Y1-Y11 contained in the minutes of the Woollahra Traffic Committee, and as signed by the members of the Committee, held on Tuesday 2 October 2007 be adopted.

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

Item Y1-1: Newcastle Street, Rose Bay – Alteration of Parking Restrictions

Recommendation:

1. That the ‘No Parking, Wedding & Funeral Vehicles Excepted’ zone on the eastern side of Newcastle Street, Rose Bay extend from 2 metres south of the prolongation of the boundary between Nos.88 and 90 Newcastle Street in a southerly direction for 20.5 metres.
2. That the remainder of the current ‘No Parking, Wedding & Funeral Vehicles Excepted’ be replaced with ‘1P 7.00am-9.00am Thursdays, Permit Holders Excepted Area 2 Rose Bay’ consistent with the remainder of the signposting in this street.

Item Y1-2: New McLean Street, Edgecliff – Stop sign and linemarking

Recommendation:

1. That the existing ‘Stop’ sign be moved in a southerly direction to just north of this intersection and a Stop line be installed at the end of the kerb blister just east of the pedestrian crossing for vehicles exiting the Eastpoint Centre car park.
2. That the existing raised pavement markers on the painted blister island be replaced with rumble bars.

Item No: Y2 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **Car Share Locations**
Author: Lorna Oliver – Traffic & Transport Planner
File No: 255.G/Car Share
Reason for Report: Recommendation from Council.

Recommendation:

- A. That the following locations for the pilot programme of car sharing be approved:
 - i. Ormond Street, Paddington (opposite 16-20)
 - ii. Glenview Lane, Paddington (near to 108 Boundary Rd)
 - iii. Hopewell Street, Paddington (south of no.1)
 - iv. Corner Paddington and Jersey Road, Paddington
- B. That the locations be signed ‘No Parking Woollahra Council Authorised Car Share Vehicles Excepted Area ___’

Item No: Y3 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **Glenmore Road At Cascade Street / Hampden Street, Paddington – Pedestrian Safety**
Author: Frank Rotta – Traffic Engineer
File No: T191. / 583.G
Reason for Report: Complaint from local resident.

Recommendation:

- A. That a median as detailed in Annexure 2 be constructed in Glenmore Road immediately west of its intersection with Cascade Street/Hampden Street.
- B. That a supplementary pedestrian crossing sign be installed on the median in A. above.
- C. That all pedestrian crossing signs and advance pedestrian crossing signs on all legs of this intersection be upgraded to ‘B’ size new fluoro lime colour signs.
- D. That zig-zag pavement markings be introduced in the western leg of Glenmore Road on its approach to the existing pedestrian crossing.
- E. That 10 metres of unbroken centreline be introduced in Hampden Street east of the intersection.

Item No: Y4 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **No. 12 Carlotta Road, Double Bay – Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt9
Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for a Works Zone to be temporarily installed for No.12 Carlotta Road, Double Bay. The length of the proposed Works Zone is to be 10 metres and is to be located from 1 metre north of the prolongation of the boundary between Nos.12 & 14 Carlotta Road in a northerly direction for a distance of 10 metres and is subject to the following conditions:
 - i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 26 weeks from 5 November, 2007 to 5 May, 2008.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site, and if necessary to and from the adjacent street system, in accordance with the RTA’s Traffic Control at Works Sites manual.
 - iv. Unrestricted parking is to be maintained outside of the Works Zone hours of operation.
 - v. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.

- vi. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vii. This Works Zone is in an area zoned as Residential 2(a). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - viii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - ix. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - x. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all residents and businesses whose property frontage is within 50 metres of the Works Zone.

Item No: Y5 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **No. 120 Windsor Street Paddington – Works Zone**

Author: Frank Rotta – Traffic Engineer

File No: 407.G Pt9

Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for a Works Zone to be temporarily installed for No.120 Windsor Street, Paddington. The length of the proposed Works Zone is to be 8 metres and is to be located from 1 metre west of the prolongation of the boundary between Nos.118A and 120 Windsor Street in a easterly direction for a distance of 8 metres and is subject to the following conditions:
- i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 22 weeks from 4 November, 2007 to 28 March, 2008.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site, and if necessary to and from the adjacent street system, in accordance with the RTA's Traffic Control at Works Sites manual.
 - iv. Unrestricted parking is to be maintained outside of the Works Zone hours of operation.
 - v. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - vi. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vii. This Works Zone is in an area zoned as Residential 2(a). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.

