

Ordinary Council



Minutes

Monday 26 February 2018

Ordinary Council Meeting

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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 12 February 2018

- D1 Confirmation of Minutes of Meeting held on 27 November 2017
- D2 Oxford Street Working Party - Minutes of Meeting Held on 23 November 2017
- D3 Delivery Program 2013 to 2018 and Operational Plan 2017/18 (DPOP) Quarterly Progress Report December 2017 against Goal 4 - Well planned neighbourhoods and Goal 9 - Community focused economic development

Community & Environment Committee held on Monday 12 February 2018

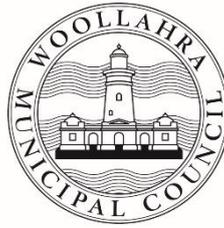
- D1 Confirmation of Minutes of Meeting held on 18 December 2017
- D2 Cultural Committee Meeting Minutes Report
- D3 Minutes of the Woollahra Plaques Advisory Committee 22 November 2017
- D4 Delivery Program 2013 - 2018 and Operational Plan 2017/18 Quarterly Progress Report - December 2017 - Goal 1-A connected & harmonious community, Goal 2-A supported community, Goal 3-A creative & vibrant community, Goal 5-Liveable places, Goal 6-Getting around, Goal 7-Protecting our environment and Goal 8-Sustainable use of Resources (FY230)

Development Control Committee held on Monday 19 February 2018

- D1 Confirmation of Minutes of Meeting held on 5 February 2018
- D2 DA147/2017/1 - 37 Chamberlain Avenue Rose Bay
- D3 DA307/2017/1 - 124 Windsor Street Paddington
- D4 DA2017/602/1 - 319C/317-319 Edgecliff Road Woollahra
- D5 DA370/2017/1 154 Hargrave Street Paddington
- D6 DA222/2017/1 - 69 Latimer Road Bellevue Hill
- D10 Register of current Land and Environment Court matters for Development Applications and register of Court Proceedings for Building Control, Environmental Control and Health Control
- D11 Register of SEPP 1 Objections and Clause 4.6 Variations

Corporate & Works Committee held on Monday 19 February 2018

- D1 Confirmation of Minutes of Meeting held on 5 February 2018
- D2 Delivery Program 2013 to 2018 and Operational Plan 2017/18 Quarterly Progress Report December 2017 against Goal 10 - Working together and Goal 11 - A well managed Council (FY230)
- D3 Monthly Financial Report - January 2018 (FY259-03)
- D4 Capital Works Program - Quarterly Progress Report December 2017



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
26 February 2018 at 8.00pm.**

Present: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio

Councillors: Susan Wynne (Deputy Mayor)
Luise Elsing
Mary-Lou Jarvis (Not Item R1 (DCC))
Anthony Marano
Nick Maxwell
Megan McEwin
Harriet Price
Lucinda Regan
Matthew Robertson
Richard Shields
Mark Silcocks
Toni Zeltzer (Not Item R1 (DCC))

Staff: Allan Coker (Director – Planning & Development)
Stephen Dunshea (Director – Corporate Services)
Lynn Garlick (Director – Community Services)
Gary James (General Manager)
Tom O’Hanlon (Director – Technical Services)
Helen Tola (Manager – Governance & Council Support)

Also in Attendance: Nil

Note: The Mayor, Councillor Cavanagh welcomed Council’s new Director Community Services, Lynn Garlick and congratulated her on her appointment.

Confirmation of Minutes

(Wynne/McEwin)

12/18 Resolved:

That the Minutes of the Ordinary Council Meeting held on 12 February 2018 be taken as read and confirmed.

(Wynne/Robertson)

Resolved:

That the Minutes of the Development Control Committee Meeting held on 19 February 2018, as the DCC Committee has been disbanded, be taken as read and confirmed.

Leave of Absence and Apologies

Apology were received and accepted from Councillors Claudia Cullen and Isabelle Shapiro and leave of absence granted.

Declarations of Interest

Councillor McEwin declared a non-significant, non-pecuniary interest in Public Forum Item (The benefits of Council becoming 'single use plastic free' as Don White is a member of the Greens Party. Councillor McEwin remained in the meeting, participated in the debate and voted on this matter.

Councillor Robertson declared a non-significant, non-pecuniary interest in Public Forum Item (The benefits of Council becoming 'single use plastic free' as Don White is a member of the Greens Party. Councillor Robertson remained in the meeting, participated in the debate and voted on this matter.

Councillor Jarvis declared a significant, non-pecuniary interest in DCC Item R1 (638 - 646 New South Head Road, Rose Bay) as she is a Panel member of the Sydney Central Planning Panel (SCPP). Councillor Jarvis vacated the meeting and did not participate in the debate or vote on this matter.

Councillor Zeltzer declared a significant, non-pecuniary interest in DCC Item R1 (638 - 646 New South Head Road, Rose Bay) as she is a Panel member of the Sydney Central Planning Panel (SCPP). Councillor Zeltzer vacated the meeting and did not participate in the debate or vote on this matter.

Late Correspondence

Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item General Managers & Officers Report & DCC Items R2, R3 & R4.

Petitions Tabled

Nil

Public Forum

Public Forum: 1
Person addressing Don White
Subject: The benefits of Council becoming 'single use plastic free'

Note: Councillor McEwin declared a non-significant, non-pecuniary interest in this Item as Don White is a member of the Greens Party. Councillor McEwin remained in the meeting, participated in the debate and voted on this matter.

