

Council Meeting

Monday 2 November 2009

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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 19 October 2009

- D1 Confirmation of Minutes of Meeting held on 21 September 2009
- D2 Monthly Financial Report – September 2009
- D3 Community Engagement Working Party - Minutes
- D4 22 Cranbrook Road, Bellevue Hill - Proposed Road Closure and Sale
- D5 Disclosure of Interest Returns by Councillors and Designated Persons

Development Control Committee Meeting held on Monday 19 October 2009

- D1 Confirmation of Minutes of Meeting held on 6 October 2009
- D2 DA262/2009 – 65 Union Street, Paddington – Unauthorised work – Construction of 1st floor balcony at rear of dwelling – 1/6/2009
- D3 DA375/2009 – 288 Oxford Street, Paddington – Change of use from café to restaurant – 23/7/2009
- D4 DA387/2009 – 148 Queen Street, Woollahra – Minor internal alterations & fitout of the ground floor shop for sale of seafood – 30/7/2009
- D5 DA209/2009 - 42 Glendon Road, Double Bay (Double Bay Bowling Club) – Alterations & additions including new kitchen & bar area, new dining area, terrace & new alfresco gaming area – 6/5/2009
- D6 DA103/2008 Part 3 – 6 Buckhurst Avenue, Point Piper – Section 96 Application – Proposed modification deletion of basement level & retention of existing swimming pool – 30/7/2009 (See Item R2)
- D7 DA103/2008 Part 4 – 6 Buckhurst Avenue, Point Piper – Section 96 Application – Proposed modification amalgamation of Unit Nos. 1 & 2, internal modifications, relocation of fire stairs, lobby & lift shaft & reorientation of lift overrun – 30/7/2009
- D8 DA103/2008 Part 5 – 6 Buckhurst Avenue, Point Piper – Section 96 Application – Proposed modification cosmetic changes to external facade – 30/7/2009
- D9 DA103/2008 Part 6 – 6 Buckhurst Avenue, Point Piper – Section 96 Application – Proposed modification enclosure of carspaces to Unit No. 7 & deletion of visitor carspace – 30/7/2009
- D10 DA278/2009 – 7 Buckhurst Avenue, Point Piper – Alterations & additions to convert the existing residential flat building into a single residential dwelling-house – 10/6/2009
- D11 DA430/2009 – 2 William Street, Double Bay – Use of Steyne Park for a school fete each November between 2009 & 2014 – 24/9/2008 (See Item R1)
- D12 Register of Current Land and Environment Court Appeals for Development Applications
- D13 Register of SEPP 1 Objections

Urban Planning Committee Meeting held on Monday 12 October 2009

- D1 Confirmation of Minutes of Meeting held on 28 September 2009

Community & Environment Committee Meeting held on Monday 12 October 2009

Nil D Items



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 2 November 2009 at 8.04pm**

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

Staff: A Coker (Director – Planning & Development)
S Dunshea (Director – Corporate Services)
W Hatton (Director – Technical Services)
G James (General Manager)
S Turner (A/Director – Community Services)
L Windle (Manager – Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Medcraft/Boskovitz)

- 1/20 THAT the Minutes of the Council Meeting held on 12 October 2009 be taken as read and confirmed.

Adopted

Leave of Absence

(Howe/Shapiro)

- 2/20 That leave of absence for all meetings of the Council and its Committees be granted to Councillor Isabelle Shapiro for the period Wednesday 4 November 2009 to Tuesday 17 November 2009, inclusive.

Adopted

(Shapiro/Howe)

- 3/20 That leave of absence for all meetings of the Council and its Committees be granted to Councillor Chris Howe for the period Sunday 22 November 2009 to Sunday 29 November 2009, inclusive.

Adopted

Apologies

Nil

Declarations of Interest

Councillor Edelman declared a non-significant, non-Pecuniary Interest in Corporate & Works Committee Item R2 (Vaucluse Road, Vaucluse – Nielson Park to Wentworth Road Civil Infrastructure Works) as she lives in Vaucluse Road, Vaucluse.

Councillor Shapiro declared a non-significant, non-Pecuniary Interest in Corporate & Works Committee Item R4 (Farnworth Lane, Point Piper – Acquisition of Laneway for Public Use) as her parents unit overlooks Farnworth Lane.

Suspension of Standing Orders

(Shapiro)

4/20 That Standing Orders be suspended to allow Councillors to raise matters concerning recent events.

Adopted

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

Councillor Shapiro

Councillor Shapiro advised that we have just completed another successful year of the Small Sculpture Prize, the 9th year of the prize. I would like to thank the members of the Small Sculpture Prize Advisory Committee and the staff members involved, in particular Jo Jansyn and Kylie Walshe. It has been a superb sculpture prize. I am delighted to see that it continues to go from strength to strength and everybody commented on what a wonderful evening and selection of works. There is a lot of work that goes on behind the scenes. We are now about to start choosing the judges for next years sculpture prize.

(Shapiro/Grieve)

5/20 That the members of the Small Sculpture Prize Advisory Committee and the staff members involved, in particular Jo Jansyn and Kylie Walshe be thanked for their efforts in making the 2009 Small Sculpture Prize a successful event.

Adopted

Councillor Shapiro

Councillor Shapiro advised that yesterdays Kids Day Out event was also a very successful event. This event also continues to go from strength to strength. The initial Kids Day Out was held in 2002 and then it was a Friends of the Library initiative and it was held every second year until 2006. Now it is being held annually because of its popularity. People actually said to me yesterday why don't we hold more than one a year because it is so fantastic. It is just growing and growing. The event is organised by the Community Services Division with staff across the Division responsible for the day. I would like to thank them all as I know how much hard work and organisation has been put in. The event attracted about 3,000 people and there was a range of activities for children ranging from music appreciation, story telling to clay modelling. I would like to thank all the staff involved in making this such a successful day, especially Holly Catt and the volunteers on the day.

(Shapiro/Grieve)

6/20 That the staff, especially Holly Catt and volunteers be thanked for making the 2009 Kids Day Out a successful event.

Adopted

Boskovitz

Councillor Boskovitz advised that the recently held Rose Bay Fair was also a very successful event and would like to move a motion to congratulate the Rose Bay Chamber of Commerce and Rotary Club of Rose Bay for organising the event. Although it was a little bit wet and rainy after about 12.00noon it was still a very successful day. I got there about 10.00am and the feeling at that time was absolutely superb as always. Everyone was having a good time, the shopkeepers were, as always, very welcoming of all the guests who came and shared in the festivities. Hopefully Rotary raised a lot of money for their services.

(Boskovitz/Grieve)

- 7/20** That Council pass on its appreciation to the Rose Bay Chamber of Commerce and Rotary Club of Rose Bay for organising the event.

Adopted**Cavanagh**

Councillor Cavanagh advised that the Local Government Association Annual Conference was held in Tamworth last week which was attended by 5 Councillors. Councillor Cavanagh advised that he would like to thank Allan Coker, Pat Vella and Les Windle for their assistance to the Councillors with organising the attendance at the Conference and while at the Conference.

(Cavanagh/Howe)

- 8/20** That Allan Coker, Pat Vella and Les Windle be thanked for their assistance to the Councillors with organising the attendance at the Conference and while at the Local Government Association Conference.

Adopted**Cavanagh**

Councillor Cavanagh advised that the 10th Anniversary of the Referendum of the continuation of the Monarchy for Australia is a few days away.

The Council noted the information.

Shoebridge

Councillor Shoebridge provided the following report on his attendance at the Local Government Association Conference.

Five Councillors went to the Conference from Woollahra, four as delegates of the Council, yourself Mr Mayor, Councillor Cavanagh, Councillor Carmichael and Councillor Howe and I went in my capacity as a member of the Executive of the Local Government Association. We ought properly report briefly to Council because it was expenditure of ratepayers money and for the interest of the press and the gallery that the most interest seems to be the expenditure that is used by Councillors in attending such events.

I am pleased to say we stayed at modest accommodation which seemed to be on a floodplain from what I could tell.

All Councillors attended by way of car pooling. I attended in a car pooling from Bangelo which I was pleased to see, was a positive development. In terms of the business that was considered at the Conference, I personally found it an informative Conference.

