

# Council Meeting

Monday 3 November 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 20 October 2008**

- D1 Confirmation of Minutes of Meeting held on 7 October 2008
- D2 Guilfoyle Park, Double Bay - Occupation Licence
- D3 Monthly Financial Report – September 2008
- D4 Infrastructure Renewal Strategy Presentation
- D5 Queens Ave, Vaucluse - Proposed Action to Regularise Encroachments on the Road Reserve

### **Development Control Committee Meeting held on Monday 20 October 2008**

- D1 Confirmation of Minutes of Meeting held on 7 October 2008
- D2 DA238/2008 – 57 New South Head Road, Vaucluse – Alterations & additions comprising of new swimming pool with storage area below, removal of a vehicular access & landscaping works – 28/4/2008
- D3 DA263/2007 Part 3 – 62 Wunulla Road, Point Piper – Section 96 Application – Proposed modification to basement carpark, swimming pool & the building – 22/4/2008
- D4 DA77/2002 Part 4 – 60A Wunulla Road, Point Piper - Section 96 Application - Proposed modification including new photovoltaic collectors to roof, new window & changes to boundary wall – 12/3/2008
- D5 DA130/2008 – 156 Edgecliff Road, Woollahra – Construct new retail/commercial building with basement car parking – 14/3/2008
- D6 DA229/2008 – 35 Goodhope Street, Paddington – Alterations & additions to existing dwelling, including new enlarged basement level & water tanks – 23/4/2008
- D7 DA324/2008 – 4-10 & 12 Guilfoyle Avenue, Double Bay – Demolition of two existing residential flat buildings & the erection of a new residential flat building – 3/6/2008
- D8 DA377/2008 – 106 Glenmore Road, Paddington – Alterations & part 1<sup>st</sup> floor addition to existing dwelling & new garage – 19/6/2008
- D9 Register of Current Land and Environment Court Appeals for Development Applications

### **Urban Planning Committee Meeting held on Monday 13 October 2008**

- D1 Election of Deputy Chairperson
- D2 Confirmation of Minutes of Meeting held on 8 September 2008
- D3 Recording of Voting on Planning Matters

### **Community & Environment Committee Meeting held on Monday 13 October 2008**

- D1 Election of Deputy Chairperson
- D2 Confirmation of Minutes of Meeting held on 8 September 2008
- D3 Woollahra Traffic Committee Extraordinary Meeting Minutes - 24 September 2008
- Y1 Parking Restrictions Changes
- D4 Woollahra Traffic Committee Minutes - 7 October 2008
- D5 Regulation on the use of Leaf-Blowers
- D6 Animal Advisory Committee Membership 2008-2012
- D7 Review of The Paddington 4 Resident Permit Parking Area
- D8 Women in Woollahra – Stage 3
- D9 Library Annual Report for the Period July 2007 to June 2008.



# Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 3 November 2008 at 8.17pm.**

Present: His Worship The Mayor, Councillor Andrew Petrie ex-officio  
Councillors Anthony Boskovitz  
Sean Carmichael  
Peter Cavanagh  
Lucienne Edelman  
Nicola Grieve  
Chris Howe  
Susan Jarnason  
Ian Plater  
Isabelle Shapiro  
David Shoebridge  
Susan Wynne  
Malcolm Young  
Toni Zeltzer

Staff: A Coker (Director – Planning & Development)  
W Hatton (Director – Technical Services)  
G James (General Manager)  
D Johnston (Acting Director – Corporate Services)  
V Munro (Acting Director – Community Services)  
L Windle (Manager – Governance)

Also in Attendance: Nil

## Confirmation of Minutes

(Shapiro/Edelman)

- 1/19** THAT the Minutes of the Council Meeting held on 13 October 2008 be taken as read and confirmed.

**Adopted**

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## Apologies

Nil

**Note:** Leave of Absence has previously been granted to Councillor Greg Medcraft.

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## Declarations of Interest

Nil

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## Petitions

**Petition No:** 1  
**From:** Concerned residents  
**Table by Councillor:** Susan Wynne  
**File No:** 884.G 2008

The Petition was in terms,

*We oppose the proposed cuts to the bus services presently servicing buses 324 and 325.*

**Motion moved by Councillor Wynne**  
**Seconded by Councillor Shoebridge**

**2/19** That the petition lie on the table for fourteen (14) days and be referred to the appropriate Council officer for a report to Council.

