

# Council Meeting

Tuesday 10 June 2008

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## **Items Determined Under Delegated Authority by Council Committees**

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

### **Corporate & Works Committee Meeting held on Monday 2 June 2008**

- D1 Confirmation of Minutes of Meeting held on 19 May 2008
- D2 CDO Update
- D3 790 New South Head Road, Rose Bay - Proposed Road Closure and Sale

### **Development Control Committee Meeting held on Monday 2 June 2008**

- D1 Confirmation of Minutes of Meeting held on 19 May 2008
- D2 DA387/2007 – 2 Vauclose Road, Vauclose (Kincoppal School) – Construction of multi-purpose building containing swimming pool, gymnasium, basketball court, car parking & pick up & drop off point – 14/6/2007
- D3 DA804/2007 – 733 New South Head Road, Rose Bay – Demolition of existing buildings & construction of new four storey mixed use building comprising retail, commercial, residential & car parking for 8 vehicles off Norwich Road – 30/11/2007
- D4 DA272/2007 – 38 Elizabeth Street, Paddington – Alterations & additions to existing dwelling including remediation of the site – 2/5/2007
- D5 DA32/2008 – 5 Hampden Street, Paddington – Alterations & additions to existing residence – 24/1/2008
- D6 DA874/2007 – 17 Thornton Street, Darling Point – Demolition of exiting dwelling & construction of new residential flat building comprising of three self contained dwellings – 21/12/2007
- D7 DA690/2007 – 43A Cascade Street, Paddington – Alterations & additions to existing two storey terrace – 24/10/2007
- D8 DA754/2007 – 873 New South Head Road, Rose Bay – Demolition of existing residential flat building & pool – Erection of new residential flat consisting of four units with associated car parking – Landscaping & siteworks – 19/11/2007
- D9 DA705/2007 – 150 Fletcher Street, Woollahra – Section 82A Review of Refusal – 26/3/2008
- D10 DA479/2007 – 80-82 Queen Street, Woollahra – Substantial alterations & additions including a new third-storey with terrace, creation of a two-storey dwelling with swimming pool & new air-conditioning plant – 24/7/2007 (See Item R1)
- D11 Register of Current Land and Environment Court Appeals for Development Applications

### **Urban Planning Committee Meeting held on Monday 26 May 2008**

- D1 Confirmation of Minutes of Meeting held on 12 May 2008

### **Community & Environment Committee Meeting held on Monday 26 May 2008**

- D1 Confirmation of Minutes of Meeting held on 12 May 2008
- D2 Paddington Traffic Working Party Meeting held - 1 May 2008
- D3 Emergency Revival Courses
- D4 Natural Environment Principal Activity - 3rd Quarter Management Plan Review
- D5 Parks & Public Space Principal Activity - 3rd Quarter Management Plan Review



# Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
Held at the Council Chambers, Double Bay, on  
Tuesday 10 June 2008 at 8.00pm.**

Present: His Worship the Mayor, Councillor Geoff Rundle

Councillors  
Anthony Boskovitz  
Claudia Cullen  
Christopher Dawson  
Marcus Ehrlich  
Tanya Excell  
Wilhelmina Gardner  
Keri Huxley  
Julian Martin  
Andrew Petrie  
Isabelle Shapiro  
David Shoebridge  
Fiona Sinclair King

Staff:  
T Tuxford (Acting Director – Planning & Development)  
W Hatton (Director – Technical Services)  
G James (General Manager)  
D Johnston (Acting Director – Corporate Services)  
L Windle (Manager – Governance)

Also in Attendance: Nil

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## Confirmation of Minutes

(Petrie/Boskovitz)

**1/10** THAT the Minutes of the Council Meeting held on 26 May 2008 be taken as read and confirmed.

**Adopted**

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## Leave of Absence

Nil

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## Apologies

(Petrie/Boskovitz)

**2/10** Apologies were received and accepted from Councillors John Comino and John Walker and Leave of Absence granted.

**Adopted**

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## Declarations of Interest

Nil

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**Note:** The Mayoral Minute was considered after Item 12 – Questions Without Notice.

## Mayoral Minute

**Mayoral Minute No:** 1  
**Subject:** **Kim O'Connor's Retirement from The Wentworth Courier**  
**Author:** Cr Geoff Rundle, Mayor of Woollahra  
**File No:** 61.G  
**Reason for Report:** For Council to formally thank Kim O'Connor for her contribution to reporting on Council and community issues.