Note: Councillor Robertson declared a non-significant, non-pecuniary interest in this Item as Don White is a member of the Greens Party. Councillor Robertson remained in the meeting, participated in the debate and voted on this matter.

Don White, addressed Council with regards to the benefits of Council becoming 'single use plastic free'.

The Council noted the information.

Suspension of Standing Orders

Councillor Wynne

- 13/18** That Standing Orders be suspended to allow Councillor Wynne to thank all staff involved in the Development Control Committee.

Adopted

The Mayor ruled and permitted the Suspension of Standing Orders.

The Councillor Wynne advised:

Thank you Mr Mayor. I just wanted to touch on the fact that last Monday evening was the last Development Control Committee (DCC) Meeting and we also attended our last DCC site visit on Wednesday morning. I thought it was important and I did speak to the Committee as Chair, but it was a sad evening which sounds ironic as to how many hours we put into those committee meetings. I have been on Council for nine years and funnily enough I will miss those meetings, as I saw them as a way of truly getting to know our residents in our municipality.

It was a Committee, despite us often having our differences of opinion, probably one of the closest committees I have worked on. We shared late nights and many issues. When I started nine years ago I didn't know what a DCP, LEP, SREP or a SEPP was. I came on board very young and new to the process and the staff spent so much time teaching me, guiding me and the previous Councillors who I worked with.

I wanted to take this opportunity to speak of the staff who presented every Monday night to us at Development Control Committee, led by Nick Economou. He is an extraordinary employee of Woollahra Council, his staff are a credit to him. Every single staff member that presented comes to the table, knowing what they are talking about, they are not biased and whilst we may not always agree with them, there is often heated debate and have awful things directed at them, awful commentary etc and they do it humbly and it has been a privilege to work with that department.

I know I am speaking on behalf of my fellow Councillors to say that it is one of the reasons we fought against amalgamation to protect those aspects of planning and those are now out of our hands, but I do have some level of comfort knowing how invested our staff are in Woollahra and how much they genuinely care. I just wanted to pass on through the Director of Planning our thanks, our gratitude, your staff are so impressive, they take the heat and they make us always look good. I will miss those Monday nights with them and just really want to pass on our thanks and gratitude.

The Mayor, Councillor Cavanagh in response:

Thank you Councillor Wynne. I too would also like to echo those sentiments. Yourself, Councillor Zeltzer and I echo those sentiments as well as those Councillors from last term.

Councillor Elsing advised:

I wanted to acknowledge the efforts of the staff but also the role Councillors played in relation to the DCC. I particularly wanted to note my colleague, Councillor Marano, who I think in that generation, is served the elongated five years of that term and the six months of this term and in my experience is the longest serving Councillor on DCC. I know how difficult that role is as my life has really opening up to me since I left the DCC. I know that we were all sad to not to be on it. We are sad that the Committee has been replaced by the Independent Hearing & Assessment Panels (IHAPS). I wanted to give recognition to Councillor Marano for his tireless support and work on it. He is very passionate and famous for his focus on the visuals and his great commentary for some of the people that presented. I think its timely given the closure of that Committee to recognise this.

Councillor Robertson advised:

Thank you Mr Mayor, I would like to note my sadness at the loss of DCC, it's a loss of good planning outcomes for our area and a loss for local democracy.

The Council noted the information.

Councillor Jarvis

- 14/18** That the Suspension of Standing Orders continue to allow Councillor Jarvis to reflect on the life of the late Ainsley Gotto.

Adopted

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

Councillor Jarvis advised:

Thank you, Mr Mayor. I would like to stand in memory of one of Woollahra Council's great residents, the late Ainsley Gotto, who sadly passed away last night. She lived for and worked in support of Woollahra Council.

Like many of us she came from elsewhere. Her life included working in the office of a former and current Prime Minister of Australia but she also worked in Rose Bay and lived in the Woollahra Council area, first in Darling Point, in Double Bay ward and then in Edgecliff in Cooper ward. She in fact lived a third of her life in this area.

Despite having the trust and confidence of three former Prime Ministers, she understood more than most that all politics is local.

She was one of the first Liberals who stood up opposed to the amalgamation and put forward many reasons as to why it was not in the best interest of the residents of Woollahra that we amalgamate with another Council. On the 4 February 2016, as a resident for some 23 years, she made a speech in support of the Council. She was a resident "not complaining but frankly full of praise for the professionalism, personal attention and care both the staff and Councillors in Woollahra have extended over many years".

She was also a woman who worked towards providing affordable housing in this Municipality. Long before the last election, there was a application which proposed to demolish three quite derelict houses and re-develop these for affordable housing. Unsurprisingly to the Councillors in this room, everyone was either for or against it. There was a lot of contention over it. Ainsley used all her legal acumen, her charm, her intellect to arrive at a solution which was quite remarkable.

The late Ainsley Gotto, was a friend of many in this room. She died as she lived - in the Woollahra Council area.. She passed away last night at Wolper Jewish Hospital. Regrettably I got there a little late but she will be well remembered and I would like to commend her memory to this Council.

The Mayor further advised:

Indeed she was a great friend of many of us.

Councillor Elsing further advised:

Thank you very much, Councillor Jarvis for recognising that member of the community, I remember her giving a talk to the anti-amalgamation sessions run at Rose Bay RSL and speaking on behalf of local democracy.

