

# Ordinary Council Meeting

**Agenda:** *Ordinary Council Meeting*

**Date:** *Monday 12 November 2012*

**Time:** *8.00pm*

# Woollahra Municipal Council

## Notice of Meeting

8 November 2012

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

Dear Councillors

### **Council Meeting – 12 November 2012**

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 12 November 2012 at 8.00pm.**

Gary James  
General Manager

## Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	22 October 2012
2.	Leave of Absence and Apologies	
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7.	Public Forum	
8.	General Manager’s Report	Nil
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R1	Riddell Street, Bellevue Hill Road Infrastructure Works	
R2	Electrical Contractor Services Tender 12/09	
9.2	Development Control Committee	5 November 2012
R1	76 Old South Head Road, Woollahra – Alterations & additions to the existing boarding house & rear building & use of the both buildings as a boarding house – 23/11/2011	
R2	17, 19 & 21 Rush Street, Woollahra – Alterations & additions to 17, 19 & 21 Rush Street to create a single dwelling-house including basement area, new swimming pool, summer pavilion, alterations to the garage & rear fence with new addition above, landscaping & siteworks – 12/6/2012	7
9.3	Urban Planning Committee	22 October 2012
R1	A New Planning System for NSW - Green Paper ( <b>Referred to Council 22 October 2012 as a Matter of Urgency</b> )	
R2	Draft Conservation Management Plan and zoning options for Strickland House	
9.4	Community & Environment Committee – <b>Nil R Items</b>	22 October 2012
10.	Rescission Motion	Nil
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12.	Questions on Notice	Nil
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## Mayoral Minute

**Mayoral Minute No:** 1

**Subject:** 2013 Woollahra Citizenship Awards

**Author:** Cr Andrew Petrie, Mayor of Woollahra

**File No:** 30.G

**Reason for Report:** To provide information about the Woollahra Citizenship Awards.

### Recommendation:

That all Councillors promote the Citizenship program and encourage nominations for local residents and/or initiatives that have demonstrated excellent citizenship.

### Background:

The Woollahra Citizen of the Year Awards objective is “to recognise individuals and groups who have demonstrated excellent citizenship and contribution to the people of Woollahra and/or the wider community.”

Nominations for the awards are open in the categories as outlined below:

#### Individual:

- Citizen of the Year Award

#### Group, school or individual:

- Most Innovative Community Project
- Most Innovative Community Cultural/Arts Initiative
- Contribution to the Environment
- Contribution to Community (Local or International)
- Seniors' Award
- Youth Award

Nominations are open until 31 December 2012, and they can be made online at [http://www.woollahra.nsw.gov.au/community/whats\\_happening/woollahra\\_citizenship\\_awards](http://www.woollahra.nsw.gov.au/community/whats_happening/woollahra_citizenship_awards)

As Councillors, we can use our networks to identify possible nominees, and encourage other community members to submit the nomination. Please take this opportunity to think about who in the community you believe should be recognised.

See overleaf for the previous winners of the Citizen of the Year award, as well as the conditions and eligibility criteria. For more information, contact the Community Development Team on 9391 7166 or [community@woollahra.nsw.gov.au](mailto:community@woollahra.nsw.gov.au)

Cr Andrew Petrie  
Mayor

## **Past Citizens of the Year**

### *2012: Bruce Bland*

For demonstrating long-term commitment to his community. Bruce has taken a lead role in organising an annual Christmas celebration at Pannerong Reserve, Rose Bay, with a local community residents group and local Christian churches. Since retiring, Bruce has served as a volunteer on many community groups and has lent his expertise to a program that transfers business skills to outback indigenous communities.

### *2011: Saxon Graham*

For demonstrating through his leadership that people with a disability can exceed preconceived limits in all aspects of life. Saxon has volunteered at the Holdsworth Community Centre and Meals on Wheels for over fifteen years. He has been an ambassador for People with a Disability and is the ex president and current secretary of the Up! Club – a Sydney-wide social network and activity organisation for people with Down's Syndrome.

### *2010: Mrs Mary Ritchie and Mr Donald Ritchie*

For providing assistance to those contemplating suicide at the Gap, offering cups of tea and a chat, as well as contacting the appropriate services. This has resulted in many lives being saved (officially, 160; unofficially, closer to 400).

