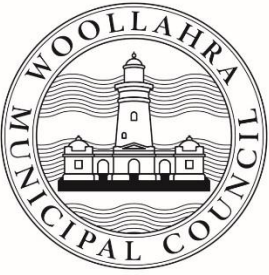


# Ordinary Council Meeting Minutes



**Minutes:** *Ordinary Council Meeting*

**Date:** *Tuesday 14 June 2016*

**Time:** *8.00pm*

# Ordinary Council Meeting

Tuesday 14 June 2016

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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.**

### **Community & Environment Committee held on Monday 23 May 2016**

- D1 Confirmation of Minutes of Meeting held on 9 May 2016
- D2 Woollahra Local Traffic Committee Minutes - 3 May 2016
- D3 Floodplain Risk Management Committee Meeting Minutes - 20 April 2016 (SC1207)

### **Urban Planning Committee held on Monday 23 May 2016**

- D1 Confirmation of Minutes of Meeting held on 9 May 2016
- D2 Double Bay Working Party - minutes of meeting held on 19th April 2016 (SC2819)

### **Development Control Committee held on Monday 06 June 2016**

- D1 Confirmation of Minutes of Meeting held on 16 May 2016
- D2 DA 596/2015 - 19 Gladswood Gardens, Double Bay
- D3 DA669/2015/1 172 Paddington Street Paddington
- D7 DA 710/2005/6 - 5 Billong Avenue, Vacluse (Child Care Centre)
- D8 DA2016/133/1 - 1/75 Birriga Road Bellevue Hill
- D9 DA53/2015/1 - 13 Manning Road, Double Bay
- D10 Register of Current Land and Environment Court Matters and Register for Court Proceedings for Building Control, Environmental Control and Health Control

### **Corporate & Works Committee held on Monday 06 June 2016**

- D1 Confirmation of Minutes of Meeting held on 16 May 2016



## Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, 536 New South Head Road, Double Bay, on  
14 June 2016 at 8.00 pm.**

Present:	Councillors:	Susan Wynne	(Deputy Mayor - Chair)
		Ted Bennett	
		Peter Cavanagh	
		Luise Elsing	
		James Keulemans	
		Greg Levenston	(Chair for DCC Items R2 & R3)
		Katherine O'Regan	
		Andrew Petrie	
		Matthew Robertson	
		Deborah Thomas	
		Jeff Zulman	
	Staff:	Craig Bennett	(Manager – Governance & Council Support)
		Chris Bluett	(Acting Director – Planning & Development)
		Stephen Dunshea	(Acting General Manager)
		Nick Economou	(Manager – Development Control)
		Tom O'Hanlon	(Director – Technical Services)
		Kylie Walshe	(Director – Community Services)
Also in Attendance:		Nil	

## Confirmation of Minutes

(Robertson/Bennett)

**104/16 Resolved:**

That the Minutes of the Ordinary Council Meeting held on 23 May 2016 be taken as read and confirmed.

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## Leave of Absence and Apologies

Apologies were received and accepted from Councillor Anthony Marano and The Mayor Councillor Toni Zeltzer and leave of absence granted.

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## Declarations of Interest

Councillor Thomas declared a Pecuniary Interest in Item 9.3 - R1 Urban Planning Committee (Yarranabbe Park and Rushcutters Bay Park Sea Wall Planning Proposal), as she is the Chief Executive Officer and Managing Director of the Ardent Leisure Group, who own and manage the D'albora Marinas. Councillor Thomas left the meeting and did not participate in the debate or vote on this matter.

Councillor Keulemans declared a Non-Significant, Non-Pecuniary Interest in Item 9.2 - R2 Development Control Committee (20-26 Cross Street, Double Bay) as he sits on the Double Bay Chamber of Commerce as a Council representative. Councillor Keulemans does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Keulemans remained in the meeting, participated in the debate and voted on this matter.

Councillor Keulemans declared a Non-Significant, Non-Pecuniary Interest in Item 9.2 - R3 Development Control Committee (16-18 Cross Street, Double Bay) as he sits on the Double Bay Chamber of Commerce as a Council representative. Councillor Keulemans does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Keulemans remained in the meeting, participated in the debate and voted on this matter.

Councillor Keulemans declared a Non-Significant, Non-Pecuniary Interest in Item 9.2 - R4 Development Control Committee (28 Bay Street, Double Bay) as he sits on the Double Bay Chamber of Commerce as a Council representative. Councillor Keulemans does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Keulemans remained in the meeting, participated in the debate and voted on this matter.

Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in Item 9.2 - R2 Development Control Committee (20-26 Cross Street, Double Bay) as she sits on the Double Bay Chamber of Commerce as a Council representative. Councillor O'Regan does not believe that the interest will affect her deliberations on the matter or her vote. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in Item 9.2 - R3 Development Control Committee (16-18 Cross Street, Double Bay) as she sits on the Double Bay Chamber of Commerce as a Council representative. Councillor O'Regan does not believe that the interest will affect her deliberations on the matter or her vote. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in Item 9.2 - R4 Development Control Committee (28 Bay Street, Double Bay) as she sits on the Double Bay Chamber of Commerce as a Council representative. Councillor O'Regan does not believe that the interest will affect her deliberations on the matter or her vote. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in Item 9.1 - R1 Corporate and Works Committee (Eastern Suburbs Rugby Union Football Club Licence) as he is a member of the Eastern Suburbs Rugby Club and he chairs the foundation, which is at arm's length with the Rugby Club. Councillor Petrie does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Petrie remained in the meeting, participated in the debate and voted on this matter.

Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in Item 9.2 - R2 Development Control Committee (20-26 Cross Street, Double Bay) as he knows the Roche family, he knows the objectors and he knows Gary Shields. Councillor Petrie does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Petrie remained in the meeting, participated in the debate and voted on this matter.

Councillor Zulman declared a Significant, Non-Pecuniary Interest in Item 9.2 – R3 Development Control Committee (16-18 Cross Street, Double Bay) as he knows the applicant and several members of the applicants family. Councillor Zulman left the meeting and did not participate in the debate or vote on this matter.

Councillor Zulman declared a Significant, Non-Pecuniary Interest in Items 9.2 – R2 Development Control Committee (20-26 Cross Street, Double Bay) due to the close proximity of this proposed development to 16-18 Cross Street, Double Bay, of which Councillor Zulman has also declared a Significant, Non-Pecuniary Interest for different reasons. Councillor Zulman felt that debating on 20-26 Cross Street, Double Bay may influence other Councillors in their deliberations and voting on both development assessments. Council Zulman left the meeting and did not participate in the debate or vote on this matter.

Councillor Wynne declared a Significant, Non-Pecuniary Interest in Item 9.2 – R3 Development Control Committee (16-18 Cross Street, Double Bay) as she is very good friends with one of the owners children and the wider family. Councillor Wynne left the meeting and did not participate in the debate or vote on this matter.

Councillor Wynne declared a Significant, Non-Pecuniary Interest in Item 9.2 – R2 Development Control Committee (20-26 Cross Street, Double Bay) due to the close proximity of this proposed development to 16-18 Cross Street, Double Bay, of which Councillor Wynne has also declared a Significant, Non-Pecuniary Interest for different reasons. Councillor Wynne felt that debating on 20-26 Cross Street, Double Bay may influence other Councillors in their deliberations and voting on both development assessments. Council Wynne left the meeting and did not participate in the debate or vote on this matter.

## Late Correspondence

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item : Development Control Committee Items R2 (20-26 Cross Street Double Bay), Item R3 (16-18 Cross Street Double Bay), Item R4 (28 Bay Street, Double Bay) and Urban Planning Item R1 (Yarranabbe Park and Rushcutters Bay Park Seawall Planning Proposal).

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## Petitions Tabled

Nil

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## Suspension of Standing Orders

### Councillor Cavanagh

**105/16** That Standing Orders be suspended to allow Councillor Cavanagh to advise Council of the Dedication of the Queen Elizabeth II Fountain and the unveiling of the naming plaque.

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

**Adopted.**

### Councillor Cavanagh advised:

That he attended the dedication of the Queen Elizabeth II Fountain and the unveiling of the naming plaque. The event was held on Thursday 9 June 2016 in Davies Reserve Woollahra. The event was held to honour Queen Elizabeth II and to commemorate the fact that she is the longest reigning sovereign in British history.

The Mayor, Councillor Zeltzer and Councillor Cavanagh unveiled the plaque. The event was also attended by Councillors Levenston, Marano, Elsing and Robertson.

A high tea followed the unveiling of the naming plaque at Hughenden Hotel. Staff were thanked for a fantastic effort in co-ordinating the event.

**The Council noted the information.**

### Councillor Cavanagh

**106/16**

That the Suspension of Standing Orders continue to allow Councillor Cavanagh to advise Council of the Governor's Reception.

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

**Adopted.**

**Councillor Cavanagh advised:**

That he attended the Governor's reception which was held on Monday 13 June 2016 for Queen Elizabeth II's 90<sup>th</sup> birthday. The Governor hosted an afternoon Garden Reception at Government House.

The reception was also attended by Councillor Elsing.

**The Council noted the information.****Councillor Robertson**

- 107/16** That the Suspension of Standing Orders continue to allow Councillor Robertson to advise Council of the Dedication of Queen Elizabeth II Fountain and the unveiling of the naming plaque.

**The Deputy Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.****Adopted.****Councillor Robertson advised:**

That he also attended the dedication to Queen Elizabeth II Fountain and the unveiling of the naming plaque.

He wished to thank Councillor Cavanagh for the role that he had in ensuring that the event was so successful.

**The Council noted the information.****Councillor Robertson**

- 108/16** That the Suspension of Standing Orders continue to allow Councillor Robertson to advise Council of the Pauline McLeod Reconciliation Awards.

**The Deputy Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.****Adopted.****Councillor Robertson advised:**

That he wished to speak about the Pauline McLeod Reconciliation Awards, which was held on Thursday 26 May, 2016 at the University of New South Wales Leighton Hall. These awards are awarded by the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum, annually. The awards recognise silent achievers in our community who are working towards reconciliation.

The late Robyn Kemmis, former Deputy Lord Mayor of Sydney was acknowledged with a posthumous award.



The Scots College took out first and second prize in the Primary School Art competition. Ascham School took out third place in the kindergarten to year 2 category, the Cottage at Glenmore Road Public School took out third place for the Group Work category and Kambala High School won the inaugural High School Short Film competition.

Councillor Robertson had the honour of presenting the awards alongside Pauline McLeod's brother, Brian McLeod.

The awards were hosted by Randwick City Council and Councillor Robertson represented the Mayor of Woollahra, Councillor Toni Zeltzer on behalf of Woollahra Council at the event.

