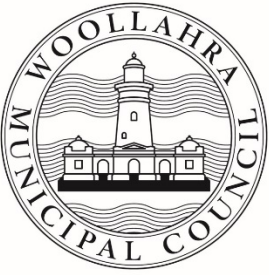


Ordinary Council Meeting Minutes



Minutes: *Ordinary Council Meeting*

Date: *Monday 28 August 2017*

Time: *8.00pm*

Ordinary Council Meeting

Monday 28 August 2017

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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.

Community & Environment Committee held on Monday 14 August 2017

- D1 Confirmation of Minutes of Meeting held on 24 July 2017
- D2 Woollahra Local Traffic Committee Minutes - 1 August 2017
- D3 The Public Art Panel
- D4 Delivery Program 2013 - 2017 and Operational Plan 2016/17 Quarterly Progress Report - June 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)

Urban Planning Committee held on Monday 14 August 2017

- D1 Confirmation of Minutes of Meeting held on 24 July 2017

Development Control Committee held on Monday 21 August 2017

- D1 Confirmation of Minutes of Meeting held on 7 August 2017
- D5 DA2016/362/1 - 290 Glenmore Road Paddington
- D6 Register of current Land and Environment Court Matters for Development Applications and register for Court Proceedings for Building Control, Environmental Control and Health Control
- D7 Register of SEPP 1 Objections and Clause 4.6 Variations

Corporate & Works Committee held on Monday 21 August 2017

- D1 Confirmation of Minutes of Meeting held on 7 August 2017
- D2 Monthly Financial Report - July 2017 (FY259-03)
- D3 Delivery Program 2013 to 2017 and Operational Plan 2016/17 Quarterly Progress Report June 2017 against Goal 10 - Working together and Goal 11 - A well managed Council (FY230)



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
28 August 2017 at 8.08pm.**

Present: Her Worship the Mayor, Councillor Toni Zeltzer

Councillors: Ted Bennett
Peter Cavanagh
Luise Elsing
Greg Levenston
Anthony Marano
Katherine O'Regan
Andrew Petrie
Matthew Robertson
Deborah Thomas (Not DCC - Item R5)
Susan Wynne

Staff: Sharon Campisi (Acting Director – Community Services)
Allan Coker (Director – Planning & Development)
Gary James (General Manager)
Don Johnston (Acting Director – Corporate Services)
Tom O'Hanlon (Director – Technical Services)
Helen Tola (Manager – Governance & Council Support)

Also in Attendance: Nil

Confirmation of Minutes

(Levenston/Robertson)

184/17 Resolved:

THAT the Minutes of the Ordinary Council Meeting held on 14 August 2017 be taken as read and confirmed.

Leave of Absence and Apologies

Nil

Declarations of Interest

Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in DCC - Item R1 (1A Guilfoyle Avenue, Double Bay (Double Bay Festival)) as his lawyer, Mr David Lemon has an office at 30-36 Bay Street, Double Bay. Councillor Robertson vacated the meeting and did not participate in the debate or vote on this matter.

Councillor O'Regan declared a Non-Significant Non-Pecuniary Interest in DCC - Item R1 (1A Guilfoyle Avenue Double Bay (Double Bay Street Festival)) as she is the Chair of the Double Bay Chamber of Commerce. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

Councillor Thomas declared a Significant Non-Pecuniary Interest in DCC - Item R5 (163 Hopetoun Avenue Vaucluse) as she knows the applicant. Councillor Thomas 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 Mayoral Minute, DCC – Items R2, R5, R6, UP Item R1 & Questions for the next meeting.

Petitions Tabled

Nil

Mayoral Minute

Subject: ACKNOWLEDGEMENT OF SERVICE COUNCILLOR ANDREW PETRIE
Author: Toni Zeltzer, Mayor of Woollahra
File No: 17/152997
Reason for Report: To highlight the achievements Councillor Petrie has made during 26 years of service to Woollahra Council and to extend gratitude and well wishes to him on behalf of the community and Council.

(Wynne/Robertson)

185/17 Resolved:

- A. THAT Council recognise the long service and the valuable contribution Councillor Andrew Petrie has made to Woollahra Council during the last 26 years.
- B. THAT the Mayor write an acknowledgement letter of thanks to Councillor Petrie for his contribution.

Andrew Petrie was elected to Woollahra Council in 1991 as an Alderman and by 1993 the terminology of the *Local Government Act* changed and he became a councillor. Councillor Petrie is one of a small group of serving New South Wales elected representatives who have been known by both titles.

The 1991 election replaced ten of the fifteen aldermen who had served Woollahra for the previous term. As Andrew Petrie retires from council service in 2017, he is the sole remaining of the fifteen aldermen elected or re-elected on 14 September 1991 - the most recent of the 1991-95 council to retire before him being Christopher Dawson, in 2008 after 17 years' service. Both Christopher and Andrew formed a strong friendship during their time on Council and they still catch up to reminisce about the "good old days."

Andrew Petrie was first elected to serve the residents and ratepayers of the municipality's Cooper ward. He would go on to represent the Cooper ward for twenty-one years, a service ended only by his election as a councillor for the Bellevue ward at the September 2012 local government elections.

In 1991, in the first of the six council elections he would contest, Andrew Petrie ran as an unaligned independent, in an era still dominated electorally by the Woollahra Action Committee (WAC).

In the September 1999 local government elections, Andrew Petrie was one of a number of candidates to receive Liberal Party endorsement, and one of seven elected as Liberal councillors – four newly elected and three returning. On 21 September 1999 Councillor Petrie was elected as the first Liberal Mayor.



When Andrew Petrie joined Council he had established himself as an Associate Director of *Schroders Australia*, having worked in the banking and finance sector in London and New York. Andrew's business acumen and attention to detail have been a significant asset the Council for the duration of his long service.

Unsurprisingly, Councillor Petrie has served recurrently on most if not all the major committees of Council, with particular regularity on the Community and Environment and the Corporate and Works committees, the latter which he chaired for a number of years. He participated also in numerous steering committees and working parties, including the Investments working party, the Property assets working party, the Woollahra Citizenship Awards assessment panel, the Ecological Sustainability Taskforce, the Friends of Woollahra Library and the Yarranabbe Park management committee. Andrew was the Initiator of Woollahra Council's Assets Rationalisation Committee which realised \$24 million to invest in community infrastructure by selling unused properties.

Andrew served on a number of important "sunset" committees since joining Council; most notably, Legal Committee, Assets Working Party, Access Committee, Waverley Woollahra Process Plant Joint Committee and Bondi Junction Joint Planning Authority. He has been an active member of a number of working parties consulting and liaising with local business and community groups to achieve stronger relationships which will assist these groups in the pursuit of their core objectives.

These include, but are not limited to the Oxford Street, Paddington Working Party, the Double Bay Commercial Centre Working Party and the Girls Sport Working Party.

Councillor Petrie also represented Council in a number of council-affiliated roles - as a Director of the Holdsworth Community Centre, a Trustee of the Rushcutters Bay Maritime Trust, a member of the Local Government Banking Taskforce, a member of the Sydney Airport Community Forum and as a Board member and Vice Chairman of Point Zero Youth Services.

Andrew served Woollahra multiple times as both Deputy Mayor and Mayor. His fellow councillors twice elected him to serve for the twelve-month term as Deputy Mayor: on 4 September 1996 and 15 September 1998, respectively. He was five times elected as Mayor, for twelve-month terms beginning 21 September 1999, 7 September 2005, 1 October 2008, 23 September 2009 and 27 September 2012.

Elected for the second time as Mayor in 2005, Councillor Petrie wrote in a message to the staff of council that he was committed to continuous improvement for the benefit of the community, and - noting that he was not afraid to change his mind - defined the key to mayoral success as readiness 'to listen and to respond in a way that meets the needs of our residents'. On the subject of customer service he outlined his objective as being 'to make sure that if we say we are going to do something, we do it and we do it as well as we can, in budget and on time.'

Andrew Petrie had the honour of serving in the position of Mayor during the Council's sesquicentenary year in 2010, hosting a number of special events to mark 150 years of municipal administration in Woollahra.



Beyond his Council service, Councillor Petrie has served his community through a number of organisations – as the Chairman of the Easts Rugby Club Foundation since 2010, and as an active supporter of local welfare agency Jewish House and the Sir Roden and Lady Cutler Foundation.

In 2011 Councillor Petrie was awarded the title of Emeritus Mayor by the Local Government Association of NSW in recognition of his long distinguished service to Local Government. On Australia Day 2017, Andrew Petrie was awarded the Medal of the Order of Australia for his ‘service to local government, to the financial sector, and to the community.

In terms of Andrew’s contribution to the wider community in his capacity as a Councillor, there are a number of significant contributions and achievements he has made as Trustee of Rushcutters Bay Maritime Trust (1996 to 2001) which successfully prepared the Olympics’ Paralympic Sailing site and the handover of the facility to the Woollahra community. Other trustees were from OCA, SOCOG and the NSW Government Department of Land and Water Conservation. Member of the Sydney Airport Community Forum (1996 to 1999) which evaluates and recommends changes to the operation of Kingsford Smith Airport. Member of Local Government Banking Taskforce (1996 to 1998) which represented community concerns for bank branch closures in rural towns.

Andrew’s finance and banking experience with commercial agreements was helpful during our Public Private Partnership arrangement with Woolworths Limited, which resulted in the very successful development of Kiaora Place in Double Bay.

Andrew has always been a strong advocate on community issues and has always made an important contribution on developments he believed were not in the best interest of the community, as well as striking a balance when it came to moving forward and taking an opportunity that had potential.