There was a broad ranging discussion about modernising the local government sector which I was pleased to see. It is a matter that is obviously troubling not just the minds of this Council but more broadly across New South Wales.

New South Wales has two peak bodies for local government. There is the Local Government Association and the Shires Association. The Local Government Association essentially represents the larger regional councils and most of the eastern seaboard. The Shires Association represents most of the smaller councils in rural New South Wales. There was discussion, and broad support for, finding a way to have one association rather than two associations for New South Wales. That of course creates real difficulties if you want to have a shire in say far western New South Wales which has 1,200 residents having a fair say, in their eyes, in an organisation which also has Blacktown, say, which has close to 300,000 residents. If that divide can be breached then hopefully we can move towards one association in due course.

There was also broad consideration about a way of making the Conference work better on the next occasion. Of ways of having more debate as well as broad consideration of something in the order of 150 Motions which were on the agenda which did not include all the late Motions.

I would be pleased in my role on the Executive to get any feedback from the other delegates who attended as to ways it can be improved in the terms of the working of the Conference for the next occasion. That is a matter that will be before the Executive in the coming months. I would be interested in any feedback from other Councillors and indeed from members of staff who attended.

I would also like to commend the Conference to other Councillors who have not been as a really positive way of interacting with a broad range of Councillors and broadening your experience and the ability to then come back and represent our ratepayers.

The Council noted the information.

Petitions

Petition No: 1
From: Local residents
Table by Councillor: Susan Wynne
File No: 884.G 2009

The Petition was in terms,

We the undersigned urge Woollahra Council to initiate the required action with the Roads and Traffic Authority to install appropriate traffic calming devices, with minimal effect to on street parking, in order to reduce the speed of traffic travelling through the Vaucluse Shopping Centre along New South Head Road and improve the safety of pedestrians in the area.

There is a history of accidents and near misses that makes the current situation unacceptable. We don't want to wait for a fatal accident to be the reason for this action.

Motion moved by Councillor Wynne
Seconded by Councillor Shoebridge

9/20 That the petition lie on the table for fourteen (14) days, be referred to the appropriate Council Officer to investigate and a report be submitted to the appropriate Committee of Council.

Adopted

Mayoral Minute

Mayoral Minute No: 1

Subject: New Years Eve 2009 Management

Author: Andrew Petrie - Mayor

File No: 1031.G

Reason for Report: That a ticketed event at Yarranabbe Park on New Year's eve be managed by Luna Park Sydney.

Motion moved by Councillor Medcraft

Seconded by Councillor Cavanagh

That the recommendation in the Mayoral Minute be adopted.

Amendment moved by Councillor Boskovitz

Seconded by Councillor Shoebridge

That the recommendation in the Mayoral Minute be adopted subject to inclusion of an additional Part E to read as follows:

- E. That the tickets to the area be provided free of charge by public ballot to families and residents from across Sydney with a request for a contribution from successful applicants to seek to defray costs.

The Amendment was put and lost.

The Motion was adopted.

10/20 Resolved:

- A. That Council adopt the event management proposal for Luna Park Sydney to operate and manage a ticketed event at Yarranabbe Park on NYE 2009.
- B. That Council declare the roads stated within the body of the report as Alcohol-Free Zones from 12.01am on 31 December 2009 - 12 Midday on 1 January 2010, in accordance with the *Section 644 to 644C of the Local Government Act 1993* and publishing the public notice and notifying the relevant stakeholders providing an opportunity for representations from the community.
- C. That the General Manager, in liaison with the Mayor, be authorised to finalise the arrangements.
- D. That Council erect signage within Rushcutters Bay Park and Sir David Martin Reserve prohibiting the consumption of alcohol from 12.01am on 31 December 2009 – 12 Midday on 1 January 2010.

Background:

On the 29 June 2009, Council adopted the proposed management strategy for the management of New Years Eve (NYE) 2009 of Woollahra's NYE venues and that staff call for tenders for a suitable Event Management Company to manage these venues.

At the completion of the tender process, Council received two tenders which were assessed and identified that only one tender was conforming. This was assessed as usual in accordance with the stated selection criteria in the tender documents.

At its meeting on the 28 September 2009, the tender panel recommended that Council not accept any of the tenders and enter into negotiations with suitable providers with a view to entering into a contract in relation to the subject matter of the tender. Council adopted the following resolutions:

- A. *That having regard to the circumstances outlined in the report, including only one conforming tender received and the price of that tender not being acceptable, that Council resolve not to accept any of the tenders in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005.*
- B. *That in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005, Council enter into negotiations with any suitable providers with a view to entering into a contract in relation to the subject matter of the tender.*
- C. *That due to the time restrictions and nature of the project that this report be referred as a matter of urgency to the Council meeting of 28 September 2009.*
- D. *That a further report be provided regarding the outcome of such negotiations.*

Staff have since entered into negotiations with suitably qualified event management companies to negotiate a more acceptable costing by reducing the extent of services that are to be provided. The reduced costs that were negotiated were still considered to be excessive and a considerable cost to the community and Council in relation to previous years.

A meeting on the 14 October 2009, with the Rose Bay Local Area Command, relevant Council staff and myself, discussed the feasibility of managing all of Council sites and the considerable costs associated with this. At this meeting it was recommended by Rose Bay Local Area Command that a ticketed venue be implemented at Yarranabbe Park to manage the amount of people within the area and assist in the crowd control. In previous years this vantage point has become overcrowded and local police have found it increasingly difficult to ensure public safety and the responsible consumption of alcohol.

The primary objective of the ticketed event within Yarranabbe Park would be to provide a safe and well managed event at an excellent vantage point that families can enjoy. The event would be family friendly, providing live family oriented and children's entertainment and rides, food stalls, two licenced bars and the opportunity for ticket holders to bring in picnic food. A maximum of 12,000 tickets will be available for pre-purchase only. The Police were very supportive of a ticketed event with a Licensed Bar operating within the secured venue, to discourage BYO and over consumption of alcohol. It was agreed that staff negotiate with suitable event organisers or hotels to operate and manage a licensed bar and provide security for the site and surrounds. Council would still be responsible for all other infrastructure and services for other NYE vantage point venues within Woollahra as per the council resolution on 29 June 2009 and previous years.

Proposal:

Council has progressed negotiations with qualified event management groups and local hotels in the provision of services and infrastructure for NYE. Various meetings have been held and submissions received from different providers including; Sydney Luna Park, HUMM Pty Ltd, Event & Sports Projects Australia, Solotel Hotel Management and Key Largo Bar. Council staff have recommended that Luna Park Sydney be contracted to provide a ticketed event at Yarranabbe Park for NYE 2009. Luna Park Sydney have provided Council with a highly workable and cost effective solution to NYE at Yarranabbe, whilst providing those celebrating NYE with a safe, enjoyable, fun filled event at an affordable price that represents good value to Council and the community.

There are obvious benefits to Council in dealing with a professional events management company to oversee the whole event location and all event logistics, rather than dealing with a range of unrelated suppliers.

Luna Park Sydney:

Luna Park Sydney, trading as Satellite Catering Services (SCS), in conjunction with Australian Concert & Entertainment Security (ACES) provided Council staff with a comprehensive submission relating to the management of event operations for NYE at Yarranabbe Park.

Luna Park Sydney (LPS) commenced operation in 1935. In its most recent inception, it was re-launched in 2004 as an 'entertainment precinct' offering far more than just an amusement park. With functions, events and fine dining added to the mix, it has become a major hub for domestic and international visitors alike.

The aim of the new event management proposal for Yarranabbe Park is to cater for a family friendly environment. The services and infrastructure is offered at a total cost of **\$250,000** excl GST. The event is to be ticketed, which will enable Council to recover a significant proportion of the costs.

As part of the proposal SCS will provide the following services and infrastructure:

- Ticketing services and managed entry;
- Fencing of the Yarranabbe Park site;
- Licensed bar and appropriate liquor licensing;
- Event management staff;
- Security and RSA roamers (inside and outside);
- Entertainment including children's rides, roaming entertainers, staged area with MC and family style DJ;
- Waste Management services and infrastructure (Council to provide pick-up);
- Traffic management services and access control;
- Appropriate crowd management planning and risk management;
- Communication strategy.

