

Council Meeting

Monday 6 September 2010

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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 30 August 2010

- D1 Confirmation of Minutes of Meeting held on 16 August 2010
- D2 Delivery Program 2009 To 2013 and Operational Plan 2009/10 (DPOP) Quarterly Progress Report June 2010 – Goals (6) - Moving Around, (9) - Community Focussed Economic Development, (10) - Working Together & (11) - A Well Managed Council

Development Control Committee Meeting held on Monday 30 August 2010

- D1 Confirmation of Minutes of Meeting held on 16 August 2010
- D2 DA345/2009 – 12 Longworth Avenue, Point Piper – Alterations & additions to existing apartment building including the addition of a new unit & new car parking – 13/7/2009
- D3 DA32/2007 Part 4 – 27 Chamberlain Avenue, Rose Bay – Section 96 Application – Proposed modifications internal & external – 21/4/2010
- D4 DA59/2010 – Section of Dover Road footway adjacent to 12 Dover Road, Rose Bay – Footway restaurant consisting of 9 tables & 18 chairs – 19/2/2010
- D5 DA777/2008 Part 10 – 23 Victoria Street, Watsons Bay – Section 96 Application – Proposed external & internal modifications – 14/5/2010.....
- D6 DA512/2009 – 338 Oxford Street, Paddington (The Paddington Inn) – Major alterations to the 1st floor to change existing offices to bar, lounges, open terrace, toilet, internal stairs, lift to all floors, minor alterations to ground floor including repositioning of entrance from William Street, new gas fired air-conditioning condenser (within building), increase in maximum capacity of the hotel from 300 to 820 people (initially proposed at 900 people) – 8/10/2009.....
- D7 DA527/2009 – 36 Wallis Street, Woollahra – Alterations & additions including a loft addition to the garage, extension to the 1st floor & rear level changes – 19/10/2009.....
- D8 DA209/2010 – 54 Mona Road, Darling Point – Alterations & additions to existing building including change of use from 5x1 bedroom apartments to 1 dwelling house with addition of balcony, bay window & spa pool with deck to Loftus Road elevation – 7/5/2010.....
- D9 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
- D10 DA281/2008 Part 2 - 9 Military Road, Watsons Bay – Section 96 Application – Proposed modification reinstatement of roof terrace (deletion of Condition No. C.1 (f)) – 11/3/2010 – (**See Item R3**).....
- D11 DA385/2009 - 114 Wolseley Road, Point Piper – Demolition of existing dwelling & construction of new dwelling – 30/7/2009.....
- D12 Section 96 Delegations -900.G

Urban Planning Committee Meeting held on Monday 23 August 2010

- D1 Confirmation of Minutes of Meeting held on 9 August 2010
- D2 Delivery Program 2009 to 2013 and Operational Plan 2009/10 (DPOP) Quarterly Progress Report June 2010 – Goal (4) – Sustainable Built Form

Community & Environment Committee Meeting held on Monday 23 August 2010

- D1 Confirmation of Minutes of Meeting held on 9 August 2010
- D2 Woollahra Local Traffic Committee Minutes – 10 August 2010
- D3 Alcohol-Free Zones NYE 2010
- D4 Public Art Advisory Committee Minutes.....
- D5 Edgecliff road to Bondi Junction – Pedestrian Linkages
- D6 Delivery Program 2009 to 2013 and Operational Plan 2009/10 (Dpop) Quarterly Progress Report June 2010 – Goals (1) – A Connected & Harmonious Community, (2) – A Supported Community, (3) – A Creative & Vibrant Community, (5) – A Liveable Place, (7) – Protecting Our Environment & (8) – Sustainable Use Of Resources



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 6 September 2010 at 8.00pm.**

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

Staff: Allan Coker (Director – Planning & Development)
Stephen Dunshea (Director – Corporate Services)
Gary James (General Manager)
Tom O’Hanlon (Director – Technical Services)
Vicki Munro (Acting Director – Community Services)
Les Windle (Manager – Governance)

Also in Attendance: Nil

Note: Corporate & Works Committee Item R3 (23 Victoria Street, Watsons Bay) was considered at the end of the meeting