### *2009: Joint winners Kim O'Connor and Noelene Elder*

**Kim O'Connor** for being the voice of Woollahra through the Wentworth Courier for 30 years, and working on many local committees affecting good outcomes for local residents.

**Noelene Elder** for her volunteer work, and being one of the original members of the "Unique Hug - Linking Threads" knitting group, who distribute wares to those less fortunate.

## **Conditions and eligibility criteria**

- Nominees must be residents of the Woollahra Municipality, and/or have a strong affiliation with a project or organisation in Woollahra. Nominations may be for groups or individuals.
- Nominees must be residents of the Woollahra Municipality, and/or have a strong affiliation with a project or organisation in Woollahra.
- Groups or individuals based in Woollahra may be nominated for work which benefits communities outside Woollahra.
- Self-nominations will not be accepted by individuals or groups.
- Awards are not available to Councillors, State or Federal politicians or Council Officers whilst still in office.
- Recipients of each local Awards category may be invited to attend and speak at Council functions and events during the year of receiving the Award.
- Unsuccessful nominees may be re-nominated in subsequent years.
- Nominees for the Youth Award must be under 25 years of age as at 1 January 2013.

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## Mayoral Minute

**Mayoral Minute No:** 2

**Subject:** White Ribbon Day

**Author:** Cr Andrew Petrie, Mayor of Woollahra

**File No:** G79 White Ribbon Day

**Reason for Report:** To provide information on White Ribbon Day.

**Recommendation:**

1. That it be noted Council is hosting a White Ribbon Promise on Thursday 22 November, from 4.30pm to 6.30pm in partnership with a range of local organisations and groups.
2. That all Councillors be encouraged to participate with the Mayor in swearing the oath in support of the White Ribbon Campaign to prevent violence against women.

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**Background:**

November 25 marks both the International Day for the Elimination of Violence Against Women and White Ribbon Day. White Ribbon Day is the start of the White Ribbon Campaign.

The White Ribbon Campaign works to prevent male violence against women. It is a male-led campaign that believes that most men are good and that good men abhor such violence. The White Ribbon Campaign also believes in the capacity of the individual to change and to encourage change in others. The Campaign seeks to change the attitudes and behaviours that lead to and perpetuate violence against women.

Violence against women is a grave problem in Australian society. One woman is killed every week by a current or former partner. One in three women over the age of 15 report physical or sexual violence at some time in their lives. And domestic and family violence is the major cause of homelessness for women and their children, and a recognised form of child abuse.

Violence against women also places a massive financial burden on the nation. In the 2009 Time For Action Report, KPMG estimated that violence against women and their children cost the Australian economy \$13.6 billion annually. This number is expected to rise to \$15.6 billion within the decade. White Ribbon works to stop this insidious violence.

Since 2007 Woollahra Council has been a strong supporter of the White Ribbon campaign, through media releases and campaigns, the distribution of white ribbons and as a supporter of local awareness events.

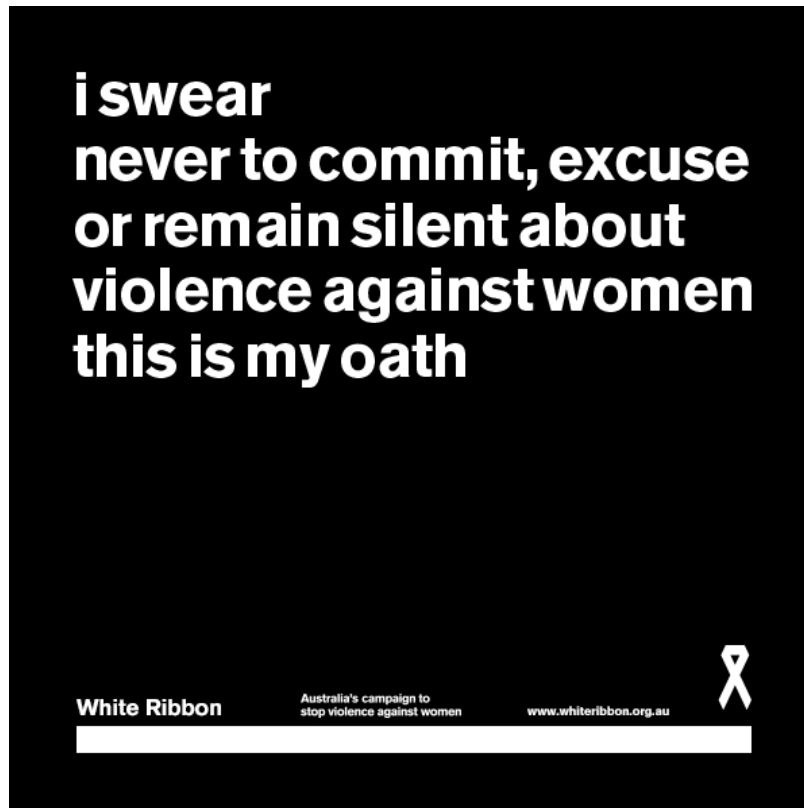
Last year, former Mayor, Councillor Susan Wynne raised awareness for White Ribbon Day by swimming a number of laps of the then Redleaf Pool. This year I am proposing that all Councillors join me in swearing the oath that is being promoted for 2012.

