

Council Meeting

Tuesday 7 October 2014

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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 29 September 2014

D1 Confirmation of Minutes of Meeting held on 15 September 2014

Development Control Committee Meeting held on Monday 29 September 2014

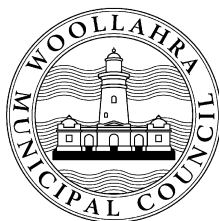
- D1 Confirmation of Minutes of Meeting held on 15 September 2014
- D2 DA343/2014 – 5/13-15 Sutherland Crescent Darling Point – Modification of existing external doors & walls to include side windows, minor alterations to the external façade, landscape works & new spa – 22/8/2014
- D3 DA303/2014 - 157-159 Hargrave Street, Paddington (Bellevue Hotel) – Change of trading hours of Bellevue Hotel - From: 11am-midnight (Mon-Fri) noon-midnight (Sat) & noon-10pm (Sun & public holidays) – 29/7/2014 - To: 7am-midnight (Mon-Sat) & 7am-10pm (Sun & public holidays) with sale & supply of liquor prohibited between 7am-10am all days– 29/7/2014
- D4 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control

Urban Planning Committee Meeting held on Monday 22 September 2014

D1 Confirmation of Minutes of Meeting held on 8 September 2014

Community & Environment Committee Meeting held on Monday 22 September 2014

- D1 Confirmation of Minutes of Meeting held on 25 August 2014
- D2 Woollahra Local Traffic Committee Minutes – 2 September 2014



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Tuesday 7 October 2014 at 8.30pm.**

Present Her Worship the Mayor, Councillor Toni Zeltzer
 Councillors Luise Elsing
 James Keulemans
 Greg Levenston
 Anthony Marano
 Katherine O'Regan
 Matthew Robertson
 Deborah Thomas
 Jeff Zulman

Staff:

Allan Coker	(Director – Planning & Development)
Ailsa Crammond	(Acting Manager – Governance)
Stephen Dunshea	(Director – Corporate Services)
Gary James	(General Manager)
Zubin Marolia	(Acting Director – Technical Services)
Kylie Walshe	(Director – Community Services)

Also in Attendance: Nil

Confirmation of Minutes

(Levenston/Thomas)

- 1/18** THAT the Minutes of the Council Meeting held on 22 September 2014 be taken as read and confirmed.

Adopted

Leave of Absence

(Robertson/Thomas)

- 2/18** THAT leave of absence for all meetings of the Council and its Committees be granted to Councillor Susan Wynne from Tuesday 7 October 2014 to Monday 13 October 2014 inclusive.

Adopted

Note: Leave of Absence has previously been granted to Councillors Ted Bennett & Anthony Boskovitz.

Apologies

(Robertson/Thomas)

- 3/18** Apologies were received and accepted from Councillors Peter Cavanagh, Andrew Petrie & Elena Wise and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 29 September 2014 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Financial Statements for the Year Ended 30 June 2014**
Author: Don Johnston, Chief Financial Officer
File No: 767.G 2013/14
Reason for Report: To present the Financial Statements for the year ended 30 June 2014 to the Committee, provide commentary on the budget result for 2013/14 and recommend to Council the adoption of Council's statement in respect of the Financial Statements

(Thomas/Robertson)

4/18 Resolved without debate:

- A. That Council note the budget result achieved for 2013/14 is a surplus of \$159k, representing an increase of \$98k on the March 2014 budget review forecast and resulting in a working funds balance of \$2,727k at 30 June 2014.
- B. That Council, having noted the statement of confirmation provided in the report by the General Manager, the Director Corporate Services and the Chief Financial Officer (Responsible Accounting Officer), adopt the following statement in relation to its Financial Statements for the year ended 30 June 2014:

That, in relation to the Financial Statements for the year ended 30 June 2014, Council is of the opinion that:

The Financial Statements have been drawn up in accordance with:

- i. the Local Government Act 1993 (as amended) and Regulations made thereunder;*
- ii. the Australian Accounting Standards and professional pronouncements; and*
- iii. the Local Government Code of Accounting Practice and Financial Reporting*

and to the best of our knowledge and belief the Report:

present fairly Council's financial position and operating result for the year; and

accord with Council's accounting and other records;

and further, the signatories to the Report, to the best of our knowledge and belief, know of nothing that would make the report false or misleading in any way;

- C. That Council formally refer the Financial Statements for the year ended 30 June 2014 for audit; and
- D. In anticipation of receiving the Auditor's Reports, set the Corporate & Works Committee meeting to be held on Monday 3 November 2014 as the meeting at which the 2013/14 Financial Statements will be presented to the public.

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 29 September 2014 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	Report on the Pros & Cons of a Separate DA Process for Business, Commercial & Retail Activities – 885.G Planning & Development Management
Author:	Nick Economou – Acting Manager - Development Control
File No:	885.G Planning & Development Management
Reason for Report:	In accordance with Council's meeting procedures and policy this matter is referred to full Council due to being an adopted Notice of Motion from Council of 10 March 2014.

**Motion moved by Councillor Robertson
Seconded by Councillor Marano**

THAT a further report be presented to the Development Control Committee on:

- how delegations relating to the determination of development and related applications may be amended
- how work practices may be to improved, and
- what resources need to be allocated

to improve turnaround times.

Amendment moved by Councillor Levenston

THAT a further report be presented to the Development Control Committee in relation to the following recommendation from the Development Control Committee meeting of 29 September 2014:

- A. THAT a further report be presented to the Development Control Committee on:
- how delegations relating to the determination of development and related applications may be amended
 - how work practices may be to improved, and
 - what resources need to be allocated

to improve turnaround times.

- B. THAT the call up safeguard period for applications determined by staff following review by the Application Review Panel (ARP) be removed and that to achieve this the relevant note in the delegations be removed.

- C. THAT the delegations review have regard to the resolution of Council of 22 September 2014 asking for a report on the merit of an Independent Hearing Assessment Panel.

The Amendment lapsed for want of a seconder.

**Amendment moved by Councillor Elsing
Seconded by Councillor O'Regan**

- A. THAT a further report be presented to the Development Control Committee on:
- how delegations relating to the determination of development and related applications may be amended
 - how work practices may be to improved, and
 - what resources need to be allocated
- to improve turnaround times.
- B. THAT the call up safeguard period for applications determined by staff following review by the Application Review Panel (ARP) be removed and that to achieve this the relevant note in the delegations be removed.

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

(Elsing/O'Regan)

5/18 Resolved:

- A. THAT a further report be presented to the Development Control Committee on:
- how delegations relating to the determination of development and related applications may be amended
 - how work practices may be to improved, and
 - what resources need to be allocated
- to improve turnaround times.
- B. THAT the call up safeguard period for applications determined by staff following review by the Application Review Panel (ARP) be removed and that to achieve this the relevant note in the delegations be removed.

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 Keulemans
Councillor Levenston
Councillor O'Regan
Councillor Zeltzer
Councillor Zulman

Against the Motion

Councillor Marano
Councillor Robertson
Councillor Thomas

6/3

Item No: R2 Recommendation to Council
Subject: **2-4 Quarry Street, Paddington – Site remediation & construction of new childcare centre to provide 120 long day care places for ages 0-6 years with operating hours between 6.30am to 7.30pm Monday to Friday – 14/3/2013**
Author: Adrian Gilderdale – Assessment Officer
File No: DA94/2013
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the public’s interest in the matter.

(Keulemans/O’Regan)

6/18 Resolved without debate:

- A. THAT the Council defend the class 4 summons in the Land and Environment Court 2014 on the 14 October 2014.
- B. 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, whichever 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 Elsing
Councillor Keulemans
Councillor Levenston
Councillor Marano
Councillor O’Regan
Councillor Robertson
Councillor Thomas
Councillor Zeltzer
Councillor Zulman

9/0

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 22 September 2014 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Double Bay Working Party**
Author: Allan Coker – Director Planning and Development
File No: 1262.G
Reason for Report: To update the Council on the matters which have been considered by the Double Bay Working Party.