Councillor Marano advised:

Thank you Mr Mayor, I met the late Ainsley Gotto in late 2003 or early 2004 in Malcolm Turnbull's old campaign office in Bondi Junction. I worked with her very closely in every campaign since then. Ainsley and I would go and visit all the nursing homes and aged care facilities and scrutineer whilst the electoral commission was supervising the vote. That became our thing that we did.

Ainsley became a friend and a mentor for me and she persuaded me to become a Councillor, she guided me and continued to guide me up until the other day. She was very elegant right to the end, always looked very stylish and always was dressed head to toe and even though she was dying of lung cancer she would go outside for a cigarette which was locked up in a special satchel with a glass of wine. That's the way she lived. She was a great friend of the Council and a great friend of Woollahra.

The Mayor, Councillor Cavanagh further advised:

Thank you very much Councillor Marano. I appreciate how close you were.

The Council noted the information.

Councillor Robertson

15/18

That the Suspension of Standing Orders continue to allow Councillor Robertson to advise Council of the raising of the rainbow flag for the Mardi Gras.

Adopted

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

Councillor Robertson advised:

Thank you Mr Mayor, on the 16 February 2018 we raised the rainbow flag for the Mardi Gras season. It was my great privilege to attend along with Councillor Maxwell, our two local members Alex Greenwich MP and Gabrielle Upton MP, as well as some 78er's which you were kind enough to invite along. Max Pearce a former Alderman of Paddington from 1984 to 1988, Meredith Knight, Titi Chartay and of course Jane Marsden was with us.

This was a very important occasion as this year marks the occasion of the fortieth anniversary of a protest march which resulted in terrible violence in 1978. Throughout that year a series of protests which began the movement which has culminated today to the wonderful celebration of diversity that it is the Mardi Gras Festival.

It was an important occasion to reflect upon and in style typical of yourself Mr Mayor, you put on a wonderful spread and really gave us a moment to reflect of the importance of this moment in history. Thank you for taking the attention to detail that you did. I would like to just quote Titi Chartay who gave us one of the most spectacular speeches I think I have ever heard in this Council Chamber (this was after I had the great honour of lifting her 60 kilogram kelpie dog up onto the platform at the front of the building). The final line I will leave you with Councillors, “may you have orgasms that rattle the windows and scare the neighbours”. Happy Mardi Gras.

The Mayor, Councillor Cavanagh further advised:

Thank you Councillor Roberston. Happy Mardi Gras for Saturday night.

The Council noted the information.

General Manager and Officer's Report

Item No: 8.1
Subject: ESTABLISHMENT OF THE WOOLLAHRA LOCAL PLANNING PANEL
Author: Allan Coker, Director - Planning & Development
Approvers: Stephen Dunshea, Director Corporate Services
Gary James, General Manager
File No: 18/22512
Reason for Report: To establish the Woollahra Local Planning Panel.

Note: Late correspondence was tabled by Allan Coker Council's Director Planning & Development.

(Robertson/McEwin)

16/18 Resolved:

- A. That Council, pursuant to section 23K of the *Environmental Planning and Assessment Act* 1979, appoint the following persons to the Woollahra Local Planning Panel for a period of three (3) years:

Chair and Alternate Chairs

Ms Annelise Tuor	Chair
Mr Peter Wells	Alternate Chair
Mr Peter Webber	Alternate Chair

Experts

Mr John McInerney
Ms Sheridan Burke
Mr James Colman
Dr Mark Carleton

Community Representatives

Vaucluse Ward

Mr Graham Humphrey	Community representative
Mr Anthony Booth	Alternate community representative

Bellevue Hill Ward

Mr Andrew Petrie	Community representative
Ms Nicola Grieve	Alternate community representative

Cooper Ward

Ms Michelle Falstein	Community representative
Mr Malcolm Young	Alternate community representative

Double Bay Ward

Mr Ashley (Ross) Bonthorne	Community representative
Ms Sarah Mulcahy	Alternate community representative

Paddington Ward

Ms Keri Huxley

Community representative

Mr John Normyle

Alternate community representative

- B. That Council set the following remuneration rates for panel members consistent with the Remuneration Determination of the Minister, dated 23 February 2018:

Chair - \$2,000 per meeting
- \$285 per hour for business undertaken outside of meetings

Experts - \$1,500 per meeting
- \$214 per hour for business undertaken outside of meetings

Community reps - \$500 per item up to a maximum of \$1,500 per meeting
- \$71 per hour for business undertaken outside of meetings

Note: The above rates do not include GST.

Note: *Adopted Unanimously*

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 19 February 2018 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **HEAD ON PHOTO FESTIVAL 2018 - FUNDING**
Author: Peter Kauter, Manager Placemaking
Approver: Allan Coker, Director - Planning & Development
File No: 18/10233
Reason for Report: To report on a request for funding by the organisers of the Head On Photo Festival

Note: Late correspondence was tabled by Moshe Rosenzveig.