- viii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - ix. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - x. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all residents and businesses whose property frontage is within 50 metres of the Works Zone.

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

Subject: **No. 599-601 New South Head Road (Cranbrook Road), Rose Bay – Works Zone**

Author: Frank Rotta – Traffic Engineer

File No: 407.G Pt9

Reason for Report: Request for a Works Zone

Recommendation:

- A. That this item be deferred for consideration by the Woollahra Local Traffic Committee at an Extraordinary Meeting.

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

Subject: **No. 32 Wolseley Road, Point Piper – Reduction Of Works Zone**

Author: Frank Rotta – Traffic Engineer

File No: 407.G Pt8

Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for the previously approved 17.7 metre Works Zone outside No.32 Wolseley Road, Point Piper to be reduced to 12.7 metres.

Item No: Y8 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **No. 1 Underwood Street, Paddington – Extension Of Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt8
Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for a Works Zone temporarily installed at No.1 Underwood Street, Paddington which was approved at 15 metres to be lengthened to 20 metres along the northern section of the previously approved zone.
-

Item No: Y9 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **Five Ways Streetscape Project – TCP & Signage – Stages 6 & 7**
Author: Frank Rotta – Traffic Engineer
File No: 191.Project Pt 2 / T191
Reason for Report: Traffic Committee approval of TCP and signage for Stages 6 & 7 of Construction Works.

Recommendation:

- A. That the TCP and Signage for Stages 6&7 of the Construction Works for the Five Ways Streetscape Project as detailed on the Drawing Nos N5173 – DETR – TRAF – 4006 and N5173 – DETR – TRAF – 4007, be approved subject to:
- i. The contractor providing RTA accredited traffic controllers in Glenmore Road to cater for pedestrians on a one to one basis during the Stage 6 construction period.
 - ii. Drawing No.5173-DETR-TRAF-4007 being amended to incorporate uniform signage to guide pedestrians travelling in both directions on the footpaths in both Heeley Street and Broughton Street.
-

Item No: Y10 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **No. 1 Underwood Street, Paddington – Assessment of Construction Management Plan**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt8
Reason for Report: Request by developer for approval of CMP for No.1 Underwood Street.

Recommendation:

- A. That the Construction Management Plan for No1 Underwood Street, Paddington be approved subject to:
- i. The implementation of the recommendations outlined in the TMP prepared by Complete Urban Solutions Rev B dated 26 September, 2007 (Annexure 2) with Route 3 being amended to ensure that all but the largest construction vehicles be directed to turn right from Underwood Street into Jersey Road and then onto Oxford Street.
 - ii. The implementation of the methodologies for managing the site as submitted by Pimas Gale Constructions P/L on 26 September, 2007 (Annexure 3).
 - iii. That truck movements be restricted to a maximum of ten truck movements a day per day during the excavation period and three truck movements a day per day for the duration of these works with the exception of the days involving major concrete pours and that all truck movements are to be equally shared amongst the available routes.
 - iv. That TCPs be put in place to manage truck movements to and from the construction site and along the three proposed truck routes in accordance with the RTA's Traffic Control at Works Sites manual.
 - v. That all heavy construction vehicles associated with the works be restricted to a left turn only movement from Oxford Street into Underwood Street and that no right turns from Oxford Street into Underwood Street be permitted.
 - vi. That Clause 7(iii) of the Construction Management Plan (Annexure 3) be deleted.

Item No: Y11 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **No. 66 New Beach Road, Darling Point – Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt9
Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for a Works Zone to be temporarily installed for No.6 New Beach Road, Darling Point. The proposed Works Zone is to extend from the prolongation of the common boundary between Nos.66 & 67 New Beach Road in a southerly direction for 6 metres and is subject to the following conditions:
- i. Any directive provided by the NSW Police Department is to be complied with.