SCS offers an experience of a diverse range of catering formats and has experience catering for a diverse range of audiences and occasions including major events, retail and ticketing services, large group bookings, functions, and fine dining. Recent events that SCS have managed include, Harbour Party New Years Eve, Feelgood Festival - New Years Day, Nickelodeon Kids Choice Awards, and the MTX Music Awards.

SCS has a long term service agreement with ACES who are a single service integrated event management and logistic services company with the capability to service critical event management functions including, risk management, traffic management, OHS and public safety management, security management and alcohol management. Their full service capability enables assurance and control of services in areas critical to the success of public mass gatherings events.

ACES deliver a broad expertise in event management and related functions, including; Event Management, Event Staffing Services, Traffic Management Services, Security Services, Professional Advisory Services, Alcohol Management Services, and Cleaning Services.

SCS has extensive experience in working in cooperation with Local Area Commands on successful event management.

Venue Capacity:

The event site encompasses an area of 2.8ha, however the realistic area for utilisation by crowds would be closer to 1.7ha with the provision of event infrastructure and existing park furniture, trees and gardens. A comprehensive crowd capacity analysis will be prepared in consultation with the Rose Bay Local Area Command, based on the site area, pedestrian and emergency access, and allowances for infrastructure overlay. The final agreed capacity will take into account the capability for family areas where patrons have room for picnic blankets and standing room for other areas such as the licensed bar, food outlets and toilet areas.

In prior discussions with the Rose Bay Local Area Command they informed us approximate numbers as being 15,000 people at last years unmanaged site. They had requested that the managed site be ticketed as an 8,000 capacity venue for safety and ease of crowd management reasons. SCS have engaged Avert Risk Management Services to assess the feasibility of staging a public event at Yarranabbe Park and have proposed that a more realistic capacity would be 12,000 due to the following considerations;

- Area of Park – 2.8ha.
- The topography of the Park – it presents a large flat surface that can facilitate an outdoor public event. The total available space that could be occupied by patrons is 1.7ha. Based on the Emergency Management Australia Part III, crowd density for this event may be determined to be between 1.5 and 2 persons per square meter for a standing crowd. It is reasonably expected that the majority of patrons would wish to occupy the space given in a ‘picnic’ formation, which calls for 1 person per 1sq.m.
- Existing permanent facilities are minimal.
- Cost recovery to Council would be increased with the additional patronage within the secured managed site.

It is considered that, based on the preliminary assessment, a ticketed public event for 12,000 patrons at Yarranabbe Park on NYE 2009 can be safely organised, subject to further assessment and planning.

Variable Message Signs (VMS) will be used at the New South Head Road entry to New Beach Road to inform the public that the Yarranabbe Park event is open to pre-purchased ticket holders only.

Ticketing:

SCS have provided Council with a proposal that incorporates a ticketed event, thus offering the opportunity for Council to recoup a percentage of the cost of the event management services for NYE from ticket sales. Council staff are suggesting a ticket structure that has a price for adults, children, and families. The following ticket prices are suggested to incorporate both a cost recovery element and an affordable event for families and the general public.

Attendance	12,000	Net Tix Revenue Excl. GST (Approx.)	Categories	Prices Incl. GST
50% Family (up to 4)	1,500	\$82,000	Family	\$60
40% Adult	4,800	\$109,000	Adult	\$25
10% Child	1,200	\$18,000	Child	\$15
Total Revenue		\$209,000		

This expected cost recovery of \$209,000 is an approximate figure as the percentages of the category tickets sold (adults, children or family) are estimates, and we have not run a ticketed event at this venue before.

SCS will manage a sophisticated online and telephone Box Office service and will provide a reliable and professional ticketing solution to satisfy Council requirements for this event.

Responsible Service of Alcohol (RSA):

SCS and ACES have the required experience and knowledge to provide the sufficient security and RSA requirements for this event. The event will be operated by an "Extension of Hoteliers Licence" regulated by the Office of Liquor Gaming and Racing (OLGR) and will meet the stringent requirements of operating a licensed bar.

Coloured wrist bands will be issued on entry to event attendees over 18 years. Only people with wrist bands will be served alcohol and the amount of alcohol purchased at the bar in one transaction will be monitored and limited.

All event bar staff will be RSA certified and it is proposed to have approximately 45 RSA roamers monitoring the crowd behaviour and over consumption.

Alcohol Free-Zones:

In consultation with the Rose Bay Local Area Command they have recommended that the following roads in Darling Point and Rushcutters Bay be established as alcohol-free zones from 12.01am on 31 December 2009 - 12 Midday on 1 January 2010 in accordance with *Section 644 of the Local Government Act 1993*;

- New South Head Road (Along the precinct of Rushcutters Bay Park).
- New Beach Road.
- Darling Point Road (From the intersection of Mona Road and Greenoaks Avenue to Darling Point Reserve).
- Yarranabbe Road.
- Goomerah Crescent.
- Hampden Avenue.
- Bennett Avenue.
- Thornton Street.

This will provide the Police and the Event Manager an enforceable area to control along the precinct of Yarranabbe Park and McKell Park and assist in the management of crowd behaviour within the area and surrounding streets.

Section 644 of the Local Government Act 1993 states the following;

644A Public consultation on proposal to establish alcohol-free zone

- (1) After preparing a proposal under section 644, the council may, by notice published in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
 - (a) declare that it proposes to establish an alcohol-free zone, indicating the location of the zone and the proposed period or special events for which it will operate, and*
 - (b) state the place at which, the dates on which and the times during which a copy of the proposal may be inspected, and*
 - (c) invite representations and objections from persons and groups within the area, indicating that any representations or objections by them must be made within 14 days after the date on which the notice is published.**
- (2) The council must give a copy of its proposal to each of the following persons, indicating that any representations or objections by the person must be made within 30 days after the date on which the copy is given:
 - (a) the officer in charge of the police station within or nearest to the proposed alcohol-free zone,*
 - (b) each holder of a licence in force under the Liquor Act 1982 for premises that border on, or adjoin or are adjacent to, the proposed alcohol-free zone,*
 - (c) each secretary of a registered club under the Registered Clubs Act 1976 that borders on, or adjoins or is adjacent to, the proposed alcohol-free zone.**
- (3) If required to do so by the guidelines in force under section 646, the council must also give a copy of its proposal to the Anti-Discrimination Board, indicating that any representations or objections by the Board must be made within 40 days after the date on which the copy is given.*
- (4) The council must consider all representations and submissions that are duly made to it under this section.*

644B Establishment of alcohol-free zones

- (1) After complying with the procedures set out in sections 644 and 644A, the council may, by resolution, adopt a proposal (with or without modifications) to establish an alcohol-free zone.*
- (2) The resolution has the effect of establishing the alcohol-free zone in accordance with the terms of the resolution.*
- (3) After making the resolution, the council must, by notice published in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
 - (a) declare that an alcohol-free zone has been established, and*
 - (b) specify the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate.**
- (4) An alcohol-free zone may be re-established from time to time, in accordance with this Part, for further periods each not exceeding 4 years.*

There are benefits to having an alcohol-free zone at these areas to assist with management of the event at Yarranabbe Park and at McKell Park. The Police have stated that the alcohol free zones will deter crowds gathering in surrounding streets of the Darling Point and creating a nuisance to surrounding residents and the Police. The Police will have the power to seize and tip out or otherwise dispose of alcohol without the need to issue a warning.

Alcohol Prohibited in Parks:

Police have requested that Council erect signage within Rushcutters Bay Park and Sir David Martin Reserve prohibiting the consumption of alcohol from 12.01am on 31 December 2009 – 12 Midday on 1 January 2010. The Police have stated that prohibiting alcohol in these parks will assist with the management of the Yarranabbe Park event.

It is also requested that this signage be erected in McKell Park as per the council resolution on 29 June 2009 in creating an alcohol free area at McKell Park. The Rose Bay Local Area Command will police the sites as necessary.

Special Event Clearway:

Council's Traffic Department have included an item in the next Traffic Committee on 3 November 2009, recommending that Council make an application to the RTA for the implementation of a Special Event Clearway on New Beach Road along the entirety of Yarranabbe Park from 8.00am Tuesday 29 December 2009 to 8.00pm Saturday 2 January, 2010 to facilitate set-up and pack-down of the Yarranabbe Park NYE venue.