Some of Councillor Petrie’s achievements were his fight to protect the Paddington Bowling Club lands from private developers, his push to achieve upgrades to Watsons Bay swimming pool and grants to implement suicide prevention measures at Gap Park – and the much needed funding we needed to deliver our self harm minimisation measures. He had also, over many years, successfully encouraged council acceptance of *al fresco* eateries in the municipality, so that outdoor dining is now a widespread option for residents and tourists.

During what would be his final years as a councillor, Andrew Petrie was open and unwavering in his opposition to the local government amalgamations program of the NSW government – especially in the cause of an independent Woollahra. It was a stance which set him at odds with the party which had repeatedly endorsed his candidature at local level.

Most recently Andrew has stood by my side on many occasions as we fought against forced amalgamation. He was there with me at the press conference when the Premier and the Minister for Local Government announced what we had been waiting to hear – that the mergers were off. I remember giving him a peck on the cheek as we celebrated a victory on behalf of the community.

At the Council meeting held 2.9.2016, Councillor Petrie announced his decision not to contest another election – a move that was unexpected by fellow councillors, but was a logical inevitability in his view.

As he explained:

I do not think I will be preselected in the small group of Liberals who will be on the amalgamated council, but I will not stand against the Liberal party as they've given me the gift of five years as mayor under their tutelage. Therefore there is no other option than to say thanks and farewell. (Wentworth Courier 2.10.2016)

Honoured by a standing ovation from the Council, Councillor Petrie declared he had 'absolutely loved' his period of municipal service, adding:

It's been more than an honour. It's been a challenge at times where I've had confrontations with residents groups but I've stood my ground. When you are an elected member, you need to listen but you must also make decisions. (Wentworth Courier 2.10.2016)

With his wealth of experience Andrew has been an invaluable source of information for local and metropolitan media. His local knowledge and his network have been a great asset and on many occasions Andrew has stepped in to respond to media at short notice at all hours of the day and night. Many an interview has been conducted against the background of the Rose Bay ferry's gentle hum as it makes its way into Circular Quay.

Andrew's business knowledge and his understanding of political strategy has proved to a remarkable asset to Woollahra Council. Andrew has always been open and articulate in the Council Chambers. He has not been shy in sharing his opinions and he has always spoken from the heart and with conviction.

During our long and tiring battle of opposition to forced amalgamation it was Andrew's counsel, steely determination and consistent commitment to the community and the truth that was a great source of strength for me. We have not agreed on everything over the years, but we have shared respect for each other's opinions. It is Andrew's friendship and good counsel that I will miss the most.

I would like to wish Andrew all the best for whatever lies ahead. I hope he won't be a stranger and that he continues to be an active member of the community. I would like to extend the thanks of this Council to Andrew's wife, Edwina and his children Tom and Jocie for sharing such a treasured member of their family with us for so many years, so that he could make the important contributions he has made to the community.

On behalf of Woollahra Council I would like to wish Councillor Andrew Petrie good health and happiness. He has done a remarkable job of representing the community and dedicating himself to public service for 26 years.

I hope Andrew leaves us knowing the friendships he has made with Councillors and staff are for life and that the legacy of good work he has left behind can be a source of great pride and satisfaction.


Cr Toni Zeltzer
Mayor of Woollahra

Note: The Mayor, Councillor Toni Zeltzer made a presentation to Councillor Petrie and thanked Councillor Petrie for his 26 years of service to Woollahra Municipal Council, acknowledging his contribution, service, genuine passion and commitment to the local community.

Note: Councillor Wynne re-iterated the sentiments of the Mayor and thanked Councillor Petrie for his support over the years and also wished Councillor Petrie all the very best in the future.

Note: Councillor Robertson addressed the Council thanking Councillor Petrie for his contribution to the Woollahra community. Councillor Robertson requested that his address be documented in the minutes to acknowledge the service of Councillor Petrie.

The extract is provided:

I would like to say something Madam Mayor, as I do represent the non-Liberal side and I am sure some of the 62 Councillors that served alongside Councillor Petrie were also non-Liberal Councillors and truly mark of the length of Councillor Petrie's service. I myself was in the second grade of school when you were elected, Councillor Petrie, and I think about how I have completed my schooling, my tertiary education and my career. I have had the great privilege of serving on this Council alongside yourself.

I really do feel that it has been an absolute privilege. From the moment I arrived in Council, I too was a non-Liberal Councillor when I arrived in this place and you made it your business to make me feel welcome, to endorse my contribution to this place and I don't feel my contribution would be as great as it has been without your encouragement. You told me when I first met you, that the wheels of local government turn very slowly. Sage advice that I have carried with me throughout my time here.

I simply can't imagine, returning to this place after the 9th of September, with a seat that will be absent of Councillor Petrie. Such is the enormity of his contribution to this place. I have often described Andrew as a grandfather figure in our council and that goes to not only his length of experience but to the educational role he has played in encouraging all of us to make the very best contribution for the community of Woollahra.

I feel that there should be some accolade that we bestow on Councillor Petrie in turning Councillor Petrie into a national treasure. I think Councillor Petrie is a Woollahra living treasure. I do hope that we don't see the end of you in terms of your formal role, and I do trust Councillor Petrie that you will continue to make a contribution to Woollahra long after you are a non-serving Councillor. On behalf of the Greens it is an absolute pleasure to serve alongside you and a privilege and I thank you deeply from the bottom of my heart for the totality of your contribution to the Woollahra community. It is truly an impressive one.

Suspension of Standing Orders

Councillor Wynne

186/17 That Standing Orders be suspended to allow Cr Wynne to address Council on the last five years serving Council.

Adopted

The Mayor ruled a Matter of Urgency and permitted the Suspension of Standing Orders.

Cr Wynne advised:

I think we need to reflect on that fact that we have all worked together for five years, it's been a long five years, normally our tenure is for four and I always say after my last term that after about three and a half you all start to really not like each other as much as we did at the start. However, five years on and I do find myself very sad to be farewelling, (depending on how the election goes), some faces and I do think that it is testament to this group that we have all worked very hard together and the one thing that has brought us together is our unanimous support in fighting the amalgamation. It is such a wonderful thing for all of us to be able to walk away from this term and know that as a result of us all working tirelessly with our community, with the staff and most importantly with the Councillors and with your lead Madam Mayor that we are a standalone Council. I think that it is an extraordinary effort if we have achieved nothing else, to achieve that in our time is so impressive and I know every resident I speak to is delighted that we are standalone, but it's been a tough fight.

Madam Mayor, I just wanted to take the opportunity to thank you in your lead, you have been a Mayor for a long time, it's hard work, I know people think it's a glorified job having done it myself, you have no time, your life is not your own, and during this time with fighting with lawyers, the high court, the flack that you receive from many around and our constant fight, you took that and you were the forefront of that and I know that the municipality is extraordinarily grateful. Thank you for your leadership and your support. I just wanted to present you with something on behalf of everyone at Council to say thank you for all your leadership. It's a wonderful achievement that we leave here tonight as a standalone council.

Cr Petrie advised:

Could I ask everyone to stand and congratulate with Mayor with a round of applause.

The Mayor, Cr Zeltzer advised:

I think we have made history but I think we have made it together. I really thank you all for all your support. The whole idea was to save a Council that had been around for 157 years. I owed it to all those Alderman and Councillors that came before me. We fought together, we did it as a team. It is historic occasion and I really appreciate everything that we have done. Thank you everyone including all the Councillors, and every member of staff at Council. Thank you for the beautiful flowers.

The Council noted the information.

Councillor Thomas

187/17 That the Suspension of Standing Orders continue to allow Cr Thomas to address Council on the last five years serving Council.

Adopted

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

Cr Thomas advised:

Like Councillor Petrie I have been on the board of a number of institutions and private and public companies. The staff here at Woollahra, were absolutely worth fighting for, it's an extraordinary group of hard working people, the minute an email is sent out it comes back and staff are onto it, and it's a credit to everybody who lives in this municipality that we have people of such high calibre of staff.

I think it's been a big part of why we did win this fight in order to keep Woollahra as a standalone Council. Certainly from my perspective, it's been a fantastic five years and I look at the people who are standing and we wouldn't be able to do that without the fantastic staff and without Gary James General Manager, the Directors and all staff at Woollahra's support and hard work. You make us very look good.

The Council noted the information.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 21 August 2017 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **SSROC TENDER FOR THE SUPPLY & MANAGEMENT OF TEMPORARY STAFF**
Author: Dave Byatt, Purchasing Coordinator
Approvers: Mark Ramsay, Manager - Civil Operations
Tom O'Hanlon, Director - Technical Services
File No: 17/137893
Reason for Report: Acceptance of a tender

(Cavanagh/Wynne)

188/17 Resolved without debate:

THAT Council enters into a panel agreement with Challenge Recruitment Ltd, Hunternet (Labour Co) Ltd, Allstaff Australia, Drake Australia Pty Ltd, RNTT Pty Ltd T/A Excel Recruitment, Mcarthur Management Pty Ltd, Adecco Group, Logo Management Pty Ltd, Pulse Staffing Australia Pty Ltd, Hoban Recruitment, Hays Executive, Cox Purtell Staffing Services, Ranstad Pty Ltd, Recruitment Edge and Inspired Management Pty Ltd for the supply and Management of Temporary Staff for a three year period with the option to extend for a further two by twelve month periods.