(Shields/McEwin)

17/18 Resolved without debate:

- A. That Council agree to support the Head On Photo Festival 2018 generally in accordance with the 'Head On Photo Festival and Woollahra Municipal Council' document (annexed to this report) and subject to the following terms:
- i. Cash funding not exceeding \$25,000 be provided to the Festival organisers.
 - ii. Council provide in-kind support, not exceeding \$30,000, to facilitate
 - a. Festival related events in Perry Lane, Paddington – prior agreement is to be reached between Festival organisers and Council's Manager - Placemaking on a Festival program for Perry Lane
 - b. promotion of the Festival through its media channels
 - c. Oxford Street banners
- B. That as a prerequisite to the funding referred to in Part A being made available, a payment schedule is to be agreed between Head On Photo Festival organisers and Council's Manager - Placemaking.
- C. Head On Photo Festival organisers are to acknowledge Council's support for the Festival in its promotional material.
- D. That a post event analysis be provided to Council within 2 months of the event including an acquittal of expenses with any surplus funds being repaid to Council.
- E. Head On Photo Festival organisers being advised that this decision to support the Festival in 2018 does not commit Council to the funding of any future Festivals – any future funding requests will be considered on their merits.

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 Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council

Subject: **AUDIT & ASSURANCE COMMITTEE PERFORMANCE
ASSESSMENT REPORT, APPOINTMENT OF MEMBERS AND
ADOPTION OF COMMITTEE CHARTER.**

Author: Cheryl Burns, Manager - Business Assurance & Risk

Approvers: Stephen Dunshea, Director Corporate Services
Gary James, General Manager

File No: 18/21154

Reason for Report: To report to the Corporate & Works Committee in accordance the Audit & Assurance Committee (AAC) Charter.

(Shields/McEwin)

18/18 Resolved without debate:

- A. That the Audit & Assurance Committee Performance Report for the period 1 November 2014 to 31 October 2017, including the Independent Chairperson's Report dated October 2017 and provided as **ANNEXURE 1** be received and noted.
- B. That Council note the Annual Performance Report conclusion that the Audit & Assurance Committee and its members have fulfilled their responsibilities in accordance with the Committee's Charter for the period 1 November 2014 to 31 October 2017.
- C. That the revised Audit and Assurance Committee Charter provided as **ANNEXURE 2** be adopted.
- D. That the Minutes of the Audit & Assurance Committee meetings of 10 May 2017, **ANNEXURE 3** be received and noted.
- E. That Council re-appoint Mr John Gordon to serve as the Independent Chair of Council's Audit and Assurance Committee for the four (4) year term ending 30 June 2021.
- F. That Council re-appoint Mr Jason Masters as the Independent Member of Council's Audit and Assurance Committee for a four (4) year term ending 30 June 2021.
- G. That the fee paid to Mr Gordon as Chair be \$1500 per meeting exclusive GST and the fee paid to Mr Masters be \$1300 per meeting exclusive of GST.
- H. That Council thank Mr Gordon for the Annual Performance Assessment Report and all the Committee Members for their work.

Item No: R3 Recommendation to Council
Subject: **COSMOPOLITAN CENTRE RETAIL LEASE - COUNCIL'S
RIGHT OF FIRST REFUSAL**
Author: Zubin Marolia, Manager - Property & Projects
Approver: Tom O'Hanlon, Director - Technical Services
File No: 18/21571
Reason for Report: To advise Council of the offer by Gloxinia Investments Limited (ARBN 127 742 401), for Council to acquire the Lease of the Cosmopolitan Centre's retail stratum and make a recommendation.

(Shields/McEwin)

19/18 Resolved without debate:

- A. THAT Council note the Letter of Offer from Gloxinia Investments Ltd dated 9 February 2018 for Council to acquire the Lease of the Cosmopolitan Centre's Retail Stratum.
- B. THAT Council decline the offer from Gloxinia Investments Ltd (ARBN 127 742 401) and advise Gloxinia that Council does not wish to exercise its Right of First Refusal for the Cosmopolitan Centre Lease of the Retail Stratum.
- C. THAT the report remain confidential until Gloxinia confirms that consideration of the lease transfer process is concluded.

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 19 February 2018 Submitted to the Council for Determination

ITEM No.	R1 Recommendation to Council
FILE No.	DA377/2016/4
ADDRESS	638-646 New South Head Road Rose Bay
PROPOSAL	Modification to the existing development including additional senior housing within a new upper level
REASON FOR REPORT	In accordance with the NSW Government – Department of Planning, Procedures for the Operation of the Sydney Central Planning Panel (SCPP), this matter is referred to full Council to consider if it wishes to make a submission for the Panel to consider in its determination of the application.

Note: Councillor Jarvis declared a significant, non-pecuniary interest in this Item as she is a Panel member of the Sydney Central Planning Panel (SCPP). Councillor Jarvis vacated the meeting and did not participate in the debate or vote on this matter.

Note: Councillor Zeltzer declared a significant, non-pecuniary interest in this Item as she is a Panel member of the Sydney Central Planning Panel (SCPP). Councillor Zeltzer vacated the meeting and did not participate in the debate or vote on this matter.

(Wynne/Silcocks)

20/18 Resolved without debate:

THAT Council advises the Sydney Central Planning Panel (SCPP), that it recommends refusal of the application to modify development consent to Development Application No. 377/2016/4 for demolition of the existing service station at 638-646 New South Head Road and residential flat building at 636 New South Head Road, remediation of the site(s), the erection of a new Seniors Living Development comprising of nine (9) residences, two (2) retail and two (2) commercial tenancies & 19 car parking spaces on land at 638-646 New South Head Road Rose Bay, for the following reasons:

1. The bulk and scale of the proposed additional storey is inconsistent with the design quality principles 1 (context and neighbourhood character) and 2 (built form and scale), under SEPP 65 (Design Quality of Residential Apartment Development).
2. The proposal is inconsistent with Clause 33 (neighbourhood amenity and streetscape), under SEPP (Housing for Seniors and People with a Disability) 2004.
3. The proposed five storey development is inconsistent with the desired future character of the Rose Bay Centre and is unsatisfactory in terms of the aims in Part 1.2(2) of Woollahra LEP 2014, objective (1).
4. The proposed height non-compliance is considered to be excessive and is inconsistent with the control and the objectives under Clause 4.3 of WLEP 2014.