Whilst we may have a difference of opinion on some issues over the next 12 months I would hope we are all united on the intent of White Ribbon Day.

Councillors and local residents can join this year's online education campaign and swear an Oath. Oaths can also be sworn online at [whiteribbon.org.au](http://whiteribbon.org.au)

The White Ribbon Oath is a commitment to promote positive attitudes and behaviours towards women and, when needed, intervene safely to prevent violence against women. Violence against women is everyone's business; the costs to our community are far too great for us to ignore. Swearing the Oath and wearing the white ribbon are public displays of our commitment.


The Oath is in terms:



**Proposal:**

I encourage all Councillors to participate in White Ribbon Day by going to the website and swear oath and wearing a white ribbon as a personal pledge that we do not excuse violence against women and we support community action to stop violence against women.

Council is hosting a White Ribbon Promise on Thursday 22 November, from 4.30pm to 6.30pm in partnership with a range of local organisations and groups, including Community of Schools in the Eastern Suburbs (CoSiES), Holdsworth Community Centre and Services, JewishCare, Bondi Beach Cottage, Sailability Rushcutters Bay and Men's Chat Group. I also encourage Councillors to show their support by attending the event.

  
Cr Andrew Petrie  
Mayor

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## 9.1 Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 5 November 2012 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Riddell Street, Bellevue Hill Road Infrastructure Works**  
**Author:** Sam Badalati – Project Manager  
**File No:** Tender No 12/18  
**Reason for Report:** To recommend to Council the acceptance of a Tender.

**Recommendation:**

- A. That Council enter into a Contract with Statewide Civil Pty Ltd for the lump sum of \$285,722, for the reconstruction of road infrastructure in Riddell Street, Bellevue Hill.
- B. That successful and unsuccessful tenderers be advised accordingly.

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**Item No:** R2 Recommendation to Council  
**Subject:** **Electrical Contractor Services Tender 12/09**  
**Author:** Purchasing Coordinator – Dave Byatt  
**File No:** 12/09  
**Reason for Report:** To recommend to Council the acceptance of a tender

**Recommendation:**

- A. That Council accept tenders from Adept Facilities Service Pty Ltd and Katopa Holding Pty Ltd Trading as CBD Mechanical Electrical, as a panel of contractors to carry out Council's Electrical Services as required for a period of three years (with Council having the option to extend for a further two periods of twelve months) as per the schedule of rates tendered.
  - B. That successful and unsuccessful tenderers be advised of the outcome of the tender process.
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## 9.2 Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 5 November 2012 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** **76 Old South Head Road, Woollahra – Alterations & additions to the existing boarding house & rear building & use of the both buildings as a boarding house – 23/11/2011**

**Author:** Simon Taylor – Senior Assessment Officer

**File No:** DA542/2011

**Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation for refusal to the Site Inspections recommendation for deferral.

**Recommendation:**

THAT the Council, refuse Development Application No. 542/2011 for alterations and additions to the existing boarding house and rear building and use of the both buildings as a boarding house on land at 76 Old South Head Road, Woollahra, for the following reasons:

1. The proposal does not comply with the following clauses of SEPP (Affordable Rental Housing) 2009:
    - a. Clause 29(2)(c) with respect to minimum sunlight to the communal room
    - b. Clauses 29(2)(d)(i) and (ii) with respect to the provision of private open space
    - c. Clause 29(2)(e) with respect to the provision of car parking
    - d. Clause 29(2)(f) with respect to minimum room sizes
    - e. Clause 30(1)(h) with respect to the provision of bicycle and motorcycle spaces
    - f. Clause 30A with respect to the compatibility with the character of the local area
  2. The proposal exhibits an unsatisfactory internal amenity for the occupants of the boarding house.
  3. The increase in intensity of the site will result in an adverse impact upon adjoining properties in terms of acoustic and visual privacy and is contrary to O2, C7 and C9 of the Woollahra HCA DCP 2003.
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**Item No:** R2 Recommendation to Council

**Subject:** **17, 19 & 21 Rush Street, Woollahra – Alterations & additions to 17, 19 & 21 Rush Street to create a single dwelling-house including basement area, new swimming pool, summer pavilion, alterations to the garage & rear fence with new addition above, landscaping & siteworks – 12/6/2012**

**Author:** David Reynolds – Assessment Officer

**File No:** DA237/2012

**Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation for refusal to the Officer’s recommendation for approval.

**Recommendation:**

THAT the Council, **refuse** Development Application No. 237/2012 for alterations and additions to 17, 19 and 21 Rush Street to create a single dwelling-house including basement area, new swimming pool, summer pavilion, alterations to the garage and rear fence with new addition above, landscaping and siteworks on the land at 17, 19 and 21 Rush Street, Woollahra, for the following reasons:

1. The proposed works will destroy the heritage significance of the group significant buildings and detrimental to the significance of the heritage conservation area
2. The proposed development does not comply with the Woollahra Heritage Conservation Area DCP 2003 in terms of:
  - the rear setback of the proposal does not match that of adjoining buildings
  - the proposal is inconsistent with the architectural style, form, massing and finishes
  - the site coverage exceeds that of adjoining buildings
  - the proposal exceeds the FSR for the site
  - the size and location of the garage and loft structure above is detrimental to Smith Street
3. The proposal results in the loss of two dwellings to the area.

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## 9.3 Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 22 October 2012 Submitted to the Council for Determination

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**Item No:** R2 Recommendation to Council

**Subject:** **Draft Conservation Management Plan and zoning options for Strickland House**

**Author:** Sara Reilly – Strategic Heritage Officer  
Jacquelyne Della Bosca – Team Leader Strategic Planning

**File No:** 523.G

**Reason for Report:** To advise Council that the State Property Authority has completed a Draft Conservation Management Plan for the Strickland House site, and also identified recommended rezoning options.  
To obtain Council's approval to make representations to the State Property Authority regarding the Draft Conservation Management Plan and proposed zones.  
To obtain Council's decision on an appropriate land use zone for the Strickland House site.

**Recommendation:**

1. That Council request the State Property Authority to review the Draft Conservation Management Plan for the Strickland House site having regard to the comments provided in section 2 of the report to the Urban Planning Committee meeting of 22 October 2012.
2. That Council advise the State Property Authority and the Minister for Finance and Services that it does not support rezoning the Strickland House site to the R2 Low Density Residential Zone or SP2 Infrastructure Zone.
3. That the RE1 Public Recreation Zone be applied to the Strickland House site under the Draft Woollahra Principal LEP.
4. That Council advise the State Property Authority and the Minister for Finance and Services that it intends to apply the RE1 Public Recreation Zone to the Strickland House site.
5. That Council express its disappointment to the Minister that the previously proposed 4 step plan had not been pursued.

## Notices of Motion

**Item No:** 1  
**From:** Councillors Boskovitz, Wynne, Thomas and Marano  
**Date:** 24 October 2012  
**File No:** 900.G

That a report be brought to the Community & Environment Committee investigating the following:

1. A review of the dog-off-leash hours for parks in the municipality (including identification of dog-off-leash areas); and
2. A review of our approach to our regulation of dogs-off-leash policies (including promotion of said regulations).

### Rationale:

This is in response to numerous requests by residents and a petition tabled by Councillor Wynne on Monday 22 October 2012.

