

# Ordinary Council Meeting Minutes



**Minutes:** *Ordinary Council Meeting*

**Date:** *Monday 31 October 2016*

**Time:** *8.00pm*

# Ordinary Council Meeting

Monday 31 October 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.**

### **Urban Planning Committee held on Monday 10 October 2016**

D1 Confirmation of Minutes of Meeting held on 26 September 2016

### **Community & Environment Committee held on Monday 10 October 2016**

D1 Confirmation of Minutes of Meeting held on 26 September 2016

D2 Woollahra Local Traffic Committee Minutes - 4 October 2016

### **Corporate & Works Committee held on Monday 24 October 2016**

D1 Confirmation of Minutes of Meeting held on 4 October 2016

D2 Monthly Financial Report - September 2016

D3 Statutory Code of Conduct Complaints Report

D4 Disclosure of Interest Returns by Councillors and Designated Persons

### **Development Control Committee held on Monday 24 October 2016**

D1 Confirmation of Minutes of Meeting held on 4 October 2016

D2 DA360/2016/1 - 39 Grosvenor Street Woollahra

D3 DA248/2016/1 9-11 Glenmore Road Paddington

D4 DA 214/2015/1 - 357-359 New South Head Road Double Bay

**(See Item R2)**

D5 DA520/2015/1 27 Salisbury Road Rose Bay

D6 Register of Current Land and Environment Court Matters and Register for Court Proceedings for Building Control, Environmental Control and Health Control

D7 Register of SEPP 1 Objections and Clause 4.6 Variations



## Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, 536 New South Head Road, Double Bay, on  
31 October 2016 at 8.07 pm.**

Present: Her Worship the Mayor, Councillor Toni Zeltzer  
Councillors: Ted Bennett  
Peter Cavanagh  
Luise Elsing  
Anthony Marano  
Katherine O'Regan  
Andrew Petrie  
Matthew Robertson  
Susan Wynne

Staff: Craig Bennett (Manager – Governance & Council Support)  
Allan Coker (Director – Planning & Development)  
Stephen Dunshea (Director – Corporate Services)  
Gary James (General Manager)  
Tom O'Hanlon (Director – Technical Services)  
Kylie Walshe (Director – Community Services)

Also in Attendance: Nil

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## Confirmation of Minutes

(Wynne /Elsing)

**212/16 Resolved:**

That the Minutes of the Ordinary Council Meeting held on 10 October 2016 be taken as read and confirmed.

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## Leave of Absence and Apologies

(Wynne /Cavanagh)

**213/16 Resolved:**

That Leave of Absence for all meetings of the Council and its Committees be granted to Councillor Greg Levenston for the period from 31 October 2016 to 1 November 2016 inclusive.

That Leave of Absence for all meetings of the Council and its Committees be granted to Councillor Deborah Thomas for the period from 24 October 2016 to 14 November 2016 inclusive.

An apology was received and accepted from Councillor James Keulemans and leave of absence granted.

**Note:** Leave of absence has previously been granted to:

- Councillor Jeff Zulman for the period from 15 August 2016 to 14 November 2016.
- 

## Declarations of Interest

Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in Item R1 Development Control Committee (Double Bay European Festival) as she is the Chair of the Double Bay Chamber of Commerce. 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.

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## Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item Development Control Committee R2 (357-359 New South Head Road Double Bay) & Urban Planning R1 (374 & 376-372 New South Head Road Double Bay).

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## Petitions Tabled

Nil

## Suspension of Standing Orders

### Councillor Wynne

- 214/16** That Standing Orders be suspended to allow Councillor Wynne to advise Council of her attendance at the Watsons Bay Cider Festival.

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

**Adopted.**

### Councillor Wynne advised:

That she attended the Watsons Bay Cider Festival which was held at the Watsons Bay Boutique Hotel on Sunday 30 October 2016.

Councillor Wynne congratulated the organisers for a fantastic event. She also thanked staff for their assistance with the event.

**The Council noted the information.**

### Councillor Wynne

- 215/16** That the Suspension of Standing Orders continue to allow Councillor Wynne to advise Council of her attendance at the William Street Festival.