Item No: R2 Recommendation to Council
Subject: **TENDER SC 3842 DOUBLE BAY CCTV STREET CAMERA PROJECT**
Author: Rod Ward, Project Manager Open Space
Approvers: Tom O'Hanlon, Director - Technical Services
Richard Ladlow, Acting Manager - Capital Projects
File No: 17/139279
Reason for Report: Recommend to Council the acceptance of a Tender

(Cavanagh/Wynne)

189/17 Resolved without debate:

- A. THAT Council enter into a Contract with Unified Security Group Pty Ltd for the supply and installation of a CCTV street camera system for Double Bay for the lump sum of \$253,096.60 (excluding GST).
- B. THAT successful and unsuccessful tenderers be advised accordingly.

Item No: R3 Recommendation to Council
Subject: **SOUTH EASTERN COMMUNITY CONNECT INC - PROPOSED LICENCE FOR THE COTTAGE AT SIR DAVID MARTIN RESERVE, 1C NEW BEACH ROAD, DARLING POINT (SC365)**
Author: Anthony Sheedy, Senior Property Officer
Approvers: Zubin Marolia, Manager - Property & Projects
Tom O'Hanlon, Director - Technical Services
File No: 17/142821
Reason for Report: To give consideration to grant of a 3 year licence term to South Eastern Community Connect Inc for occupation of the Cottage building.

(Cavanagh/Wynne)

190/17 Resolved without debate:

- A. THAT in accordance with the Crown Lands Act, 1989 and subject to the Minister's consent, Council agrees to:
- i. Enter into a 3 year licence agreement with South Eastern Community Connect Incorporated for occupation of the Cottage at Sir David Martin Reserve, 1C New Beach Road, Darling Point, at a rent of \$15,450 per annum (plus GST) and outgoings, with annual rent review to CPI.
- B. THAT the Licensee pays for all Council's costs associated with the licence agreement.
- C. THAT the General Manager is authorised to sign all necessary documentation of the licence agreement.

Item No: R4 Recommendation to Council
Subject: **PADDINGTON BUSINESS PARTNERSHIP - FUNDING REQUEST 2017/2018**
Author: Peter Kauter, Manager Placemaking
Approver: Allan Coker, Director - Planning & Development
File No: 17/145244
Reason for Report: To consider a request by the Paddington Business Partnership for funding of the 2017 William Street Festival

(Cavanagh/Wynne)

191/17 Resolved without debate:

THAT \$25,000 funding be provided to the Paddington Business Partnership for the 2017 William Street Festival in accordance with the request contained in *The Paddington Business Partnership Business Plan from September 1st 2017*.

Item No: R5 Recommendation to Council
Subject: **FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017 (FY255-04)**
Author: Don Johnston, Chief Financial Officer
Approvers: Stephen Dunshea, Director Corporate Services
Gary James, General Manager
File No: 17/145837
Reason for Report: To present the Financial Statements for the year ended 30 June 2017 to the Committee, provide commentary on the budget result for 2016/17 and recommend to Council the adoption of Council's Statement in relation to the Financial Statements.

(Cavanagh/Thomas)

192/17 Resolved:

- A. THAT Council note the budget result achieved for 2016/17 is a surplus of \$1,481k, representing an improvement of \$1,464k on the March 2017 budget review forecast and resulting in a working funds balance of \$4,301k at 30 June 2017.
- B. THAT Council transfer \$1,400,000 to the Open Space and Community Facilities Reserve from the improvement in the budget result.
- C. 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 2017:

THAT, in relation to the General Purpose Financial Statements for the year ended 30 June 2017, Council is of the opinion that:

The General Purpose Financial Statements have been prepared in accordance with:

- i. the Local Government Act 1993 (NSW) (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 these Financial Statements:

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

accord with Council's accounting and other records;

and further, the signatories to the Statement, to the best of our knowledge and belief, are not aware of any matter that would render the Statements false or misleading in any way;

- D. THAT Council formally refer the General Purpose Financial Statements for the year ended 30 June 2017 for audit; and
- E. In anticipation of receiving the Auditor's Reports, set the Corporate & Works Committee meeting to be held on Monday 16 October 2017 as the meeting at which the Financial Statements will be presented to the public.

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 21 August 2017 Submitted to the Council for Determination

ITEM No.	R1 Recommendation to Council
FILE No.	DA193/2017/1
ADDRESS	1A Guilfoyle Avenue Double Bay
PROPOSAL	Double Bay Street Festival event to be held in Bay Street, Cross Street, Knox Street, Guilfoyle Avenue, Knox Lane, Transvaal Avenue, Kiaora Lane, Jamberoo Lane and Steyne Park from 10am-6pm (bump in at 5am, bump out by 9pm) on 5 November 2017, 4 November 2018, 3 November 2019, 1 November 2020
REASON FOR REPORT	The application is referred to the Development Control Committee for determination by Full Council as the proposal involves development on community land.

Note: Councillor Robertson declared a Non-Significant, Non-Pecuniary Interest in this Item, as his lawyer, Mr David Lemon has an office at 30-36 Bay Street, Double Bay. Councillor Robertson vacated the meeting and did not participate in the debate or vote on this matter.

Note: Councillor O'Regan declared a Non-Significant Non-Pecuniary Interest in this Item, as she is the Chair of the Double Bay Chamber of Commerce. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

(Bennett/Thomas)

193/17 Resolved without debate:

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979, Sections 68A, 68D and 68E of the *Local Government Act, 1993* and Section 144 of the *Roads Act, 1993*

THAT the Council, as the consent authority, grant development consent to Development Application No. 193/2017/1 for the Double Bay Street Festival event to be held in Bay Street, Cross Street, Knox Street, Guilfoyle Avenue, Knox Lane, Transvaal Avenue, Kiaora Lane, Jamberoo Lane and Steyne Park from 10am-6pm (bump in at 5am, bump out by 9pm) on 5 November 2017, 4 November 2018, 3 November 2019, 1 November 2020, on land at 1A Guilfoyle Avenue Double Bay, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 80 of the Environmental Planning & Assessment Act 1979 ("the *Act*") and the provisions of the Environmental Planning and Assessment Regulation 2000 ("the *Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to section 79C of the Act.

Standard Condition: A1 (Autotext AA1)

A.2 Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this Consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs published by the Southern Sydney Regional Organisation of Councils).

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

PCA means the *Principal Certifying Authority* under the *Act*.

Principal Contractor has the same meaning as in the *Act* or where a *principal contractor* has not been appointed by the *owner* of the land being developed *Principal Contractor* means the *owner* of the land being developed.

Professional Engineer has the same meaning as in the *BCA*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

WLEP 2014 means *Woollahra Local Environmental Plan 2014*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: Interpretation of Conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.
Standard Condition: A2 (Autotext AA2)

A.3 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp “Approved DA Plans” unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
Version 2.1	Traffic Management Plan – Double Bay Street Festival Sunday 5 th November 2017	Who Dares Pty Ltd	7 June 2017
Sheet 1 to 3	Double Bay Fair – Site Plan 2017	Double Bay Chamber of Commerce	
-	Guilfoyle Park Site Map	Double Bay Chamber of Commerce	
-	Kiaora Lane Site Map	Double Bay Chamber of Commerce	
-	Event Plan – Double Bay Festival	Double Bay Chamber of Commerce	
-	Risk Management Plan	Double Bay Chamber of Commerce	

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A5 (Autotext AA5)

A.4 Event Times and Dates

This condition limits the period during which the development may be carried out as follows:

- a) The event, and associated setting up (bump in) and packing up (bump out), is confined to the following dates and times only:

- Sunday 5 November 2017, between 5am to 9pm (event time 10am to 6pm)
- Sunday 4 November 2018, between 5am to 9pm (event time 10am to 6pm)
- Sunday 3 November 2019, between 5am to 9pm (event time 10am to 6pm)
- Sunday 1 November 2020, between 5am to 9pm (event time 10am to 6pm)

Careful planning and consideration must be undertaken by the Event Organiser/Management Team to ensure that the proposed bump-in time of 5am does not create adverse loss of amenity to residents in locations adjoining the street festival zone.

A.5 Road Closures Times and Dates

This condition limits the period during which the development may be carried out as follows:

- a) The temporary road closures, between 5am to 9pm (event time 10am to 6pm), on:

Sunday 5 November 2017,
Sunday 4 November 2018,
Sunday 3 November 2019, and
Sunday 1 November 2020

- b) of:

Cross Street between Knox Lane and Ocean Avenue (Resident access on Cross Street will be maintained between Ocean Avenue and Bay Street).

Knox Lane between Cross Street and Bay Street.

Bay Street between William Street and New South Head Road.

Bay Street north of William Street.

Knox Street between Goldman Lane and Bay Street.

Guilfoyle Avenue between Ocean Avenue and Bay Street.

Cooper Street between South Avenue and Bay Street.

Short Street between Bay Street and Gum Tree Lane.

Transvaal Avenue at Cross Street.

Kiaora Lane between Manning Road and Kiaora Road (the part-time shared zone section only).

A.6 Making Good Damage to Park and Infrastructure

The applicant must repair or meet the cost of making good any damage to Guilfoyle Park, Steyne Park and Council's infrastructure, as a consequence of the activities associated with this consent.

The Park will be inspected at the completion of the event to assess any damage caused, such as (but not limited to) damage to trees, the turf surface, amenities block and presence of litter. Any damage must be restored to the satisfaction of Council's Manager Open Space and Trees at the cost to the applicant and within a timeframe as agreed between the applicant and Manager Open Space and Trees. In assessing any damage consideration will be given to normal wear and tear as a consequence of the event. Payment of cost for damage repairs undertaken by Council must be paid within 30 days from issue of Council's invoice.

A.7 Wet Weather

In the event of excessive rain either before or during the event, the Director of Technical Services, or the Director's nominated representative, is authorised to direct that all or part of the park not be used, if in the opinion of the Director of Technical Services or his authorised representative, excessive damage to the park will result.

