



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 23 June 2014*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

19 June 2014

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 – 23 June 2014

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 23 June 2014 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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10.	Rescission Motion	Nil
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Leave of Absence

Item No: 1
From: Councillor Deborah Thomas
Reason for Report: Seeking leave of absence for all meetings of the Council and its Committees from Monday 30 June 2014 to Wednesday 9 July 2014 inclusive.

Recommendation:

That leave of absence for all meetings of the Council and its Committees be granted to Councillor Deborah Thomas for the period Monday 30 June 2014 to Wednesday 9 July 2014 inclusive.

Mayoral Minute

Mayoral Minute No: 1

Subject: Queen's Birthday Honours 2014

Author: Cr Toni Zeltzer, Mayor

File No: 13.G/6

Reason for Report: To inform Council of the local Queen's Birthday Honours recipients.

Recommendation:

1. That letters of congratulations, signed by the Mayor, be forwarded to the following recipients of the 2014 Queen's Birthday Honours:
 - i. Emeritus Professor John Miles LITTLE, AO
 - ii. Emeritus Professor Helen Beatrice ARMSTRONG, AM
 - iii. Mr Michael John ARNOTT, AM
 - iv. Mrs Angela Penelope CRAMMOND, AM
 - v. Mrs Ashley Judith DAWSON-DAMER, AM
 - vi. Mr Christopher Paul KNOBLANCHE, AM
 - vii. Mr John Kennedy McLAUGHLIN, AM
 - viii. Mr José Miguel AGUILER, OAM
 - ix. Ms Julieanne Agnes CARRIOL, OAM
 - x. Mr Gilbert Charles DOCKIN, OAM
 - xi. Ms Annamaria Elizabeth MARKS, OAM
2. That letters of congratulations also be sent to Captain Raymond John Leggatt, AM CSC RAN and Captain Jay Bannister RAN acknowledging their works and honours.

I am pleased to inform the Council that 11 residents of Woollahra were among those persons honoured in the recent Queen's Birthday Honours. They are:

Officer (AO) in the General Division

- i. *Emeritus Professor John Miles LITTLE, AO*
For distinguished service to medicine through the development and promotion of public policy on medical values, ethics and law.

Member (AM) in the General Division

- ii. *Emeritus Professor Helen Beatrice ARMSTRONG, AM*
For significant service to landscape architecture as an academic, particularly to the study of cultural, heritage and migration environments.
- iii. *Mr Michael John ARNOTT, AM*
For significant service to the primary industry sector through executive roles, and to the community of Boorowa.
- iv. *Mrs Angela Penelope CRAMMOND, AM*
For significant service to children through executive and fundraising roles with Barnardos Australia, and to the community

- v. *Mrs Ashley Judith DAWSON-DAMER, AM*
For significant service to the visual and performing arts as a supporter and benefactor of cultural organisations, and to medical research.
- vi. *Mr Christopher Paul KNOBLANCHE, AM*
For significant service to arts administration, to the community, and to the business and finance sector.
- vii. *Mr John Kennedy McLAUGHLIN, AM*
For significant service to the judiciary and to the law, particularly through the documentation and preservation of Australian legal and constitutional history, and to the community.

Medal (OAM) in the General Division

- viii. *Mr José Miguel AGUILER, OAM*
For service to nursing, and to professional organisations.
- ix. *Ms Julieanne Agnes CARRIOL, OAM*
For service to the community through cancer support organisations.
- x. *Mr Gilbert Charles DOCKIN, OAM*
For service to the arts as a gallery Director.
- xi. *Ms Annamaria Elizabeth MARKS, OAM*
For service to the community, particularly to aged care organisations.

I would also like to take this opportunity to acknowledge and congratulate two (2) past Commanding Officers of HMAS Watson and Training Authority – Maritime Warfare. Captain Ray Leggatt and Captain Jay Bannister who were also conferred with Awards in this year's Queen's Honours List.

Captain Raymond John Leggatt, AM CSC RAN was awarded an AM in the Military Division for exceptional service to the Royal Australian Navy across the fields of capability management, training, command and operations.

Captain Jay Barton Bannister RAN, received a Commendation for Distinguish Service for distinguished performance of duty in warlike operations as the Chief of Staff, Headquarters Joint Task Force 633, on Operation SLIPPER from January to July 2013.

On behalf of Woollahra Council, I offer my congratulations to all of this year's Queen's Birthday Honours recipients. Each recipient provides an outstanding example of excellent community citizenship. We are grateful for their individual contribution to Woollahra and we are thankful for the collective reminder that we are fortunate to live in a community where so many people dedicate their time and energy to helping and inspiring others.



Cr Toni Zeltzer
Mayor

Annexures: nil

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 16 June 2014 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Adoption of Revised Delivery Program 2013 to 2017 & Operational Plan 2014/15**

Author: Michelle Phair - Acting Team Leader Corporate Planning
Don Johnston - Chief Financial Officer
Stephen Dunshea - Director Corporate Services
Gary James - General Manager

File No: 1229.G (2013 - 2017)

Reason for Report: For the Committee to review submissions received following public exhibition of the draft Delivery Program 2013 to 2017 and Operational Plan 2014/15 and to recommend adoption of the documents.