Confirmation of Minutes

(Young/Shoebridge)

- 1/16** THAT the Minutes of the Council Meeting held on 16 August 2010 be taken as read and confirmed subject to Part B of the Strategic and Corporate Committee Item R1 (Draft Woollahra Local Environmental Plan 1995 (Amendment no 67) – Kiaora lands being amended to read as follows:

“That Draft Double Bay Centre Development Control Plan (Amendment No. 3), provided in Annexure 2 Part B to the report to the Strategic and Corporate Committee on 11 August 2010, as amended to make it consistent with the planning proposal referred to in item A above, be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 and concurrently with the planning proposal subject to the DCP including controls providing for the minimum solar access to adjoining properties consistent with the Woollahra Residential DCP and a minimum 2.5m setback to the northern side boundary of 8 Kiaora Road.”

Adopted

Leave of Absence

(Carmichael/Howe)

- 2/16** That leave of absence for all meetings of the Council and its Committees be granted to Councillor Peter Cavanagh for Monday 27 September 2010.

Adopted

Note: Leave of absence has previously been granted to Councillor Lucienne Edelman.

Apologies

Nil

Declarations of Interest

Nil

Suspension of Standing Orders

(Wynne)

- 3/16** That Standing Orders be suspended to allow her to advise Council of the 70 year birthday of the Vaucluse Bowling Club function that she attended.

Adopted

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

Councillor Wynne advised:

Two Saturdays ago I attended the 70 year birthday of the Vaucluse Bowling Club. It was a really nice event, they spoke a little about the history of the club and they are so fond of Woollahra Council. It is such a great relationship. They are very aware of what Council has done for them and every single person that spoke said what a wonderful Council we were and how grateful they were for all the assistance and the relationship and partnership that we do have moving forward. It was a very nice day. They only have 70 members and they were speaking of the days when they had 420 members , but it was a beautiful day for bowling and it was very nice to attend.

The Council noted the information.

(Medcraft)

- 4/16** That the Suspension of Standing Orders continue to allow him to advise Council of the opening of the Art Exhibition for Miroma on Friday Night.

Adopted

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

Councillor Medcraft advised:

He opened, on the Mayor's behalf, the Art Exhibition for Miroma in Paddington on Friday night. As we all know Miroma does a great job in the region for intellectually disabled adults. The exhibition was fabulous and I encourage all Councillors to attend the exhibition at the Uniting Church. They were very appreciative of the grant that we gave to support the exhibition, it contributed to framing the pictures. It was a good recognition of Woollahra Council and it is something that is not just Woollahra, it effects a very large region and is very important for the families involved.

The Council noted the information.

(Howe)

- 5/16** That the Suspension of Standing Orders continue to allow him to request the Mayor write to the Mayor, Councillors and citizens of Christchurch.

Adopted

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

Councillor Howe advised:

I request that you write to the Mayor, Councillors and citizens of Christchurch offering our sympathy and whatever support our Council may be able to provide in their hour of need. I lived in Christchurch for a number of years and I can't believe that they have had no loss of life and the injuries are so low.

The Mayor advised that he would be more than happy to do that.

(Cavanagh)

6/16 That the Suspension of Standing Orders continue to allow him to advise Council of the Youth Photographic Awards.

Adopted

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

Councillor Cavanagh advised:

On Thursday I handed out the awards for the Young Photographers and Young Short Films. It was a really fantastic evening and everybody enjoyed it and there were some amazing photographs and very good short films as well. I would like to thank Vicki Munro and all of her staff, this is one of the things that the Library people do, and they do it very well and thank everybody for organising it.

The Council noted the information.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 30 August 2010 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Fee For Hire of Lyne Park by The Great Moscow Circus
Author: Tom O'Hanlon – Director Technical Services
File No: 195.G
Reason for Report: For Council to set an appropriate fee for the hire of Lyne Park by Moscow Circus for a four week period from 13 September 2010 to 10 October 2010.

Note: Late correspondence was tabled by Greg Hall of The Great Moscow Circus.