A.8 Directions of Council Officers

Any direction of the Council is to be complied with. In this regard, it should be noted that Council reserves the right to refuse or limit any activity associated with the event if in its opinion, the activity is likely to cause damage, danger, nuisance or it is not in the Municipalities interest.

A.9 Signage

The proposed banner sign (6m x 3m) in Guilfoyle Park and the Core Flutes (36 x 18 poles) on New South Head Road shall be in accordance with the following:

- Must not obscure or interfere with safety, public directional or traffic signs;
- Must not be permanently fixed;
- Must not be illuminated;
- Must not be displayed earlier than 28 days before the event, and
- Must be removed within 2 days after the conclusion of the event.

A.10 Liquor License

The person(s) with the benefit of this consent must obtain approval for the event from the New South Wales Office of Liquor, Gaming and Racing for a Limited Liquor License (Single Function).

The limited liquor license for the duration of the event (10am to 6pm) will be permitted only if the requirements of the Office of Liquor Gaming and Racing are met including any requirement for security guards and/or RSA officials.

B. Conditions which must be satisfied prior to the demolition of any building or construction

Not applicable.

C. Conditions which must be satisfied prior to the issue of any construction certificate

Not applicable.

D. Conditions which must be satisfied prior to the commencement of the event

D.1 Park Hire Approval

The applicant is required to apply to Council to seek approval to use both Guilfoyle Park and Steyne Park **each year prior to the event**. The applicant should contact Council's Open Space Recreation Officer with at least four (4) weeks' notice from the start of the event. This is to include relevant application forms for park use, structures, and amusement devices, and is to ensure that Council as Trust Manager of Guilfoyle Park and Steyne Park is satisfied that:

- The park is available and suitable for use for the event.
- Location and design of structures and amusement devices are suitable for the Park for each event.
- The applicant has previously complied with conditions of this Consent.
- The applicant can supply a guarantee to Council's satisfaction that they will comply with conditions of Consent relating to repair of any damage and clean up.

D.2 Amusement Devices and Structures

Approved structures and amusement devices in Guilfoyle Park for the 2017 event include: Petting zoo, pony rides and a stage.

No approval is granted by this development consent for the installation or operation of an amusement device that is required to be registered under the *Occupational Health and Safety Regulation, 2001*, with the exception of those identified as 'small amusement devices' in accordance with Clause 75 of the *Local Government (General) Regulation 2005*.

A separate activity application must be lodged with Council prior to the event should consent be sought for the installation or operation of an amusement device that is required to be registered under the *Occupational Health and Safety Regulation, 2001*.

For future years Council as Trust Manager may also impose further conditions of hire that aim to protect the park environment and other park users, after assessment of applications submitted for each event.

D.3 Site Plans

A scaled site plan identifying the exact locations of the amusement devices and structures to be located within Guilfoyle Park and Steyne Park must be submitted to and approved by Council for each event. The site plan is to be submitted to Council's Open Space Recreation Officer with at least four (4) weeks' notice from the start of the event.

Once the upgrade has been completed at Guilfoyle Park, the site plan will need to incorporate the location of the additional infrastructure. This can be obtained from Team Leader Open Space and Recreation Planning.

D.4 Payment Park Hire Fees and Damage Bond

- i. In accordance with Council's adopted Fees and Charges, park hire fees may be applicable. Any requests for a park hire fee waiver must be addressed to the General Manager at least four (4) weeks prior to the event.
- ii. For each event, a bond of \$12,200 shall be charged to Double Bay and Districts Business Chamber of Commerce (in accordance with adopted Council's Fees and Charges) and be paid to Council, at least four (4) weeks prior to the event. The bond provides security for damage to Guilfoyle Park and Steyne Park.

D.5 Public Liability

- i. The applicant must provide a copy of a Certificate of Currency prior to each event showing Public Liability Insurance to the value of \$20,000,000 for each event nominating Woollahra Council as interested parties.

- ii. Copies of Certificates of Currency for Public Liability Insurance are also to be supplied by each of the structures (ie. stages and stalls) and amusement device suppliers operating at each of the events.

D.6 Notification

The Event Organiser and the Applicant shall advise all residents of: Ocean Avenue, William Street and Bay Street adjacent to Steyne Park, and Guilfoyle Avenue of the Double Bay Street Festival activities and parking arrangements by way of letter box drop a minimum of two (2) weeks prior to the event.

D.7 Approval of Traffic Management Plan

A Traffic Management Plan (TMP) prepared by a suitably qualified person must be submitted by the applicant at least 8 weeks prior to each event in 2017, 2018, 2019 and 2020 for approval by Woollahra Traffic Committee and Roads and Maritime Services. The TMP approval in general stipulates conditions as follows:

- a) That the special event be categorised as a Category 2 event.
- b) That the applicant obtain the development consent from Council and comply with all conditions imposed as part of the development consent.
- c) That the applicant comply with all conditions stipulated by the TMP approval issued by Roads and Maritime Services (RMS).
- d) That the applicant obtain a Road Occupancy Licence from the Transport Management Centre (TMC), approving all associated road closures over the event period, no less than 72 hours prior to the event and provide Council with a copy.
- e) That the applicant must obtain approval for the event from Police by completing a "Notice of Intention to Hold a Public Assembly" application.
- f) That the applicant must inform all business proprietors, residents and other occupants within 200 metres (walking distance) of the temporary closures and contra-flow, at least fourteen (14) days prior to the event via a letterbox drop and an advertisement placed in the local paper at least fourteen (14) days before the event.
- g) That the traffic controllers working on the day of the event must be instructed that residents of the sections of road closed off in Cross Street and in Bay Street, north of William Street must be guided to and from their homes on the day of the event and not unduly inconvenienced as a result of these closures.
- h) That the applicant must supply and erect the traffic control measures detailed in the Traffic Management Plan and Traffic Control Plans, for the event and remove them at the completion of the event.
- i) That Council must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public road reserve during the activities. A copy of Public Liability Insurance Cover to the value of \$20,000,000 shall be provided to Council prior to the event and Council must be listed as in interested party on the insurance.
- j) That Council must be reimbursed for the cost of repair of any damage caused to Council property as a result of the activities.
- k) That the applicant must inform all Emergency Services of the proposed road closures and contra-flow (that is NSW Police, Fire Brigade, Ambulance, SES and the TMC) and must maintain a four-metre emergency vehicle lane at all times, with all services (eg. fire hydrants) remaining free of any obstruction.
- l) That noise created by use of equipment or activity must be controlled as required by the "Protection Of The Environment Operations (Noise Control) Regulation 2000".

- m) That the applicant must make arrangements to remove all waste from the site at the end of the event.
- n) That all costs associated with implementing the temporary traffic control and complying with the conditions of this approval are to be borne by the applicant.
- o) That Council reserves the right to cancel this approval at any time.
- p) That Council's Manager Compliance, Manager Civil Operations, Manager Customer Services and Council's Business Centres & Street Cleaning Coordinator be provided a copy of Council's approval and event details.

D.8 Fitout of food stalls

The person(s) with the benefit of this consent must submit to Council details of the typical construction and fitout of the temporary food stalls. Such details must demonstrate compliance with the Food Act 2003 and Regulation there under; the Food Standards Code and the Food Handling Guidelines for Temporary Events. The construction and fitout of the temporary food stalls shall be to the approval of Council's Environmental Health Officers. Food stall operators and the event's organiser must ensure there is a sufficient supply of electricity for food handling operations, particularly for hot and cold food holding and water heating. All electrical work should be undertaken by a licensed electrician and conform to AS3002-1985 'Electrical Installations-Shows and Carnivals'. Any gas bottles used for appliances should be secured so that it cannot be tipped over and should be pressure checked.

D.9 New South Wales Police Approval

The person(s) with the benefit of this consent must obtain approval for the event from New South Wales Police by completing a "Notice of Intention to Hold a Public Assembly" and "Notice of Temporary Road Closure" application.

The person(s) with the benefit of this consent must notify Police and other Emergency Services departments as required. The person(s) with the benefit of this consent must abide by all directions of Police or Emergency Services Departments as required.

E. Conditions which must be satisfied during the event

E.1 Tree Preservation

All persons must comply with Council's Development Control Plan (DCP) 2015, Tree Management Chapter E3 other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

1. General Protection Requirements

- a) No vehicle is to drive or stand within 2 metres of any tree trunk, shrub or garden bed in Guilfoyle Park.
- b) Equipment is not to be stored or set-up within a 2 meter radius of any tree within Guilfoyle Park.
- c) The previous points (a & b) do not apply to the paved areas at the Bay Street end of Guilfoyle Park where the main stage will be placed.
- d) Speakers, lights or ropes are not to be attached to or placed within any tree located in any of the Parks.

- e) No tree pruning, removal or damage to trees or other vegetation is permitted prior to or during the event.
- f) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

2. Steyne Park

- a) The size of the car parking area within Steyne Park must be located within the Tree Protection Fence Location Plan (Annotated in blue) as follows:



- b) No equipment or the like is to be located or stored below the dripline of the trees of Steyne Park.

E.2 Service of Alcohol

All alcoholic beverages must be poured into plastic glasses by suitably qualified ‘Responsible Service of Alcohol’-trained bar staff. No glass containers containing alcohol are to be sold for immediate consumption.

All stalls supplying alcohol are to be appropriately sign posted in accordance with the provisions of the *Liquor Act, 2007* and *Liquor Regulation, 2008*.

All stalls supplying alcohol are to have ‘Responsible Service of Alcohol’ certificates and their ‘limited licence’ on hand for immediate inspection by NSW Police or the consent authority.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

Not applicable.