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

**Adopted.**

### Councillor Wynne advised:

That she attended the William Street Festival on behalf of the Mayor on Saturday 15 October 2016.

Paddington is a very special place and it was a wonderful event.

**The Council noted the information.**

### Councillor Wynne

- 216/16** That the Suspension of Standing Orders continue to allow Councillor Wynne to advise Council of her attendance at the Woollahra Golf Course.

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

**Adopted.**

**Councillor Wynne advised:**

That she attended a swing fix lesson at the Woollahra Golf Club along with Councillor Elsing.

The Australian Open is being held at Royal Sydney Golf Course from 17 to 20 November 2016. This event showcases the Woollahra Municipality as it does golf on a world stage.

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

- 217/16** That the Suspension of Standing Orders continue to allow Councillor Cavanagh to advise Council of his attendance at the Fusion Five Ways Paddington Festival.

**The Mayor ruled urgency and permitted the continuation of the Suspension of Standing Orders.****Adopted.****Councillor Cavanagh advised:**

That he attended the Fusion Five Ways Paddington Festival on behalf of the Mayor on Saturday 29 October 2016. It was a fantastic day. Councillors O'Regan, Elsing, Marano and Robertson also attended the event.

The Mayor agreed to send a message of thanks to the festival organiser, Mr Charles Duthie.

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

- 218/16** That the Suspension of Standing Orders continue to allow Councillor Marano to advise Council of his attendance at the Local Government NSW Conference.

**The Mayor ruled urgency and permitted the continuation of the Suspension of Standing Orders.****Adopted.****Councillor Marano advised:**

That he attended the Local Government NSW Conference along with Councillors Elsing, Zeltzer, Keulemans and Cavanagh. Council's Director Corporate Services, Mr Stephen Dunshea and Director Technical Services, Mr Tom O'Hanlon also attended the event.

The conference was held at the WIN Entertainment Centre in Wollongong from Sunday 16 October to Tuesday 18 October 2016.

Councillor Marano congratulated the Mayor for her Emeritus Mayor award. The award recognises the serving of three (3) one (1) year terms as Mayor.

**The Council noted the information.**

**Councillor Elsing**

- 219/16** That the Suspension of Standing Orders continue to allow Councillor Elsing to advise Council of her attendance at the Fusion Five Ways Paddington Festival.

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

**Adopted.**

**Councillor Elsing advised:**

That she attended the Fusion Five Ways Paddington Festival on Saturday 29 October 2016. The event is a wonderful model of place making.

Councillor Elsing requested that the Mayor write a letter of congratulations to Charles Duthie.

Councillor Elsing also recognised the contribution to the festival from Thomas Dux and their staff.

The Mayor agreed to write a letter of thanks to both Thomas Dux and Charles Duthie.

**The Council noted the information.**

**Councillor Elsing**

- 220/16** That the Suspension of Standing Orders continue to allow Councillor Elsing to advise Council of her attendance at the Local Government NSW Conference.

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

**Adopted.**

**Councillor Elsing advised:**

That she was proud to attend the Local Government NSW Conference, which was held at the WIN Entertainment Centre in Wollongong from Sunday 16 October to Tuesday 18 October 2016. It was a very important conference from a political viewpoint, because it was on the cusp of the proposed amalgamations.

There was a lot of controversy in the room about how the proposed amalgamations are being handled.

Councillor Elsing thought that the Premier of NSW made a fairly even handed and graceful response in acknowledging the right of Councils such as Woollahra to pursue legal action against forced amalgamation.

Councillor Elsing also acknowledged the leadership, elegance and grace of the Mayor at the conference.

**The Council noted the information.**



**Councillor Robertson**

- 221/16** That the Suspension of Standing Orders continue to allow Councillor Robertson to advise Council of his attendance at the Annual General Meeting of the Sydney Coastal Councils Group.

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

**Adopted.**

**Councillor Robertson advised:**

That he attended the Annual General Meeting of the Sydney Coastal Councils Group, which was held on Saturday 22 October 2016.

