



# Ordinary Council Meeting

**Agenda:** *Ordinary Council Meeting*

**Date:** *Monday 27 April 2015*

**Time:** *8.00pm*

# Woollahra Municipal Council

## Notice of Meeting

23 April 2015

To: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio  
Councillors Ted Bennett  
Anthony Boskovitz  
Peter Cavanagh  
Luise Elsing  
James Keulemans  
Greg Levenston  
Anthony Marano  
Katherine O'Regan  
Andrew Petrie  
Matthew Robertson  
Deborah Thomas  
Elena Wise  
Susan Wynne  
Jeff Zulman

Dear Councillors

### **Council Meeting – 27 April 2015**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 27 April 2015 at 8.00pm.**

Gary James  
General Manager

## Meeting Agenda

		Page
1.	Confirmation of Minutes – Ordinary Meeting	13 April 2015
2.	Leave of Absence and Apologies	
3.	Declarations of Interest	
4.	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager & Officer’s Report	Nil
9.	Reports of the Committees	
9.1	Corporate & Works Committee	20 April 2015
	R1 Tender for external audit services	
	R2 2015/16 Draft Budget	
	R3 Voluntary Planning Agreement - Scottish Hospital (Dillon Street Reserve)	1
9.2	Development Control Committee – Nil ‘R’ Items	20 April 2015
9.3	Urban Planning Committee	13 April 2015
	R1 Public Exhibition and Approval of the Draft Woollahra Development Control Plan	3
9.4	Community & Environment Committee	13 April 2015
	R1 Minutes of the Animal Advisory Committee Meeting of 18 February 2015 and Amendment to the Adopted Terms of Reference	4
9.5	Strategic & Corporate Committee	23 April 2015
	R1 Public Exhibition & Approval of the Draft Woollahra Development Control Plan – SC 2424 & 1078.G	
	<b>Note: Additional report to be circulated separately.</b>	
10.	Rescission Motion	Nil
11.	Notices of Motion	5
12.	Questions for the Next Meeting	6

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## 9.1 Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 20 April 2015 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **TENDER FOR EXTERNAL AUDIT SERVICES**  
**Author:** Don Johnston, Chief Financial Officer  
**File No:** 15/45713  
**Reason for Report:** To recommend the appointment of Council's External Auditor for the six years ending 30 June 2020

**Recommendation:**

- A. That Hill Rogers Spencer Steer be re-appointed as Council's External Auditor for the six years ending 30 June 2020 for an initial year's fee of \$55,000 (exclusive of GST) with subsequent years fees being indexed by movements in the Consumer Price Index.
- B. That the successful and unsuccessful tenderers be advised accordingly.

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**Item No:** R2 Recommendation to Council  
**Subject:** **2015/16 DRAFT BUDGET**  
**Author:** Don Johnston, Chief Financial Officer  
**File No:** 15/37115  
**Reason for Report:** To present the 2015/16 Draft Budget to the Committee.

**Recommendation:**

- A. THAT the report on the Draft 2015/16 Budget be received and noted.
  - B. THAT the Draft Budget be incorporated into the Delivery Program 2013 to 2017 and 2015/16 Operational Plan for the purpose of public exhibition.
  - C. THAT Council note a further report will be presented to the Corporate & Works Committee considering refinancing opportunities for the Kiaora Place development.
  - D. THAT the Draft 2015/16 Budget be amended to include a \$500,000 transfer from the Property Reserve to fund any preliminary costs associated with progressing options for development of a new Rose Bay carpark.
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**Item No:** R3 Recommendation to Council  
**Subject:** **VOLUNTARY PLANNING AGREEMENT - SCOTTISH HOSPITAL (DILLON STREET RESERVE)**  
**Author:** Paul Fraser, Manager - Open Space & Trees  
**File No:** 15/38389  
**Reason for Report:** To detail the terms of the proposed planning agreement between the Presbyterian Church Property Trust and Council for the dedication of land adjoining Dillon Street Reserve.

**Note:** In accordance with Council's meeting procedures and policy this matter is referred to full Council to enable the Director, Planning & Development to table advice to the Council Meeting in relation to the need for a Section 96 modification to the consent to enable the dedication of an area of land which is different from that specified in condition E24 of the consent and to also advise who is the consent authority if a Section 96 Application is necessary.