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

Not applicable.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

Not applicable.

I. Conditions which must be satisfied during the ongoing operation of the event**I.1 Operation of food stalls**

- a) Food stall operators are required to handle food for sale for human consumption in accordance with the Food Standards 3.1.1, 3.2.2 and 3.2.3.
- b) Food stall operators and the event's organiser must ensure there are adequately sized, enclosed rubbish bins at each food stall and adequate arrangements made to dispose of garbage contents at the end of the day.
- c) The event's organizer should ensure that adequate toilet facilities for food handlers made available.
- d) Only potable water must be used for preparing food and for washing. Ice used for keeping food cool or adding to food or drink must also be potable.
- e) A fire extinguisher and fire blanket should be supplied in each stall where cooking or heating processes are undertaken. Such equipment should be easily accessible in the event of a fire.
- f) A sealed container of potable water with a tap should be provided at each stall, together with suitable bowls or containers for cleaning, sanitising and hand washing. Clean towels and detergent must be provided.
- g) A hand washing facility, separate from other facilities and used only for that purpose, must be provided. Warm water is needed for effective hand washing and personal hygiene. Hot and cold water must be delivered through a single outlet to a dedicated hand basin. Liquid soap and paper towels must be provided at or near the hand washing facility.
- h) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces.
- i) Foods that are required to be stored under temperature control, or kept frozen shall be kept under strict temperature control. Cold foods should be stored at or below 5 degrees celsius and hot food appliances such as bain maries and display cases should enable hot foods to be kept at or above 60 degrees Celsius at all times. Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times.
- j) Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If the food is intended to be stored frozen, the food must remain frozen during storage and display.
- k) All food stall operators that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer. The thermometer must be cleaned and sanitised before it is used.
- l) Adequate measures must be taken by all food stall operators to prevent cross-contamination from raw foods to cooked foods by ensuring that there are separate utensils for cooked and raw meats, poultry and seafood; covering all food; keeping cooked meat and salads separate and washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.

- m) All food displayed by food stall operators shall be protected from likely contamination by customers, dust, fumes or insects by using plastic food wraps, sealed containers, sneeze barriers or food covers.
- n) Only single-use disposable eating and drinking utensils are permitted for use by food stall operators and must be protected from contamination until used.
- o) All packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.
- p) The food stalls must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter, food waste, dirt, grease or other visible matter.
- q) Bench tops and surfaces of equipment in contact with food and storage appliances must be kept in a clean and sanitary condition to ensure food is unlikely to be contaminated.
- r) All pre-packaged products must be clearly labelled with a description of the food, the name and address of the supplier, product lot identification, a list of ingredients, date marking, storage conditions, nutrition information panel and characterising ingredient. The above requirements are outlined in more detail in the Food Standards Code available on the NSW Food Authority's website (www.foodauthority.nsw.gov.au).

I.2 Pony Rides

- Pony rides may be set-up in the designated area marked on approved site plans.
- The ponies are to be under effective control at all times.
- No rider is to be left unattended on a pony. ie. The Pony Handler must lead the pony at all times whilst rider is astride pony.
- A responsible adult is to be present and supervise the event at all times.
- All waste and manure is to be removed by the applicant on the day of the event.
- Pony rides must be conducted with a minimum setback of 10 metres from all playgrounds, children's play equipment and buildings.

I.3 Petting Zoo

- A responsible adult is to be present and supervise the event at all times.
- All waste and manure is to be removed by the event organisers on the day of the event.
- Ensure all activities are undertaken in accordance with relevant health and safety guidelines, refer to NSW Health Fact sheet "Petting Zoos and Personal Hygiene".
- Petting zoo enclosure must have a minimum setback of 10 metres from all playgrounds, children's play equipment and buildings.

I.4 Stage

- Any stage or structure erected for or during the event must be erected by qualified staff in accordance with any manufacturers' instruction and any relevant Australia Code or Standard.
- Public access to the stage and any equipment must be restricted to people authorised by the event organisers.
- Woollahra Municipal Council accepts no responsibility for any improper use or access to equipment or like, used in the conduct of this event.
- All cables, wires etc are to be properly installed and protected to ensure no risk to authorised users or the public.

I.5 Park Management and Maintenance

To avoid damage as a result of the Double Bay Festival and ensure preservation of both Steyne Park and Guilfoyle Park:

- No marquees or structures are permitted other than those specified in this Consent.
- Erection of temporary structures made permissible by this Consent must not interfere with the existing underground irrigation system or quality of the playing field turf surfaces.
- No advertising signage can be hung between park trees or from park furniture including light poles.
- No existing park signage is to be obstructed or interfered with in the conduct of the event.

I.6 Protection of Vegetation

- Equipment is not to be stored or set-up within 2 metres of any tree trunk, shrub or garden bed.
- No vehicle is to drive or stand within 2 metres of any tree trunk, shrub or garden bed.
- Speakers, lights or the like are not to be attached to or placed within any tree, shrub or garden bed.
- Shrubs, trees or other vegetation are not to be moved, lopped or damaged.
- Any chairs to be used must have feet designed to minimise damage to the grassed surface. For eg. Triangle shaped feet.

I.7 Security

The applicant is to provide adequate security measures for the duration of the event, and from bump-in and bump-out.

I.8 Generators and Cabling

The applicant is responsible for ensuring all power cables do not affect pedestrian movement or present risks to the safety of pedestrians. WorkCover practices and industry standards are to be adhered to regarding electrical installations in outdoor venues and public spaces.

I.9 Power

The applicant is required to meet their own power needs for the event.

I.10 Waste Services and Cleaning

Recycling and general rubbish bins are to be provided and the applicant shall ensure that all waste is disposed of in an appropriate manner.

Additional waste services required for the event are the responsibility of the organisers. Waste Services can be arranged through private contractors or by hiring receptacles from Council's Waste Section.

The event organisers must undertake to leave Transvaal Avenue, Knox Lane, Knox Street, Cross Street, Bay Street, Guilfoyle Avenue, Kiaora Lane, Steyne Park, Guilfoyle Park and the surrounds with the same level of cleanliness as at the start of the event. Any cleaning costs incurred by Council for cleaning of the park including the removal of litter and the removal of any grease stains from roads, footpaths and paving after the event will be deducted from the damage security deposit.

I.11 Implementation of Traffic Management Plan

The applicant must supply and erect the traffic control measures detailed in the approved Traffic Management Plan and Traffic Control Plans, for the event and remove them at the completion of the event.

I.12 Car Parking (Steyne Park)

Specific recommendations for use of Steyne Park for car parking:

- i. Steyne Park shall be restored depending on the condition of the turf following the event which may include verti-drain, topdressing, fertilising and re-turfing. These works will be funded by the Event Organiser and the Applicant.
- ii. That Woollahra Council be promoted as a major sponsor of the event due to the annual funding that is provided by the Council and the waiving of hire fees for carparking.
- iii. The Event Organiser and the Applicant shall be responsible for providing staff to control entry to the park and security of vehicles in the park at their cost.
- iv. The Event Organiser and the Applicant shall ensure cars are removed from Steyne Park by 7.00pm on the evening of each event.
- v. The Event Organiser and the Applicant shall be responsible for installation and removal of safety fencing around the carpark area. The area of fencing is to be determined by Council staff prior to the event. The fencing will be required to be completely removed by 9.00am the following Monday after the event.
- vi. Only vehicles under 3 tonnes and under 6 metres in length will be permitted to access and park.
- vii. In the event of excessive rain, either before or during the period when the park is to be used for carparking, the General Manager may direct that Steyne Park not be used for carparking, if, in his opinion, excessive damage will result.
- viii. Parking of vehicles in Steyne Park must comply with any recommendations from Council's Landscaping Department.

I.13 Temporary food stalls - Registration of food stalls holders

The food stall holders and/or events organiser must register with Council and notify the NSW Food Authority the food business details of all food stall holders. This can be done by contacting Council (www.records@woollahra.nsw.gov.au) and the NSW Food Authority's website (www.foodauthority.nsw.gov.au).

I.14 Amplified music equipment etc

The use of amplified music equipment, public speakers and other like activities at the proposed event which have the potential to create noise must not give rise to *offensive noise* to the surrounding residential area. The use of such equipment must be controlled so that elevated volumes of sound are not being experienced by residents within the surrounding area. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noiseinglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au). **Australian Acoustical Society**—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

I.15 Protection of the Environment Operations Act 1997

The event organiser(s) must have regard to the *Protection of the Environment Operations Act 1997* and ensure that no harm is caused to the environment. In particular no items, articles or other matter is to be placed or operated in a manner where a 'pollution incident' may result.

I.16 Access

Public pedestrian access through public streets and parks is to be maintained throughout the event.

Access for all emergency vehicles from roads surrounding the event must be made available and monitored by security staff in the event of an emergency.

The event organisers are required to coordinate with the 'Australian 18 Footers Club' regarding the access from both parties on the day of the event, through the Ocean Avenue access gate into Steyne Park, and similarly coordination with event organisers and the 'Intercontinental Hotel' regarding access.