Councillor Robertson attended the meeting in place of Councillor Levenston who was unavailable to attend the meeting.

Councillor Robertson acknowledged the good work that the group does and also advised that Councillor Levenston was elected to the Executive of the Group at the meeting. Councillor Levenston is very highly regarded by the group.

Councillor Levenston was also appointed to a working party that will consider how the group addresses the challenges arising from Council amalgamation with memberships already reducing from 14 to 11 Councils and potentially to 7 if all proposed mergers proceed.

The chief highlight of the meeting was the signing of the Memorandum of Understanding (MoU) between Sydney Water and the Sydney Coastal Councils Group.

**The Council noted the information.**

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## Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 24 October 2016 Submitted to the Council for Determination

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**ITEM No.** R1 Recommendation to Council  
**FILE No.** DA367/2011/5  
**ADDRESS** 1A Guilfoyle Avenue Double Bay  
**PROPOSAL** Double Bay European Festival to be held in Guilfoyle Park, Knox Street, Knox Lane, Cross Street, Bay Street and Guilfoyle Avenue in 2011, 2012, 2013, 2014, 2015, 2016 (as amended by DA 367/2011/3 and DA 367/2011/4) for the extension of the Double Bay European Festival to include the closure of Bay Street between William Street and the Ferry Wharf and the closure of Kiaora Lane on 6 November 2016.

**Note:** Councillor O'Regan declared a Non-Significant, Non-Pecuniary Interest in this Item as she is the Chair of the Double Bay Chamber of Commerce. 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.

**Motion moved by Councillor Marano**  
**Seconded by Councillor Elsing**

THAT the Council, as the consent authority, modify development consent to Development Application No. 367/2011/1 for the Double Bay European Festival to be held in Guilfoyle Park, Knox Street, Knox Lane, Cross Street, Bay Street and Guilfoyle Avenue in 2011, 2012, 2013, 2014, 2015, 2016 (as amended by DA 367/2011/3 and DA 367/2011/4) for the extension of the Double Bay European Festival to include the closure of Bay Street between William Street and the Ferry Wharf on 6 November 2016, on land at 1A Guilfoyle Avenue Double Bay, subject to the following:

#### **Delete Condition No. A.6**

**and amend the following original Conditions of Consent as follows:**

#### **A.4 Event Times and Dates**

This condition limits the period during which the development may be carried out as follows:

The event, and associated bump in and bump out, is confined to the following dates and times only:

Sunday 6 November 2016: 5am to 9pm (event between 10am and 6pm).

#### **A.5 Road Closures Times and Dates**

This condition limits the period during which the development may be carried out as follows:

The temporary road closure on:

Sunday 6 November 2016: 5am to 9pm (event between 10am and 6pm);

of:

Transvaal Avenue from Cross Street;  
 Knox Lane between Cross Street and Bay Street;  
 Knox Street between Goldman Lane and Bay Street;  
 Cross Street between Bay Street and Knox Lane;  
 Bay Street between New South Head Road and Cross Street;  
 Cooper Street between South Avenue and Bay Street  
 Short Street between Bay Street and Gumtree Lane;  
 Guilfoyle Avenue between Ocean Avenue and Bay Street; and  
**Bay Street (between William Street and the Ferry Wharf).**

#### **A.9 Approved Amended (s96) Plans and supporting documents**

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp "Approved Section 96 Plans" listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

| <b>Reference</b>                      | <b>Description</b>  | <b>Author/Drawn</b>            | <b>Date(s)</b> |
|---------------------------------------|---|--------------------------------|----------------|
| Version 1.0                           | Traffic Management Plan (Excluding references to Kiora Lane).             | Who Dares Pty Ltd              | 27/09/2016     |
| TCP 1- 4<br>(WD/DoubleBayFair/GA2148) | Traffic Control Plans   | Who Dares Pty Ltd              | 27/09/2016     |
| -                                     | Proposed Closure of Bay Street between William Street and the Ferry Wharf | Double Bay Chamber of Commerce | 21/09/2016     |

**Note:** These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)  
 Standard Condition: A6 (Autotext AA6)

#### **Amendment moved by Councillor Petrie Seconded by Councillor O'Regan**

That the original staff recommendation submitted to the Development Control Committee on Monday 24 October 2016 be adopted (which also included the closure of Kiaora Lane between Kiaora Road and Manning Road).