**Recommendation:**

- A. That Council agree to the proposed terms of the Voluntary Planning Agreement (VPA) prepared by Urbis on behalf of the Presbyterian Church (New South Wales) Property Trust.
  - B. Upon the agreement of terms, the VPA is placed on public exhibition for 28 days.
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## 9.3 Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 13 April 2015 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** **PUBLIC EXHIBITION AND APPROVAL OF THE  
DRAFT WOOLLAHRA DEVELOPMENT CONTROL PLAN**

**Author:** Jacquelyne Della Bosca – Acting Manager, Strategic Planning  
Anne White – Acting Team Leader, Strategic Planning

**File No:** SC2424 and 1078.G Draft Woollahra Development Control Plan 2014

**Reason for Report:** To advise of submissions received to the public exhibition of Draft Woollahra Development Control Plan (DCP) 2014.  
To identify proposed amendments to the exhibited version of the Draft DCP arising from practitioner workshops, submissions and internal review.  
To obtain Council's decision to approve Draft Woollahra Development Control Plan 2015, as amended.

**Recommendations:**

1. That the report on the public exhibition of the Draft Woollahra Development Control Plan 2015 be deferred for further consideration and referred to a future Strategic and Corporate Committee Meeting, to be scheduled by the Mayor. This is to expedite the item and to allow all Councillors to attend and also to consider any additional submissions from the public.
  2. That Council Staff prepare a further report to the Strategic and Corporate Committee Meeting responding to submissions and proposed amendments put forward at the Urban Planning Committee Meeting.
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## 9.4 Community & Environment Committee

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### Items with Recommendations from the Committee Meeting of Monday 13 April 2015 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** **MINUTES OF THE ANIMAL ADVISORY COMMITTEE MEETING OF 18 FEBRUARY 2015 AND AMENDMENT TO THE ADOPTED TERMS OF REFERENCE**

**Author:** Colin DeCosta, Coordinator – Regulatory Services

**File No:** 15/35639

**Reason for Report:**

1. To submit the minutes of the Animal Advisory Committee meeting of 18 February 2015 in accordance with the adopted ‘Terms of Reference’.
2. To recommend an amendment of the Animal Advisory Committee adopted ‘Terms of Reference’ in response to the minutes of 18 February 2015

**Recommendation:**

1. That the minutes of the Animal Advisory Committee meeting of Wednesday 18 February 2015 be received and noted.
2. That the Animal Advisory Committee Terms of Reference adopted by Council on 10 December 2012 be amended by rewording clause 8.2 as follows;

*“8.2 Meetings will be held at the Council Chambers twice a year on the third Wednesday of the months of April and October.”*

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## Notices of Motion

**Item No:** 1  
**From:** Councillor Boskovitz  
**Date:** 21 April 2015  
**File No:** 15/50029

THAT Council investigate, in consultation with the local residents in the immediate area, the replacement of the bus stop near the corner of Village Lower Road and Hopetoun Avenue with a more suitable bus stop.

### Background

Council has spent significant money on Hopetoun Avenue to beautify it, make it more traffic and pedestrian friendly and to ensure the more efficient movement of storm water yet the above mentioned bus stop is incredibly ugly and subject of a great deal of antisocial behaviour due to its design and location.

In respect of antisocial behaviour, the closed nature of the bus stop and the lack of lighting lead to graffiti from time to time, regular public drinking and subsequent anti-social behaviour including breaking of bottles, littering, very loud foul language and vomiting.

The new bus stop should be more in keeping with other style bus stops in the area with a clear back wall which allows for passive surveillance.

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**Item No:** 2  
**From:** Councillor Boskovitz  
**Date:** 22 April 2015  
**File No:** 15/50315

That Council investigate the installation of a drop off/pick up zone near the Rose Bay shopping village on Dover Road, Rose Bay. The said drop off/pick up zone can service elderly people who are visiting the doctors surgery and/or Parisi's and the IGA supermarket.

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## Questions for the 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 provide a response to Questions for Next Meeting from Council Meeting of 13 April 2015 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

### Recommendation:

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

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### Background:

The provision for Councillors to ask Questions for Next Meeting is contained in Section 3.1 of Council's Code of Meeting Practice which states:

#### 3.1 Questions

- 1) *As a standard practice, a report on "Questions for Next Meeting" shall be listed in all agendas of ordinary meetings of council. The agenda item shall contain a report of the questions asked at the last council meeting and the responses to those questions and provide an opportunity for the councillors to ask questions for the next council meeting. Councillors may also submit Questions on Notice for inclusion in the Council Meeting business paper. Questions on Notice are to be submitted to the Council's Governance Department by no later than 10.00am on the Thursday preceding the Council Meeting.*
- 2) *Questions asked at a council meeting shall also be submitted in writing.*
- 3) *The Councillor must put every question directly, succinctly and without argument.*
- 4) *The Mayor shall refer the question to the general manager or responsible division head, or if the question is directed to another councillor, the councillor concerned. There shall be no requirement to answer the question immediately.*
- 5) *If the answer to a question can be given immediately, and it makes sense to do so, then such shall be done and a record made in the minutes of the meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed.*
- 6) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions for Next Meeting" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions for Next Meeting should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions for Next meeting on 13 April 2015 are as follows:

**Councillor Petrie asking:**

Madam Mayor, I have been told that you have stated that you have put out a new brief regarding White City Heritage. If so, when, where and does it comply with the Council's previous resolution?