Motion moved by Councillor Shapiro
Seconded by Councillor Wynne

That a park hire fee of \$12,500 per week be charged for use of Lyne Park, Rose Bay by the Great Moscow Circus for the period 13 September 2010 to 10 October 2010.

Amendment moved by Councillor Plater
Seconded by Councillor Boskovitz

That a park hire fee of \$17,220 per week be charged for use of Lyne Park, Rose Bay by the Great Moscow Circus for the period 13 September 2010 to 10 October 2010.

The Amendment was put and lost
The Motion was adopted

7/16 Resolved:

That a park hire fee of \$12,500 per week be charged for use of Lyne Park, Rose Bay by the Great Moscow Circus for the period 13 September 2010 to 10 October 2010.

Note: A Division was called by Councillors Boskovitz and Petrie

For the Motion

Against the Motion

Councillor Cavanagh
 Councillor Medcraft
 Councillor Wynne
 Councillor Shapiro
 Councillor Zeltzer
 Councillor Plater
 Councillor Howe
 Councillor Carmichael
 Councillor Petrie

Councillor Boskovitz
 Councillor Grieve
 Councillor Shoebridge
 Councillor Young
 Councillor Jarnason

9/5

Item No: R2 Recommendation to Council
Subject: **The Gunyah, Watsons Bay – Amendment to Licence With Miroma**
Author: Kylie Walshe, Director Community Services
Zubin Marolia, Manager Property & Projects
File No: 432.G
Reason for Report: For Council to consider a request from Miroma regarding extended use of The Gunyah, Watsons Bay.

(Medcraft/Cavanagh)

8/16 Resolved without debate:

That consideration of the matter be deferred for 2 weeks to enable discussions to be held between Miroma and the Ballet School regarding shared use of the facility.

Item No: R3 Recommendation to Council
Subject: **23 Victoria St, Watsons Bay - Proposed Easement to Formalise Encroachments on the Road Reserve**
Author: Anthony Sheedy, Property Officer
File No: 524.23
Reason for Report: To formalise encroaching structures on the road reserve area by adjoining Owner of 23 Victoria St, Watsons Bay.

(Shoebridge/Boskovitz)

9/16 That the Council resolve into “Closed Session” and the meeting be closed to the press and public in accordance with Section 10A(2)(g) of the Local Government Act, as the information to be considered included advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Adopted

In Closed Session

Note: The Council discussed the confidential legal advice and considered a confidential Motion and Amendment.

(Shoebridge/Boskovitz)

That the Council move into “Open Session”.

Adopted

In Open Session

(Medcraft/Boskovitz)

10/16 Resolved:

- A. That the building encroachments at 23 Victoria St, Watsons Bay be formalised by the grant of an Easement to Permit Existing Structures to Remain, to continue for the life of the building, or the redevelopment of the site, or the redevelopment of the structures, whichever occurs first, subject to payment of monetary compensation and all Council’s costs related to this matter. In addition, the Owner is to pay all costs of under grounding the power and streetscape modifications.
- B. That Council invite the applicant to lodge a S96(1) Amendment to resolve a conflict in the conditions of development consent.
- C. That Council not proceed with Part A of the Recommendation until the S96 Amendment referred to in Part B above is dealt with.

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 30 August 2010 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **2 William Street, Double Bay (Steyne Park) – Use of Steyne Park for the Chanukah festival to be held annually in December from 2010 to 2014**

Author: Dimitri Lukas – Senior Assessment Officer

File No: DA163/2010

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

(Shapiro/Shoebridge)

11/16 Resolved without debate:

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

A. THAT the Council, as the consent authority, grant development consent to Development Application No.163/2010 for the use of Steyne Park for the Chanukah Festival to be held annually in December from 2010 to 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 Chanukah Festival 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)
Chanukah Festival 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 Ancillary Aspect of the Development (s80A(2) of the Act)

The owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *owner's* expense.

Note: This condition does not affect the *principal contractor's* or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.
Standard Condition: A8

A.3 Prescribed Conditions

Prescribed conditions in force under the *Act* and *Regulation* must be complied with.