I.17 Limited Liquor License – Hours of Operation

If approval is granted for the Limited Liquor License, the hours of operation are limited to 10am to 6pm (the event time only) on the following days:

- Sunday 5 November 2017,
- Sunday 4 November 2018,
- Sunday 3 November 2019, and
- Sunday 1 November 2020,

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

I.18 Neighbourhood Amenity – Liquor License

The management of the event:

- a) Shall ensure persons entering and leaving the street festival do not crowd or loiter in the vicinity of the event in such manner that pedestrian movement is obstructed or hindered.
- b) Shall ensure that the manner in which the business of the street festival is conducted and/or the behaviour of persons entering and leaving the street festival does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or market operations. If so directed by Council or by NSW Police, the Management is to employ private security staff to ensure that this condition is complied with.
- c) Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the street festival is conducted and/or the behaviour of persons entering or leaving the street festival. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

Note: The lead agency for the enforcement of this condition is NSW Police.
Standard Condition: I10 (Autotext: I110)

J. Miscellaneous Conditions

Not applicable.

K. Advisings

K.1 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's Development Control Plan (DCP) 2015, Tree Management Chapter E3 may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the DCP from Council's website www.woollahra.nsw.gov.au or you may contact Council on 9391-7000 for further advice.

K.2 NSW Police Service and Road Closures

The Rose Bay Local Area Command closely aligns with the boundaries of the Woollahra local government area.

Council and Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Traffic Sergeant, Paddington Police Station, 16 Jersey Road, Paddington. Phone No.: 0283568299 or Fax No.: 0283568211.

Warning: If you partial or full close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.
Standard Advising: K4 (Autotext KK4)

K.3 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 80A of the *Act*.

The securities will not be released until a *Final Occupation Certificate* has lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.

Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.

Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the Bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Application for Refund of Security form can be downloaded from http://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0004/76405/Refund_of_Security_Form.pdf
Standard Condition: K15 (Autotext KK15)

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 Bennett
Councillor Cavanagh
Councillor Elsing
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Petrie
Councillor Thomas
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

10/0

ITEM No.	R2 Recommendation to Council
FILE No.	DA528/2016
ADDRESS	13-15A Coolong Road Vaucluse
PROPOSAL	Construction of a dwelling-house, swimming pool, ancillary structures, landscaping and siteworks
REASON FOR REPORT	In accordance with Council's meeting procedures and policy this matter is referred to full Council to allow Council to make a submission to the Sydney Central Planning Panel (SCPP).

Note: Late correspondence was tabled by Brett Daintry & Shamistha de Soysa & David Kingston.

**Motion moved by Councillor Robertson
Seconded by Councillor Elsing**

THAT the matter be refused for the following reasons:

1. View loss
 - Unacceptable loss of private views due to siting of new building on the centre of the amalgamated site.
2. Building Envelope per 13.3.2 - non-compliance with front setback and non-articulated length side boundary setbacks (east) side boundary setbacks (west) maximum wall height/inclined plane from wall height
3. Excavation breach of subsurface wall setbacks for excavation and excessive volumetric excavation in breach of Council's controls
4. Non-compliant location of parking areas and breach of number of parking spaces
5. Non-compliant maximum height of front-fencing
6. Non-compliant location of swimming pool
7. Gross and excessive amalgamation of sites
8. Excessive bulk and scale
9. Not in the public interest

**Amendment moved by Councillor Petrie
Seconded by Councillor Bennett**

THAT Council advise the Sydney Central Planning Panel (SCPP), that no objections are raised to the granting of development consent to Development Application No. 528/2016 for the construction of a dwelling-house, swimming pool, ancillary structures, landscaping and siteworks on land at 13-15A Coolong Road Vaucluse, subject to the conditions recommended in the annexed Development Application Assessment Report.

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

(Robertson/Elsing)**194/17 Resolved:**

THAT Council advise the Sydney Central Planning Panel (SCPP), that Development Application No. 528/2016 for the construction of a dwelling-house, swimming pool, ancillary structures, landscaping and siteworks on land at 13-15A Coolong Road Vaucluse, should be refused for the following reasons:

1. View loss
 - Unacceptable loss of private views due to siting of new building on the centre of the amalgamated site.
2. Building Envelope per 13.3.2 - non-compliance with front setback and non-articulated length side boundary setbacks (east) side boundary setbacks (west) maximum wall height/inclined plane from wall height
3. Excavation breach of subsurface wall setbacks for excavation and excessive volumetric excavation in breach of Council's controls
4. Non-compliant location of parking areas and breach of number of parking spaces
5. Non-compliant maximum height of front-fencing
6. Non-compliant location of swimming pool
7. Gross and excessive amalgamation of sites
8. Excessive bulk and scale
9. Not in the public interest.

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 Levenston
 Councillor Marano
 Councillor Robertson
 Councillor Thomas
 Councillor Wynne
 Councillor Zeltzer

Against the Motion

Councillor Bennett
 Councillor O'Regan
 Councillor Petrie

8/3

ITEM No.	R3 Recommendation to Council
FILE No.	DA122/2012/1
ADDRESS	17 Dover Road Rose Bay
PROPOSAL	Rose Bay Street Fair on the following dates: Sunday 28 October 2012, Sunday 27 October 2013, Sunday 26 October 2014, Sunday 25 October 2015, Sunday 30 October 2016. The Rose Bay Street Fair involves the use of Panterong Reserve and partial road closure of Newcastle Street and Wilberforce Avenue for the staging of events, including the set up of stalls, tables and amusement rides. The Fair also involves the set up of tables along both sides of New South Head Road, Dover Road and Newcastle Street for local businesses to display their goods
REASON FOR REPORT	The application is referred to the Development Control Committee for determination by Full Council as the proposal involves development on community land.

(Bennett/Wynne)

195/17 Resolved without debate:

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

THAT the Council, as the consent authority, modify development consent to Development Application No. 122/2012/1 for the Rose Bay Street Fair on the following dates: Sunday 28 October 2012, Sunday 27 October 2013, Sunday 26 October 2014, Sunday 25 October 2015, Sunday 30 October 2016. The Rose Bay Street Fair involves the use of Panterong Reserve and partial road closure of Newcastle Street and Wilberforce Avenue for the staging of events, including the set up of stalls, tables and amusement rides. The Fair also involves the set up of tables along both sides of New South Head Road, Dover Road and Newcastle Street for local businesses to display their goods on land at 17 Dover Road Rose Bay, subject to the following:

The modification of the following conditions:

A.4 Date of event

The event (and associated setting up and packing up) is confined to 7am-6pm on:

- Sunday 28 October 2012;
- Sunday 27 October 2013;
- Sunday 26 October 2014;
- Sunday 25 October 2015;
- Sunday 30 October 2016 and
- Sunday 15th October 2017 only.

A.7 Public Liability

The applicant must provide a copy of a Certificate of Currency prior to each event showing Public Liability Insurance to the value of \$20,000,000 for each event nominating Double Bay Partnership, Woollahra Council and RMS as interested parties.

Copies of Certificates of Currency for Public Liability Insurance are also to be supplied by each of the entertainment and amusement device providers operating at each of the events.

D.1 Fire safety and other considerations applying to erection of temporary structures (Clause 94A of the Regulation)

Council considers pursuant to clause 94A of the *Regulation* that it is appropriate to require the temporary structures to comply with the *BCA*.

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

The *Certifying Authority* must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the *BCA* as in force at the date of the *Construction Certificate* application:

- a) That the fabric used in the temporary structures shall have a flammability index of not more than six (6) in accordance with NSW H102.8 of the *BCA*.
- b) That the electrical services serving the temporary structures shall be in accordance with AS 3002 & AS 3000-2007 and the requirements of NSW H102.14 of the *BCA*.

Note: The *Certifying Authority* issuing the *Construction Certificate* has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the *BCA* the *Certifying Authority*, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed-to-satisfy) provisions of the *BCA* these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the *Act*.

Note: This condition does not set aside the *Certifying Authorities* responsibility to ensure compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report.
Standard Condition: C10

D.4 Roads and Maritime Services

The applicant must obtain approval from the Roads Maritime Service for the structures on the New South Head Road footpath and for the proposed temporary Road Closures, satisfying the following requirements that were stipulated by RMS:

- a) A kerbside clear zone shall be maintained on New South Head Road, measured from the face of kerb to any tables and chairs, in accordance with Austroads Guide to Road Design – Part 6: Roadside Design, Safety and Barriers. In this regard Austroads specifies that the minimum clear zone for a low speed (60km/h or less) urban road ranges from 3 metres to 5 metres depending on the average daily traffic. Roads and Maritime recognises that a 3 to 5 metre clear zone in built up urban road environments is not always possible due to site constraints. If this clear zone is not possible due to site constraints, then Roads and Maritime will accept an absolute minimum clear zone of 2.5 metres. The table and chairs are to be setback a minimum of 2.5 metres from the face of kerb on New South Head Road.
- b) Clearance widths for pedestrians should be maintained in accordance with Austroads Guide to Road Design Part 6A – Paths for Walking and Cycling (Table 5.1: Width requirements for pedestrian paths). The clearance widths must consider any existing vegetation, garden beds or proposed event street furniture which may impact on the clearance. Pedestrians should not be forced on to the road carriageway by event structures/activities or other non-permanent items on the footpath.