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

(Marano/Elsing)

**222/16 Resolved:**

THAT the Council, as the consent authority, modify development consent to Development Application No. 367/2011/1 for the Double Bay European Festival to be held in Guilfoyle Park, Knox Street, Knox Lane, Cross Street, Bay Street and Guilfoyle Avenue in 2011, 2012, 2013, 2014, 2015, 2016 (as amended by DA 367/2011/3 and DA 367/2011/4) for the extension of the Double Bay European Festival to include the closure of Bay Street between William Street and the Ferry Wharf on 6 November 2016, on land at 1A Guilfoyle Avenue Double Bay, subject to the following:

**Delete Condition No. A.6**

**and amend the following original Conditions of Consent as follows:**

**A.4 Event Times and Dates**

This condition limits the period during which the development may be carried out as follows:

The event, and associated bump in and bump out, is confined to the following dates and times only:

Sunday 6 November 2016: 5am to 9pm (event between 10am and 6pm).

**A.5 Road Closures Times and Dates**

This condition limits the period during which the development may be carried out as follows:

The temporary road closure on:

Sunday 6 November 2016: 5am to 9pm (event between 10am and 6pm);

of:

Transvaal Avenue from Cross Street;  
Knox Lane between Cross Street and Bay Street;  
Knox Street between Goldman Lane and Bay Street;  
Cross Street between Bay Street and Knox Lane;  
Bay Street between New South Head Road and Cross Street;  
Cooper Street between South Avenue and Bay Street  
Short Street between Bay Street and Gumtree Lane;  
Guilfoyle Avenue between Ocean Avenue and Bay Street; and  
Bay Street (between William Street and the Ferry Wharf).

**A.9 Approved Amended (s96) Plans and supporting documents**

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp “Approved Section 96 Plans” listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

| Reference                             | Description   | Author/Drawn                   | Date(s)    |
|---------------------------------------|---|--------------------------------|------------|
| Version 1.0                           | Traffic Management Plan (Excluding references to Kiora Lane).             | Who Dares Pty Ltd              | 27/09/2016 |
| TCP 1- 4<br>(WD/DoubleBayFair/GA2148) | Traffic Control Plans   | Who Dares Pty Ltd              | 27/09/2016 |
| -                                     | Proposed Closure of Bay Street between William Street and the Ferry Wharf | Double Bay Chamber of Commerce | 21/09/2016 |

**Note:** These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)  
Standard Condition: A6 (Autotext AA6)

*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 Elsing  
Councillor Marano  
Councillor Robertson  
Councillor Zeltzer

***Against the Motion***

Councillor Cavanagh  
Councillor O'Regan  
Councillor Petrie  
Councillor Wynne

***5/4***

**Note:** A Rescission Motion was received on Tuesday 1 November 2016 for the above Item and this became an Extraordinary Council Item on Thursday 3 November 2016.

|                          |  |
|--------------------------|--|
| <b>ITEM No.</b>          | R2 Recommendation to Council   |
| <b>FILE No.</b>          | DA 214/2015/1  |
| <b>ADDRESS</b>           | 357-359 New South Head Road DOUBLE BAY   |
| <b>PROPOSAL</b>          | Demolition of existing commercial building and construction of new five (5) storey mixed use building containing four (4) retail tenancies and eleven (11) residential 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>• This is of such importance to the revitalisation of the Double Bay commercial/residential area that it needs to be determined by the full Council.</li> </ul> |
| <b>Note:</b>             | Late correspondence was tabled by Ian Brewster, Malcolm Young, Boskovitz & Associates, Alicia Watson, Mary Karras, Sandra McLeod & Mimi Teeger.  |

**Note:** The late correspondence from Ian Brewster (Architect for the applicant) requested that Council defer the application in order for him to provide further documentation and clarification on the issues of overlooking and overshadowing on adjoining residential units.