**Note:** The Mayor and Councillors Petrie, Huxley, Shoebridge, Sinclair King and Dawson made short statements of acknowledgment of Kim O'Connor's achievements and dedication during her time at the Wentworth Courier and thanked her for her to fair reporting to the community.

### **The Mayor suspended Standing Orders to make a presentation to Kim O'Connor.**

Kim O'Connor came forward and was presented with a gift of appreciation from the Mayor.

Kim O'Connor made a short thankyou speech.

### **The Mayor resumed Standing Orders.**

**(Rundle/Petrie)**

### **Resolved without debate:**

- 3/10** That Council formally acknowledge Kim O'Connor's journalism as a reporter at the Wentworth Courier in respect to the meetings of Woollahra Council and community issues and wish her well in her future endeavours.
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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 2 June 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** **Relocation of Watsons Bay Library from Dunbar House to the Watsons Bay Tea Rooms**

**Author:** Vicki Munro, Manager, Library and Information Services and Zubin Marolia, Manager, Property & Projects

**File No:** 307.8

**Reason for Report:** To advise Council on the outcome of the public exhibition of the proposal to relocate the Watsons Bay Library from Dunbar House to the Watsons Bay Tea Rooms.

**Note:** Late correspondence was tabled at the meeting from The Watsons Bay Society and Stephen Meads.

#### **Motion moved by Councillor Gardner**

- A. That Council does not proceed at this stage until the possible relocation of the Watsons Bay Library to The Gunyah has been properly investigated.
- B. That Council provides a report pertaining to the present usage of The Gunyah and the possible usage of The Gunyah for the relocation of this library and provides details of design plans, costing, access, including disability access and parking facilities.
- C. That Council provides another report which projects the estimated number of people, able and disabled, who will use the proposed toilets, showers and changing rooms for the library, the restaurant and the baths for the next 5 years and for 5 years after all construction has finished and provides detailed plans and drawings for these facilities and associated costs.
- D. That Council ensures that the proposal complies with the NSW public library requirements.
- E. That upon completion of the report, Council letter drops all Watsons Bay and neighbouring residences asking for their submissions.

**The Motion lapsed for the want of a seconder.**

**(Huxley/Ehrlich)****4/10 Resolved:**

- A. That Council proceed with the relocation of the Watsons Bay Library from Dunbar House to the Watsons Bay Tea Rooms.
  - B. That all renovation works necessary to relocate the library be completed outside the summer season.
  - C. That staff bring forward a report for an appropriate shade structure for wet weather.
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**Item No:** R2 Recommendation to Council  
**Subject:** **Double Bay Streetscape Improvement Works – Bay Street**  
**Author:** Mark Ramsay - Manager Depot & Waste Services  
**File No:** Tender No 08/08  
**Reason for Report:** To recommend to Council the acceptance of a Tender

**(Petrie/Boskovitz)****5/10 Resolved without debate:**

- A. That, (subject to the results of a financial capability check), Council enter into a Lump Sum contract for \$697,421.80 (excl GST) with Sam The Paving Man for the footpath, kerb and gutter reconstruction along Bay Street, Double Bay
- B. That successful and unsuccessful tenderers be advised accordingly.

**Note:** **This resolution was rescinded at the Council Meeting on Monday 23 June 2008.**

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## Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 2 June 2008 Submitted to the Council for Determination

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- Item No:** R1 Recommendation to Council
- Subject:** **80-82 Queen Street, Woollahra – Substantial alterations & additions including a new third-storey with terrace, creation of a two-storey dwelling with swimming pool & new air-conditioning plant – 24/7/2007**
- Author:** Dimitri Lukas – Senior Assessment Officer
- File No:** DA479/2007
- 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 Committee's recommendation (refusal) to the officers recommendation (approval).
- Note:** Late correspondence was tabled at the meeting from Mark Schofield, Council's Team Leader Development Control and Professor Hans Freeman.