**Adopted**

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**Petition No:** 2  
**From:** Residents of Woollahra Municipality  
**Table by Councillor:** Susan Wynne  
**File No:** 884.G 2008 XR DA441/2008/1

The Petition was in terms,

*We, the undersigned residents of Woollahra Municipal Council petition Council to reject DA 441/2008/1: "Removal of an existing single light pole which currently lights playing field number 1 and the replacement of 7 new light poles for sports purposes in Christison Park."*

*We believe this DA will have many adverse effects on local residents and the wider community including, but not only: destruction of the ambience of Macquarie Lighthouse, loss of views, increases traffic, loss of parking spaces, additional noise, addition to green house emissions, light spillage, loss of dog off leash time, adverse impact on the Sydney skyline and the loss of heritage, cultural and historic values of Christison Park and other heritage items.*

**Motion moved by Councillor Wynne**  
**Seconded by Councillor Shapiro**

**3/19** That the petition lie on the table for fourteen (14) days and be referred to the appropriate Council officer to consider during the assessment of the development application.

**Adopted**

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## Public Forum

**Person addressing Council:** Ms Adrienne Carlson

**Subject:** Container deposit legislation

**(Shoebridge/Zeltzer)**

- 4/19** That the Mayor write a letter to the Premier of NSW, Leader of the NSW Opposition, the Leader of the Government in the Legislative Council and the Leader of the Opposition in the Legislative Council advising the Council supports container deposit legislation and urging them to adopt a container deposit levy throughout the state.

**Adopted**

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## Suspension of Standing Orders

(Wynne)

- 5/19 That Standing Orders be suspended to advise of the recently held Rose Bay Street Fair and Kids Day Out.

**Adopted**

The Mayor ruled Urgency and permitted the Suspension of Standing Orders

**Councillor Wynne advised:**

Two Sundays ago, Rose Bay held their Street Fair, organised by the Rose Bay Chamber of Commerce and Rotary. It was a fantastic day and it is worth making note just what a fantastic job they all did. There were hundreds of people at Rose Bay. The Mayor and Deputy Mayor were there, it was just terrific to see all the local businesses supporting the community. It was apparently the best fair they have held since they started. They all did a terrific job.

The Council noted the information.

**Councillor Wynne advised:**

The Kids Day Out was held yesterday and I would like to thank all the staff who organised it. They did the most amazing job. The Mayor, Deputy Mayor, Councillors Grieve and Shoebridge and I were there. The staff and volunteers are to be commended for doing such a fantastic job and their patience with all the children.

The Council noted the information.

(Shapiro)

- 6/19 That Standing Orders remain suspended to advise of the recently held Small Sculpture Prize and of BBQ's organised by the Mayor for staff at Council's depots.

**Adopted**

The Mayor ruled Urgency and permitted continuation of the Suspension of Standing Orders

**Councillor Shapiro advised:**

I would like to thank everybody involved in the Small Sculpture Prize which we had the opening Friday week ago. It was a very successful Sculpture Prize. We had 596 entries, a record number, with 45 finalists. Congratulations are extended to everyone involved, the Committee, staff of Community Services and particularly Jo Jansyn. On behalf of Council I would like to thank everyone involved.

The Mayor advised that he would pass on those thanks.

**Councillor Shapiro advised:**

The Mayor recently organised BBQ's with the various Council depots. Councillors Cavanagh and Howe also attended. I think these are so important because as the Mayor said, we don't come in contact with the people at the depots. These are the people who clean the streets, collect the garbage, look after the parks and the streets and really make Woollahra look good. These are the unsung hero's, they are the face of Woollahra. On behalf of all the Councillors I would like to thank them all.

The Council noted the information.

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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 20 October 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** 3 Queens Ave, Vaucluse - Proposed Road Closure and Sale  
**Author:** Anthony Sheedy - Property Officer  
**File No:** 374.3 and 1220.G  
**Reason for Report:** In accordance with Council's meeting procedures and policy this matter is referred to full Council as there were 3 votes for the amendment and 3 votes against the amendment and the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration.

**Note:** Late correspondence was tabled at the meeting from Inge and John Grant and Keith and Charmaine Robson.

**Motion moved by Councillor Boskovitz  
Seconded by Councillor Shapiro**

- A. That the sale of the unused road adjacent to No. 3 Queens Avenue not proceed.
- B. That the land and retaining wall be subject to an Easement to Permit Encroaching Structures to Remain.
- C. That, Council require the owner of 3 Queens Avenue, Vaucluse to enter into a Positive Covenant in favour of Council for the remaining area of the encroachment adjoining their land, in order to maintain the improvements in such a way as to protect traffic sight lines and to accept liability for public risk.
- D. That if the owner of 3 Queens Avenue, Vaucluse chooses not to enter into a Positive Covenant in favour of Council, that staff report back to Council on the options available in relation to the encroachment on Council's land.