**The Council noted the information.**

**Councillor O'Regan**

**109/16** That the Suspension of Standing Orders continue to allow Councillor O'Regan to advise Council of the Storms which hit Sydney recently.

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

**Adopted.**

**Councillor O'Regan advised:**

That quite a number of properties in the Woollahra Local Government Area were affected by the storms which hit Sydney on the weekend of the 4<sup>th</sup> and 5<sup>th</sup> June, 2016.

A number of places in the municipality were badly affected by the storms. This included Watson's Bay, Rose Bay, Cooper Park and Redleaf, just to name a few.

Woollahra Council staff were thanked for their efforts in cleaning up after the storms finished. The Waverley/Woollahra SES also did a fantastic job of cleaning up after the storms.

**The Council noted the information.**

**Councillor Zulman**

**110/16** That the Suspension of Standing Orders continue to allow Councillor Zulman to advise Council of his attendance at the new Woollahra Library.

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

**Adopted.**

**Councillor Zulman advised:**

That he was unfortunately unable to attend the official opening of the Woollahra Library which was held on Tuesday 24 May 2016. He was however given a guided tour by Council's Director – Community Services, Kylie Walshe. He commended staff for a fabulous facility.

**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 6 June 2016 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **EASTERN SUBURBS RUGBY UNION FOOTBALL CLUB LICENCE (SC366)**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Tom O'Hanlon, Director - Technical Services  
**File No:** 16/65142  
**Reason for Report:** To seek Council approval to enter into a Licence agreement with Eastern Suburbs Rugby Union Football Club, at OSullivan Road , Rose Bay.

**Note:** Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in this Item, as he is a member of the Eastern Suburbs Rugby Club and he chairs the foundation, which is at arm's length with the Rugby Club. Councillor Petrie does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Petrie remained in the meeting, participated in the debate and voted on this matter.

(Cavanagh/Thomas)

#### 111/16 Resolved without debate:

That Council resolve to enter into a licence agreement with Eastern Suburbs Rugby Union Football Club Limited for a licenced area of 1.791 hectares comprising Eastern Suburbs Rugby Union Football Club house, Grimley Pavilion Gymnasium, and Woollahra Park Oval No 1 at O'Sullivan Road, Rose Bay; subject to the following terms and conditions:

- (i) A Licence term of twenty one (21) years commencing 11 August 2015.
- (ii) Initial Minimum Licence fee of \$57,851 per annum (exclusive GST) paid monthly from the commencement date, plus outgoings.
- (iii) Market rent review at the 7<sup>th</sup> and 14<sup>th</sup> anniversary of the Licence commencement date as assessed by an independent Valuer, with CPI reviews during the intervening years.

**Item No:** R2 Recommendation to Council  
**Subject:** **DEDICATION OF HARGRAVE LANE, PADDINGTON AND ADJOINING LANEWAY AS PUBLIC ROAD (SC540)**  
**Author:** Anthony Sheedy, Senior Property Officer  
**Approvers:** Zubin Marolia, Manager - Property & Projects  
Tom O'Hanlon, Director - Technical Services  
**File No:** 16/65580  
**Reason for Report:** To formalise the status of Hargrave Lane and the laneway adjoining 2 Hargrave Lane Paddington as Public road.  
**(Cavanagh/Thomas)**

**112/16 Resolved without debate:**

- A. That Council proceed with the dedication of Hargrave Lane including the laneway adjoining 2 Hargrave Lane as Public road, under Sections 16 and 17 of the Roads Act, 1993 as recommended by HWL Ebsworth Lawyers by undertaking the following actions:
- i) Affixing a notice on Hargrave Lane and the laneway adjoining 2 Hargrave Lane, Paddington, in a conspicuous place for 28 days.
  - ii) Placing an advertisement in a local newspaper advising of Councils intention to dedicate Hargrave Lane and the laneway adjoining 2 Hargrave Lane, Paddington as Public road in accordance with Section 17 of the Roads Act, 1993.
  - (iii) Providing a notice of the road dedication of Hargrave Lane and the laneway adjoining 2 Hargrave Lane, Paddington in the NSW Government Gazette; subject to Section 17 of the Roads Act, 1993.
- B. That Council instruct HWL Ebsworth Lawyers to execute the necessary actions to dedicate Hargrave Lane and the laneway adjoining 2 Hargrave Lane, Paddington as Public road.
- C. That Council authorise the Mayor and General Manager to execute and affix the Council Seal to the documents required for the dedication and acquisition of Hargrave Lane and the laneway adjoining 2 Hargrave Lane, Paddington as road for the Public use.
-

## Development Control Committee

### Items with Recommendations from the Committee Meeting of Monday 6 June 2016 Submitted to the Council for Determination

<b>ITEM No.</b>	R1 Recommendation to Council
<b>FILE No.</b>	DA663/2002/4
<b>ADDRESS</b>	600-612 New South Head Road Rose Bay
<b>PROPOSAL</b>	For the operation of an aquatic school and small watercraft hire facility on the central section of the Tingira Reserve beach frontage
<b>REASON FOR REPORT</b>	In accordance with Council's meeting procedures and policy this matter has been referred to full Council as it involves an intensification of use of more than 10% on community land and is not delegated under Section 47E of the Local Government Act.