This Special Event Clearway will assist with the installation and removal of event infrastructure and fencing along New Beach Road. It will also deter campervans and backpacker style vehicles parking within this area to secure a vantage point several days before New Years Eve which has been a problem within the past years within this area.

Development Application:

A Development Application is required for this event and Council staff are preparing the application and a Statement of Environmental Effects, to be lodged on Tuesday 3 November 2009.

Communication Strategy:

An extensive communication and education strategy is being developed by Council staff and will be used to advertise the Woollahra's venues for NYE 2009. Staff will work closely with the Event Manager and other stakeholders in the promotion to residents, the community and visitors. Advertising will be via local media including, The Wentworth Courier, Council's website, resident letters, signage at venues and liaising with other managing agencies including the City of Sydney, Waverley Council, State Property Authority (Strickland House) and the National Parks & Wildlife.

Council's website will feature a page on New Year's Eve which will include information on all the vantage points, the ticketed event (including a link to online ticket purchase), public transport, traffic and parking.

Council requirements:

We have set the following conditions for the Yarranabbe Park event:

- The gates are proposed to open at 3.00pm.
- No liquids will be allowed into the event area. Drinks can be purchased from the bar at reasonable prices and water will be available free of charge.
- No drugs, security at managed entry.
- Sound levels for entertainment will comply with our requirements.
- Glassware will be minimised at the bar. Beer will be served in cans and alternatives for wine and champagne bottles are being sourced.

- Drinkware will be plastic and recyclable.
- For everyone's enjoyment and comfort, only small folding chairs with no legs will be permitted on entry. Picnic rugs and pillows are allowed.
- An alcohol free and no smoking zone will be established around the children's playground, rides and entertainment areas.
- The bars will close at midnight.
- This is an all weather event. Tickets are non-refundable and will only be available for pre-purchase.
- General event advertisements in the Wentworth Courier will be placed in advance of general promotion, to give local residents the opportunity to secure tickets.
- Public transport will be promoted for all vantage points. New Beach Road will be closed for general use (resident access only). Other traffic closures for NYE 2009 have been reported to the Traffic Committee.

Identification of Income & Expenditure:

The services and infrastructure provided by SCS is offered to Council at a total cost of **\$250,000** ex GST, with a significant proportion returned to Council from projected ticket sales. As stated in the body of the report with a capacity of 12,000 patrons the approximate cost recovery would be \$209,000 leaving Council to subsidise the Yarranabbe Park event to the extent of \$41,000. These figures may vary as they are based on an estimate as percentages of the category tickets sold (adults, children or family).

It should also be noted that the normal costs associated with infrastructure provided on previous years NYE vantage points will still be a cost to Council. In 2008, Council provided services and infrastructure to the value of \$45,000. Council will still need to provide the following:

- Fencing (McKell Park and Redleaf)
- Toilets (100 across 6 venues)
- Variable Message Signs (VMS)
- Lighting (Day making Lights)
- Waste Management services and infrastructure
- Traffic Management services and infrastructure.

Conclusion:

By engaging SCS we have the opportunity to respond to requests from Rose Bay Local Area Command for running a more controlled venue at Yarranabbe Park and providing a much-needed family friendly location for NYE. Yarranabbe Park has the potential to be a great venue for families to experience the NYE fireworks and celebrations in a safe and friendly environment.

SCS's event proposal includes a variety of event logistics and it makes good sense to have one organisation managing the majority of the event with Council and Police consultation.

Cr Andrew Petrie
Mayor

Annexures: Site Plan

Note: A Division was called by Councillors Boskovitz and Shoebridge

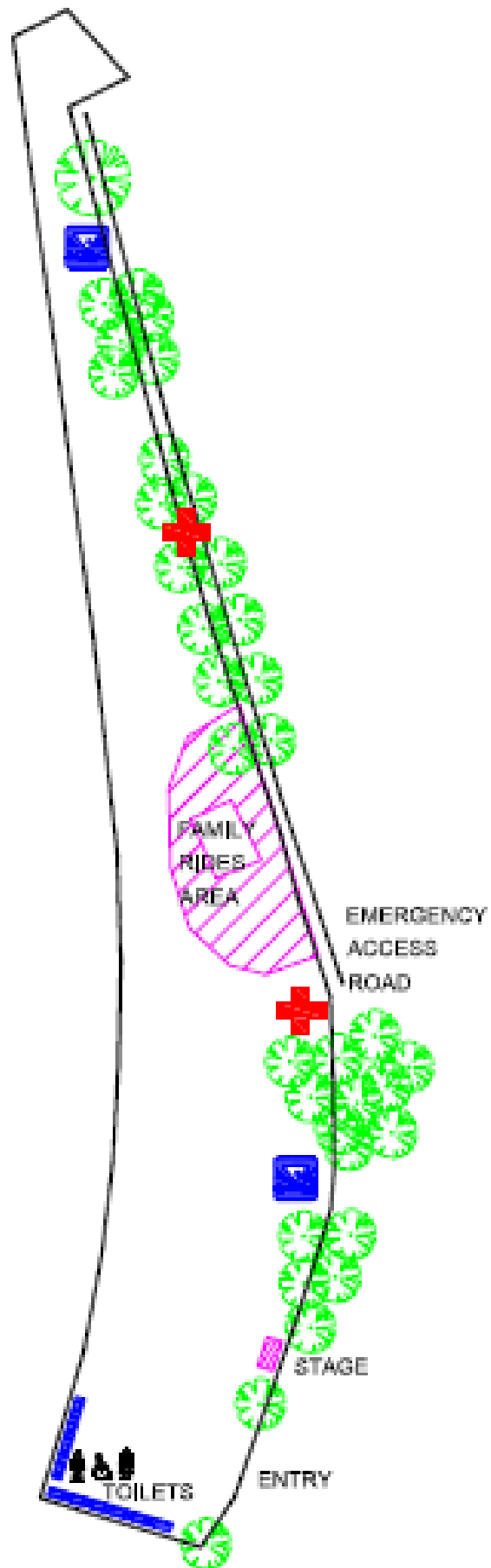
For the Motion

Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Young
Councillor Plater
Councillor Howe
Councillor Petrie

Against the Motion

Councillor Boskovitz
Councillor Zeltzer
Councillor Jarnason
Councillor Shoebridge
Councillor Carmichael
Councillor Grieve

9/6



Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 19 October 2009 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Unmade Road Reserve Salisbury Street, Watsons Bay – Easement In Favour of Jemena Gas Networks (NSW) Limited**
Author: Anthony Sheedy, Property Officer
File No: 406.
Reason for Report: To seek Council's endorsement for granting an easement to Jemena Gas Networks over unmade road reserve in Salisbury Street, Watsons Bay.

(Medcraft/Shoebridge)

11/20 Resolved without debate:

- A. That Council grant an easement to Jemena Gas Networks (NSW) Limited in respect of unmade road reserve portion of Salisbury Rd, Watsons Bay.
- B. That the Common Seal of Council be affixed to the Section 88B Conveyancing Act, 1919 instrument, subject to certification from Council's solicitors that the document protects the Council's interests.
- C. That Council agree to pay all costs associated with the easement.

Item No: R2 Recommendation to Council
Subject: **Vaucluse Road, Vaucluse - Nielsen Park to Wentworth Road Civil Infrastructure Works**
Author: David Byatt – Purchasing Coordinator
File No: Tender No. 09/17
Reason for Report: To recommend to Council the acceptance of a Tender

Note: Councillor Edelman declared a non-significant, non-Pecuniary Interest in this item as she lives in Vaucluse Road, Vaucluse.

(Medcraft/Shoebridge)

12/20 Resolved without debate:

- A. That Council enter into a Contract with Melhemcorp for Vaucluse Road, Vaucluse Nielsen Park to Wentworth Road Civil Infrastructure Project for the lump sum of \$187,422 (excluding GST), and provisional rates used.
- B. That successful and unsuccessful tenderers be advised accordingly.