Note: It is the responsibility of those acting with the benefit of this consent to comply with all prescribed conditions under the *Act* and the *Regulation*. Free access can be obtained to all NSW legislation at www.legislation.nsw.gov.au
Standard Condition: A30

A.4 Yearly Review

Council reserves the right to review the operation of the Chanukah Festival at yearly intervals and impose any further stipulations on the operation of the festival.

A.5 Dates of Chanukah Festival

The Chanukah Festival is to be held on the following dates only: Tuesday 7 December 2010, Tuesday 27 December 2011, Tuesday 11 December 2012, Tuesday 3 December 2013 and Tuesday 23 December 2014.

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 Chanukah Festival

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 of 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 Vehicle access

The applicant is to notify Council 24 hours before any vehicles or equipment is delivered to the park to enable a Council representative to be on-site at the time of delivery. Please contact Customer Service on 9391 7000 to arrange this meeting.

Temporary structures and amusement devices must be removed from the Park no later than 11:00p.m on the day of the event.

D.3 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.4 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 Chanukah Festival. 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 AS3002-1985 '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.5 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.6 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 Chanukah Celebration and nominating Chabad Double Bay 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 (amusement ride) providers operating at each of the events.

E. Conditions which must be satisfied during the preparation of the Chanukah Festival

E.1 Building Code of Australia Requirements

The following work is to be implemented to ensure compliance with the following provisions of the *BCA*:

- a) The seating arrangements for the stage shall comply with the requirements of NSW Clause H102.10 of the *BCA*;
- b) The fabrics used for the temporary structures shall comply with the requirements of NSW Clause H102.8;
- c) The electrical services shall comply with NSW Clause H102.14; and,
- d) Sanitary accommodation shall be provided to the temporary structures in accordance with NSW Clause H102.11.

Note: Where this condition specifies compliance with prescriptive (deemed to satisfied) provisions of the *BCA* these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the *Act*.

Note: This condition does not set aside compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

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

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.

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

E.3 Park Management and Maintenance

To avoid damage as a result of the Chanukah Festival 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.4 Protection of vegetation

- No equipment is to be stored or set-up within 2metres of any tree trunk, shrub or garden bed.
- No vehicle is to drive or stand within 2metres 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.5 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.6 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 charged to the applicant.

E.7 Waste Services and Cleaning

- a) 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 leave Steyne Park and surrounds with the same level of cleanliness as at the start of the event. Any cleaning costs incurred by the Councils' 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.

- b) A Waste Management Plan is to be submitted. The plan should include, but not be limited to, the estimated volume of waste and method of disposal including receptacles for the operation phases of the development & the on-site waste storage and recycling areas. The proponent must enter into contractual agreement with an authorised waste contractor for the removal of waste and recyclable materials for the duration of the event. A copy of the contractual agreement shall be forwarded to Woollahra Council prior to commencement of the event.

E.8 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.9 Security

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

E.10 Marking of Aisles and Crossovers

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

E.11 Directions of Council Officers

Any direction of the Council is to be complied with. In this regard, it should be noted that Council reserves the right to refuse or limit any activity associated with the event if in its opinion, the activity is likely to cause damage, danger, nuisance or it is not in the Municipalities interest.

E.12 Fireworks Display

The fireworks display operator must have all appropriate approvals and licences required by regulatory and other organisations. The display is to be conducted in a safe and proper manner to ensure safety for surrounding residents, users of the park and wildlife. The display shall be carried out between 8.30pm and 9.00pm.

The fireworks display must only be undertaken on the northern area of Steyne Park as close as possible to the harbour.

E.13 Location of temporary structures and activities

Temporary structures or activities including port-a-loos, vehicles, stages, BBQ, amusement rides, petting zoo and firework displays shall not be located, operated or stored within the dripline of any trees in Steyne Park.