(O'Regan/Thomas)

7/18 Resolved without debate:

That Council note:

- A. the minutes of the Double Working Party meetings held on 20th May, 17th July and 26th August 2014.
- B. that the working party is now progressing the development of a Strategic Action Plan for Double Bay.

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 Elsing
Councillor Keulemans
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Robertson
Councillor Thomas
Councillor Zeltzer
Councillor Zulman

9/0

Item No: R2 Recommendation to Council
Subject: **Controls for Excavation Under Woollahra Residential Development Control Plan 2003**
Author: Patrick Robinson - Manager Development Control
File No: 900.G
Reason for Report: Notice of Motion

(O'Regan/Thomas)

8/18 Resolved without debate:

THAT the Urban Planning Committee notes:

1. Research indicates that the volumetric excavation controls introduced on 12 September 2012 have delivered a modest reduction in excavation impact.
2. Caution needs to be applied to the interpretation of excavation trends because of a range of factors which influence excavation.
3. The volumetric excavation controls do not apply to ancillary structures such as detached garages, swimming pools and the like.
4. The volumetric excavation controls contained in RDCP 2003 will be translated, in a modified form, into part B3.6 of the new comprehensive DCP together with other changes to ensure consistency with other provisions of the new DCP.

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 Elsing
Councillor Keulemans
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Robertson
Councillor Thomas
Councillor Zeltzer
Councillor Zulman

9/0

Matter of Urgency Urban Planning Committee

**Item with Recommendation from the Committee Meeting of Tuesday 22 September 2014
Submitted to the Council for Determination**

Item No: R1 Recommendation to Council
Subject: **Draft Woollahra Development Control Plan 2014 - Request to Endorse the Draft DCP for Public Exhibition**
Author: Jacquelyne Della Bosca – Team Leader Strategic Planning
File No: 1078.G (Draft Woollahra DCP)
Reason for Report: To obtain Council’s approval to publicly exhibit the Draft Woollahra Development Control Plan 2014.

(O’Regan/Thomas)

Resolved:

9/18 THAT in accordance with Council’s Code of Meeting Practice, Item R1 of the Urban Planning Committee Meeting held on 7 October 2014 be brought forward as a Matter of Urgency to ensure the public has an extended period of formal public consultation.

Adopted

The Mayor ruled Urgency.

**Motion moved by Councillor O’Regan
Seconded by Councillor Thomas**

THAT Council resolve to prepare and publicly exhibit the Draft Woollahra Development Control Plan 2014, provided at **Annexure 1** of the report to the Urban Planning Committee meeting on 7 October 2014, consistent with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* with the following amendment:

- (a) Insert a new section in Part C, Chapter C1 Paddington for timber buildings as set out in Attachment 3 of the late correspondence from the Manager of Strategic Planning, dated 2 October 2014 to the Urban Planning Committee meeting.

**Amendment moved by Councillor Robertson
Seconded by Councillor Zulman**

- A. THAT Council resolve to defer the preparation and public exhibition of the Draft Woollahra Development Control Plan 2014 to facilitate the opportunity for further review by Council’s relevant Urban Planning working parties.

- B. THAT Council resolve to publicly exhibit the Draft Woollahra Development Control Plan 2014 for the period from 1 January 2015 to 28 February 2015.
- C. THAT Council staff liaise with the NSW Department of Planning and Environment to advise them of this timetable and to request an appropriate deferred commencement date for the Woollahra Local Environmental Plan 2014.