Recommendation:

- A. That Council note that five (5) submissions were received in relation to the draft Delivery Program 2013 to 2017 & Operational Plan 2014/15 in response to the public exhibition.
- B. That having considered the submissions received, Council adopt the exhibition copy of the draft Delivery Program 2013 to 2017 & Operational Plan 2014/15, including the draft 2014/15 Budget and with the minor amendments referred to in this report, as its Delivery Program 2013 to 2017 & Operational Plan 2014/15.
- C. That a copy of the Delivery Program 2013 to 2017 & Operational Plan 2014/15 be placed on Council's website within 28 days of their adoption in accordance with Section 402 & Section 405 of the Local Government Act 1993 and a link to the document be provided to the Chief Executive of the Office of Local Government.
- D. That Council make and levy the Rates and Annual Charges set out in the Rating Structure for 2014/15, being:

Category / Sub Category	Rating Structure	Amount to be Levied	Rates in the \$, Base Amounts & Minimums
Ordinary Rates:			
Residential	Base Charge - 50% Ad Valorem - 50%	27,382,596	\$558.50 (Base Amount) 0.05271 cents in \$
Business	Ad Valorem - subject to a minimum	1,319,271	0.27125 cents in \$ \$578.00 (minimum)
<i><u>Business Sub Categories:</u></i>			
All Ad Valorem - subject to a minimum			
Double Bay		1,549,796	0.41835 cents in \$ \$578.00 (minimum)
Oxford Street Paddington		811,771	0.37597 cents in \$ \$578.00 (minimum)

Category / Sub Category	Rating Structure	Amount to be Levied	Rates in the \$, Base Amounts & Minimums
Rose Bay (New South Head Road)		267,311	0.35549 cents in \$ \$578.00 (minimum)
Edgecliff		359,096	0.41878 cents in \$ \$578.00 (minimum)
Bellevue Hill		31,923	0.30841 cents in \$ \$578.00 (minimum)
Edgecliff / Grosvenor Streets, Woollahra		81,994	0.30943 cents in \$ \$578.00 (minimum)
Five Ways, Paddington		66,198	0.26610 cents in \$ \$578.00 (minimum)
New South Head Road, Vaucluse		44,310	0.31549 cents in \$ \$578.00 (minimum)
Old South Head Road, Rose Bay		70,218	0.22698 cents in \$ \$578.00 (minimum)
Old South Head Road, Vaucluse		14,824	0.14828 cents in \$ \$578.00 (minimum)
Plumer Road, Rose Bay		11,761	0.28600 cents in \$ \$578.00 (minimum)
Queen Street, Woollahra		206,643	0.18657 cents in \$ \$578.00 (minimum)
Watsons Bay		73,222	0.27374 cents in \$ \$578.00 (minimum)
Special Rate:			
Environmental & Infrastructure Renewal Levy (All Categories and sub-categories)	Base Charge - 50% Ad Valorem - 50%	3,829,946	\$73.85 (Base Amount) 0.006985 cents in \$
Total Rates		36,120,880	
Annual Charges:			
Domestic Waste Management Charge	\$452.00	11,794,940	
Stormwater Management Charges:			
Single residential dwelling	\$25.00	264,700	
Residential strata unit	\$12.50	173,200	
Business property	\$25.00 plus \$25.00 per 350m ² (or part thereof) above 350m ² in land area	43,025	
Business strata unit	\$5.00	2,605	
Total Annual Charges		12,278,470	
Total Rates & Annual Charges		48,399,350	

9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 16 June 2014 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	6 Dumaresq Road, Rose Bay - Section 96 Application – Proposed Modifications an extension to the excavated lower ground floor level of the approved dwelling - 4/2/2014
Author:	Eleanor Smith – Senior Assessment Officer
File No:	DA139/2013 part 3
Reason for Report:	In accordance with Council’s meeting procedures and policies, this matter is referred to full Council due to a substantive change of the recommendation of the Development Control Committee (Approval) to the Officer’s Recommendation (Refusal).

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

THAT the Council, as the consent authority, modify development consent to Development Application No. 139/2013 part 3 for the demolition of existing duplex and the construction of a new dwelling, swimming pool and associated site works on land at 6 Dumaresq Road, Rose Bay, subject to the following condition:

A.8 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)
DA 02 2.03-00	Architectural Plans	Howe Architects	02.02.2014
DA 02 2.04-00			02.02.2014
DA 02 2.05-00			02.02.2014
DA 02 2.07-00			02.02.2014
DA 02 1.07-01			02.02.2014
DA 02 3.00-00			02.02.2014
DA 02 3.01-00			02.02.2014

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

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Tuesday 10 June 2014 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **ELAINE- 550 New South Head Road, Point Piper**
Author: Amelia Parkins, Strategic Heritage Officer
File No: 329.550
Reason for Report: To respond to an adopted notice of motion requiring a report on the state heritage significance of the property at 550 New South Head Road, Point Piper.