#### (Huxley/Shoebridge)

#### Resolved:

- 6/10** THAT the Council, refuse Development Application No. 479/2007 for substantial alterations and additions including a new third-storey with terrace, creation of a two-storey dwelling with swimming pool and new air-conditioning plant on land at 80-82 Queen Street Woollahra, for the following reasons:
1. The rear roof has a non-traditional form, is clad in non-traditional materials and is not in keeping with the style of the building. The roof will adversely impact on the heritage significance of the building and the Woollahra Heritage Conservation Area, contrary to cl's. 2(1)(h), 2(2)(g)(ii) of the Woollahra Local Environmental Plan 1995 (WLEP 1995) and O1, C1 and C3 of Section 3.2.2; O2 and C1 of Section 3.2.3; O2 and C4 of 3.2.4 of the Woollahra Heritage Conservation Area Development Control Plan 2003 (The DCP).
  2. The solid to void ratio of the northern (rear) elevation is inconsistent with character of the area. The extent of glazing will adversely impact on the heritage significance of the building and the Woollahra Heritage Conservation Area, contrary to cl. 2(1)(h), 2(2)(g)(ii) of the WLEP 1995 and C2 of Section 3.4.4 of the DCP.
  3. The additional and extended fenestration on the western (Halls Lane) elevation is inconsistent with the character of the building, contrary to cl. 2(1)(h), 2(2)(g)(ii) of the WLEP 1995 and O2 of Section 3.2.3 of the DCP.
  4. The location of the swimming pool, being elevated above the neighbouring properties and upon the rear boundary, will result in an unacceptable amenity impacts. The location of the pool is contrary to O5 of Section 3.4.6 of the DCP.

5. The SEPP No.1 objection submitted in support of the proposed variation to cl. 11 (Floor Space Ratio) of the WLEP 1995, fails to demonstrate the compliance with the control is unreasonable and unnecessary in the circumstance. The proposed development has an excessive bulk and scale, contrary to objective (b) of cl. 11AA of the WLEP 1995.
  6. The proposed rear alterations are a poor streetscape outcome in the Heritage Conservation Area, particularly in relation to those using the public reserve in Halls Lane.
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## Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 26 May 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Draft Woollahra LEP 1995 (Amend 60) - William Street Paddington**  
**Author:** Chris Bluett - Manager Strategic Planning  
**File No:** 1064.G (Amend 60) - William Street, Paddington  
**Reason for report:** To respond to a decision of the Council made on 25 February 2008 deferring the William Street provisions from Draft Woollahra LEP 1995 (Amendment No.60)  
To present a draft LEP and draft DCP provisions for William Street Paddington  
To obtain a decision of the Council to prepare a draft LEP and draft DCP.

(Cullen/Huxley)

**7/10 Resolved without debate:**

- A. That draft local environmental plans be prepared for two options incorporating the matters deferred from Draft Woollahra LEP 1995 (Amendment 60) as follows:
- Option 1 - the draft Local Environmental Plan attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008, including the words, "the upper floor may only be used for residential purposes".
- Option 2 - the draft Local Environmental Plan attached as annexure 3 to the report to the Urban Planning Committee on 26 May 2008, excluding the words, "the upper floor may only be used for residential purposes" and subject to that plan applying only to those properties in William Street which have non-residential uses already operating. The land to which this plan applies is to be particularised in the draft plan.
- B. That a draft development control plan be prepared to amend the Paddington Heritage Conservation Area DCP based on the proposed provisions contained in **annexure 5** of the report to the Urban Planning Committee meeting on 26 May 2008.
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## Community & Environment Committee

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**Items with Recommendations from the Committee Meeting of Monday 26 May 2008  
Submitted to the Council for Determination**

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**Item No:** R1 Recommendation to Council  
**Subject:** **Parking Sign Installation Review & Policy**  
**Author:** Armodee Reece, Administration Officer – Engineering Services  
**File No:** 255.G  
**Reason for Report:** To review parking sign policy and the number of signs being installed.

(Excell/Huxley)

**8/10 Resolved without debate:**

- A. That Council's Traffic Section continue to apply the Parking Signs Policy in its assessment of requests for signposting.
  - B. That Council's Rangers continue to enforce statutory restrictions in accordance with the Australian Road Rules, to minimise the necessity for additional signposting.
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## Notice of Motion

**Item No:** 1  
**From:** Councillor Shapiro  
**Date:** 3 June 2008  
**File No:** 900.G

**(Shapiro/Excell)**

- 9/10** That Council report to the appropriate Committee of Council on the feasibility of using conditions of consent or other mechanisms through the DA process regarding hoardings and screening devices for commercial and retail developments, with the objective of improving the visual amenity of construction sites by the use of decorative images or graphics on those hoardings and screening devices.

**Adopted**

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

**(Excell/Shoebridge)**

- 10/10** That a report be submitted to the appropriate Committee of Council looking at the possibility of providing free all day parking spaces for motor bikes and scooters at Double Bay, Rose Bay and Darling Point Ferry Wharves and looking at increasing the number of bike storage facilities at these locations.