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

That the DA be **Deferred** to allow the applicant to provide further documentation and clarification on the issues of overlooking and overshadowing on adjoining residential units.

**Amendment moved by Councillor Robertson**  
**Seconded by Councillor Marano**

That the Staff recommendation for Refusal be adopted.

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

**(Robertson/Marano)**

**223/16 Resolved:**

**Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979**

THAT Council, as the consent authority, refuse development consent to Development Application No. 214/2015/1 for demolition of existing commercial building and construction of new five (5) storey mixed use building containing four (4) retail tenancies and eleven (11) residential units on land at 357-359 New South Head Road Double Bay, for the following reasons:

1. The proposed floor space ratio of 3.68:1 exceeds the maximum floor space ratio standard of 3:1 under WLEP 1995. The proposed development does not provide a satisfactory transition to the residential precinct it is attached to. This results in a building form that compromises the amenity of residents immediately adjoining with regard to sense of enclosure, scale, bulk, privacy and solar access.

In this regard, the SEPP 1 objection advanced by the applicant is not well founded. The development is contrary to the following:

- SEPP 65: Design Quality of Residential Flat Development - Clause 12: Principle 1 (Context), Principle 2 (Scale) , Principle 3 (Built Form)
- Woollahra LEP 1995 - Clause 11 and Clause 11AA - Objectives (c) and (d)
- Double Bay DCP 2002 - Part 6.3 Control C1 (Control Drawing 1)

2. In relation to the provisions prescribed by Woollahra Local Environmental Plan 1995:

- a) The proposed development fails to provide an appropriate transition between the commercial centre it forms a part of and the residential precinct it is attached to.
- b) The proposed building does not enhance the attributes of the site or improve or relate to the character of the surrounding built environment.

For these reasons, the proposal fails to satisfy the following provisions:

- Part 1 – Clause 2, Sub-clause (2)(k)(iii).
- Part 2 – Clause 8(5).

3. In relation to State Environmental Planning Policy 65 –Design Quality of Residential Flat Development:

- a) The building is excessive in height and insufficiently setback from the adjoining residential boundaries resulting in a building that fails to achieve the desired future character objectives of the area.
- b) The building form is excessive in relation to the prescribed envelope controls and results in a density in excess of the sites capabilities to cater for the density with respect to storage facilities.
- c) The building form does not provide adequate solar access to the adjoining residents or those adjoining.
- d) The building lacks variation in the dwelling types which inhibits different budgets and housing needs.
- e) The size and layout of the apartments and balconies are inadequate and would compromise the amenity of its residents.
- f) Insufficient floor-to-ceiling heights are provided to the first floor in order to enable future flexibility of the use.

For these reasons, the proposal fails to satisfy the following Planning Principles:

- Principle 1 – Context.
- Principle 2 – Scale.
- Principle 3 – Built Form.
- Principle 9 – Social dimensions and housing affordability.
- The rules of thumb of the Residential Flat Design Code.

4. In relation to the provisions of Double Bay Centre Development Control Plan 2002:

- a) The building exceeds the maximum storey and height control.
- b) The buildings height, bulk and scale are excessive and are incompatible with the existing natural and built environment.

- c) The proposal provides insufficient separation to the adjoining residential properties and therefore does not minimise adverse impacts on adjoining properties with respect to scale, bulk, sense of enclosure, privacy and solar access.
- g) The building lacks variation in the dwelling types which inhibits different budgets and housing needs.
- d) The proposal does not provide adequate storage facilities.
- e) The awning design would be inconsistent with awnings within the centre.
- f) Insufficient open space is provided for the apartments.
- g) Insufficient natural ventilation is provided to the apartments.