Item No: R3 Recommendation to Council
Subject: Sutherland Avenue, Paddington - Acquisition of Roadway for Public Use
Author: Zubin Marolia - Manager – Property and Projects
File No: 438.9
Reason for Report: To formalise the status of Sutherland Avenue, Paddington as a Public Road
(Medcraft/Shoebridge)

13/20 Resolved without debate:

- A. That Council proceed with the dedication of Sutherland Avenue, Paddington under Section 16 of the Roads Act 1993 as recommended by HWL Ebsworth Lawyers by undertaking the following actions:
- a) Affixing a notice in a conspicuous place in Sutherland Avenue, stating Councils intention under Section 17 of the Roads Act 1993 that upon the expiry of 28 days after the date of the notice, Council intend to dedicate all the land described in the notice as a public road in accordance with Section 16 of the Roads Act.
 - b) Placing an advertisement in a local newspaper advising of Councils intention, upon the expiry of 28 days from the date of the advertisement, to dedicate all of Sutherland Avenue, Paddington as a public road in accordance with Section 16 of the Roads Act 1993.
- B. That Council execute and affix the Council seal on all necessary documentation to complete the acquisition of Sutherland Avenue, Paddington.
-

Item No: R4 Recommendation to Council
Subject: **Farnworth Lane, Point Piper - Acquisition of Laneway for Public Use**
Author: Zubin Marolia - Manager – Property and Projects
File No: 506.5
Reason for Report: To formalise the status of Farnworth Lane, Point Piper as a public lane
Note: Councillor Shapiro declared a non-significant, non-Pecuniary Interest in this item as her parents unit overlooks Farnworth Lane.

(Medcraft/Shoebridge)

14/20 Resolved without debate:

- A. That Council proceed with the dedication of Farnworth Lane, Point Piper under Section 16 of the Roads Act 1993 as recommended by HWL Ebsworth Lawyers by undertaking the following actions:
- a) Affixing a notice in a conspicuous place in Farnworth Lane, stating Councils intention under Section 17 of the Roads Act 1993 that upon the expiry of 28 days after the date of the notice, Council intend to dedicate all the land described in the notice as a public road in accordance with Section 16 of the Roads Act.
 - b) Placing an advertisement in a local newspaper advising of Councils intention, upon the expiry of 28 days from the date of the advertisement, to dedicate all of Farnworth Lane, Point Piper, as a public road in accordance with Section 16 of the Roads Act 1993.
- B. That Council execute and affix the Council seal on all necessary documentation to complete the acquisition of Farnworth Lane, Point Piper.
-

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 19 October 2009 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **2 William Street, Double Bay – Use of Steyne Park for a school fete each November between 2009 & 2014 – 24/9/2008**

Author: Simon Taylor – Senior Assessment Officer

File No: DA430/2009

Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the proposal involves an application relating to community land and there are unresolved objections.

(Shapiro/Howe)

15/20 Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant development consent to Development Application No. 430/2009 for the use of Steyne Park for a school fete each November between 2009 and 2014 on land at 2 William Street Double Bay, subject to the following conditions:

A. General Conditions

A.1 Approved Plans and supporting documents

Those with the benefit of this consent must carry out and operate the school fete in Steyne Park in accordance with the plan listed below as submitted by the Applicant and to which is affixed a Council stamp “Approved DA Plans” unless modified by any following condition.

Title	Description	Author/Drawn	Date(s)
Double Bay Public School 2009 fete in Steyne Park	Fete Layout Plan	No author	Undated

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

Standard Condition: A5

A.2 Yearly Review

Council reserves the right to review the successful operation of the school fete at yearly intervals and impose any further stipulations on the operation of the following fete.

A.3 Dates of fete

The fete is to be undertaken on the following dates only: 15 November 2009, 14 November 2010, 13 November 2011, 18 November 2012 and 17 November 2013.

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

Nil.

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

Nil.

D. Conditions which must be satisfied prior to the commencement of the fete**D.1 Park Hire Approval (in subsequent years)**

The applicant is required to apply to Council to seek approval to use Steyne Park prior to 1 August each year prior to the subsequent event. This is to ensure that Council, as Trust Manager of Steyne Park, is satisfied that the park is available and suitable for use for the event and the applicant has fully complied with the conditions of this consent.

Council, as Trust Manager, may also impose further conditions of hire that aim to protect the park environment and other park users.

D.2 Temporary vehicle access

Temporary vehicle access to the park will require the applicant to obtain consent under Section 138 of the Roads Act (which covers any work or activity on Councils roadway/footpath). This includes liaising with Council's Asset Engineer to confirm the requirements of Council's Civil Works department.

D.3 Damage Security Deposit

A security deposit of \$4,000 shall apply for the cost of making good any damage to Council property or park infrastructure caused as a consequence of the event, including any potential damage resulting from vehicular access to the park. The security deposit shall be provided to Council two (2) weeks prior to the event.

D.4 Registration of food stall holders

The food stall holders and/or events organiser must register with Council and notify the NSW Food Authority the food business details of all food stall holders. This can be done by contacting Council (www.records@woollahra.nsw.gov.au) and the NSW Food Authority's website (www.foodauthority.nsw.gov.au).

D.5 Fitout of food stalls

The person(s) with the benefit of this consent must submit to Council details of the typical construction and fitout of the temporary food stalls proposed at the school fete. Such details must demonstrate compliance with the Food Act 2003 and Regulation there under; the Food Standards Code and the Food Handling Guidelines for Temporary Events. The construction and fitout of the temporary food stalls shall be to the approval of Council's Environmental Health Officers'.

Food stall operators and the events organiser must ensure there is a sufficient supply of electricity for food handling operations, particularly for hot and cold food holding and water heating. All electrical work should be undertaken by a licensed electrician and conform to AS 3002-1985 'Electrical Installations-Shows and Carnivals'. Any gas bottles used for appliances should be secured so that it cannot be tipped over and should be pressure checked.

D.6 Access

The applicant is to notify Council the Friday before the event to confirm the vehicle and/or equipment delivery schedule. Temporary structures that are left on site over night will incur further costs and must be removed from the Park between 7.00am and 8.00am the following morning.

D.7 Promotional material

All promotional material associated with the fete, including flyers, advertising material and signs is to include reference to parking being available within the grounds of Double Bay Public School, Cross Street parking station, the Cosmopolitan parking station and public transport to the site (Edgecliff train station, Double Bay ferry wharf and Sydney Buses).

Promotional material is also to include the name and contact phone number of the organiser's representative who will be present on the day so as to respond to complaints.

E. Conditions which must be satisfied during the preparation of the fete

E.1 Fire upgrade

The following work is to be implemented as part of the fete to bring it into compliance with the following provisions of the *BCA*:

- a) That the fabrics used in the construction of the stalls shall comply with the flammability index requirements of NSW H102.8 of the *BCA*;
- b) That all electrical services serving the event shall comply with the requirements of NSW H102.14 of the *BCA*;
- c) That the stage seating shall be provided in accordance with the requirements of NSW H102.10 of the *BCA*;

Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report.

E.2 Fire Point

A fire point is to be suitably located within the site with suitable portable fire extinguishers as per Australian Standard AS2444, being a mobile fire point.

E.3 Building Code of Australia Requirements

All structures are to comply with Part H102 (Temporary Structures) of the Building Code of Australia.

E.4 Park Management and Maintenance

To avoid damage as a result of the Double Bay School Fete and ensure preservation of the parklands, the following must be complied with:

- No parking of vehicles is permitted on Council parklands
- No marquees or structures are permitted other than those specified in the development consent
- Erection of temporary structures made permissible by this application must not interfere with the existing underground irrigation system or quality of the playing field turf surface
- No advertising signage can be hung between park trees or from park furniture including light poles.
- No tables or chairs are permitted in Steyne Park other than those specified in this application
- No existing park signage is to be obstructed or interfered with in the conduct of the event.

E.5 Protection of vegetation

- No equipment is to be stored or set-up within 2m of any tree trunk, shrub or garden bed.
- No vehicle is to drive or stand within 2m of any tree trunk, shrub or garden bed.
- No speakers, lights or the like are to be attached to or placed within any tree, shrub or garden bed
- No shrubs, trees or other vegetation are to be moved, lopped or damaged.
- Any chairs to be used must have feet designed to minimise damage to the grassed surface. eg. Triangle shaped feet

E.6 Wet weather

In the event of excessive rain either before or during the event, the Director of Technical Services, or the Director's nominated representative, is authorised to direct that all or part of the park not be used, if in the opinion of the Director of Technical Services or his authorised representative, excessive damage to the park will result.