**Amendment moved by Councillor Plater  
Seconded by Councillor Wynne**

1. That, Council proceed with the road closure and sale of the parcel of unused road adjacent to No.3 Queens Avenue, Vaucluse.
2. That, subject to (1) and a deposit of \$15,000 being received by Council, an application be made to the NSW Department of Lands to close the road. This amount is to be non-refundable unless the Minister's approval to the closure is not given.
3. That subject to the portion of Road being closed, Council proceed with the sale of unmade roadway adjoining 3 Queens Avenue, Vaucluse with the following conditions:

- (a) A purchase price of \$2,727 per square metre plus GST; purchase price to be subject to final survey.
  - (b) The balance of the purchase price is to be paid in full upon Gazettal of the road closure and completion of the sale.
  - (c) The owner of 3 Queens Avenue, Vaocluse to pay all costs, including but not limited to, GST, legal, survey etc associated with the closure and sale.
4. That the Seal of Council be affixed to all necessary documentation to effect the Road closure and sale, i.e. Contract for Sale, Plan of Road Closure, Transfer documents etc.
5. That, Council require the owner of 3 Queens Avenue, Vaocluse to enter into a Positive Covenant in favour of Council for the remaining area of the encroachment adjoining their land, in order to maintain the improvements in such a way as to protect traffic sight lines and to accept liability for public risk.

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

**7/19 Resolved:**

- A. That the sale of the unused road adjacent to No. 3 Queens Avenue not proceed.
  - B. That the land and retaining wall be subject to an Easement to Permit Encroaching Structures to Remain.
  - C. That, Council require the owner of 3 Queens Avenue, Vaocluse to enter into a Positive Covenant in favour of Council for the remaining area of the encroachment adjoining their land, in order to maintain the improvements in such a way as to protect traffic sight lines and to accept liability for public risk.
  - D. That if the owner of 3 Queens Avenue, Vaocluse chooses not to enter into a Positive Covenant in favour of Council, that staff report back to Council on the options available in relation to the encroachment on Council's land.
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**Item No:** R2 Recommendation to Council  
**Subject:** **Tender 08/14 – Civil Infrastructure Reconstruction for Woollahra Municipal Council**  
**Author:** Kelley Ambrose, Purchasing Coordinator  
**File No:** Tender No 08/14  
**Reason for Report:** To recommend to Council the acceptance of a Tender

(Cavanagh/Shapiro)

**8/19 Resolved Without Debate:**

A. That, in order to provide a total budget of \$511,422 required to complete the projects (including a provisional amount of 5% for variations, project management and design incidentals), the current budget allocations totalling \$289,036 for the construction of:

- Project A – Bradley Avenue Stage 2, Bellevue Hill
- Project B – Darling Point Road, Darling Point
- Project C – Alfred Street, Paddington
- Project D – Nelson Street, Woollahra
- Project E – Old South Head Road, Rose Bay

be supplemented by an amount of \$222,386 by deferring the project at Towns Road, Chamberlain Avenue which has a budget allocation of \$241,559.

B. That the funds remaining be transferred to the Environmental & Infrastructure Renewal Levy Reserve.

C. That Council enters into a Contract with Sydney Civil Pty Ltd for:

- Project A – Bradley Ave Stage 2, Bellevue Hill for the lump sum price of \$123,491.00.

D. That Council enter into a Contract with AYZ Constructions Pty Ltd for:

- Project B – Darling Point Road, Darling Point for the lump sum price of \$83,526.00
- Project C – Alfred Street, Paddington for the lump sum price of \$87,130.00.

E. That Council enter into a Contract with Civil Constructions Pty Ltd for:

- Project D – Nelson Street, Woollahra for the lump sum price of \$108,044.00.
- Project E – Old South Head Road, Rose Bay for the lump sum price of \$84,878.00

F. That successful and unsuccessful tenderers be advised accordingly.

G. That the Towns Road, Chamberlain Avenue project be given priority consideration in the formation of next years works program.

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## Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 13 October 2008 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **NSW Planning System - NSW Government Reforms**  
**Author:** Allan Coker – Director Planning and Development  
Chris Bluett – Manager Strategic Planning  
Jacquelyne Jeffery – Team Leader Strategic Planning  
**File No:** 696.G  
**Reason for Report:** To provide Council with an overview of recent legislative changes to the NSW planning system.

(Zeltzer/Shapiro)

**9/19 Resolved Without Debate:**

That the report on the NSW Planning System – NSW Government Reforms be received and noted.