(Bennett/O'Regan)

**113/16 Resolved without debate:**

THAT the Council, as the consent authority, modify development consent to Development Application No. 663/2002/1 for the operation of an aquatic school and small watercraft hire facility on the central section of the Tingira Reserve beach frontage on land at 600-612 New South Head Road Rose Bay, subject to the following:

**The modification of the following condition:**

**4. Hiring, identification and storage of water craft.**

Subject to licensing agreements with Roads and Maritime Services, Rose Bay Aquatic Hire shall be limited to the hiring of and storage of a maximum:

- 25 SUPs
- 25 Kayaks
- 7 Open Runabouts

No other watercraft may be hired or launched from the beach other than that specified in this consent, without prior Council approval.

All vessels owned or hired by Rose Bay Aquatic Hire require identification to indicate ownership.

**The addition of the following condition:**

**9. Storage of Additional Watercraft**

No approval is given to any modification to the approved watercraft storage area. The watercraft storage area shall be maintained in accordance with DA2002/663/3 at all times (a storage area of 6m x 19m). Storage for the additional watercraft is to be sourced off site if there is insufficient room within the approved watercraft storage area.

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

***For the Motion***

***Against the Motion***

Councillor Bennett  
 Councillor Cavanagh  
 Councillor Elsing  
 Councillor Keulemans  
 Councillor Levenston  
 Councillor O'Regan  
 Councillor Petrie  
 Councillor Robertson  
 Councillor Thomas  
 Councillor Wynne  
 Councillor Zulman

Nil

***11/0***

<b>ITEM No.</b>	R2 Recommendation to Council
<b>FILE No.</b>	DA390/2015/1
<b>ADDRESS</b>	20-26 Cross Street Double Bay
<b>PROPOSAL</b>	Demolition of existing buildings and the construction of a new 6 storey mixed development comprising two (2) levels of basement car parking with access from Knox Lane, six (6) commercial/retail units and a cafe/restaurant (indicative design only - no approval is sought for the use) on the ground floor level and five (5) levels of residential development above comprising of 34 units
<b>REASON FOR REPORT</b>	In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Andrew Petrie for the following reasons: <ul style="list-style-type: none"> <li>• The current controls specifically height, number of storeys and floor space ratio are inappropriate in terms of encouraging and enabling new development to activate and revitalise Double Bay</li> </ul> <p>The proposed schemes will have a positive streetscape contribution on both Cross St and Knox Lane and revitalise the Double Bay precinct.</p>
<b>Note:</b>	As the Deputy Mayor Councillor Susan Wynne declared a Significant Non-Pecuniary conflict of interest on this item, the Council resolved that Councillor Levenston assume the chair for this Item.
<b>Note:</b>	Council resolved (O'Regan/Robertson) to deal with DCC items R2 (20-26 Cross Street, Double Bay) and R3 (16-18 Cross Street, Double Bay) together. The Chairman made the following commentary to the Councillors prior to them dealing with both development assessments:- "I think it reasonable that we discuss both of these cases together. But there are differences between each one and I wish those talking at the time to keep those specifics relevant and not assume that all of the points relate to both of the cases. If you come to a specific issue on cases one or two then please point that out. At the end of this debate we will need to vote on each development assessment separately."
<b>Note:</b>	Councillor Keulemans declared a Non-Significant, Non-Pecuniary Interest in this Item as he sits on the Double Bay Chamber of Commerce as a Council representative. Councillor Keulemans does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Keulemans remained in the meeting, participated in the debate and voted on this matter.
<b>Note:</b>	Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in this Item as she sits on the Double Bay Chamber of Commerce as a Council representative. Councillor O'Regan does not believe that the interest will affect her deliberations on the matter or her vote. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.
<b>Note:</b>	Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in this Item as he knows the Roche family, he knows the objectors and he knows Gary Shields. Councillor Petrie does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Petrie remained in the meeting, participated in the debate and voted on this matter.
<b>Note:</b>	Councillor Zulman declared a Significant, Non-Pecuniary Interest in this Item, as he knows the applicant and several members of the applicants family. Councillor Zulman left the meeting and did not participate in the debate or vote on this matter.

**Note:** Councillor Wynne declared a Significant, Non-Pecuniary Interest in this Item, as she knows one of the owners children and the wider family. Councillor Wynne left the meeting and did not participate in the debate or vote on this matter.

**Note:** **Late correspondence was tabled by the following:**

Wes van der Gardner, Alex & Vera Boyarsky, Maurice Linker, Anthony Tregoning, Malcolm Young, Double Bay Residents, Roger Muller (2 pieces), Gary & Patricia Burg (2 pieces), J Stephen & Jennifer Quain, Susan Anderson, Virginia Rundle, Lucy Brennan, Mathew Vadas, Rick Solomon, Peta Solomon, Jennifer Dewar, Susan Hardie, Ari & Lara Taibel, Sandra & Bernard McLeod, Elza Leven, Stephen & Sophia Aroney, Nazy Minbashian, Rilka Macainsh, Heidi Sting & Daniel Stangroom, Ms G Haynes, Brian Fletcher & Carolyn Savage (2 pieces), Gillean Jacklin, Tony Adams, Kay Ingleton, Tom Pongrass, Nicki & Glenn Parks, Fiona McCrossin, Philip Mason, Dr Bruce Forster, Martin Crawford, Barbara Morimer, Rose & Ron Grunstein, Double Bay Residents, Janine Adams, Robert Middleton, Geoffrey Rundle, Peter Benjamin, Sawyer Trice, Joanna Levadetes, Professor Timothy Rohl, Valerie Bower, Martin Filz, Gillian Rozenberg, Pauline & Graham McCredie, John & Helen McDonagh, Margaret & Cris Tory, Frances Brown, Manou & Al Heman, Douglas Isles, The Pratt Family, Colleen Bray, Neil & Ali Carter, Virginia Hewitt, Susanna & Georg Herda, Bill & Rhondda Blackshaw, Zoe Abbott, Prof Graeme Stewart, Bal Buzz, Annette & Colin McGregor, Michelle Falstein Coppola, Wendy Williams, Jill Karhan, Anna Crossley, Amanda Stewart, Judith Kaye, Victoria Bruninghausen, John Ruwald, Sandra & Bernard McLeod, Elizabeth Terrill & Alan Frazer, Margaret Ross, Cottan Family, Rodney Clark, Nicolette Eisdell, Allan & Mrs Roma Shell, Dr Andrew Gal, Philippe & Merrill du Boisee, Barbara Morimer, Marcia Topic, John Hutchinson, Tim Pockley, M Showell & P Atkins, Catherine Nolan, Debra Moore, Pat Lore, Carol Thompson, S Park, Gregory Frazer.