E.7 Public Liability

The applicant must provide a copy of a Certificate of Currency prior to each event showing Public Liability Insurance to the value of \$10,000,000 for each Double Bay Public School Fete and nominating Double Bay Public School and Woollahra Council as interested parties.

Copies of Certificates of Currency for Public Liability Insurance are also to be supplied by each of the service or entertainment providers operating at each of the events.

E.8 Toilets

Council toilet facilities at the event are insufficient to cope with the number of participants as expected over the six (6) hour period of the event. It is the responsibility of the event organisers to arrange adequate port-a-loos for the period of the event. In the event of wet weather, port-a-floor must be used in front of the port-a-loos to prevent excessive wear and tear of turf. These facilities are to be located near to the existing toilet facilities and are to be removed at the end of the event.

The organisers must leave Steyne Park toilet facilities with the same level of cleanliness as at the commencement of the event. Any cleaning costs incurred by Council's Open Space and Trees Department following the event will be deducted from the damage security deposit.

E.9 Waste Services and Cleaning

Recycling and general rubbish bins are to be provided and the applicant shall ensure that all waste is disposed of in an appropriate manner.

Additional waste services required for the event are the responsibility of the organisers. Waste Services can be arranged through private contractors or by hiring receptacles from Council's Waste Section.

The event organisers must undertake to leave Steyne Park and surrounds with the same level of cleanliness as at the start of the event. Any cleaning costs incurred by the Council's Parks Department for cleaning of the park including the removal of litter and the removal of any grease stains from roads, footpaths and paving after the event will be deducted from the damage security deposit.

E.10 Power, Generators and Cabling

The applicant is required to meet their own power needs for the event.

The applicant is responsible for ensuring all power cables do not affect pedestrian movement or present risks to the safety of pedestrians

E.11 Security

The applicant is to provide adequate security measures at the event from set up to completion.

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

Nil.

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

Nil.

H. Conditions which must be satisfied during the ongoing operation of the fete

H.1 Operation of food stalls

- a) Food stall operators are required to handle food for sale for human consumption in accordance with the Food Standards 3.1.1, 3.2.2 and 3.2.3.
- b) Food stall operators and the events organiser must ensure there are adequately sized, enclosed rubbish bins at each food stall and adequate arrangements made to dispose of garbage contents at the end of the day.
- c) Only potable water must be used for preparing food and for washing. Ice used for keeping food cool or adding to food or drink must also be potable.
- d) A fire extinguisher and fire blanket should be supplied in each stall where cooking or heating processes are undertaken. Such equipment should be easily accessible in the event of a fire.
- e) A sealed container of potable water with a tap should be provided at each stall, together with suitable bowls or containers for cleaning, sanitising and hand washing. Clean towels and detergent must be provided.
- f) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces.
- g) Foods that are required to be stored under temperature control, or kept frozen shall be kept under strict temperature control. Cold foods should be stored at or below 5 degrees celcius and hot food appliances such as bain maries and display cases should enable hot foods to be kept at or above 60 degrees celcius at all times. Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times.
- h) Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If the food is intended to be stored frozen, the food must remain frozen during storage and display.
- i) All food stall operators that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer. The thermometer must be cleaned and sanitised before it is used.
- j) Adequate measures must be taken by all food stall operators to prevent cross-contamination from raw foods to cooked foods by ensuring that there are separate utensils for cooked and raw meats, poultry and seafood; covering all food; keeping cooked meat and salads separate and washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.
- k) All food displayed by food stall operators shall be protected from likely contamination by customers, dust, fumes or insects by using plastic food wraps, sealed containers, sneeze barriers or food covers.
- l) Only single-use disposable eating and drinking utensils are permitted for use by food stall operators and must be protected from contamination until used.
- m) All packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.
- n) The food stalls must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter, food waste, dirt, grease or other visible matter.
- o) Bench tops and surfaces of equipment in contact with food and storage appliances must be kept in a clean and sanitary condition to ensure food is unlikely to be contaminated.
- p) All pre-packaged products must be clearly labelled with a description of the food, the name and address of the supplier, product lot identification, a list of ingredients, date marking, storage conditions, nutrition information panel and characterising ingredient. The above requirements are outlined in more detail in the Food Standards Code available on the NSW Food Authority's website (www.foodauthority.nsw.gov.au).

H.2 Hours of Operation

The hours of operation of the fete are limited to between 10am and 4pm, on 15 November 2009, 14 November 2010, 13 November 2011, 18 November 2012 and 17 November 2013. The setting up of stalls and other activities are not to commence prior to 7.30am and the area is to be cleared no later than 6.00pm on the day.

H.3 Public Access

Public access along the foreshore pathway and adjacent public playground is to be maintained at all times.

Public seating in Steyne Park shall remain freely available to the public and is not to be utilised in conjunction with the approved use.

H.4 Emergency Access

Access for all emergency vehicles from roads surrounding the event must be made available and monitored by security staff in the event of a emergency.

H.5 Noise

The applicant must not give rise to the production of offensive noise as determined by the Protection of the Environment Operations Act 1997 and regulations thereunder.

The PA system and musical equipment must not be used prior to 10am or after 4pm on the days of the school fete on 15 November 2009, 14 November 2010, 13 November 2011, 18 November 2012 and 17 November 2013.

H.6 Residential Amenity

All activities are to be carried out and conducted in such a manner so as to not interfere with the amenity of surrounding residents or those within the locality having regard to noise emission, rubbish, waste products and the like.

H.7 Protection of the Environment Operations Act

The operation of the fete at Steyne Park shall not cause harm to the environment or give rise to 'pollution incidents' as described in the Protection of the Environment Operations Act 1997.

The applicant is to ensure that no pollutants, including litter, enter Double Bay.

H.8 Aisle widths

If it is intended that the audience during speeches or performances are to be seated on the ground, aisles and cross overs are to be clearly defined on the ground, without causing damage to turf coverage.

H.9 Traffic management

A traffic marshal is to be stationed at the William Street pedestrian crossing to assist with pedestrian movement across William Street and to direct traffic to parking in Cross Street parking station, the Cosmopolitan parking station and the grounds of Double Bay public school (if available).

I. Conditions which must be satisfied following completion of the fete

I.1 Making good damage to park and infrastructure

The applicant must repair or meet the cost of making good any damage to Steyne Park and Council's infrastructure, as a consequence of the activities associated with this consent.

The Park will be inspected at the completion of the event to assess any damage caused, such as damage to trees, the turf surface, amenities block and presence of litter. Any damage must be restored to the satisfaction of Council's Manager Open Space and Trees at the cost to the applicant and within a timeframe as agreed between the applicant and Manager of Public Open Space. In assessing any damage, consideration will be given to normal wear and tear as a consequence of the event. Payment of cost for damage repairs undertaken by Council must be paid within 30 days from issue of Council's invoice.

J. Miscellaneous Conditions

Nil.

K. Advisings

Nil.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Recommendation

Against the Recommendation

Councillor Boskovitz
Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie

15/0

Item No: R2 Recommendation to Council
Subject: **6 Buckhurst Avenue, Point Piper – Section 96 Application – Proposed Modification deletion of basement level & retention of existing swimming pool – 30/7/2009**
Author: Simon Taylor – Senior Assessment Officer
File No: DA103/2008 Part 3
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 to the Officer’s recommendation.

Note: Late correspondence was tabled at the meeting from Simon Taylor, Council’s Senior Assessment Officer, Peter El Khouri and Lexia Wilson.

**Motion moved by Councillor Howe
Seconded by Councillor Young**

That the recommendation from the Development Control Committee be adopted subject to the amendments to Conditions C.1 (j) and E.2 in accordance with the late correspondence from Simon Taylor, Council’s Senior Assessment officer.