5. The location of the additional gross floor area is considered to be inconsistent with the objectives under Clause 4.4 of WLEP 2014.
6. The proposed additional storey is inconsistent with the Rose Bay centre objectives under Part D6.1.3 of the WDCP 2015.
7. The proposed additional storey is excessive in bulk and scale and is non-compliant with regard to the building envelope and height controls (C1 and C2) under Part D6.6.3.1 of WDCP 2014.
8. The additional storey would present additional bulk when viewed from long views from the harbour and is considered to be unsatisfactory with regard to the provisions of SREP (Sydney Harbour Catchment) 2005.

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 Cavanagh
Councillor Elsing
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne

Nil

11/0

ITEM No.	R2 Recommendation to Council
FILE No.	DA390/2015/2
ADDRESS	20-26 Cross Street Double Bay
PROPOSAL	Various internal & external modifications including a reconfiguration of each level and changes to the building envelope, a reduction in the number of units from 34 to 31 and change to the unit mix and the reconfiguration and reduction in car parking spaces from 44 to 42
REASON FOR REPORT	<p>In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Luise Elsing for the following reasons:</p> <ul style="list-style-type: none">- The original application was determined at full Council- Excessive bulk and scale- Sense of enclosure- Public interest- Apartment mix (limiting number of 1 bedroom apartments)- Non compliance- Set backs
Note:	Late correspondence was tabled by Nick Economou – Manager Planning & Development, Double Bay Residents' Association and Julian Beaumont.
Note:	Late correspondence tabled by Nick Economou Council's Manager Planning & Development advised that the Development Application has been withdrawn at the Applicant's request.

ITEM No.	R3 Recommendation to Council
FILE No.	DA226/2017/1
ADDRESS	21-23 Cranbrook Road Bellevue Hill
PROPOSAL	Alterations and additions to a dwelling house including the widening of the vehicular entry, conversion of the existing tennis court to entertainment rooms, construction of a new tennis court, siteworks and landscaping
REASON FOR REPORT	In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the Committee being divided between the Motion (4 votes) and the Amendment (4 votes) and the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration.

Note: Late correspondence was tabled by Wayne Holborow and Jennifer Carmichael.

**Motion moved by Councillor Wynne
Seconded by Councillor Shields**

THAT the Council, as the consent authority, grant development consent to Development Application No. 226/2017/1 for alterations and additions to a dwelling house including the widening of the vehicular entry, conversion of the existing tennis court to entertainment rooms, construction of a new tennis court, siteworks and landscaping on land at 21-23 Cranbrook Road Bellevue Hill, subject to the conditions contained in the Agenda.

**Amendment moved by Councillor Jarvis
Seconded by Councillor Robertson**

THAT Council, as the consent authority, having considered the application for review of its determination, resolve to maintain its refusal of development consent to Development Application No. 226/2017/1 for alterations and additions to a dwelling house including the widening of the vehicular entry, conversion of the existing tennis court to entertainment rooms, construction of a new tennis court, siteworks and landscaping on land at 21-23 Cranbrook Road Bellevue Hill, for the reasons contained in the Agenda.

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

(Jarvis/Robertson)

21/18 Resolved:

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

PART A

THAT Council, as the consent authority, having considered the application for review of its determination, resolve to maintain its refusal of development consent to Development Application No. 226/2017/1 for alterations and additions to a dwelling house including the widening of the vehicular entry, conversion of the existing tennis court to entertainment rooms, construction of a new tennis court, siteworks and landscaping on land at 21-23 Cranbrook Road Bellevue Hill, for the following reasons:

1. **Woollahra Local Environmental Plan 2014, Part 1 Clause 1.2 Aims of Plan**

The proposed development is unacceptable because it does not comply with:

- Part 1, Clause 1.2(2)(1) – that the proposed development does not achieve the desired future character of the Bellevue Hill North Precinct.

2. **Woollahra Local Environmental Plan 2014, Part 2 Land Use Table – Zone R2 Low Density Residential**

The proposed development is unacceptable because it does not comply with the following objective of the R2 Low Density Residential zone:

- Bullet point 3 – the proposed development is not compatible with the character and amenity of the surrounding neighbourhood.
- Bullet point 4 – the proposed development is not of a height and scale that achieves the desired future character of the neighbourhood.

3. **Woollahra Local Environmental Plan 2014, Part 4**

a. **Clause 4.3 – Height of buildings**

The height of the proposed tennis court fence does not comply with the height of buildings development standard under Clause 4.3.

b. **Clause 4.6 – Exceptions to development standards**

The submitted written request fails to justify the contravention of the development standard in accordance with Clause 4.6(3) and (4).

The submitted written request is not well founded as the proposal fails to demonstrate that:

- Compliance with the height of buildings development standard would be unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify the contravention;
- The development meets the objectives of the development standards and the objectives of the R2 Low Density Residential zone, notwithstanding the variation;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard in this instance; and
- The proposed variation will not hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979.