**Motion moved by Councillor O'Regan  
Seconded by Councillor Keulemans**

That Council, **defer** further consideration and determination of Development Application No. 390/2015/1 for demolition of existing buildings and the construction of a new six (6) storey mixed development comprising two (2) levels of basement car parking with access from Knox Lane, six (6) commercial/retail units and a café/restaurant (indicative design only – no approval is sought for the use) on the ground floor level and five (5) levels of residential development above comprising of 34 units on land at 20-26 Cross Street Double Bay, for the following reasons:-

- a) To enable the applicant to address the recommended reasons for refusal relating to contamination of land, acid sulphate soils and hydrogeological and geotechnical impacts.
- b) To enable Council staff to undertake an assessment of any additional information submitted by the applicant and the assessment be tabled to a future Development Control Committee Meeting.

**Amendment moved by Councillor Robertson  
Seconded by Councillor Elsing**

That the Staff Recommendation for Refusal be adopted.

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

**(O'Regan/Keulemans)****114/16 Resolved:**

That Council, **defer** further consideration and determination of Development Application No. 390/2015/1 for demolition of existing buildings and the construction of a new six (6) storey mixed development comprising two (2) levels of basement car parking with access from Knox Lane, six (6) commercial/retail units and a café/restaurant (indicative design only – no approval is sought for the use) on the ground floor level and five (5) levels of residential development above comprising of 34 units on land at 20-26 Cross Street Double Bay, for the following reasons:-

- a) To enable the applicant to address the recommended reasons for refusal relating to contamination of land, acid sulphate soils and hydrogeological and geotechnical impacts.
- b) To enable Council staff to undertake an assessment of any additional information submitted by the applicant and the assessment be tabled to a future Development Control Committee Meeting.

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

***For the Motion***

Councillor Bennett  
Councillor Cavanagh  
Councillor Keulemans  
Councillor Levenston  
Councillor O'Regan  
Councillor Petrie

***Against the Motion***

Councillor Elsing  
Councillor Robertson  
Councillor Thomas

**6/3**



<b>ITEM No.</b>	R3 Recommendation to Council
<b>FILE No.</b>	DA571/2014/1
<b>ADDRESS</b>	16-18 Cross Street Double Bay
<b>PROPOSAL</b>	Demolition of the existing commercial building and construction of a 6 storey mixed use development comprising 2 basement levels with parking for 18 vehicles, 3 ground floor retail spaces with an arcade and 7 x 3 Bedroom, 4 x 2 Bedroom and 2 x 1 Bedroom units on the levels above
<b>REASON FOR REPORT</b>	<p>In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Andrew Petrie for the following reasons:</p> <ul style="list-style-type: none"><li>• The current controls specifically height, number of storeys and floor space ratio are inappropriate in terms of encouraging and enabling new development to activate and revitalise Double Bay</li></ul> <p>The proposed schemes will have a positive streetscape contribution on both Cross St and Knox Lane and revitalise the Double Bay precinct.</p>

**Note:** As the Deputy Mayor Councillor Susan Wynne declared a Significant Non-Pecuniary conflict of interest on this item, the Council resolved that Councillor Levenston assume the chair for this Item.

**Note:** Council resolved (O'Regan/Robertson) to deal with DCC items R2 (20-26 Cross Street, Double Bay) and R3 (16-18 Cross Street, Double Bay) together. The Chairman made the following commentary to the Councillors prior to them dealing with both development assessments:-  
"I think it reasonable that we discuss both of these cases together. But there are differences between each one and I wish those talking at the time to keep those specifics relevant and not assume that all of the points relate to both of the cases. If you come to a specific issue on cases one or two then please point that out. At the end of this debate we will need to vote on each development assessment separately."

**Note:** Councillor Keulemans declared a Non-Significant, Non-Pecuniary Interest in this Item as he sits on the Double Bay Chamber of Commerce as a Council representative. Councillor Keulemans does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Keulemans remained in the meeting, participated in the debate and voted on this matter.

**Note:** Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in this Item as she sits on the Double Bay Chamber of Commerce as a Council representative. Councillor O'Regan does not believe that the interest will affect her deliberations on the matter or her vote. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

**Note:** Councillor Zulman declared a Significant, Non-Pecuniary Interest in this Item due to the close proximity of this proposed development to 16-18 Cross Street, Double Bay, of which Councillor Zulman has also declared a Significant, Non-Pecuniary Interest for different reasons. Councillor Zulman felt that debating on 20-26 Cross Street, Double Bay may influence other Councillors in their deliberations and voting on both development assessments. Council Zulman left the meeting and did not participate in the debate or vote on this matter.