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 Chanukah Festival

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) The event's organizer should ensure that adequate toilet facilities for food handlers made available.
- d) 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.
- e) 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.
- f) 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.
- g) A hand washing facility, separate from other facilities and used only for that purpose, must be provided. Warm water is needed for effective hand washing and personal hygiene. Hot and cold water must be delivered through a single outlet to a dedicated hand basin. Liquid soap and paper towels must be provided at or near the hand washing facility.
- h) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces.
- i) 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.
- j) 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.
- k) 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.
- l) 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.
- m) 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.
- n) Only single-use disposable eating and drinking utensils are permitted for use by food stall operators and must be protected from contamination until used.
- o) 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.

- p) 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.
- q) 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.
- r) 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 Chanukah Festival are limited between 4:00pm and 9:00pm. The setting up of stalls and other activities are not to commence prior to 7:00am and the area is to be cleared no later than 11:00pm 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 an emergency.

H.5 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.6 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.7 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.

H.8 Noise Control

The use of the Park must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

Standard Condition: 150

H.9 Offensive Noise

Musical entertainment and the like involving amplification must be at a volume where no “offensive noise” is created as defined under the *Protection of the Environment Operations Act 1997*. The festival organisers should seek guidance to acceptable noise levels through consultation with a suitably qualified acoustic engineer, and in particular amplification volumes set at a level where the amenity of the surrounding residential properties is not compromised. It is recommended that contact details of the events organiser being provided on a site board located within the park where nearby residents that may raise concerns regarding noise levels can be handled in a prompt and responsive manner.

I. Conditions which must be satisfied following completion of the Chanukah Festival

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. Advising**K.1 Criminal Offences – Breach of Development Consent & Environmental laws**

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws is also a criminal offence.

Where there is any breach Council may without any further warning:

- a) Issue Penalty Infringement Notices (On-the-spot fines);
- b) Issue notices and orders;
- c) Prosecute any person breaching this consent; and/or
- d) Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the *Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. You can obtain further information from the following web sites:

<http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's www.agd.nsw.gov.au.

Standard Advising: K1

K.2 Commonwealth Disability Discrimination Act 1992 (“DDA”)

The Disability Discrimination Act 1992 (DDA) makes it against the law for public places to be inaccessible to people with a disability. Compliance with this development consent, Council's Access DCP and the BCA does not necessarily satisfy compliance with the DDA.

The DDA applies to existing places as well as places under construction. Existing places must be modified and be accessible (except where this would involve "unjustifiable hardship").

Further detailed advice can be obtained from the Human Rights and Equal Opportunity Commission (“HEROC”):

- a) <http://www.hreoc.gov.au/index.html>
- b) http://www.hreoc.gov.au/disability_rights/dda_guide/ins/ins.html

If you have any further questions relating to the application of the DDA you can send an email to HEROC at disabdis@humanrights.gov.au.

Standard Advising: K3

K.3 NSW Police Service and Road Closures

The Rose Bay Local Area Command closely aligns with the boundaries of the Woollahra local government area.

Council and Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Traffic Sergeant, Paddington Police Station, 16 Jersey Road, Paddington. Phone No.: 0283568299 or Fax No.: 0283568211.

Warning: If you partial or full close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution. Standard Advising: K4

K.4 Workcover requirements

The *Occupational Health and Safety Act 2000 No 40* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: Further information can be obtained from Workcover NSW's website:

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office:

Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

K.5 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr Dimitri Lukas, Senior Assessment Officer, on (02) 9391 7159.

However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14

K.6 NSW Police Service and Road Closures

The Rose Bay Local Area Command closely aligns with the boundaries of the Woollahra local government area.

Council and Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Traffic Sergeant, Paddington Police Station, 16 Jersey Road, Paddington. Phone No.: 0283568299 or Fax No.: 0283568211.

Warning: If you partial or full close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.
Standard Advising: K4

K.7 NSW Police

Please notify the Rose Bay Local Area Command of the event closer to each date (Telephone 9362 6399).

- B.** THAT Council's Technical Services Division instruct the contractor to ensure that the public toilet block be opened during the event and be clean and fully stocked.

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

Nil

14/0

Item No: R2 Recommendation to Council
Subject: 26 Bundarra Road, Bellevue Hill – Section 82A Review of Refusal
Author: Larissa Holbert – Senior Assessment Officer
File No: DA147/2009
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council as the development application was refused by the Development Control Committee.