4. **Woollahra Development Control Plan 2015, Chapter B1 – Residential Precinct**

The proposal fails to achieve consistency with the Desired Future Character Objectives O1, O5, O6 and O11 prescribed in Part B1.8 – Bellevue Hill North Precinct.

5. **Woollahra Development Control Plan 2015, Chapter B3 – General Development Controls**

a. **Clause B3.2: Building Envelope**

- i) The proposed front setback does not comply with control C1 and will not achieve the relevant objectives O1 and O2 prescribed in Part B3.2.2 of Chapter B3 of Woollahra Development Control Plan 2015.
- ii) The proposed northern and southern side setbacks do not comply with control C1 and will not achieve the relevant objective O3 prescribed in Part B3.2.3 of Chapter B3 of Woollahra Development Control Plan 2015.
- iii) The proposed work protrude the maximum wall height and inclined plane and does not comply with control C1 and will not achieve the relevant objectives O1 and O4 prescribed in Part B3.2.3 of Chapter B3 of Woollahra Development Control Plan 2015.

b. Clause B3.3: Floorplate

The proposed floorplate does not comply with controls C1, C2 will not achieve the relevant objective O1 prescribed in Part B3.3 of Chapter B3 of Woollahra Development Control Plan 2015.

c. Clause B3.5.4: Built Form and Context- Acoustic and visual privacy

The proposed raised tennis court does not comply with control C10 and will not achieve the relevant objective O3 prescribed in Clause B3.5.4 of Chapter B3 of Woollahra Development Control Plan 2015.

d. Clause B3.6: On-street Parking

The proposed floorplate does not comply with controls C6, C9 will not achieve the relevant objectives O2 and O6 prescribed in Part B3.6 of Chapter B3 of Woollahra Development Control Plan 2015.

e. Clause B3.7.4 – Ancillary development – tennis court

The proposed raised tennis court does not comply with control C1 and will not achieve the relevant objective O1 prescribed in Clause B3.7.4: *Ancillary development - tennis courts* of Chapter B3 of Woollahra Development Control Plan 2015.

6. Woollahra Development Control Plan 2015, Chapter E1 – Parking and Access

The existing and proposed number of parking spaces will exceed the maximum permissible spaces prescribed in Table 1 of Part E1.4.2 of Chapter E1 of Woollahra Development Control Plan 2015.

7. Public interest

The proposal is not in the public interest.

PART B

That this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council’s Enforcement Policy for failure to obtain Council’s consent prior to carrying out the unauthorised works.

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 Elsing
Councillor Jarvis
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

Against the Motion

Councillor Cavanagh
Councillor Maxwell
Councillor Shields
Councillor Wynne
Councillor Zeltzer

8/5

ITEM No.	R4 Recommendation to Council
FILE No.	DA507/2017/1
ADDRESS	5 Lindsay Avenue Darling Point
PROPOSAL	Alterations and additions to the existing dwelling incorporating a new study, lift and terrace area with pergola
REASON FOR REPORT	Due to Development Control Committee being disbanded on 19 February 2018 recommendations from Site Inspection for this Item are to be submitted for consideration by the Full Council on 26 February 2018

Note: Late correspondence was tabled by Alex Hill, Council's Assessment Officer, Catherine Colville Council's Heritage Office, Clive Lucas & Matt Allen.

Note: Late correspondence tabled by Alex Hill, Council's Assessment Officer, advised that the Development Application has been withdrawn at the Applicant's request.

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 12 February 2018 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE
Author:	Jorge Alvarez, Senior Strategic Planner
Approvers:	Anne White, Team Leader - Strategic Planning Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
File No:	18/1473
Reason for Report:	To report on the public exhibition of the planning proposal for 42-58 Old South Head Road, Vaucluse. To obtain Council's approval to proceed with the finalisation of the planning proposal.

(Jarvis/Robertson)

22/18 Resolved without debate:

THAT the planning proposal for 42-58 Old South Head Road, Vaucluse to amend Woollahra Local Environmental Plan 2014 as exhibited, be deferred to a future meeting of the Urban Planning Committee for the following reasons:

- To allow consideration of late objections (i.e. specifically to allow staff to gain access to three properties at 21, 23 and 29 Captain Pipers Road, Vaucluse).
- Facilitate 3D modelling to provide the Urban Planning Committee a more visual presentation of the full potential of the development site (i.e. capacity not a design).

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 Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

13/0

Item No: R2 Recommendation to Council
Subject: EASY TO DO BUSINESS
Author: Peter Kauter, Manager Placemaking
Approver: Allan Coker, Director - Planning & Development
File No: 18/12785
Reason for Report: To consider Council joining Easy to do Business

(Jarvis/Regan)

23/18 Resolved without debate:

- A. That Council delegates authority to the General Manager to enter into a contract with Service NSW for Easy to do Business, on terms acceptable to the General Manager.
- B. That the Seal of Council be affixed to all necessary documentation to effect the contract with Service NSW for Easy to do Business.

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 Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor Regan
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Elsing
Councillor McEwin
Councillor Price
Councillor Robertson

9/4

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 12 February 2018 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **CAR SHARE REPORT**
Author: Mark Keulen, Team Leader Traffic & Transport
Approvers: Aurelio Lindaya, Manager Engineering Services
Tom O'Hanlon, Director - Technical Services
File No: 17/212893
Reason for Report: To report on car share usage and fees

(Marano/McEwin)

24/18 Resolved:

- A. THAT Council continue to support Car Share schemes in Woollahra, particularly as a means to reduce the net demand for on-street parking.
- B. THAT Council continue to charge the operators of Car Share schemes for modifications to parking signage and for parking permits, in accordance with the advertised Council Fees and Charges.
- C. THAT Council include a specific Car Share Permit Annual Fee of \$420 in the 2018/2019 Fees and Charges.
- D. THAT Council includes in its Car Share Permit Fees in the 2018/2019 Fees and Charges a discount of \$210 for low emission vehicles and \$62 for electric vehicles.