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- ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 52 weeks from 22 October, 2007 to 22 October, 2008.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site, and if necessary to and from the adjacent street system, in accordance with the RTA's Traffic Control at Works Sites manual.
 - iv. Unrestricted parking is to be maintained outside of the Works Zone hours of operation.
 - v. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - vi. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vii. This Works Zone is in an area zoned as Residential 2(b). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - viii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - ix. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - x. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all residents and businesses whose property frontage is within 50 metres of the Works Zone.
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Item No: R3 Recommended to Council
Subject: Community Facilities Report – Usage Levels
Author: Breda Cosgrove, Venue Coordinator
File No: 79.G
Reason for Report: To provide information to Council regarding the hiring and usage of Community facilities managed by Council.

Recommendation:

- A. That this report be received and noted.
 - B. That a similar report on Community Facility Usage levels be provided to the committee on an annual basis.
 - C. That Expressions of Interest be advertised for the use of Vaucluse Bowling Club for functions and catering purposes, with a further report to Council following this process.
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Item No: R4 Recommendation to Council
Subject: **Proposed Naming of Bungaree Reserve**
Author: Paul Fraser - Parks and Recreation Coordinator
File No: 172.G
Reason for Report: To report to Council the outcome of the public notification period to name the unnamed garden at the corner of Rose Bay Avenue and New South Head Road, Rose Bay, Bungaree Reserve.

Recommendation:

- A. That the garden on the corner of Rose Bay Avenue and New South Head Road, Rose Bay be named Bungaree Reserve.
 - B. That Council apply to the Geographic Names Board of NSW, to name the unnamed garden on the corner of Rose Bay Avenue and New South Head Road, Rose Bay, Bungaree Reserve.
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Notices of Motion

Item No: 1
From: Councillors Excell & Shoebridge
Date: 4 October 2007
File No: 900.G

That Council, noting the clear scientific evidence of human induced climate change caused by global warming and the increasing concentrations of carbon dioxide and other greenhouse gases in our atmosphere, and recognising the substantial potential affects of climate change on our local environment

And noting the issues raised by the Federal Environment Minister Malcolm Turnbull in the Sydney Morning Herald on Thursday 4th October:

1. Calls for a report on the potential affects of climate change in Woollahra over the course of the 21 st century including:
 - a) The rise of sea levels in accordance with internationally recognized scientific predictions;
 - b) The loss of coastal land including our harbour beaches from rising sea levels and storm surges;
 - c) The exposure of large sections of low lying coastal areas in Woollahra, namely Double Bay, Rose Bay and Watsons Bay to rising sea levels and storm surges;
 - d) The potential increase in ground water levels in Double Bay and Rose Bay from rising sea levels noting the existing evidence that ground water levels in the municipality do rise and fall with tidal levels;
 - e) The effect on our municipality of increasingly severe weather patterns including flooding, drought and storm surge damage;
 - f) The potential areas of future expense to council and local residents of steps required to mitigate the affects of climate change including remedial drainage works, relocation or alteration of low lying housing and public land, beach remediation, sea wall extensions and maintenance and alteration housing stock.
 2. Further that the report address what concrete steps Council can take, both in relation to its own operations and in relation to its regulatory capacity to reduce the greenhouse gas emissions of both Council and the municipality generally.
 3. That a permanent working group be established to address and implement the reccommendations from the report.
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Item No: 2
From: Councillor Shoebridge
Date: 18 October 2007
File No: 900.G

That a report be prepared detailing the current arrangements for notifying applicants and objectors about development applications coming before any of the AAP, the DCC and Council with consideration to be given, specifically but not solely, to:

1. The adequacy of the current arrangements;
 2. Any reported difficulties with the current arrangements; and
 3. the potential benefits and demerits of notifying not only an applicant's or objector's agent, but also the applicant or objector personally.
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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 8 October 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Recommendation:

That the responses to previous Questions without Notice be noted.

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 on 8 October 2007 are as follows:

Councillor Comino asking:

To the Mayor:

Would the Mayor write to Minister Tripodi, as a matter of urgency requesting that he immediately action his announcement requiring the removal of the Rose Bay Floating Restaurant, and in this regard, I note that Director Coker advised Council had required the owners to remove the vessel no later than 30 September, 2007 and it is still there.