- c) All event furniture is to be removed at the close of the event.
- d) Council should seek proof from the applicant of current public liability to \$20 million, noting the interests of the Roads and Maritime.
- e) All works/structures and signposting associated with the event is to be at no cost to Roads and Maritime.
- f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for event activities that may impact on traffic flows on New South Head Road. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

D.6 Approval of Traffic Management Plan

A Traffic Management Plan (TMP) prepared by an RMS accredited traffic consultant must be submitted to Council at least 6 weeks prior to the event day for approval by Woollahra Traffic Committee and Roads and Maritime Services. Apart from standard TMP context, the TMP must include detailed plans indicating the temporary stalls on the footway of New South Head Road satisfying the following requirements that were stipulated by RMS:

- a) A kerbside clear zone shall be maintained on New South Head Road, measured from the face of kerb to any tables and chairs, in accordance with Austroads Guide to Road Design – Part 6: Roadside Design, Safety and Barriers. In this regard Austroads specifies that the minimum clear zone for a low speed (60km/h or less) urban road ranges from 3 metres to 5 metres depending on the average daily traffic. Roads and Maritime recognises that a 3 to 5 metre clear zone in built up urban road environments is not always possible due to site constraints. If this clear zone is not possible due to site constraints, then Roads and Maritime will accept an absolute minimum clear zone of 2.5 metres. The table and chairs are to be setback a minimum of 2.5 metres from the face of kerb on New South Head Road.
- b) Clearance widths for pedestrians should be maintained in accordance with Austroads Guide to Road Design Part 6A – Paths for Walking and Cycling (Table 5.1: Width requirements for pedestrian paths). The clearance widths must consider any existing vegetation, garden beds or proposed event street furniture which may impact on the clearance. Pedestrians should not be forced on to the road carriageway by event structures/activities or other non-permanent items on the footpath.
- c) All event furniture is to be removed at the close of the event.
- d) Council should seek proof from the applicant of current public liability to \$20 million, noting the interests of the Roads and Maritime.
- e) All works/structures and signposting associated with the event is to be at no cost to Roads and Maritime.
- f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for event activities that may impact on traffic flows on New South Head Road. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

The event organiser must ensure all necessary pre-event conditions be fulfilled.

I.3 Hours of Operation

The hours of operation of the festival are limited to between 9.00am and 4.00pm, on Sunday 28 October 2012, 27 October 2013, 26 October 2014, 25 October 2015, 30 October 2016 and 15 October 2017. The setting up of stalls and other activities are not to commence prior to 7.00am and the area is to be cleared no later than 6.00pm on the day of the event.

I.11 Implementation of Traffic Management Plan

The event organiser must supply and erect the traffic control measures detailed in the approved Traffic Management Plan and Traffic Control Plans, for the event and remove them at the completion of the event.

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 Bennett
 Councillor Cavanagh
 Councillor Elsing
 Councillor Levenston
 Councillor Marano
 Councillor O'Regan
 Councillor Petrie
 Councillor Robertson
 Councillor Thomas
 Councillor Wynne
 Councillor Zeltzer

Nil

11/0

ITEM No.	R4 Recommendation to Council
FILE No.	DA322/2016/1
ADDRESS	516 Old South Head Road Rose Bay
PROPOSAL	Demolition of the existing swimming pool and garage and the construction of a new two storey, three (3) room boarding house building to the rear of the existing mixed development with car parking provided on the ground level with access from Dover Lane
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 Committees recommendation (Refusal) to the Officer's recommendation (Approval).

(Elsing/O'Regan)

196/17 Resolved:

THAT the Council, refuse Development Application No. 322/2016/1 for demolition of the existing swimming pool and garage and the construction of a new two storey, three (3) room boarding house building to the rear of the existing mixed development with car parking provided on the ground level with access from Dover Lane on land at 516 Old South Head Road Rose Bay, for the following reasons:

1. Inter-relationship between SEPP 65 for units (which requires a minimum size of 50sqm for dwellings) and SEPP (Affordable Rental Housing) for boarding houses (which requires a maximum size of 25sqm for dwellings) results in a development that is out of character with surrounding development and does not provide a balance between providing affordable housing and maintaining the amenity of adjoining properties.
2. The proposed development will have an adverse impact on the amenity of adjoining properties, including but not limited to loss of privacy, traffic and anti-social behaviour.
3. The objectives of SEPP (Affordable Rental Housing) for boarding houses are not achieved and proposed development results in oversized bulk and scale.
4. The proposal is not in the public interest.

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 Bennett
 Councillor Cavanagh
 Councillor Elsing
 Councillor Levenston
 Councillor Marano
 Councillor O'Regan
 Councillor Petrie
 Councillor Robertson
 Councillor Thomas
 Councillor Wynne
 Councillor Zeltzer

Nil

11/0

ITEM No.	R5 Recommendation to Council
FILE No.	DA419/2016/1
ADDRESS	163 Hopetoun Avenue Vacluse
PROPOSAL	Alterations and additions including a new second floor level, garage, pergola, cabana and front fence to the dwelling house approved under a complying development certificate
REASON FOR REPORT	<p>In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Wynne for the following reasons:</p> <ul style="list-style-type: none">• That Council Officer does not support the northern extension of the master bedroom as it is approx 4m² in breach of the wall height and inclined plane control. This non-compliance is only in the top corner of the building and only approx 4m². <p>It has no impact on neighbouring properties and there is no significant impact in bulk, privacy or over shadowing, the proposal meets floor plate control, there is no view loss and the neighbour who has lodged an objection will not have any view due to a pre-approved privacy hedge.</p>

Note: Councillor Thomas declared a Significant Non-Pecuniary Interest in this Item, as she knows the applicant. Councillor Thomas vacated the meeting and did not participate in the debate or vote on this matter.

Note: Late correspondence was tabled by George Karavanas, Andrew Kearnan & Bruce Brew.

Note: The Councillors deleted Condition Nos. C.1 (i),(j),(k) & (I.4) (Roof terrace).

**Motion moved by Councillor Wynne
Seconded by Councillor Petrie**

THAT the matter be approved subject to the deletion of Condition C.1(c) and reduction of the roof terrace.

**Amendment moved by Councillor Robertson
Seconded by Councillor Zeltzer**

THAT the matter be deferred to conduct a Site Inspection.

**Councillor Zeltzer withdrew her Seconding of the Amendment
Amendment lapsed for want of a Seconder**

**Further Amendment moved by Councillor Elsing
Seconded by Councillor Zeltzer**

THAT the matter be approved subject to deletion of the roof terrace and associated access stairwell.

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

(Elsing/Zeltzer)

197/17 Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act 1979

THAT the Council, as the consent authority, modify development consent to Development Application No. 419/2016/1 for alterations and additions including a new second floor level, garage, pergola, cabana and front fence to the dwelling house approved under a complying development certificate, on land at 163 Hopetoun Avenue Vaucluse, subject to the following:

Condition No. C.1 is modified by deleting C.1(b), amend the wording of C.1(c) and addition of Condition C.1(i), as follows:

C.1 Modification of details of the development (Section 80A(1)(g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the following amendments:

- a) In order to ensure compliance with the floorplate control of the Woollahra DCP 2015, the proposed pergola structure at the ground floor, located to the north of the kitchen must be an open-roofed structure.
- b) Deleted.
- c) In order to ensure compliance with the maximum wall height and inclined plane control of the Woollahra DCP 2015, the proposed second floor addition is to be set back an additional 670mm from the northern side boundary of the site.
- d) In order to achieve a satisfactory streetscape outcome, the proposed front boundary fence to the site must not exceed 1800mm in height as measured from the existing ground level on the footpath side of the boundary, with the top 300mm of the fence being 50% transparent or open.
- e) In order to maintain a reasonable level of visual privacy to adjoining properties, the proposed ensuite window to the eastern elevation of the second floor must incorporate translucent glazing.
- f) In order to maintain a reasonable level of visual privacy to adjoining properties, the proposed second floor balcony must be screened to a height of 1500mm measured from finished floor level along its northern face.
- g) Where a vehicular entrance is proposed in conjunction with a fence of over 1.2m high, a 2x2m splay or its equivalent must be provided (inside property boundary) on both sides of the entrance to ensure driveway and pedestrian vision in accordance with Woollahra DCP Chapter E1 – Parking and Access. As such the proposed front boundary wall shall be reduced in height to a maximum of 1.2m as measured from the existing ground level on the footpath side of the boundary, for a distance of 2m where not obstructed by neighbouring boundary walls.
- h) In order to minimise view loss and overshadowing, any landscaping planted in the elevated planter bed which runs along the site's rear boundary is not to be of a plant species which exceeds a height of 6m at maturity.

- i) In order to maintain a reasonable level of amenity to adjoining properties, the roof terrace, roof terrace balustrade, and the associated access stairwell and landing shall be deleted and replaced with a roof which matches the approved roof.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

Standard Condition: C4

The following conditions are imposed:

A.5 Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp “Approved” and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
S96 01_01 (Rev.C)	Site Analysis Plan	Urban Future	10/08/2017
S96 01_02 (Rev.C)	Proposed Street Elevation		
S96 03_01 (Rev.C)	Ground Floor Plan		
S96 03_02 (Rev.C)	First Floor Plan		
S96 03_03 (Rev.C)	Second Floor Plan		
S96 03_04 (Rev.C)	Roof Plan		
S96 04_01 (Rev.C)	West Elevation		
S96 04_02 (Rev.C)	East Elevation		
S96 04_03 (Rev.C)	South Elevation		
S96 04_04 (Rev.C)	North Elevation		
S96 05_01 (Rev.C)	Proposed Section A-A		
S96 05_02 (Rev.C)	Proposed Section B-B		

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.) Standard Condition: A6

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 Levenston
 Councillor Marano
 Councillor Robertson
 Councillor Zeltzer

Against the Motion

Councillor Bennett
 Councillor O'Regan
 Councillor Petrie
 Councillor Wynne

6/4

ITEM No. R6 Recommendation to Council
FILE No. DA380/2015/4
ADDRESS 37 South Avenue Double Bay
PROPOSAL Alterations and additions to the existing dwelling including the demolition of the attached wing and construction of new two storey wing adjacent to existing heritage cottage, new fences, landscaping and site-works
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 Committees recommendation to the Officer’s recommendation.

Note: Late correspondence was tabled by Alex Hill, Luciano & Catalina Febo, Glenn & Nicki Parks & Margaret Smith.