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**Item No:** 2  
**From:** Councillor Robertson  
**Date:** 7 November 2012  
**File No:** 900.G

That Council

1. Recognises the importance of Council's Development Control Plans which are the fine-grained planning regulations that set out important planning controls to protect the amenity, heritage character and leafy feel of Woollahra's local areas, in particular the Paddington Heritage Conservation Area DCP, Watsons Bay Heritage Conservation Area DCP and Woollahra Heritage Conservation Area DCP.
2. Notes with genuine concern that the NSW Government's proposed Environmental Planning and Assessment Amendment Bill 2012 will make a number of changes which will greatly reduce the capacity of DCPs to protect local amenity and character including:
  - a) Proposed changes which will prevent councils from considering the cumulative impact of developments.
  - b) Proposed changes so that maximum entitlements under DCPs such as the height and size of buildings will become "as of right entitlements" rather than the maximum allowable.
  - c) Providing developers with a "get out of jail free card" where non-compliance with a DCP control is argued to "unreasonably restrict development".
3. Notes that this proposed change comes in the middle of a State-wide review of NSW planning laws, of which this Council has already been critical in its published response, and pre-empts the outcome of this process.
4. Expresses its concern that these proposed laws are in breach of this government's "[Contract with NSW](#)" where the current Premier promised that his government would '*return planning powers to the community*' and '*give communities a say again in the shape of their community*'.

5. Calls on the Government to not proceed with those aspects of the Environmental Planning and Assessment Amendment Bill 2012 that limit and restrict Development Control Plans.
  6. Asks the Mayor to write to the Minister for Planning, local state representatives and planning spokespeople for the Labor Party, the Greens, The Shooters and Fishers Party and the Christian Democrats seeking their support to prevent these aspects of the Bill becoming law.
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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 22 October 2012 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 22 October 2012 are as follows:

**Councillor Boskovitz asking:**

Can Council staff please provide all relevant legislation with regards to the issue of construction work zones in our municipality?

**Manager Engineering Services in response:**

The installation of Work Zones is subject to the Traffic Committee process. The Transport Administration Act 1988 gives RMS the following powers:

52A Functions relating to traffic management and safety

- (1) The functions of RMS include the following:
  - (c) to establish general standards and principles in connection with:
    - (i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities...for purposes connected with traffic safety and the movement, regulation and control of traffic,
  - (e) to co-ordinate the activities of public authorities so far as those activities relate to: ...
    - (ii) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities

A Work Zone is considered a “traffic control facility”.

Under the Transport Administration Act, the RMS may delegate its functions to Council:

50 Delegation

- (1) RMS may delegate to an authorised person any of the functions of RMS, other than this power of delegation.

Council may exercise these delegations only after it has sought the advice of the Local Traffic Committee. The Local Traffic Committee is composed of four voting members: Council, RMS, the NSW Police and the local State Member.

Operation

The ongoing operation and enforcement of Work Zones is legislated under the Road Transport (Safety & Traffic Management) Act 1999 and the associated regulations, the Road Rules 2008 which contains the following:

181 Stopping in a works zone

- (1) A driver must not stop in a works zone unless the driver is driving a vehicle that is:
  - (a) engaged in construction work in or near the zone, or
  - (b) dropping off, or picking up, passengers.

Maximum penalty: 20 penalty units....

- (2) A "works zone" is a length of a road to which a works zone sign applies.

**Councillor Boskovitz asking:**

Can Council staff as a matter of urgency provide to Councillor's the information sheet that has been provided to the community regarding the partial basketball court in Lyne Park.

There has been more negative attention to this than I would expect and I feel that our message is possibly being misinterpreted.

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

The installation of a basketball area for Lyne Park was approved by Council on 16 April 2012 as per the Specific Youth Designated Spaces report. The following information has been forwarded to residents around Lyne Park and is on the front page of the WMC website:

Sporting facilities in Rose Bay are set for an upgrade with Woollahra Council finalising plans for the installation of a basketball court at Lyne Park. Under the proposal, a full-sized court would be built, along with two seats in the vacant area of land between the tennis courts and the sportsground at the park.

The project is being funded by Council, and through a donation from the Michael Wrublewski Foundation, in memory of the former Sydney Kings owner and Chairman who passed away in 2009.

Public feedback was sought on the final location and design of the court. Comments were forwarded by mail to the General Manager at Woollahra Municipal Council, PO Box 61, Double Bay 1360, or emailed to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au). Submissions were accepted up until 2 November 2012 and a review of these submissions will be reported to the Community & Environment Committee on the 12 November 2012.

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**Councillor Boskovitz asking:**

Ausgrid continually lets down our municipality when it comes out to works in our area.