**Director Planning and Development in response:**

The resolution of Council was that a revised brief be prepared and be reviewed by the Mayor. If the Mayor was happy with that brief it was to be reissued to the heritage consultants who originally responded plus another heritage consultant.

After that resolution was made I consulted further with the Department of Planning and took further advice from them. I then provided advice to the Mayor as to how the brief needed to be changed. In brief, I recommended that the scope of work be expanded, consistent with the advice that I had received from the Department of Planning.

My recollection Madam Mayor is that you sent an email around to Councillors and then gave Councillors the opportunity to respond by email I think over a three day period. I'm not privy to what responses, if any, you received.

Following further consultation with you Madam Mayor we then reissued the brief in accordance with the resolution of Council. I can inform Councillors that we now have four (4) consultants who have quoted on that work. We will be making a decision this week.

The brief provides for an examination of the heritage significance of the whole site. The assessment must look at the whole site but then must make conclusions about what part, or all, of the site might be significant. It must also make recommendations about appropriate listing, whether that be the whole site, part of the site or elements of the site, that remains unknown at the moment.

**The Mayor in response:**

First of all I supported the recommendation that came from the majority of Councillors. I did not exercise a casting vote. I have a responsibility to exercise my own my vote. I felt at the time that was exactly where it should go. I also have an obligation when we put it back out to the Department to get better qualification on what they want, rather than go out and find another consultant to go and spend money looking for someone to write a report for us.

I felt it was appropriate to get a clarification from the department and we got that and I responded by actually addressing that clarification. I asked the staff to actually report on the information coming from the Department. I then acted on that information. It would be untoward of me to just sit by a previous decision when the information coming from the Department directed us in a certain way.

I responded to a clarification from the Department. I think it was appropriate to ask them to clarify before we went ahead and actually sought out further consultants. I thought that was an appropriate way to go and then I responded accordingly. I recall sending an email and I don't know why Councillors haven't got it. I recall sending it out and saying that you have this much time to respond because it had to go out and we delayed it going to other consultants and to the existing consultants so that if you did want to make a comment then you had an opportunity time to do so. I will try and find it and resend it to everyone. I'll look for it this evening and resend it.

**Councillor Petrie asking:**

I noticed that two branches from a major tree in New South Head Road, Rose Bay squashed two cars and closed the road for hours.

I noticed that a tree fell in Greenoaks Avenue, Darling Point this evening opposite Bishopsgate and crushed one car.

To Mr O’Hanlon do we have audits on our own trees and if so how often?

**Director Technical Services in response:**

Firstly I’ll point out that the tree in Greenoaks Avenue, Darling Point was a private tree that lost a branch this afternoon. Our staff inspected that tree and took a view that it was not immediately hazardous to people so they asked the landowner to have it cleaned up and we were reassured that that would happen today. I understand that this evening this hasn’t yet happened so we will be following this up tomorrow morning to make sure that it is cleaned up.

As opposed to the tree at New South Head Road that was a Council tree. It lost a very large limb. I can confirm that all of our street trees are inspected annually to try and avoid these type of incidents. We cannot be certain when we look at a tree that it’s not going to drop a branch sometime in the future. They are inspected for safety once a year.

**Manager Open Space & Trees further in response:**

Council's tree crews attended the day after this was reported and removed branches.

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**Councillor Petrie asking:**

In the Sunday Telegraph two weeks ago - Woollahra Council – after seventy five millimetres of rain were reported, Quote “The teams played on a field that was in incredibly good shape after all the rain.” Please give the staff a big heads up on behalf of all of the Woollahra Rugby community.

**Director Technical Services in response:**

I will be happy to do so thank you.

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**Councillor Robertson asking:**

In Boundary Street, Paddington there is a particular tree on both sides of the street. On the Eastern side outside of number 100 Boundary Street there is a particularly large specimen. Forgive me I don't know the species. This tree has very large seed pods. These seed pods when they fall can dent cars and they would crack the skull open of a small child I imagine. To prevent this or mitigate this I did observe in recent weeks City of Sydney staff attending to the trees on their side of the street de-poding them. Do our Council staff engage in such a practice and or would it be in the interest of public safety that we adopt such a practice?

**Manager Open Space & Trees in response:**

The Blackbean tree does produce pods that can vary in size. We have had no incidents of injury or damage to cars in relation to this tree. We do not engage in the process of removing pods as this would require a significant increase in resources. We will continue to monitor the tree and any issues that the pods may cause.

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Gary James  
General Manager

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**Political Donations – matters to be considered by Councillors at Meetings**