Recommendation:

- A. That the heritage assessment for *Elaine* at 550 New South Head Road, Point Piper prepared by Paul Davies Pty Ltd be received and noted.
- B. That, in accordance with the conclusion of the heritage assessment by Paul Davies Pty Ltd, no further action regarding the state heritage listing of the property be taken.

Item No: R3 Recommendation to Council
Subject: **Stormwater Development Control Plan**
Author: Cathy Edwards-Davis, Manager Engineering Services
File No: 1064.G
Reason for Report: To obtain a resolution from Council to proceed with the exhibition of the Stormwater Development Control Plan

Recommendation:

- 1. That the Council resolve to proceed with the exhibition of the draft Stormwater Development Control Plan in accordance with Annexure 1 of this report.
- 2. That the draft Stormwater Development Control Plan be included within and advertised in conjunction with the forthcoming Comprehensive DCP.
- 3. That the relevant Section 149 (2) Certificates be updated for properties identified as being subject to coastal inundation in the "Estuary Planning Levels" report dated November 2013 prepared by Cardno.

9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Tuesday 10 June 2014 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Woollahra Child Care Needs Study 2014**
Author: Sharon Campisi, Manager Community Development
File No: 79.G
Reason for Report: To report on the findings of the 2014 Child Care Needs Study

Recommendation:

- A. That Council adopt recommendations 1-5 of the 2014 Child Care Needs Study.
- B. That Council continue to operate the Woollahra Preschool in its current form.
- C. That staff monitor supply of early education and care places and consider the opportunity to expand service provision at the Hugh Latimer Centre (recommendation 6) when the future use of this facility is considered by Council.

Item No: R2 Recommendation to Council
Subject: **Woollahra Small Sculpture Prize – naming rights sponsorship**
Author: Jo Jansyn, Cultural Development Coordinator
File No: 20.G
Reason for Report: To provide a report in response to a Council Resolution.

Recommendation:

- A. That Council not seek naming rights sponsorship for the Woollahra Small Sculpture Prize.
 - B. That other levels of sponsorship of the Woollahra Small Sculpture Prize continue to be sought.
 - C. That Council investigate all avenues to provide tax deductibility status for sponsorship of or donations to the Woollahra Small Sculpture Prize, including consultation with the Public Art Trust.
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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 10 June 2014 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.

Background:

The provision for Councillors to ask Questions for Next Meeting is contained in Section 3.2 of Council's Code of Meeting Practice which states:

3.2 QUESTIONS FOR NEXT MEETING – No previous notice of questions required

- 1) *As a standard practice, "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.*
- 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 10 June 2014 are as follows:

Councillor Boskovitz asking:

I note that the tenant of the corner Westpac building in Rose Bay has departed the premises and also note that a number of windows have been removed as part of the refurbishment of the premises.

Has an application come to Council with a change of use for the premises and what permission does the owner or applicant have for gutting that shop already?

Team Leader Compliance in response:

Council's Compliance Officer attended the subject site on Friday 13 June 2014 and reported significant internal works and modifications to facade of these premises. Signs attached to the construction site entry indicated that an Accredited Certifier, Mr Jon Hall had been appointed as the Principal Certifying Authority to certify these works. Council's Team Leader Compliance has been in contact with Mr Hall. Mr Hall advised that he had issued a Complying Development Certificate (CDC) reference 9/2014 for the abovementioned works. A copy of this CDC issued on 16 April 2014 was submitted to Council on 18 June 2014. The CDC details works to the New South Head Road facade, the external walls of the premises facing the adjacent petrol station and removal of internal fixtures, Mr Hall has advised that the premises will be utilised for food retail, however there will be no cooking by Charcoal method. Compliance officers will follow up on whether there has been any internal fitout works which are not covered by the Complying Development Certificate.

Councillor Elsing asking:

Councillor Keulemans mentioned at Council on 10 June 2014 that Woolworths Double Bay would deliver an "income stream" to Woollahra Council. Could staff, as far as appropriate, please indicate the ways funds are received by Council from Woolworths and the development and the amount expected to be received over a defined time frame from the development as a whole?

Director Corporate Services in response:

A detailed report on the commercial terms of the Kiaora Lands development was presented to Council's Corporate & Works Committee on 15 April 2013. The report included a high level summary financial forecasts for the development from the completion of both Stage 1 and Stage 2 construction, and extending to year 31, being the first year of the development being debt free. A copy of the report is available on Council's website.

The forecasts indicate that after providing for loan repayments, outgoings and other operating costs, the commercial side of the development generates cumulative surpluses over the first 10 years of operations of some \$16.2 million. Further, after providing for additional loan repayments, outgoings and operating costs associated with the new Library development, as well as on-going Capex for the whole of the development, the forecasts indicate a retained surplus of \$1 million over the same 10 year period.

When the development is debt free in year 31, the annual operating surplus is forecast to be in the order of \$21 million and growing with retained surpluses at that time exceeding \$141 million.

Gary James
General Manager

Political Donations – matters to be considered by Councillors at Meetings