**Amendment moved by Councillor Zeltzer
Seconded by Councillor Shapiro**

That the recommendation from the Development Control Committee be adopted subject to the deletion of Condition C.1 (m)

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

(Howe/Young)

16/20 Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, modify development consent to Development Application No. 103/2008 Part 3 for substantial alterations and additions to the existing residential flat building including demolition works, new basement level with swimming pool, infilling part of the void between the existing residential flat building and car park, new boat store, new balconies, internal reconfigurations and landscape works on land at 6 Buckhurst Avenue, Point Piper, in the following manner:

The addition of Condition A.1(b):

A.1b) Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp “Approved Section 96 Plans” unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
2006594.4/1501A/R1/GW	Acoustic Report	Acoustic Logic Consultancy	23 Jan 08
0315-DA.101, 0315-DA.310, 0315-DA.311	Architectural Plans	Alex Poppv and Associates PL	8 Jul 08
0315-CC.201 (Basement Plan & Basement Plan)		George El Khouri Architects	6 Jun 09 (Red number 3)
0315-CC.201 (Roof Plan)			6 Jun 09 (Red number 4)
0315-CC.201 (Ground Floor Plan, First Floor Plan, Second Floor Plan, Third Floor Plan, Fourth Floor Plan)			6 Jun 09 (Red number 5)
0315-CC.201 (Fifth Floor Plan, East Elevation, North Elevation, South Elevation, West Elevation, Fifth Floor Plan)			6 Jun 09 (Red number 6)
A67774, A67773, A67772, A67771, A67769, A67768		BASIX Certificates	Department of Planning
071621	Construction Management Plan	George El Khouri Architects	16 Jan 08
08002	Flooding Study	AKY Civil Engineering	Feb 08
S07130-A	Geotechnical Report	Brink and Associates	30 Nov 07
S07130-A	Hydrogeological Report	Brink and Associates	30 Nov 07
L-01	Landscape Plan	Anton James Design	25 Feb 08
	Arbicultural Assessment Report	Urban Tree Management	11 Jan 08
0315	Sample Boards	Alex Poppv and Assoc	Undated
07162	Statement of Heritage Impact	GSA Planning	Feb 08
H-DA-01, H-DA-02	Stormwater Management Plan	ITM Design	26 Feb 08
07162	Traffic Report	GSA Planning	Feb 08
071882	Waste Management Plan	George El Khouri Architects	16 Jan 08

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

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

Standard Condition: A5

The modification of Condition C.1:

C.1 Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation*, must detail:

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation*, must detail:

- a) (deleted)
- b) The height of the main or upper vehicular entrance gate as limited to a maximum height of 2.1m
- c) The continuation of the raised planter bed/retaining wall in front of the basement level to the northern boundary
- d) (deleted)
- e) (deleted)
- f) No other structures on the roof such as antennas, exhaust, aerials or any other structure other than those structures indicated on the approved plans
- g) The colours and materials of the roof being of a dull, non-reflective nature
- h) (deleted)
- i) The deletion of the garage and any car parking on the fifth floor level.
- j) In addition to Condition No. E.2, the removal of all *Celtis.sp* (Hackberry) trees in the north eastern corner of the property and which are under a height of 10.0m
- k) The removal of the cypress hedge on the northern boundary of 6 Buckhurst Avenue and its replacement with a new hedge of non-invasive bamboo (*Bambusia Tertilis Gravilis*)
- l) No part of the proposed cladding on the eastern wall of bedroom 4 to unit 7 on the fifth level extending beyond the northern face of bedroom 4
- m) Reference to the retention of the existing swimming pool being deleted and the area being landscaped in accordance with the original consent.
- n) An increase in the length of the garages in the north eastern corner of the car park on the first, third and fourth levels to a minimum of 10.8m
- o) A minimum sill height of 1.0m to the north facing window from bedroom 4 on the first, second, third and fourth levels
- p) No windows within the north eastern (side) elevation of bedroom 4 in the north eastern corner of each level
- q) The retention of the fin walls in the south eastern corner of each level between the dining room and bedroom 3
- r) The establishment of landscaping to the area north of the lobby entrance doors on the fifth floor level. The landscaping is to comprise at least 75% low shrubbery, turf and other similar plants to a maximum height of 1.5m at maturity (measured above the RL of the slab level for level 5) and a maximum of 25% paving
- s) With respect to parts (i) and (q) of Condition C1, the parking arrangement within the four levels of the car park is to be is to be rearranged so that there is a maximum of 22 spaces. A minimum of two spaces are to be provided for each of the six units (including Unit 6) and a minimum of two visitor spaces.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

Standard Condition: C4

The modification of Condition C.3:

C.3 BASIX commitments

The *applicant* must submit the following *Certifying Authority BASIX Certificates* with any application for a *Construction Certificate*; -

- Certificate No. A28197 for Unit 1 on the ground floor level
- Certificate No. A28198 for Unit 2 on the ground floor level
- Certificate No. A28211 for Unit 3 on the first floor level
- Certificate No. A28212 for Unit 4 on the second floor level
- Certificate No. A28213 for Unit 5 on the third floor level
- Certificate No. A28278 for Unit 6 on the fourth floor level
- Certificate No. A28214 for Unit 7 on the fifth floor level

Note: Where there is any proposed change in the BASIX commitments the applicant must submit of a new *BASIX Certificate* to the *Certifying Authority* and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (See: Clauses 145 and 146 of the *Regulation*) the applicant will be required to submit an amended development application to *Council* pursuant to section 96 of the Act.

All commitments in the *BASIX Certificate* must be shown on the *Construction Certificate* plans and specifications prior to the issue of any *Construction Certificate*.

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation 2000* provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"
Standard Condition: C7

The modification of Condition E.2:

E.2 Tree Preservation & Approved Landscaping Works

All landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

The following trees must be retained

Council Ref No	Species	Location	Dimension (metres)
1	<i>Erythrina sykesii</i> Coral Tree	South Western Boundary	10 x 14 m
2			9 x 9 m
3	<i>Jacaranda mimosifolia</i> Jacaranda		12 x 10 m
4	<i>Lophostemon confertus</i> Brushbox	Northern Boundary	12 x 7 m
5	<i>Brachychiton acerifolius</i> Illawara Flame Tree		11 x 4 m

The following trees must be removed

Council Ref No	Species	Location	Dimension (metres)
6,7,& 8	<i>Celtis.sp</i> Hackberry	North Eastern corner	8 x 5 m

Note: The tree trees that may be removed should appear coloured red on the construction certificate plans.

The following trees may be pruned in accordance with Australian Standard AS 4373 – 2007 “Pruning of Amenity Trees” and Workcover NSW Code of Practice Amenity Tree Industry, 1998 to the minimum extent necessary to provide clearance to the new development:

Council Ref No	Species	Location	Approved pruning specification (extent of pruning)
1	<i>Erythrina sykesii</i> Coral Tree	South Western Boundary	As per Section 5.14 of Arboricultural Assessment
2			

Note: The tree trees required to be pruned should appear coloured blue on the construction certificate plans.

Note: Water Restrictions take precedence over this condition.

Note: Having regard to water restrictions manual hosing may be necessary.

Standard Condition: E9

An addition E.23 Condition

E.23 Traffic Management

The applicant is to strictly comply with the relevant conditions for traffic management. Furthermore, RTA accredited traffic management personnel are to be on site at all times.

The modification of Condition H.1:

H.1 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the following *BASIX Certificates*: -

- Certificate No. A28197 for Unit 1 on the ground floor level
- Certificate No. A28198 for Unit 2 on the ground floor level
- Certificate No. A28211 for Unit 3 on the first floor level
- Certificate No. A28212 for Unit 4 on the second floor level
- Certificate No. A28213 for Unit 5 on the third floor level
- Certificate No. A28278 for Unit 6 on the fourth floor level
- Certificate No. A28214 for Unit 7 on the fifth floor level

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A *certifying authority* must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Standard Condition: H7

The modification of Condition I.1:

I.1 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the following *BASIX Certificates*: -

- Certificate No. A28197 for Unit 1 on the ground floor level
- Certificate No. A28198 for Unit 2 on the ground floor level
- Certificate No. A28211 for Unit 3 on the first floor level
- Certificate No. A28212 for Unit 4 on the second floor level
- Certificate No. A28213 for Unit 5 on the third floor level
- Certificate No. A28278 for Unit 6 on the fourth floor level
- Certificate No. A28214 for Unit 7 on the fifth floor level

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.