For these reasons, the proposal fails to satisfy the following provisions:

- Part 1.5 – Objective viii.
- Part 3.2.5 – Objective (iv).
- Part 6.3.1 – Principle P3 and Control C1 and C2.
- Part 6.3.2 – Principle P1 and Control C1, C2 and C3.
- Part 6.3.4 – Principle P3 and Control C3 and C4.
- Part 6.3.6 – Control C9
- Part 6.3.7 – Control C5 and C6.
- Part 6.4.1 – Principle P1 and P2 and Control C1.
- Part 6.5.4 – Principle P1 and Control C2 and C3.
- Part 6.6.2 – Principle P1 and Control C4.
- Part 6.6.3 – Principle P1 and Control C2.
- Part 6.7.5 – Principle P1.
- Part 6.5.1 – Principle P1 and Control C2.
- Part 6.5.2 – Principle P2 and Control C1.

5. The submitted information is insufficient in detail to enable an accurate assessment of the proposal. The following issues are raised:

- a) No detail of the lift plant room.
- b) No detail of lift over-run.
- c) No detail of air-conditioning plant.
- d) No detail of exhaust vents.
- e) No detail of solar panels.

6. The proposal is not in the public interest.

*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 Marano  
 Councillor Robertson  
 Councillor Wynne  
 Councillor Zeltzer

***Against the Motion***

Councillor O'Regan  
 Councillor Petrie

7/2



## Urban Planning Committee

### Items with Recommendations from the Committee Meeting of Monday 10 October 2016 Submitted to the Council for Determination

|                           |   |
|---------------------------|---|
| <b>Item No:</b>           | R1 Recommendation to Council  |
| <b>Subject:</b>           | <b>REVISED PLANNING PROPOSAL FOR 374 AND 376-382 NEW SOUTH HEAD ROAD. DOUBLE BAY (SC2873)</b>   |
| <b>Author:</b>            | Brendan Metcalfe, Strategic Planner   |
| <b>Approvers:</b>         | Anne White, Acting Team Leader - Strategic Planning<br>Chris Bluett, Manager - Strategic Planning<br>Allan Coker, Director - Planning & Development   |
| <b>File No:</b>           | 16/134983   |
| <b>Reason for Report:</b> | To resubmit the planning proposal for 374 and 376-382 New South Head Road, Double Bay. To recommend the deferral of the revised planning proposal until the review of planning controls for Double Bay is complete. |
| <b>Note:</b>              | Late correspondence was tabled by Mark Silcocks of Double Bay Residents Association & Eeles Trelease Architects.  |

**(O'Regan/Robertson)**

**224/16 Resolved:**

- A. THAT the revised planning proposal for land at 374 and 376-382 New South Head Road, Double Bay, submitted by Eeles Trelease Pty Ltd Architects in association with Tony Moody, Consultant Planner and Hill Thallis Architecture + Urban Planning Pty Ltd on behalf of the owner Fivex Pty Ltd, as contained in the report to the Urban Planning Committee on 10 October 2016, be submitted to the Minister for Planning requesting a gateway determination to allow public exhibition.
- B. THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.
- C. THAT the applicant meet all costs associated with the preparation and completion of the planning proposal, as set out in the Council's fees and charges.

*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 O'Regan  
Councillor Petrie  
Councillor Robertson  
Councillor Wynne  
Councillor Zeltzer

***Against the Motion***

Councillor Elsing  
Councillor Marano

7/2

## Notices of Motion

**Item No:** 11.1  
**Subject:** NOTICE OF MOTION  
**From:** Councillors Matthew Robertson and Peter Cavanagh  
**Date:** 18/10/2016  
**File No:** 16/145164

**(Robertson/Cavanagh)**

**225/16 Resolved Unanimously**

That Council:

- A. Notes the opportunity to refresh precious open space in Paddington once Council's acquisition of land pursuant to the Voluntary Planning Agreement for the Scottish Hospital Site is complete.
- B. In the lead up to the acquisition of the land, requests Council staff to prepare a report detailing a landscape plan for the newly enlarged Dillon Street Reserve and council owned adjoining land on the nature strip adjacent to Nield Avenue.
- C. Recognise the enlarged Reserve as an official park of the Woollahra municipality and undertake a process to select a suitable name.