Note: Late correspondence was tabled by Stuart Fereday and Larissa Holbert, Council’s Senior Assessment Officer.

**Motion moved by Councillor Shapiro
Seconded by Councillor Medcraft**

That the matter be referred back to the Development Control Committee for consideration.

Amendment moved by Councillor Boskovitz

That the staff recommendation for approval of the application submitted to the Development Control Committee on 30 August 2010 be adopted.

**The Amendment lapsed for the want of a seconder
The Motion was adopted**

12/16 Resolved:

That the matter be referred back to the Development Control Committee for consideration.

Item No: R3 Recommendation to Council

Subject: **9 Military Road, Watsons Bay – Section 96 Application – Proposed modification reinstatement of roof terrace (deletion of condition No. C.1 (F))**

Author: Eleanor Smith – Senior Assessment Officer

File No: DA281/2008/2

Reason for Report: In accordance with Council's meeting procedures and policy this matter is called to full Council by Councillor Grieve for the following reason:
The condition having been applied by Full Council initially it is therefore appropriate for Full Council to consider the request for its removal.

(Shapiro/Shoebridge)

13/16 Resolved without debate:

- A. THAT Council instruct it's Solicitors to defend the Class 1 appeal to modify the consent to Development Application No.281/2008, for demolition of the existing residential flat building and the construction of a new three (3) unit apartment building with underground carparking, landscaping and siteworks at 9 Military Road, Watsons Bay.
- B. THAT Council instructs it's solicitors to engage Nick Juradowitch of Ingham Planning Pty Ltd and Graham Atkins of Atkins Acoustics to provide expert evidence on Council's behalf.
- C. THAT in accordance with Council's policy of confidentiality, the confidential report remain confidential for a period of six (6) months or until the conclusion of the appeal, which ever occurs last.

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

Nil

14/0

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 23 August 2010 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Existing Use Rights of Residential Flat Buildings in the Residential 2(A) Zone
Author: Brendan Metcalfe – Strategic Planner
File No: 1064.G
Reason for Report: To respond to a Council resolution for a report on residential flat buildings with existing use rights.

(Shoebridge/Plater)

14/16 Resolved:

That as part of the comprehensive local environmental plan process Council:

- A. Adopt the approach outlined in Section 2.1.1 of the report to the Urban Planning Committee (UPC) of 23 August 2010 for rezoning clusters of residential flat buildings in the Residential 2(a) zone to Residential 2(b).
- B. Adopt the approach outlined in Section 2.1.2 of the report to the UPC of 23 August 2010 to rezone lots containing residential flat buildings in the Residential 2(a) zone to Residential 2(b) that are adjoining or opposite the current Residential 2(b) zone.
- C. For all other residential flat buildings in the Residential 2(a) zone, retain the existing zone and assess any existing use rights development applications on merit under the Planning Principles established by the Land and Environment Court.

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 Boskovitz
 Councillor Cavanagh
 Councillor Medcraft
 Councillor Wynne
 Councillor Shapiro
 Councillor Zeltzer
 Councillor Young
 Councillor Jarnason
 Councillor Plater
 Councillor Shoebridge
 Councillor Carmichael

Against the Motion

Nil

Councillor Howe
Councillor Grieve
Councillor Petrie

14/0

Matter of Urgency Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 6 September 2010 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Draft Double Bay Centre Development Control Plan 2002 (Amendment No. 3) for the Kiaora lands site.**

Author: Allan Coker – Director Planning and Development

File No: 1180.G

Reason for Report: To report on the implications of Council's decision of 23 August 2010 to amend the draft DCP for the Kiaora Lands site

(Howe/Medcraft)

15/16 That in accordance with Council's Code of Meeting Practice, Item R1 of the Urban Planning Committee Meeting held on 6 September 2010 be brought forward as a Matter of Urgency.

Adopted

The Mayor ruled Urgency.