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

(O'Regan/ Thomas)

10/18 Resolved:

THAT Council resolve to prepare and publicly exhibit the Draft Woollahra Development Control Plan 2014, provided at **Annexure 1** of the report to the Urban Planning Committee meeting on 7 October 2014, consistent with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* with the following amendment:

- (a) Insert a new section in Part C, Chapter C1 Paddington for timber buildings as set out in Attachment 3 of the late correspondence from the Manager of Strategic Planning, dated 2 October 2014 to the Urban Planning Committee meeting.

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 Keulemans
Councillor Levenston
Councillor O'Regan
Councillor Thomas
Councillor Zeltzer

Against the Motion

Councillor Marano
Councillor Robertson
Councillor Zulman

6/3

Notice of Motion

Item No: 1
From: Councillor Levenston
Date: 1 October 2014
File No: 900.G

(Levenston/Kuelemans)

- 11/18** THAT the Council send a letter of acknowledgement, congratulations and thanks to Anthony Minichiello upon his retirement as a player and club captain of the Roosters rugby league team. He has played 302 games in his club career and has been an ornament to the game. He is well recognised both within and beyond this municipality for his leadership, as well as being an outstanding role model for our youth and community in general.

Adopted

Item No: 2
From: Councillors Marano, Keulemans, Cavanagh & Zeltzer
Date: 2 October 2014
File No: 900.G

12/18 (Marano/Keulemans)

- A. THAT Woollahra Council hold an annual Community Christmas Party, to be hosted by the Mayor, as a means of thanking all those in our community that make a positive contribution to Woollahra over the year. This is the most appropriate time of the year to convey our appreciation.
- B. THAT funding for the 2014 Community Christmas Party be identified in the September quarterly budget review and that future year events be funded by way of an annual budget allocation.

Adopted

Note: A Division was called by Councillor Robertson
 Seconded by Councillor O'Regan

For the Motion

Councillor Zulman
 Councillor Levenston
 Councillor Keulemans
 Councillor Thomas
 Councillor Zeltzer
 Councillor Elsing
 Councillor O'Regan
 Councillor Marano

Against the Motion

Councillor Robertson

8/1

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.

(O'Regan/Keulemans)

13/18 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted

The following questions were asked:-

Councillor Robertson asking:

How regularly are staff keeping tabs on illegal off-leash activity in Trumper Park, Paddington?

Director Planning and Development in response:

On notice

Councillor Robertson asking:

Regarding licenced fitness operators who attach weight-bearing suspension devices to our park's trees and park infrastructure in breach of their licence conditions, will staff confirm:

- A. Whether legal liability rests with Council or the licensed operator where a fatality or personal injury results;
- B. Whether legal liability rests with Council or the licensed operator where damage to a Council tree or public infrastructure occurs;
- C. Within the last 12 months, how many breaches of licence conditions regarding trees and parks infrastructure have been actioned by staff with respect to the issuing of notices, orders, fines and/or revocation of licences;
- D. How many incidents have come to the attention of staff, which have involved unlicensed operators; and
- E. If so, what action has been taken, and in resolving such incidents, how does staff's approach differ where the operator in breach is unlicensed?

Director Planning and Development in response:

On notice

Councillor Elsing asking:

In relation to the Camphor Laurel and Jacaranda trees in John Street, Woollahra:

If it is decided to remove the trees following consultation, what are the plans for replacement plantings and how do these plans relate to the Woollahra Tree Management Plan?

Acting Director, Technical Services in response:

On notice

Councillor O'Regan asking:

Given the recent change in the Council recycling processes:

- a. How has this been received by the community in relation to complaints received and requests for new bins?
- b. Has there been a change in recycling rates?

If there is insufficient time to assess, a response can be tabled at a later date.

Acting Director, Technical Services in response:

The program has been rolled out according to plan. Some minor issues have been brought to our attention but nothing unexpected has arisen.

There being no further business the meeting concluded at 9.40pm.

We certify that the pages numbered 3608 to 3622 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 7 October 2014 and confirmed by Council at the ordinary Meeting of Council on 27 October 2014 as correct.

General Manager

Mayor