**Adopted.**

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## 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:** 16/147984  
**Reason for Report:** To provide a response to Questions for Next Meeting from Council Meeting of 10 October 2016 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne /Robertson)

226/16 **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.

---

**Question Number:** 12.1 Double Bay European Festival

**Councillor Petrie asking:**

Is it true that most of the businesses have committed thousands of dollars for the Kiaora Lane activities for the Double Bay European Festival?

**Director - Technical Services in response:**

Madam Mayor I can confirm that most of the businesses in Kiaora Lane for which we are the land holder have committed money for marketing of the Kiaora Place site. I have no idea whether they have committed money to the festival or not.

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**Question Number:** 12.2 Fire Orders Nevada (109 Darling Point Road, Darling Point)

**Councillor Petrie asking:**

Will the Council investigate the current status of the building and provide a formal response?

**Director - Planning & Development in response:**

On notice.

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**Question Number:** 12.3 Trees - Yarranabbe Park and Johnstons Lookout in Vacluse

**Councillor Petrie asking:**

Why is it that the fig trees in Yarranabbe Park remain and yet up to 30 trees at Johnstons lookout will be removed?

**Director - Technical Services in response:**

The trees that are to be removed at Johnstons Lookout are not all dead. The report was not quite accurate. They are either very poor specimens, weed species, in very poor condition, unhealthy and some are actually dead.

They are being removed so that we can re-open views from Johnstons lookout over the harbour as per the plan of management. None of the trees in any way could be considered significant or controversial regarding their removal.

Obviously the situation at Yarranabbe Park is very different. The three fig trees that are scheduled for removal are obviously much more significant than anything at Johnstons lookout.

Having said that Councillor Petrie is quite right. There is a Council resolution on the books that says that those three trees will be removed in accordance with the Plan of Management.

However that activity is considered a medium priority under the plan of management. Under current levels of expenditure Council is still working its way through the high priorities from the plan of management. That is the only reason why those three trees have not yet been removed.

Council has been allocating \$100,000 per year for works on the Yarranabbe Park Plan of Management. That has been done under the auspices of the steering committee.

This year the steering committee has elected to spend that money on landscaping at the northern end of the park. That may also be true next year. At this stage I cannot tell you when those trees will be removed. We are still working our way through high priorities and we will get to medium priorities later.

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**Question Number:** 12.4 Skateboarding facilities at Rushcutters Bay

**Councillor O'Regan asking:**

Given the considerable amount of community feedback I just wanted to know where the process is and up to and when that community feedback is going to be collated and presented back?

**Director - Technical Services in response:**

Yes Madam Mayor, the Councillor is correct that we have had a considerable amount of community feedback which is currently being collated by staff. I understand that they are working towards bringing a report to the Community and Environment meeting to be held in two weeks. At this stage I am not willing to guarantee this as there is a lot of work to be done on the report.

**Question Number:** 12.6 Premier of New South Wales meeting with the Mayor of Woollahra

**Councillor Robertson asking:**

Is it true that at the Local Government Conference the Premier of NSW promised to meet with all of the Mayors of Councils that are subject to merger proposals? If so, have you attempted to meet the Premier and have you been granted a meeting to present Woollahra's case to stand alone?

**Mayor of Woollahra in response:**

In response to the undertaking given by the Premier at the Conference, I wrote to the Premier on Tuesday 25 October requesting a meeting. The request was formally declined on Thursday 27 October 2016.

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**Question Number:** 12.7 Pruning of Street Trees around powerlines

**Councillor Robertson asking:**

I note that the Lord Mayor of Sydney has commenced lobbying Ausgrid around the pruning of street trees around powerlines. Has Woollahra Council taken a formal position on this matter in the past? If the answer is yes where this information could be found?

**Director - Technical Services in response:**

On notice

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There being no further business the meeting concluded at 9.23 pm.

**We certify that the pages numbered 3130 to 3149 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 31 October 2016 and confirmed by Council at the Ordinary Meeting of Council on 14 November 2016 as correct.**

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**General Manager**

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**Mayor**