Standard Condition: I7

- B.** The matter be referred to Council's Manager of Compliance to take appropriate action to ensure the ongoing compliance with the conditions of development consent.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Recommendation

Against the Recommendation

Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Young
Councillor Jarnason
Councillor Shoebridge
Councillor Plater
Councillor Howe
Councillor Grieve
Councillor Petrie

Councillor Boskovitz
Councillor Edelman
Councillor Shapiro
Councillor Zeltzer
Councillor Carmichael

10/5

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 12 October 2009 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Woollahra Section 94A Development Contributions Plan 2005**
Author: Anne White – Senior Strategic Planner
File No: 1180.G
Reason for Report: To obtain Council's decision to prepare a Section 94A Development Contribution Plan and to exhibit the Draft Woollahra Section 94A Development Contributions Plan 2009, which will repeal Woollahra Section 94A Development Contributions Plan 2005.

(Howe/Zeltzer)

17/20 Resolved without debate:

- A. That the Council resolve to prepare a contributions plan to authorise the imposition of conditions under Section 94A of the *Environmental Planning and Assessment Act 1979*.
- B. That the draft Woollahra Section 94A Development Contributions Plan as contained in **Annexure 1** of the report to the Urban Planning Committee meeting on 12 October 2009 be placed on public exhibition subject to clause 3.10 (Application of levy) being amended to read as follows:
- “Money paid to the Council under a condition authorised by this Plan is to be applied by the Council towards the cost of such of the public facilities listed in the works schedule in this Plan as the Council in its discretion may from time to time determine.”*
- C. That a report on the submissions to the draft contributions plan be prepared and presented to the Urban Planning Committee following the public exhibition process.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Recommendation**Against the Recommendation**

Councillor Boskovitz
Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie

15/0

Item No: R2 Recommendation to Council
Subject: **Consultation Model for The Woollahra Principal Local Environmental Plan**
Author: Jacquelyne Jeffery—Team Leader Strategic Planning
File No: 1064.G Principal LEP Draft Woollahra Plan
Reason for Report: To seek Council's endorsement of a consultation model for the preparation of Woollahra's new Principal Local Environmental Plan

Motion moved by Councillor Howe
Seconded by Councillor Carmichael

That the staff recommendation submitted to the Urban Planning Committee on 12 October 2009 be adopted.

Amendment moved by Councillor Shoebridge
Seconded by Councillor Plater

That the recommendation from the Urban Planning Committee be adopted.

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

(Shoebridge/Plater)**18/20 Resolved:**

Noting the proposed gazettal date is no earlier than March 2011, that Council endorse the *Consultation model for the draft Woollahra Principal LEP* provided at Annexure 1 of the report to the Urban Planning Committee meeting on 12 October 2009 subject to the section 62 consultation also include consultation with residents of any other targeted sites.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Recommendation

Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Grieve

Against the Recommendation

Councillor Boskovitz
Councillor Zeltzer
Councillor Howe
Councillor Cavanagh
Councillor Petrie

10/5

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 12 October 2009 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	Confirmation of Minutes of Meeting held on 28 September 2009
Author:	Les Windle – Manager Governance
File No:	See Council Minutes
Reason for Report:	The Minutes of the Meeting of 28 SEPTEMBER 2009 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. Note: This item is submitted to Council as there was not a quorum present at the Committee meeting and all items became R items. Items R2, R3 and R4 were submitted to the Council Meeting on 12 October 2009 as a matter of urgency.

(Carmichael/Boskovitz)

19/20 Resolved without debate:

That the Minutes of the Community and Environment Committee Meeting of 28 September 2009 be taken as read and confirmed.

Notice of Motion

Item No: 1
From: Councillor Boskovitz
Date: 21 October 2009
File No: 900.G

(Boskovitz/Wynne)

20/20 That a report be brought to the Corporate and Works Committee to consider the priority given to roadworks in Hopetoun Avenue, Vaucluse in light of the competing requirements across the Municipality.

That the report be included in the Delivery Program and Operational Plan review of infrastructure works, strategy and programming of those items that will be submitted to Corporate and Works Committee in January/February 2010.

Adopted

Item No: 2
From: Councillors Shoebridge and Grieve
Date: 23 October 2009
File No: 900.G

(Shoebridge/Medcraft)

21/20 There be a clear information pack(s) for residents, staff and councillors identifying:

1. How development conditions are enforced once a private certifier has been appointed;
2. The limited powers of council in such circumstances;
3. When certifiers must act; and
4. Circumstances in which certifiers can be removed and council reinstated as the certifying authority

Adopted

Item No: 3
From: Councillor Shoebridge
Date: 29 October 2009
File No: 900.G

(Shoebridge/Grieve)

22/20 That a report be brought to council on methods for regulating trans fats usage in the municipality including through conditions of consent on development applications. That the report also consider the health impacts of trans fats on residents.

Adopted

Questions Without Notice Tabled Answers

Item No: 11
Subject: Questions Without Notice
Author: Gary James, General Manager
File No: 467.G/Q01
Reason for Report: To provide a response to Questions without Notice from Council Meeting of 12 October 2009 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 Howe

23/20 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Boskovitz asking:

I have received a letter from Hylda Rolfe regarding a proposed new ramp to provide access to Camp Cove Beach for the beach rake/tractor unit. Could you please provide a comment on its contents?

Director Technical Services in response:

On notice

Councillor Boskovitz asking:

I received a letter from a resident regarding the roadway along Gap Park, Watsons Bay. Works are scheduled for 2012/13. Unfortunately it is really bad there. Can something be done to remedy the situation quickly?

Director Technical Services in response:

On notice

Councillor Boskovitz asking:

There are large crater like potholes in Fullerton Street, Woollahra. Could these be fixed immediately?

Director Technical Services in response:

On notice

Councillor Medcraft asking:

When will we receive the report on the survey of Councillors on holding of community ward meetings?

General Manager in response:

That will come to the next Community & Environment Committee meeting.

Councillor Medcraft asking:

When we ask questions on behalf of residents are they logged into the Customer Request System?

General Manager in response:

It would depend on the type of request.

Councillor Medcraft asking:

Can the Officers explain to us when a Councillor query is logged into the Customer Request System?

General Manager in response:

We can provide the criteria where we would actually log it but it would come back to the nature of the question. Some of them we would log into the Customer Request System, some we would deal with straight away because it has come as a direct e-mail to one of the senior officers. It would depend on the question itself and the time it would take to respond to it.

Councillor Medcraft asking:

What is logged and what isn't logged into the Customer Request System?

General Manager in response:

I will take that On notice because if you go through our Customer Request System there is about 100 different categories.

Councillor Jarnason asking:

Could the Council staff consider notifying the public prior to the Kids Day Out and other Council functions that the car park in Double Bay is open. It was very underutilised yesterday during the Kids Day Out event and it is only a short walk up the hill.

Mayor in response:

We definitely will do that

Councillor Shoebridge asking:

Have you had a response from Waverley Council yet about the unsightly depot between Newland and Vernon Streets as it has now become even more unsightly and dangerous with large amounts of loose eroding soft dirt now impeding pedestrian access and making the depot even more unsightly than the last time I raised the matter?

Mayor in response:

No, but we will remind them.

Councillor Howe asking:

Would the Director of Technical Services provide comment on the feasibility of providing explanation by way of laminated notices on safety and other barriers placed on Council's footpaths or roadway to advise residents of the necessity of the barriers and what works are being carried out by Council and others?

I refer to the barriers on Bellevue Road as the result of the collapse of a private retaining wall, the barriers on New South Head Road at Double Bay to protect pedestrians due to works by Energy Australia and previous barriers on New South Head Road and Hopetoun Avenue, Vaucluse as a result of the collapse of a private retaining wall.

Director Technical Services in response:

On notice

Councillor Howe asking:

Would the Director Technical Services please write again to the RTA requesting a response to our previous correspondence as a matter of priority regarding the state of the roadway on New South Head Road at Heartbreak Hill?

This location has already been the place of two fatal motorcycle accidents and there is no doubt that if the water seepage which runs constantly across the road, the third world state of the road pavement and the poorly marked lane indicators will result in future deaths or serious injury.

While not a safety concern, I note that the safety barrier has not had a coat of paint in well over 12 years which is appalling considering its proximity on a major arterial road and immediately adjacent to a major tourist attraction.

Director Technical Services in response:

On notice

There being no further business the meeting concluded at 10.30pm.

We certify that the pages numbered 3249 to 3292 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 2 November 2009 and confirmed by Council at the ordinary Meeting of Council on 16 November 2009 as correct.

General Manager

Mayor