The Mayor in response:

On notice

Councillor Comino asking:

To Acting Director Technical Services:

Would you investigate the need to urgently replace public lighting in the vicinity of the Signal Station Lighthouse and adjacent reserve?

Manager Public Open Space in response:

A recent inspection of the Old South Head Road frontage of Signal Hill Reserve, the Signal Hill Station and Lighthouse Reserve, confirms all street lights are operational. These street lights illuminate the public footpath adjacent to the roadway. The coastal walk that traverses eastern edge of Signal Hill Reserve, the Signal Hill Station and Lighthouse Reserve does not contain light fixtures and has never previously been illuminated.

Councillor Comino asking:

To Acting Director Technical Services:

Would you investigate the street lighting in Dudley Street, Rose Bay between Chamberlain and Mitchell Streets? These lights have been out of operation for some time despite resident complaints and the attendant public safety issues.

Manger Public Infrastructure in response:

This has been reported to Energy Australia (15/10/2007 EA Ref# 500034320) - they quote 12 working days to effect repairs.

Councillor Sinclair King asking:

Is Council able to and has Council looked at levying S94 contributions to improve local public transport within the municipality for example for a local community bus?

Director of Planning and Development in response:

Sometime ago and this must be maybe a couple of years the Council passed a resolution asking us to examine the possibility of using S94 to fund a number of additional services including the possibility of using S94 to fund some form of community transport. Our advice at that time and it still stands as good advice that s94 is not an appropriate funding mechanism for such services because it does not satisfy one of the essential tests and that is that the demand for the facility is created by development. Our view is that the need for community transport is a general community need and not one which brought about by the process of development and it is for that reason that my advice to the Council is that it is not an appropriate funding mechanism.

Councillor Cullen asking:

To the Director of Technical Services

I have raised the need for shade covering at Plumb Reserve Fletcher Street Park over the childrens play area on a number of occasions. I have been informed by staff that we do not have the \$30,000 in our budget this year and we cannot address this urgent problem. Can you please look into this and find a solution?

Manager Public Open Space in response:

By way of background, in 2003, following the introduction of new safety standards for playgrounds, we commenced an accelerated playground upgrading program to ensure compliance with the standards. Since that time we have renewed 18 of 20 playgrounds. As part of these works we have installed replacement shade structures at our most popular playground locations such as Lyne Park and Robertson Park. In some locations we have been able to position the new playground in the shade of existing trees such as at Parsley Bay. The costs associated with installing a shade structure over a playground and adjacent seating is equivalent to the full cost of installing the new playground. Therefore, our funding priority has been directed towards updating playgrounds to meet the new standards and where shade structures are required, deferring the shade installation until the playground replacement program has been substantially completed. The process of ensuring our playgrounds are all updated will be completed next year when Cooks Paddock and Rose Bay Park are renewed. This year we have commenced the process of rolling out needed shade structures with the adopted budget allocates funds for shade structures at Yarranabbe Park and Spring Street playgrounds.

As part of the draft 2008/2009 budget deliberations we will be recommending Council fund further shade structures installations at other playground sites such as Plumb Reserve which has never had a shade structure. Where feasible, we have also planted large growing shade trees adjacent to playgrounds to ensure, in the longer term, shade structures will not be necessary. For example in 2004 we undertook advanced shade tree planting adjacent to the Plumb Reserve playground. However, it is acknowledged the functional benefits of the new shade trees will not be felt for several years.

In the process of preparing a development application for the shade structure at Spring Street, we have discovered the site is owned by the City of Sydney. It is likely this has occurred as an error during a previous local government boundary adjustment. As a result we are pursuing avenues to have the land ownership transferred to Woollahra Council. If this process delays the lodging of the development application, and subsequent shade installation, we will recommend funds earmarked for Spring Street, be transferred to Plumb Reserve as part of this year's quarterly budget review process.

Councillor Petrie asking:

To the General Manager

Can you report to the Council with the hours requested for usage of our ovals by “School Girl Sport” and the actual hours used?

Manager Public Open Space in response:

Last year (previous summer and recently concluded winter season) school girl sporting groups applied to use our venues for a total of 658 hours. We were able to provide all the requested venues on all the dates and times sought.

Gary James
General Manager

Annexures: Nil