Whether it be:

- 1) Replacing telegraph poles with poles that are not like for like and block significant harbour views.
- 2) Replacing telegraph poles and not adequately repairing our footpath and verges after completing their works.
- 3) Changing lights and inadvertently changing the angles of set lights which shine into resident's houses and not placing light deflectors and shades to protect the amenity of our staff.

Council pays a large amount to Ausgrid for the abovementioned works.

- 1) Which contractual agreements or contracts are in place with Ausgrid to perform said works?
- 2) Are there any performance or quality control clauses in the abovementioned agreements or contracts?
- 3) Are there measures or any remedies for Council to be able to adequately deal with the abovementioned matters, without digging into its own pockets.



**Manager Engineering Services in response:**

Ausgrid are responsible for supplying, installing and maintaining street lighting, including the poles and lamps. Council pays Ausgrid for this service.

There is an Australian Standard for street lighting. Street lighting is required to help ensure safety for motorists and pedestrians in the public roadway. Ausgrid have a maintenance program in place to progressively replace old street lighting technology with new street lighting technology, to better meet the Australian Standard. Ausgrid do not consult with Council when they install new street lighting technology in a particular street, i.e. location of poles and type of lights  
Section 45 of the Electricity Supply Act 1995 states:

- (2) For the purpose of exercising its functions under this or any other Act or law, a network operator:
  - (a) may carry out work to which this section applies, and
  - (b) in particular, may carry out any such work on a public road or public reserve.
- (3) Work to which this section applies is exempt from the requirement for an approval under the Local Government Act 1993 except in relation to buildings.
- (4) However, no such work (other than routine repairs or maintenance work) may be carried out unless:
  - (a) notice of the proposal to carry out the work has been given to the local council...

With regards to replacing electricity light poles, Ausgrid considers this routine repairs or maintenance work. Ausgrid therefore undertake these works without reference to Council. Public lighting in NSW is currently an effective monopoly and Councils have no real ability to contest works or enter into negotiations for productive pricing. Council has no right to choose other suppliers or authorise anyone else to climb Ausgrid poles and remove/modify/add lights. There are no current contracts for the provision of public lighting in NSW and no legally binding service requirements. The only guidance covering the service, the NSW Public Lighting Code, is non-binding and notably deficient in detail. A review of this Code initiated by the NSW Government in 2009 appears completely stalled.

In summary, NSW Councils are required to pay millions each year to Ausgrid in public lighting capital and maintenance charges without a clear governance framework, without meaningful control over key aspects of the service which they are responsible for providing and without clear recourse when things go wrong.

As an alternative Councils could, in theory, progressively move away from the existing arrangements with Ausgrid by replicating the current network of public lighting. This would involve Woollahra installing its own dedicated lighting poles and associated wiring in parallel with Ausgrid's network of wooden distribution poles. Across NSW, the cost of this is likely to be at least \$5-\$7 billion. This would be both completely financially infeasible and a waste of limited public funds through unnecessary duplication of infrastructure.

Long term, Woollahra Council is working with the Southern Sydney Regional Organisation of Councils on the Street Lighting Improvement Program. This Program aims to ensure that the Australian Energy Regulator makes decisions based on fair value of the existing street lighting assets and correct network distribution pricing that is more consistent with cost recovery. This Program also aims to introduce a meaningful service level agreement between Ausgrid and Councils.

**Councillor Wynne asking:**

Could you please have an update as to when we should expect the independent report for 9A Cooper Park Road, Bellevue Hill?

**Team Leader Strategic Planning in response:**

We anticipate that we will receive the Chairperson's report during the week commencing 12 November. We will make the Chairperson's report available to the public no later than 4 days after it has been received by Council. All people who made a submission to the exhibition of the planning proposal or to the public hearing will be notified that the report is available to view on Council's website.

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**Councillor Wynne asking:**

There seems to be an ongoing problem with the ability to see skip bins in the evening. How often are these checked to ensure that they do meet requirements with regards to reflectors being fixed appropriately?

In addition, can Council apply any time frame to the length that these skip bins are allowed to occupy the streets after construction.

**Director Planning & Development in response:**

Mr Mayor, they are checked, but I will take the question on notice and give you a more specific reply as to how regularly they are checked.

**Councillor Wynne further asking:**

Can Council apply any particular timeframe to the length that these bins can stay once construction has been completed? As you see so many properties where they appear to just be sitting there, there is not urgency, they take up space, they visually clutter an area and they do really become a traffic hazard as well.