**Note:** Councillor Wynne declared a Significant, Non-Pecuniary Interest in this Item due to the close proximity of this proposed development to 16-18 Cross Street, Double Bay, of which Councillor Wynne has also declared a Significant, Non-Pecuniary Interest for different reasons. Councillor Wynne felt that debating on 20-26 Cross Street, Double Bay may influence other Councillors in their deliberations and voting on both development assessments. Council Wynne left the meeting and did not participate in the debate or vote on this matter.

**Note: Late correspondence was tabled by the following:**

Gary Shiels (3 pieces), S Park, Peter Benjamin, Charlotte Feldman, Mary-Jo Wilson, Theo Aroney, Anthony Tregoning, Malcolm Young, Double Bay Residents, Roger Muller (2 pieces), Gary & Patricia Burg (2 pieces), J Stephen & Jennifer Quain, Susan Anderson, Virginia Rundle, Lucy Brennan, Mathew Vadas, Rick Solomon, Peta Solomon, Jennifer Dewar, Susan Hardie, Ari & Lara Taibel, Sandra & Bernard McLeod, Elza Leven, Stephen & Sophia Aroney, Nazy Minbashian, Rilka Macainsh, Heidi Sting & Daniel Stangroom, Ms G Haynes, Brian Fletcher & Carolyn Savage (2 pieces), Gillean Jacklin, Tony Adams, Kay Ingleton, Tom Pongrass, Nicki & Glenn Parks, Fiona McCrossin, Philip Mason, Dr Bruce Forster, Martin Crawford, Barbara Morimer, Rose & Ron Grunstein, Double Bay Residents, Janine Adams, Robert Middleton, Geoffrey Rundle, Peter Benjamin, Sawyer Trice, Joanna Levadetes, Professor Timothy Rohl, Valerie Bower, Martin Filz, Gillian Rozenberg, Pauline & Graham McCredie, John & Helen McDonagh, Margaret & Cris Tory, Frances Brown, Manou & Al Heman, Douglas Isles, The Pratt Family, Colleen Bray, Neil & Ali Carter, Virginia Hewitt, Susanna & Georg Herda, Bill & Rhondda Blackshaw, Zoe Abbott, Prof Graeme Stewart, Bal Buzz, Annette & Colin McGregor, Michelle Falstein Coppola, Wendy Williams, Jill Karhan, Anna Crossley, Amanda Stewart, Judith Kaye, Victoria Bruninghausen, John Ruwald, Sandra & Bernard McLeod, Elizabeth Terrill & Alan Frazer, Margaret Ross, Cottan Family, Rodney Clark, Nicolette Eisdell, Allan & Mrs Roma Shell, Dr Andrew Gal, Philippe & Merrill du Boisee, Barbara Morimer, Marcia Topic, John Hutchinson, Tim Pockley, M Showell & P Atkins, Catherine Nolan, Debra Moore, Pat Lore, Carol Thompson, S Park, Gregory Frazer.

**Motion moved by Councillor O'Regan  
Seconded by Councillor Keulemans**

That Council, **defer** further consideration and determination of Development Application No. 571/2014/1 for demolition of the existing commercial building and construction of a six (6) storey mixed development comprising two (2) basement levels with parking for eighteen (18) vehicles, three (3) ground floor retail spaces with an arcade and seven (7) \* three (3) Bedroom, four (4) \* two (2) Bedroom and two (2) one (1) Bedroom units on the levels above on land at 16-18 Cross Street Double Bay, for the following reasons:- with access from Knox Lane, six (6) commercial/retail units and a café/restaurant (indicative design only – no approval is sought for the use) on the ground floor level and five (5) levels of residential development above comprising of 34 units on land at 20-26 Cross Street Double Bay, for the following reasons:-

- a) To enable the applicant to address the recommended reasons for refusal relating to contamination of land, acid sulphate soils and hydrogeological and geotechnical impacts.
- b) To enable Council staff to undertake an assessment of any additional information submitted by the applicant and assessment be tabled to a future Development Control Committee Meeting.

**Amendment moved by Councillor Robertson  
Seconded by Councillor Elsing**

That the Staff Recommendation for Refusal be adopted.

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

**(O'Regan/Keulemans)**

**115/16 Resolved:**

That Council, **defer** further consideration and determination of Development Application No. 571/2014/1 for demolition of the existing commercial building and construction of a six (6) storey mixed development comprising two (2) basement levels with parking for eighteen (18) vehicles, three (3) ground floor retail spaces with an arcade and seven (7) \* three (3) Bedroom, four (4) \* two (2) Bedroom and two (2) one (1) Bedroom units on the levels above on land at 16-18 Cross Street Double Bay, for the following reasons:- with access from Knox Lane, six (6) commercial/retail units and a café/restaurant (indicative design only – no approval is sought for the use) on the ground floor level and five (5) levels of residential development above comprising of 34 units on land at 20-26 Cross Street Double Bay, for the following reasons:-

- a) To enable the applicant to address the recommended reasons for refusal relating to contamination of land, acid sulphate soils and hydrogeological and geotechnical impacts.
- b) To enable Council staff to undertake an assessment of any additional information submitted by the applicant and the assessment be tabled to a future Development Control Committee Meeting.