Note: A division was called by Councillor Elsing.

For the Motion

Against the Motion

Councillor Cavanagh
Councillor Elsing
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shields
Councillor Silcocks
Councillor Wynne
Councillor Zeltzer

Nil

13/0

Item No: R2 Recommendation to Council

Subject: **NORTHLAND ROAD, BELLEVUE HILL - PERMANENT CLOSURE AND AMALGAMATION WITH COOPER PARK**

Author: Frank Rotta, Traffic & Transport Engineer

Approvers: Mark Keulen, Team Leader Traffic & Transport
Aurelio Lindaya, Manager Engineering Services
Tom O'Hanlon, Director - Technical Services

File No: 17/203794

Reason for Report: Response to a Notice of Motion

(Marano/Wynne)

25/18 Resolved without debate:

- A. THAT Council not support the closure of Northland Road, at Cooper Park, Bellevue Hill given the traffic impacts on the surrounding local road network and the limited benefit to the community.
- B. THAT concerns raised by residents regarding traffic speeding on Northland Road be referred to the Traffic Committee.

Notices of Motion

Item No: 11.1
Subject: NOTICE OF MOTION - BEES
From: Councillors Matthew Robertson and Megan McEwin
Date: 21/02/2018
File No: 18/26416

(Robertson/McEwin)

26/18 Resolved:

THAT Council:

1. Note the vital role bees play in our ecosystem and food chain.
2. Support the establishment and existence of both domesticated and wild beehives within the Woollahra LGA.
3. Adopt as policy the following, in relation to beehives:
 - i) acknowledge the establishment of beehives in the local area as being a vital part of our ecosystem and a positive sign that our ecosystem is healthy and able to support bee populations.
 - ii) encourage local residents to plant plants that will support both European honey bees and native bees, cease using pesticides that harm local bee populations and build and host bee hotels (housing for native bees)
 - iii) establish ties with local apiarists and/or the Amateur Beekeepers Association of NSW Inc so that the Council has a list of apiarists it can call in the event of requiring advice regarding local beehives;
 - iv) a procedure for when bee hives are reported to Council and staff are of the opinion that the beehive presents a risk to public safety - being that staff will, except in exceptional circumstances, first contact local apiarists and/or the Amateur Beekeepers Association of NSW Inc. to give effect to options for hive relocation or removal;
 - v) destruction of beehives is an option of last resort and the use of poison to kill bees is only carried out after the Council has received advice from an apiarist that the bees cannot be relocated.

Adopted

Item No: 11.2
Subject: NOTICE OF MOTION - EUROKA RESERVE
From: Councillors Luise Elsing, Anthony Marano and Megan McEwin
Date: 20/02/2018
File No: 18/25982

(Marano/Elsing)

27/18 Resolved:

THAT Council undertake repair, maintenance and capital works improvements to elements in the Euroka Reserve including but not limited to the fountain and pond.

Adopted

Item No: 11.3
Subject: NOTICE OF MOTION - AFFORDABLE HOUSING
From: Councillors Luise Elsing, Megan McEwin and Lucinda Regan
Date: 22 February 2018
File No: 18/27056

(Elsing/McEwin)

28/18 Resolved:

THAT Council requests staff to prepare and submit to the Urban Planning Committee by 30 June 2018:

- A. a draft affordable housing policy which sets out a target for affordable housing in the Woollahra LGA, including the mechanism by which affordable housing could be provided in the Woollahra LGA; together with
- B. a draft planning proposal, for later adoption by Council, such documents to include:
 1. identification of applicable areas within the LGA where affordable housing under State Environmental Planning Policy No.70 Affordable Housing (Revised Schemes) SEPP 70;
 2. relevant materials necessary to lodge a planning proposal to give effect to SEPP 70 in the Woollahra LGA;
 3. mechanisms to encourage new residential developments in the municipality, particularly those developments in the Edgecliff corridor, to give up 5 - 10% of each development as “affordable housing”, including consideration of in kind contribution of affordable housing;
 4. provisions whereby all new “affordable housing” may be categorised as housing that is managed on a long-term basis by an external community housing provider within the Sydney Metropolitan area, appointed by Council under a relevant management contract; and
 5. proposals for Council to utilise/ acquire property to be provided as affordable housing in order to meet Woollahra LGA’s affordable housing targets.

Adopted

Questions for Next Meeting

Item No: 12.1
Subject: QUESTIONS FOR NEXT MEETING
Author: Sue O'Connor, Secretarial Support - Governance
Approver: Stephen Dunshea, Director Corporate Services
File No: 18/25813
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 12 February 2018 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Robertson)

29/18 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 No: 12.2 Notice of Motion

Councillor Robertson asking:

I have noticed a particular trend Mr Mayor, in terms of how Notices of Motion are drafted and presented to Council. The trend I suppose is that what we are seeing the background section or rationale is hardly factual information. Some of what is presented is conjecture and opinion and that is in my opinion for debate around this table. It is not for inclusion or justification of ones Notice of Motion. I have also noticed creeping in a number of pictures which I don't know that there is a precedent for that. So I suppose I am putting on record my concerns and I am requesting from staff to know whether there are any guidelines for the preparation of Notices of Motion or not.