**Director Planning & Development further in response:**

On notice

**The Mayor, Councillor Petrie further asking:**

Can I also ask a question on that matter? I used to drive around in 2008/09 ringing up Craig Jenner, there is another one without the reflectors, I spent my afternoons and mornings doing just that. It is frankly an absolute disgrace how they get away with it. What I want to know is, can we do this by way of report by asking you, or do we need a Notice of Motion?

**Director Planning & Development further in response:**

Mr Mayor, we will do it anyway, I don't think we need a Notice of Motion from Council. We are aware of the issue. I will report back on that question without notice, in terms of the actions that we will take.

**Coordinator Regulatory in response:**

As background information for Councillors the approval of Council is required under Section 68 Part C3 of the Local Government Act 1993 for the placement of a waste storage container (ie 'skip bins') in a public place. In this regard Skip Bin companies apply annually for an approval under Section 68 Part C3 and approval is granted subject to a number of conditions controlling colour, the inclusion of reflectors and where skip bins can be placed.

Council Rangers undertake pro-active patrols to ensure;

1. Skip Bin companies have a current approval; and
2. Skip Bin companies are complying with that approval.

From 1 July 2012 to 31 October 2012 Council Rangers issued 54 penalty infringements to Skip Bin companies. 16 infringements were issued to companies who did not have a current approval and the remaining 38 infringements were issued to companies that were not complying with their conditions of approval.

Additionally infringements are issued in relation to construction sites if skip bins are placed in breach of specific development consent conditions, whether or not the Skip Bin company has a current Section 68 Part C3 Local Government Act Approval.

Individual skip bins are permitted to occupy the roadway for 7 days. However strict enforcement of this requirement is difficult. All bins from the one company are similar and bins can be filled and replaced within the approved 7 day period. Under these circumstances no one bin is in a location for more than 7 days although a series of skip bins are at a location for longer. In general the approved Skip Bin companies will remove bins within 24 hours if requested by the Council's Rangers.

The Council's Rangers will continue to pro-actively monitor private skip bins on a daily basis during their routine patrols to ensure compliance with Council's requirements and will continue to issue infringements where appropriate.

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**Councillor Zulman asking:**

What is the maximum penalty that a developer faces with unauthorised works?

**Director Planning & Development in response:**

There are a number of remedies that Council has available to it in relation to unauthorised works. At the low end of the scale there is the issue of penalty infringement notices. The penalty is set out in the Penalty Handbook which is prepared by the State Government. The fine varies depending on the particular nature of the offence. On top of that, for serious offences it is open to the Council to institute proceedings in the Land & Environment Court and the Court has very wide powers to issue fines which can go up to well over a million dollars. But in practice, fines of that magnitude are rarely imposed. By way of comment, a suggestion may for the benefit of Councillors, organise a Councillor briefing session in relation to compliance, which would touch of these issues including the policy we have in place in relation to compliance, and the processes and procedures we follow in dealing with unauthorised works.

**The Mayor, Councillor Petrie in response:**

Could I just say, that I had a meeting with Allan Coker and Chris Bluett today and we have grabbed hold of the next two Council Meetings, where the meetings start at 6.00pm for briefings normally, would start at 5.00pm on all planning matters, all DCP, all unauthorised works and if necessary we may also throw in a couple of Tuesday Strategic Planning Meetings as we want to catch right up to date with this. So it's opportune that you ask this Councillor Zulman, it's in place and we will get right through this over the next few weeks.

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**Councillor Levenston asking:**

Who reviews inappropriate nocturnal human activities in Steyne Park, Double Bay?  
Students of Double Bay Public School are finding inappropriate rubber articles and underwear regularly. Morning cleaning is being requested.

**The Mayor, Councillor Petrie:**

It is not new and it is a continuing problem.

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

The toilet block in Steyne Park is cleaned twice a day and we have asked the contractors to increase their morning schedule to include the surrounds of the toilet block.

Additionally the horticultural staff who do a litter pick of this park twice a week will perform additional visits to the toilet block area to look for and remove any signs of inappropriate activity.

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**Councillor O'Regan asking:**

What are the options available to Council to address the removal of Bill Posters which line our main streets, Edgecliff Road and New South Head Road, and to just remove those?

**The Mayor, Councillor Petrie in response:**

One of the candidates has been nailing the Bill Posters into the telegraph poles which is an absolute no no.