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**Item No:** R2 Recommendation to Council  
**Subject:** **New Principal Local Environmental Plan for Woollahra**  
**Author:** Chris Bluett - Manager Strategic Planning  
Jacquelyne Jeffery – Team Leader Strategic Planning  
**File No:** 1064.G Principal LEP Draft Woollahra Plan  
**Reason for Report:** To provide Council with an overview of a key Strategic Planning project for Council—the preparation of Woollahra's new principal local environmental plan

(Zeltzer/Shapiro)

**10/19 Resolved Without Debate:**

1. That the report on the New Principal LEP for Woollahra be received and noted.
  2. That Council staff take on board the matters discussed at the Committee Meeting when setting the agenda for the Strategic Planning Working Party Meeting.
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## Notice of Motion

**Item No:** 1  
**From:** Councillor Shoebridge  
**Date:** 16 October 2008  
**File No:** 900.G

**Note:** Late correspondence was tabled at the meeting from Council's Director Technical Services, Warwick Hatton.

**(Shoebridge/Young)**

**11/19** That Council:

1. Produce a prompt report on developing a masterplan for the heritage streetscape of Queen Street Woollahra from 50m east of Ocean Street to Oxford Street;
2. That, subject to engineering or landscaping requirements, the masterplan is to include paving for the whole of the precinct appropriate for the high end retail and outstanding heritage qualities of the area.

**Adopted**

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**Item No:** 2  
**From:** Councillor Shoebridge  
**Date:** 16 October 2008  
**File No:** 900.G

**Note:** Late correspondence was tabled at the meeting from Council's Director Technical Services, Warwick Hatton.

**Note:** Councillor Shoebridge withdrew the Notice of Motion.

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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 13 November 2008 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

**Motion moved by Councillor Shoebridge**

**Seconded by Councillor Wynne**

**12/19** That the responses to previous Questions without Notice be noted.

**Adopted**

The following questions were asked:-

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**Councillor Wynne asking:**

Would it be possible to have a rubbish bin placed in Pannerong Reserve, Rose Bay? This park is used by many people who work in the area to have lunch and it is always badly littered.

If there is concern that a bin will encourage dumping of rubbish, could we place one on a trial basis to see if the impact is positive or negative?

**Director Technical Services in response:**

I thought there was a bin there but we can have one installed, that is not a problem.

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**Councillor Cavanagh asking:**

Do we have a Register of Relationships, for same sex or heterosexual relationships? If you want to bring your other half into the country, one of the questions the Immigration Department asks is whether you have a Register at Councils or the States. Do we have such a register or are we proposing to have such a register?

**General Manager in response:**

No. I am not sure why we would actually be required, as a local authority, to hold such a register. I will take this On notice and will make further enquiries.

**Councillor Shapiro asking:**

Please can we investigate the installation of a pedestrian crossing on Old South Head Road at the corner of Wilberforce Avenue, Rose Bay? This is an extremely busy corner and twice in the last Council I have asked for this to be followed up.

**Director Technical Services in response:**

On notice.

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**Councillor Carmichael asking:**

On the corner of Tindale Lane and Edgecliff Road there were once bollards installed protecting an old heritage home from being smashed by cars attempting to park. Is it possible to have new metal bollards installed to replace the absent old ones?

**Director Technical Services in response:**

On notice.

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**Councillor Young asking:**

Given that the Director General of the Department of Planning, when declaring the Ashington development in Cross Street, Double Bay to be a development to which Part 3A of the Environmental Planning and Assessment Act applied, did so on the purported basis that it was “development for the purpose of tourist related facilities”, and given that the proposal is to demolish a 166 room hotel and build high rise units with retail and a small 60 room boutique hotel below, has Council considered seeking legal advice on the validity of that declaration?

**Director Planning and Development in response:**

No we have not considered obtaining legal advice in relation to that matter. I can say that I did provide some earlier advice on this to the Urban Planning Committee earlier tonight. The content of that advice is that there may be an argument that there has been some degree of invalidity in the way the matter has been declared but the conclusion I drew after looking at all the circumstances was that even if the Council were successful in such proceedings there is a very easy remedy that the Department or the Minister can take. At the end of the day you would have to question the merit of the commencement of such proceedings.

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**Councillor Shoebridge asking:**

Noting any further calling in will be subject of political considerations as well as legal considerations, can we obtain legal advice on the legality of the calling in of the Ashington development?

**Director Planning and Development in response:**

After discussion with the General Manager we will be reporting through the appropriate committee of Council on this project and in my report I will provide the Council with a detailed history of this project including the history of the declaration and the manner in which the Department went about that declaration. I think that information will be sufficient to enable Councillors to make some judgement as to whether or not they may wish to take some action in relation to challenging the declaration.

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There being no further business the meeting concluded at 9.16pm.

*We certify that the pages numbered 3342 to 3357 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 3 November 2008 and confirmed by Council at the ordinary Meeting of Council on 17 November 2008 as correct.*

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**General Manager**

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**Mayor**