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

***For the Motion***

Councillor Bennett  
Councillor Cavanagh  
Councillor Keulemans  
Councillor Levenston  
Councillor O'Regan  
Councillor Petrie

***Against the Motion***

Councillor Elsing  
Councillor Robertson  
Councillor Thomas

**6/3**

<b>ITEM No.</b>	R4 Recommendation to Council
<b>FILE No.</b>	DA387/2012/1
<b>ADDRESS</b>	28 Bay Street, Double Bay
<b>PROPOSAL</b>	Alterations and additions to the rear of the Royal Oak including a new gaming and covered area and outdoor deck, footpath seating on Bay Street, removal of one tree and ancillary landscaping
<b>REASON FOR REPORT</b>	In accordance with Council's meeting procedures and policy this matter has been referred to full Council due to a substantive change from the Committee's recommendation to the Officers recommendation.

**Note:** Councillor Keulemans declared a Non-Significant, Non-Pecuniary Interest in this Item as he sits on the Double Bay Chamber of Commerce as a Council representative. Councillor Keulemans does not believe that the interest will affect his deliberations on the matter or his vote. Councillor Keulemans remained in the meeting, participated in the debate and voted on this matter.

**Note:** Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in this Item as she sits on the Double Bay Chamber of Commerce as a Council representative. Councillor O'Regan does not believe that the interest will affect her deliberations on the matter or her vote. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

**Note:** Late correspondence was tabled by Peter Tate & S Park.

**Motion moved by Councillor Bennett  
Seconded by Councillor O'Regan**

That the Committees recommendation (amendment to Condition No. I.11B) from Development Control Committee of 6 June 2016 be adopted.

**Amendment moved by Councillor Robertson**

That the original staff recommendation for approval to modifications from the Development Control Committee be adopted.

**The Amendment lapsed for want of a seconder.  
The Motion was put and carried.**

**(Bennett/O'Regan)**

**116/16 Resolved:**

**Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979**

THAT the Council, as the consent authority, modify development consent to Development Application No. 387/2012/5 for alterations and additions to the rear of the Royal Oak including a new gaming and covered area and outdoor deck, footpath seating on Bay Street, removal of one tree and ancillary landscaping on land at 28 Bay Street, Double Bay, subject to the following:

**The modification of Condition No. I.11 as follows:****I.11 Hours of use of Outdoor Covered and Uncovered Areas (Ground Floor)**

To mitigate amenity impacts upon the neighbourhood, the base hours of use of the outdoor covered and uncovered areas at the rear of the ground floor are limited to:

Monday-Sunday: 8am to 10pm

**I.11A Extended hours of operation for Outdoor Covered and Uncovered Areas (Ground Floor)**

The hours of operation for the Outdoor Covered and Uncovered Areas (Ground Floor) of the licensed premises are extended as follows:

Monday-Saturday: 10pm to 12midnight

Sunday: 10pm to 11pm

This condition is a reviewable condition as referred to under the Act, s.80A (10B-10D). The extended trading hours will be reviewed in accordance with **Condition I.11B**.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** Council's consideration of the extended hours of operation of licensed premises will take into account:

- a) compliance of the premises in terms of security and its general management;
- b) the number and nature of substantiated complaints regarding the operation of the premises;
- c) compliance with the conditions of this consent; and
- d) any other matters considered relevant to the environmental evaluation of the premises.

Standard Condition: I4 (Autotext: II4)

**I.11B Review of extended hours of operation for licensed premises**

Council will review the extended trading hours as referred to in **Condition I.11A** only if Council has satisfactory evidence, within 6 months of the date of this decision, to suggest the extended trading hours are unduly impacting on the amenity of the neighbourhood or NSW Police have requested a review.

If Council has not been required to undertake a review within 6 months from the date of this decision, Conditions I.11 and I.11A are of no effect and the hours of use for the outdoor covered and uncovered areas (ground floor) shall be as follows:

Monday – Saturday: 8am-12midnight

Sunday: 8am-11pm

**Note:** The review will be presented to the Council Committee that determined the application and all stakeholders will be notified of the meeting.

**Note:** As a result of a review a reviewable condition may be changed

Standard Condition: I5 (Autotext: II5)

**The addition of Condition No. J.1:****J.1 Hotel Management Plan and Security Procedures**

The approved Hotel Management Plan and Security Procedures referenced in **Condition A9** is to be updated to reflect the changes in **Condition C1** and all aspects of **Section I** of this development consent, as most recently modified.

A copy must be made available to Council within 28 days of the date of determination of this application. It is also to be provided to stakeholders, free of charge, upon request.

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

***For the Motion***

Councillor Bennett  
Councillor Cavanagh  
Councillor Elsing  
Councillor Keulemans  
Councillor Levenston  
Councillor O'Regan  
Councillor Petrie  
Councillor Thomas  
Councillor Wynne

***Against the Motion***

Councillor Robertson  
Councillor Zulman

**9/2**

## Urban Planning Committee

### Items with Recommendations from the Committee Meeting of Monday 23 May 2016 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
- Subject:** **YARRANABBE PARK AND RUSHCUTTERS BAY PARK SEA WALL PLANNING PROPOSAL**
- Author:** Amelia Parkins, Strategic Heritage Officer
- Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development
- File No:** 16/65392
- Reason for Report:** To report on the public exhibition of the planning proposal to heritage list Yarranabbe Park and Rushcutters Bay Park sea wall.  
To obtain Council's approval to proceed with finalisation of the planning proposal.
- Note:** Councillor Thomas declared a Pecuniary Interest in this Item, as she is the Chief Executive Officer and Managing Director of the Ardent Leisure Group, who own and manage the D'albora Marinas. Councillor Thomas left the meeting and did not participate in the debate or vote on this matter.
- Note:** Late correspondence was tabled by Diane Davie.