**Manager Compliance in response:**

The current legislative framework in NSW is poor with regard to bill posters. There is no specific offence or on-the-spot fine for the placement of bill posters on light poles, bus shelters and the like. Councils throughout NSW have attempted to use a variety of existing legislative provisions in an attempt to address this issue, with minimal success. The principal legislation utilised by Councils is the littering provisions of the Protection of the Environment Operations Act 1997 (POEO Act).

However, under these provisions the offender is the "person" who has placed the bill poster on the light pole, not the advertiser or the venue being advertised. Taking enforcement action against the people placing the bill posters on light poles and the like is difficult for the following reasons:

1. The people affixing the posters are generally backpackers or persons of no fixed abode;
2. The posters are generally affixed late at night or in the early hours of the morning;
3. There is no obligation on the person affixing the poster to prove their identity and invariably they provide false names and/or addresses; and
4. By the time any infringement notice is enforced, the offender is no longer in the country.

The issuing of 'Clean-up Notices' pursuant to the POEO Act on the venue or beneficiary of the advertising or the distributors has been attempted by some Councils, however it is unclear if any Councils have been successful with any legal action under these provisions. A further drawback with utilising the 'Clean up' provisions is that the bill posters must remain in place while a formal Notice is issued and a reasonable period of time is afforded the offender to undertake the clean-up.

During this time further bill posters could be placed over the existing bill poster thereby requiring the process to need to be recommenced.

Therefore, having regard to the current legislative limitations, Council's Business Centre Teams have a program in place to remove bill posters from light poles as quickly as possible so as to limit any benefits from such activities. It is hoped this may deter some distributors.

As Councillors would be aware, light poles are assets of Energy Australia and Energy Australia do not have a poster removal program. Energy Australia will only remove posters from their light poles as part of responsive maintenance to a faulty pole or connection. Accordingly, the problem remains with local government.

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**Councillor Elsing asking:**

About the Kiaora Lands Project, I understand that the applicant has put in an application to the JRPP for the variation or amendment of some of the conditions of approval. I also note that it is proposed that notice start tomorrow, and can this time period be extended to 4 weeks and if not, why not?

**Director Planning & Development in response:**

Firstly, I can confirm that we are in receipt of a Section 96 Application, which seeks consent to make a number of amendments, mostly process amendments to the consent which has been issued by the Joint Regional Planning Panel for that project. That application will commence advertising tomorrow and the current advertising period is for 14 days from 24 October to 4 November 2012. Thank you for bringing this to my attention early, as I reviewed the Act and the Regulation in relation to this matter and I can advise Councillors that there are special provisions that relate to the advertising of Section 96 Application, where that Section 96 Application is required to be determined by the Joint Regional Planning Panel, and clause 1.19 (2) of the Regulation states the maximum period must not exceed 14 days. That is consistent with the State Government's approach that the Joint Regional Planning Panels are there partly to speed up the development application process. In the context of that requirement, it is not open to the Council to extend the advertising period.

**Councillor Thomas asking:**

Can the Director of Technical Services, the ward Councillors for Cooper and Double Bay Wards and the Mayor meet formally with interested parties regarding the parking issues in Double Bay including but not limited to the construction of Kiaora Lands Project and the possibility of 30 minutes of free meter parking?

**Director Technical Services in response:**

Mr Mayor, I am certainly happy to arrange that meeting. Councillors would be aware that I have had several meeting with business owners from the New South Head Road and Roma Arcade precinct on the issue of closing of the Kiaora Land Carpark during construction and I am very happy to attend such a meeting. I should also advise Councillors that I have prepared very recently a draft memorandum for the General Manager and Mayor on this subject and I expect that I will be required to bring a report back to Council on this subject in the near future.

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**Councillor Zeltzer asking:**

Just in regard the Rose Bay Promenade lighting, I note that a number of lights have been out lately. Can the lighting of Rose Bay Promenade be checked? Can I have timing of lighting?

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

The lights at the Rose Bay Promenade are controlled by a light sensitive switch and are on from sunset to sunrise.

The contractor has advised that the repair of the faulty lights can be completed by Friday 9 November.

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Gary James  
General Manager

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**ANNEXURES: NIL**

**POLITICAL DONATIONS DECISION MAKING FLOWCHART  
 FOR THE INFORMATION OF COUNCILLORS**