General Manager in Response:

Mr Mayor, there has never been any real restriction in terms of what needs to be included in a Notice of Motion. Normally a Notice of Motion is exactly that, where Councillors call for a report and not to provide a report.

As part of the review of the Committee Structure, there may be an opportunity for Notices of Motion to be submitted to the Council much sooner, to get them on the Agenda that would give us the opportunity to review those in relation to the specific guidelines that come into place with the proposed Notice of Motion provisions in the Model Code of Meeting Practice. There is a number of things that we believe we can bring forward to the Council in relation to the way Notices of Motion are presented.

Question No: 12.3 Container Deposit Machines

Councillor McEwin asking:

Thank you Mr Mayor, I was wondering if we could get an update on container deposit machines, specifically when they will come in and the likely locations?

Director Technical Services in Response:

Mr Mayor, I can advise Council that the operator of the system has put forward to us several locations to review. I am actually going to inspect these with Mr Ramsay tomorrow morning at 9.00am. Very soon we will be able to bring more information in relation to that.

Question No: 12.4 Cities Power Partnership

Councillor Elsing asking:

Thank you Mr Mayor. I was delighted to hear from one of our constituents that Woollahra Council was committed to 'Cities Power Partnership' which is a free national program to celebrate emissions reduction.

Congratulations to Woollahra Council on being listed on the 'Cities Power Partnership' in January 2018. What are the likely 5 key actions (pledge items) to support strategy development, carbon inventory and targets to accelerate reduction and clean energy outcomes?

Could the proposal we heard tonight from *Climate Action Community Group* requiring festivals in the Woollahra LGA to be free of single use plastics and making Woollahra Council a single use plastic collection 'pick up' point be included in the 5 key actions?

Director Technical Service in Response:

On notice.

Question No: 12.5 Independent Hearing & Assessment Panel (IHAPs)

Councillor Elsing asking:

How do we expect to monitor the performance and decisions being made by staff and the Independent Hearing & Assessment Panel (IHAPs) against our Policies that we are setting in relation to planning?

General Manager in response:

We will take that on Notice so we can give you more detail. Council will need to review and understand where decisions have been made that require the Council to tweak, amend or completely change planning instruments. There will be a review process, but not until such time that we have had meetings and see what comes out of the process.

Councillor Elsing further asking:

The information that currently goes to DCC in relation to the court matters, will that be directed to the Urban Planning Committee?

General Manager in response:

No.

Question No: 12.6 Design Excellence Development Applications

Councillor Zeltzer asking:

Can we now progress with the Design Excellence Panel as a matter of urgency and expedite a report to the establishment of this panel? This is relevant given development applications will be made by people who do not predominately live in the area, don't share our values or our desire to leave good quality design in our urban landscapes. I would like to think that we do have a Panel who overviews four storey developments and given feedback to our assessment staff, so that it becomes part of the reports going to IHAP. When can we start looking at producing that report?

Director Planning & Development in response:

Mr Mayor, this was discussed at the last Urban Planning Committee Meeting. Councillors expressed a strong desire to move forward with that Motion. I am very happy to advise that we have actioned that and a report is currently being prepared about the establishment of a Design Review Panel. That report will likely come back to you in late March or April. There will then need to be a decision of the Council as to whether it wishes to proceed with the establishment of the Design Review Panel.

Councillor Zeltzer further asking:

Would part of that report include not only the constitution of the panel, the cost, but also what they would be looking for in terms of what they assess (i.e. what are the criteria they will be looking for in order to access a new proposed building of say 6 to 8 stories)?

Director Planning & Development in further response:

Yes, the report will deal with those issues.

Question No: 12.7 Street Cleaning in Double Bay

Councillor Zeltzer asking:

How often do we clean the streets of the commercial village in Double Bay?

Can the frequency increase because recent observations support increasing services and also improved means of cleaning?

Technical Services in response:

Mr Mayor, I can confirm that the streets/footpaths in Double Bay are cleaned every morning and the bins are emptied again in the afternoon and very regularly we use our scrubbing machines to clean the footpath. I don't have the particular detail of the last time that footpath was done, in conversation you mentioned an area in Knox Street and I will come back to you.

Councillor Zeltzer advised:

It was at the corner of Knox Street and New South Head Road. The general look is the same all around New South Head Road.

Question No: 12.8 Community Grants Sport and Recreation

Councillor Wynne asking:

Would Council consider expanding the community grants program to ensure sport and recreational projects may also be considered alongside the environmental, cultural & art and place making projects.

There is a conscious move by State and Federal Government and indeed many local Councils to promote exercise, outdoor activity and wellbeing in our communities to reduce health risks, reduce obesity and make the most of our outdoor spaces and recreational opportunities. It would be great to open up these opportunities for local groups to receive funding to support the same objectives.

Technical Services in response:

On notice.

The Mayor, Councillor Cavanagh in response:

On Saturday, I attended the Woollahra Sailing Club - State Championship for the mirror racing boats in Sydney. Certainly a sporting thing that Council would do very well in sponsoring.

There being no further business the meeting concluded at 9.35pm.

We certify that the pages numbered 377 to 408 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 26 February 2018 and confirmed by the Ordinary Meeting of Council on 12 March 2018 as correct.

General Manager

Mayor