(Robertson/Thomas)

198/17 Resolved:

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

THAT the Council, as the consent authority, modify development consent to Development Application No. 380/2015/1 for alterations and additions to the existing dwelling including the demolition of the attached wing and construction of new two storey wing adjacent to existing heritage cottage, new fences, landscaping and site-works on land at 37 South Avenue Double Bay, subject to the following:

The following condition is added:

A.5 Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp “Approved” and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
DA01 (Issue C) DA02 (Issue C) DA03 (Issue C) DA04 (Issue B) DA05 (Issue B)	Architectural Plans, Elevations and Sections	All by Lawton Hurley	All dated March 2017

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.) Standard Condition: A6 (Autotext AA6)

AND

Condition No. C.1 is amended by the deletion of Parts (a) and (c) and the addition of new Parts (i), (j), (k) and (l) and is replaced with the following:

C.1 Modification of details of the development (Section 80A(1)(g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the following amendments:

- a) Deleted
- b) Deleted
- c) Deleted
- d) The chimney breast in the eastern front room on the ground floor and the chimney flue on the first floor above are to be retained.
- e) A sill height or obscure glazing to a height of 1.5m above finished floor level to the east facing window to bedroom 4 on the first floor.
- f) A nib wall between the dress room and ensuite on the ground floor is to be retained.
- g) A nib wall to the eastern side of the existing staircase at first floor level is to be retained.
- h) The walls between bed 5 and the study on the ground floor and the new ensuite walls on the first floor are to be of contrasting materials.
- i) Deleted
- j) Deleted
- k) Deleted
- l) Deleted

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 79C of the Act.

Note: Clause 146 of the Regulation prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Clause 145 of the Regulation prohibits the issue of any Construction Certificate that is inconsistent with this consent. *Standard Condition: C4 (Autotext CC4)*

AND

C.10 is amended and replaced with the following:

C.10 Flood protection

The *Construction Certificate* plans and specifications, required by Clause 139 of the *Regulation*, must include the following Flood Protection measures in accordance with:

Flood Study and Flood Risk Management Report, Job No. 14090, prepared by AKY Civil Engineering Consulting Engineers dated June 2015. The Flood Study and Flood Risk

Management Report must detail:

- a) All entries as noted on the approved Hydraulic Drawing Flooding & Overland Flows 14090H-01C are to be protected up to the 1:100 year flood level and 500mm freeboard with flood gates. All fittings, access is to be above the level and the area constructed with flood proof materials.
- b) Overland flow – To ensure that new structure is not built fully across the depression and act as a “dam” an overland path for stormwater is to be maintained under the building.
- c) A flood risk management plan shall be prepared, advising residents what to do in a flood. The plan is to be permanently displayed in an area frequent by the residents such as the laundry.
- d) The operation of all flood barriers is to be explained by a permanent brass plaques mounted adjacent to the relevant barrier.

Flood protection is to comply with Woollahra DCP 2015, Part E “General Controls for All Development” Chapter E2 “Stormwater and Flood Risk Management” 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

Councillor Bennett
Councillor Cavanagh
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Petrie
Councillor Robertson
Councillor Thomas
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Elsing

10/1

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 14 August 2017 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR 190-200 BOUNDARY STREET, PADDINGTON**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 17/139765
Reason for Report: To report on the public exhibition of the planning proposal for 190-200 Boundary Street, Paddington.
To obtain Council's approval to proceed with the finalisation of the planning proposal.

Note: Late correspondence was tabled by Robert Cusack – St Vincents & Will Mrongovius – the Paddington Society.

Motion moved by Councillor Robertson
Seconded by Councillor Cavanagh

- A. THAT Council refuse the planning proposal for 190-200 Boundary Street, Paddington, for the following reasons:
1. The proposal would result in a detrimental impact on the Paddington Heritage Conservation Area.
 2. The proposal would result in the loss of R2 Low Density Residential zoned land available for housing in Paddington.
 3. The proposal would landlock the residential single-skinned Edwardian terrace housing at 278-284 Barcom Avenue and result in overshadowing, loss of light and increase traffic impacts.
 4. The proposal would result in the minimum solar access at winter solace being unmet for the property at 278 Barcom Avenue.
 5. Approval of a change of use on the subject site will ensure continuation of current non-residential occupation on the site and associated lack of passive surveillance in the laneway adjoining 186-188 Boundary Street.
 6. Approval of a change of use on the subject site will facilitate both the loss of residential housing and the intensification of non-residential use and associated amenity impact to neighbours and this inevitability cannot be divorced from consideration of the change of use aspect of this proposal.
 7. The proposal will result in the intensification of use across the wider St Vincent's Private Hospital campus creating amenity impacts for neighbours, in particular traffic and parking impacts.
- B. THAT Council request the Minister for Planning to determine that the planning proposal not proceed.

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

- A. THAT Council proceed with the planning proposal for 190-200 Boundary Street, Paddington, as exhibited and provided at annexure 1 of the report to the Urban Planning Committee meeting on 14 August 2017.
- B. THAT Council exercise its delegation authorised by the Director, Sydney Region East, Planning Services, Department of Planning and Environment, (as delegate of the Greater Sydney Commission) on 5 June 2017, to carry out the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979*.
- C. THAT Council's decision to proceed with the planning proposal is not an endorsement of the build form options contained in the December 2016 planning proposal request prepared by SJB Planning for St Vincent's Private Hospital.

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

(O'Regan/Petrie)

199/17 Resolved:

- A. THAT Council proceed with the planning proposal for 190-200 Boundary Street, Paddington, as exhibited and provided at annexure 1 of the report to the Urban Planning Committee meeting on 14 August 2017.
- B. THAT Council exercise its delegation authorised by the Director, Sydney Region East, Planning Services, Department of Planning and Environment, (as delegate of the Greater Sydney Commission) on 5 June 2017, to carry out the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979*.
- C. THAT Council's decision to proceed with the planning proposal is not an endorsement of the build form options contained in the December 2016 planning proposal request prepared by SJB Planning for St Vincent's Private Hospital.

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 Bennett
Councillor Levenston
Councillor O'Regan
Councillor Petrie
Councillor Thomas
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Cavanagh
Councillor Elsing
Councillor Marano
Councillor Robertson

7/4

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 14 August 2017 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **CITIZENSHIP AWARDS PROGRAM REVIEW**
Authors: Jacky Hony, Team Leader - Community Development Officer
Romi Scodellaro, Community Development Officer
Approver: Sharon Campisi, Manager - Community Development
File No: 17/131998
Reason for Report: To provide recommendations about the eligibility criteria, categories and Terms of Reference for the Woollahra Citizenship Awards

(Marano/Thomas)

200/17 Resolved without debate:

- A. THAT Council adopt the Citizenship Awards eligibility criteria and category updates.
- B. THAT Council adopt the Terms of Reference for the Woollahra Council Citizenship Awards Committee.

Notices of Motion

Item No: 11.1
Subject: NOTICE OF MOTION - MARRIAGE EQUALITY
From: Councillors Matthew Robertson and Luise Elsing
Date: 23 August 2017
File No: 17/151207

(Robertson/Zeltzer)

201/17 Resolved:

THAT Council:

1. Notes its longstanding and ongoing support for marriage equality in Australia; and
2. Resolves to fly the Rainbow Flag at Council chambers throughout any postal plebiscite ballot voting period.

Adopted unanimously.

Questions for Next Meeting

Item No: 12.1
Subject: **QUESTIONS FOR NEXT MEETING**
Author: Sue O'Connor, Secretarial Support - Governance
Approver: Helen Tola, Manager - Governance & Council Support
File No: 17/153634
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 14 August 2017 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Robertson/Wynne)

202/17 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 Queensland Fire Wheel Tree

Councillor Robertson asking:

The terrace house on the corner of Paddington and William Streets Paddington, had a particularly impressive Queensland Fire Wheel tree there, which was a picture and hanging in the Arentaria Café. Putting up election poster there yesterday I noticed the tree has been removed.

Could I please check with Council's staff what happened, I'm sure it was at the end of it's life, it was a very mature specimen?

Director Technical Services Response:

On Notice.

Question No: 12.3 Citizenship Speakers

Councillor Robertson asking:

I understand that Councillor Marano is guest speaker at the next Citizenship Ceremony before the next election and wondered if it is setting a precedent having an elected Councillor providing the address at such a Ceremony.

The Mayor in Response:

Councillor Marano was asked to address at previous one and missed out when another guest speaker could not make it and he was prepared, and has come from a very diverse background and that it was appropriate to speak, but I will hand it over the General Manager to respond.

General Manager in Response:

I am not aware of any precedent in relation to it, I spoke to Councillor Marano today about the guidelines for speeches at Citizenships Ceremony and it is not to be political in any way and not to be used in any way for electoral purposes. Aside from that anyone receiving Citizenship on Thursday night is too late to enrol to vote in the upcoming local government election anyway, so it would be preaching to those that can't vote in the upcoming local government election.

Councillor Robertson further in Response

May I suggest, Madam Mayor, I have an equally diverse background and thought a most suitable guest speaker for a future Citizenship Ceremony, in the next term may be Councillor Petrie.

Note: The Mayor, Councillor Toni Zeltzer, prior to the conclusion of the Ordinary Council Meeting, made a presentation to all Councillors and thanked each Councillor for their contribution, service and commitment to the local community.

There being no further business the meeting concluded at 10.10pm.

We certify that the pages numbered 2350 to 2398 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 28 August 2017 and confirmed by Council at the Ordinary Meeting of Council on 16 October 2017 as correct.

General Manager

Mayor