**(Keulemans/Petrie)**

**117/16 Resolved:**

- A. THAT Council proceed with the planning proposal for Yarranabbe Park and Rushcutters Bay Park sea wall.
- B. THAT Council exercise its delegation authorised by the Director, Metropolitan (CBD) Planning Services, Department of Planning and Environment, on 28 January 2016, to carry out the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979*.
- C. THAT Council thank The Darling Point Society Inc in advocating for the listing and in always remaining vigilant with regards to our heritage.

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

***For the Motion***

Councillor Bennett  
Councillor Cavanagh  
Councillor Elsing  
Councillor Keulemans  
Councillor Levenston  
Councillor O'Regan  
Councillor Petrie  
Councillor Robertson  
Councillor Wynne  
Councillor Zulman

***Against the Motion***

Nil

**10/0**

**Item No:** R2 Recommendation to Council  
**Subject:** **PLANNING PROPOSAL FOR 48 DUXFORD STREET, PADDINGTON**  
**Author:** Amelia Parkins, Strategic Heritage Officer  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
 Allan Coker, Director - Planning & Development  
**File No:** 16/44367  
**Reason for Report:** To report on the public exhibition of the planning proposal to heritage list 48 Duxford Street, Paddington.  
 To obtain Council's approval to proceed with finalisation of the planning proposal.

**(Robertson/Zulman)**

**118/16 Resolved:**

- A. THAT Council note the report detailing the planning proposal for 48 Duxford Street, Paddington.
- B. THAT Council take no further action to proceed with the planning proposal for 48 Duxford Street, Paddington.
- C. THAT Council work with the owners of 48 Duxford Street, Paddington to erect a suitable commemorative plaque recognising the historical association, aesthetics and social significance of Margaret Olley's former home and place of work.

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

***For the Motion***

***Against the Motion***

Councillor Bennett  
 Councillor Cavanagh  
 Councillor Elsing  
 Councillor Keulemans  
 Councillor Levenston  
 Councillor O'Regan  
 Councillor Petrie  
 Councillor Robertson  
 Councillor Wynne  
 Councillor Zulman

Nil

***10/0***



**Item No:** R3 Recommendation to Council  
**Subject:** **REVISED PLANNING PROPOSAL FOR 374 AND 376-382 NEW SOUTH HEAD ROAD, DOUBLE BAY (SC2873)**  
**Author:** Brendan Metcalfe, Strategic Planner  
**Approvers:** Anne White, Acting Team Leader - Strategic Planning  
 Chris Bluett, Manager - Strategic Planning  
 Allan Coker, Director - Planning & Development  
**File No:** 16/63652  
**Reason for Report:** To update Council on the planning proposal for 374 and 376-382 New South Head Road, Double Bay.  
 To recommend deferral of the assessment of the revised planning proposal that has been submitted for this site until the review of planning controls for Double Bay is complete.

(O'Regan/Bennett)

**119/16 Resolved without debate:**

That consideration of the revised planning proposal for 374 and 376-382 New South Head Road, Double Bay as reported to the Urban Planning Committee of 23 May 2016 be deferred until the review of planning controls in the Double Bay Centre is complete.

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

***For the Motion***

***Against the Motion***

Councillor Bennett  
 Councillor Cavanagh  
 Councillor Elsing  
 Councillor Keulemans  
 Councillor Levenston  
 Councillor O'Regan  
 Councillor Petrie  
 Councillor Robertson  
 Councillor Wynne  
 Councillor Zulman

Nil

***10/0***

## Notices of Motion

**Item No:** 11.1  
**Subject:** NOTICE OF MOTION  
**From:** Councillors Luise Elsing, Peter Cavanagh and Anthony Marano  
**Date:** 8/06/2016  
**File No:** 16/79039

(Elsing/Cavanagh)

**120/16 Resolved:**

That Council immediately reissue all marketing, programming, events literature, signage, communications and online representations to reflect the library's name as Woollahra Library.

**Adopted**

*Note: Councillor Robertson called for a Division on this Item.*

*For the Motion*

Councillor Bennett  
Councillor Cavanagh  
Councillor Elsing  
Councillor Levenston  
Councillor Petrie  
Councillor Robertson  
Councillor Thomas  
Councillor Wynne

*Against the Motion*

Councillor Keulemans  
Councillor O'Regan  
Councillor Zulman

8/3

## Questions for Next Meeting

**Item No:** 12.1  
**Subject:** **QUESTIONS FOR NEXT MEETING**  
**Author:** Sue O'Connor, Secretarial Support - Governance  
**Approver:** Craig Bennett, Manager Governance & Council Support  
**File No:** 16/77187  
**Reason for Report:** To provide a response to Questions for Next Meeting from Council Meeting of 23 May 2016 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Petrie/Robertson)

**121/16 Resolved:**

- A. That the responses to previous Questions for Next Meeting be noted.
- B. That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

**Note:** No Questions were asked by Councillors.

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There being no further business the meeting concluded at 9.40 pm.

**We certify that the pages numbered 1304 to 1329 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 14 June 2016 and confirmed by Council at the Ordinary Meeting of Council on 27 June 2016 as correct.**

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**General Manager**

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**Mayor**