**Adopted**

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## Questions Without Notice Tabled Answers

**Item No:** 11

**Subject:** Questions Without Notice

**Author:** Gary James, General Manager

**File No:** 467.G/Q01

**Reason for Report:** To provide a response to Questions without Notice from Council Meeting of 26 May 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

**Motion moved by Councillor Boskovitz**

**Seconded by Councillor Huxley**

**11/10** That the responses to previous Questions without Notice be noted.

**Adopted**

**The following questions were asked:-**

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**Councillor Sinclair King asking:**

I have been barraged with letters about the Hills Weeping Fig that are or are not being planted. I am wondering whether those 2 trees are or were about to be planted and whether the Mayor could provide some publicity in your column as to the meeting that was held 2 weeks ago as to the situation.

**Director Technical Services in response:**

As we advised Councillors, there was a briefing given to Councillors the other night, subsequent to that briefing we have reviewed the proposed planting and the proposition is to plant 2 trees rather than 3 which preserves view corridors between the trees. That is the current proposal that is in hand.

**Mayor in further response:**

Councillors, can I remind you that this Council on 28 November 2005 adopted the Rushcutters Bay Park/Yarranabbe Park and Plantation Reserve Plan of Management. That was a document which had been out to public exhibition, it had reviewed the 1998 Plan of Management, it interviewed 300 users of the Rushcutters Bay and Yarranabbe Parks, consulted with other stakeholders including the Department of Lands, NSW Maritime, City of Sydney, local residents groups including Darling Point Society, Rushcutters Bay Foreshore Protection Association and the neighbouring Cruising Yacht Club and D'Albora. That was also out for public exhibition between June and July of 2005. One of the items which was defined as being of value to the parkland for the area was the maintaining of grassy expanse with large mature trees along the parks perimeter and major access. Part of the mid term plan was to replant certain trees in Yarranabbe Park to replace those which had somehow disappeared. I also draw to your attention Councillors, that the Plan of Management requires to be reviewed in 5 years, that is 2010. Like all plans of management it is subject to review between the times and you will recall that there has been a Notice of Motion that was passed at the last Council Meeting to the effect as to reviewing the situation.

**Councillor Sinclair King asking:**

What is the progress of the Council assessment of the Double Bay Marina development application? What time frame can we expect this?

**Acting Director planning and Development in response:**

On notice

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**Councillor Dawson asking:**

Can we let those down at Rushcutters Bay know what we are doing?

**Director Technical Services in response:**

Certainly

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**Councillor Excell asking:**

I believe there are negotiations going on at this Council regarding Kiaora Lane Carpark and Woolworths. What is being developed? Could Council and the community be updated or informed about what is being negotiated?

**Mayor in response:**

Yes I can indicate this at the moment. Council is in negotiations with Woolworths regarding construction of a supermarket on the Kiaora lands site. We are getting to a stage that hopefully we will be able to put something to the relevant committee. At the moment there are a couple of things which need to be resolved before we can go too much into the public over it. I can indicate from what I have seen of it I am very supportive of it and it would be a very great outcome to the community.

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**Councillor Excell asking:**

Could a meeting please be organised between relevant members of staff and invitation be extended to myself to discuss actions that can be taken to deal with foxes? Those that I suggest be invited are Randwick, Sydney City, Waverley Councils, National Parks and Wildlife Service and golf courses within these Councils.

**Mayor in response:**

That would require a Notice of Motion.

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**Councillor Shapiro asking:**

For the past couple of years there has been a large mattress used to block the doorway of a newly completed block of units at 64 Birriga Road. Can we please ask the developer (or owner) to remove it as it is extremely unsightly?

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

On notice.

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**Councillor Petrie asking:**

Many, many residents have complained to me that the Greens Party have put signs on telegraph poles all through Paddington and West Woollahra. Is this legal?

**General Manager in response:**

I have not seen the signs but once we become aware of them they become a matter, if they are on the telephone posts and the like, they become a matter for the Electoral Commissioner and we would advise the Electoral Commissioner accordingly. It is a matter of us protecting our properties but we do not control the elections anymore.

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**Councillor Petrie asking:**

Can the Mayor write to Energy Australia and ask them to review the advertisements on their telegraph poles as it is an environmental disgrace?

**Mayor in response:**

I will but I would ask for your assistance to give me at least a couple of streets that I can identify in the letter.

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**Councillor Petrie asking:**

Could the Council describe, in detail, the exact method that the fig trees can be pruned? This should include topping, thinning and side shaping.

**Director Technical Services in response:**

We can provide that information.

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There being no further business the meeting concluded at 8.55pm.

*We certify that the pages numbered 1769 to 1784 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 10 June 2008 and confirmed by Council at the ordinary Meeting of Council on 23 June 2008 as correct.*

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**General Manager**

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**Mayor**