(Howe/Medcraft)

Resolved:

1. That, in addition to the amendments required to make the Draft DCP consistent with the Draft LEP, Council amend the built form envelope to provide for an edge condition to No. 8 Kiaora Road which includes an inclined plane control of 45° rising from a point 3m high setback 2.5m from the northern boundary of No. 8 Kiaora Road.
2. That the solar access standards of the Woollahra Residential Development Control Plan not be included in the *Draft Double Bay Development Control Plan (Amendment No. 3)* for the Kiaora lands site.
3. That the amendment described in item 1 above be included in the Draft DCP prior to formal public exhibition.

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 Boskovitz
Councillor Cavanagh

Nil

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

14/0

Notice of Motion

Item No: 1
From: Councillor Boskovitz
Date: 30 August 2010
File No: 900.G

16/16 (Boskovitz/Wynne)

- 1) That a report be prepared for the relevant committee investigating the possibility of providing more parking for commuters and residents in and around Lyne Park.

That at the very least the following be investigated:

- a) the potential to lift the Lyne Park Tennis Courts and the current car park to allow for a number of excavated levels of parking without a major effect to views and sight lines to the Harbour
 - b) the potential to redevelop the Colleagues Carpark so as to allow for more parking for residents, users of Woollahra 2 and 3 and just as importantly commuters.
 - c) Any other areas in that locality which will not have a major detrimental effect on views and amenity of people's property.
- 2) As a part of this report staff also investigate the possibility of building these structures in some form of Public Private Partnership arrangement.

Adopted

Item No: 2
From: Councillors Grieve, Jarnason and Shoebridge
Date: 2 September 2010
File No: 900.G

(Grieve/Jarnason)

- 17/16** That a report be brought to the Ecological Sustainability Taskforce on the costs and benefits both monetary and environmentally of changing to a no chemical weed eradication system.

Adopted

Item No: 3
From: Councillors Shoebridge, Grieve and Jarnason
Date: 2 September 2010
File No: 900.G

(Shoebridge/Grieve)

- 18/16** That an urgent report be brought to Council on the cost and impact of removing all regulations and fees for low impact photography in Woollahra.

Adopted

Item No: 4
From: Councillors Grieve, Jarnason and Shoebridge
Date: 2 September 2010
File No: 900.G

Note: Councillors Grieve, Jarnason and Shoebridge withdrew the Notice of Motion

Item No: 5
From: Councillors Grieve Jarnason and Shoebridge
Date: 2 September 2010
File No: 900.G

(Jarnason/Shoebridge)

- 19/16** That an agenda item be placed on a meeting of the Ecological Sustainability Taskforce to discuss the information and potential for integration of ideas and actions generated by the City of Sydney Green Infrastructure workshop and that staff from the City of Sydney be invited to attend that meeting of the Ecological Sustainability Taskforce.

Adopted

Questions for Next Meeting

Item No: 13
Subject: Questions for Next Meeting
Author: Gary James, General Manager
File No: 467.G/Q 10
Reason for Report: To allow Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Boskovitz/Cavanagh)

20/16 That the responses to previous Questions for Next Meeting be noted.

Adopted

The following questions were asked:-

Councillor Boskovitz asking:

Is the Council aware of the report commissioned by the Pedestrian Council of Australia, regarding illegal parking on New South Head Road, Double Bay, specifically on the corner of Knox Street and outside the Sheaf Hotel. (I note a report to this weeks Traffic Committee discussing solutions to moving people from outside the Sheaf on weekend nights). They claim through a consultant Vehicle Monitoring System Pty Ltd that this location is exceptionally dangerous for pedestrians. The majority of the dangerous stopping and parking is said to have been done by taxi drivers.

Could staff please report on the information in this report and could the Mayor please reply to the Pedestrian Council of Australia in accordance with advice from staff?

Mayor in response:

Yes we will.

Councillor Medcraft asking:

Could we write to political parties to request them to remove election material from power poles and other public places in the Council area?

Mayor in response:

If you identify where they are they will be taken down.

There being no further business the meeting concluded at 9.53pm.

We certify that the pages numbered 2209 to 2239 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 6 September 2010 and confirmed by Council at the ordinary Meeting of Council on 20 September 2010 as correct.

General Manager

Mayor