

# Council Meeting

Monday 27 April 2015

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## **Items Determined Under Delegated Authority by Council Committees**

**The following Items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.**

### **Corporate & Works Committee Meeting held on Monday 20 April 2015**

- D1 Confirmation of Minutes of Meeting held on 16 March 2015
- D2 Disclosure of Interest Returns Submitted by Designated Employees for the Period January to March 2015
- D3 Voluntary Planning Agreement - Scottish Hospital (Dillon Street Reserve) – (See Item R3)
- D4 Monthly Financial Report - March 2015
- D5 Draft Delivery Program 2013 to 2017 And Operational Plan 2015/16 Priorities and Actions

### **Development Control Committee Meeting held on Monday 20 April 2015**

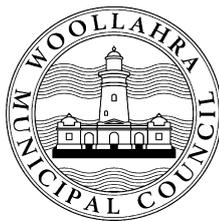
- D1 Confirmation of Minutes of Meeting held on 30 March 2015
- D2 DA455/2013/2 - 4 Royston Street, Paddington – Section 96 Application – Proposed modification of Condition No. C.1(a) of consent, Rear stair relocated, timber deck to central courtyard & covered first floor rear balcony – 17/10/2014
- D3 DA553/2014 - 1 Loch Maree Place, Vaucluse – Demolition of an existing dwelling-house, erection of a new dwelling-house, landscape works & alterations & additions to an existing sea wall – 9/12/2014
- D4 DA464/2014 - 106 Glenmore Road, Paddington – New residential infill development consisting of extensive alterations & additions retaining certain existing walls & slabs – 3/11/2014
- D5 DA518/2014 - 1A Kambala Road, Bellevue Hill – Change of use from a dwelling-house to an attached dual occupancy including internal reconfiguration, new lift & new roof terrace – 28/11/2014
- D6 DA403/2014 - 29 Forth Street, Woollahra – Alterations & additions to the existing terrace including the demolition of rear & construction of a new two storey addition – 23/9/2014
- D7 DA9/2015 - 8 Wentworth Street, Point Piper – Repairs to existing balustrades & glazing panels – 6/1/2015
- D8 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
- D9 Register of SEPP 1 Objections

### **Urban Planning Committee Meeting held on Monday 13 April 2015**

- D1 Confirmation of Minutes of Meeting held on 9 March 2015

### **Community & Environment Committee Meeting held on Monday 13 April 2015**

- D1 Confirmation of Minutes of Meeting held on 23 March 2015
- D2 Woollahra Local Traffic Committee Minutes – 7 April 2015
- D3 Woollahra Plaques advisory committee - minutes of meeting 17 March 2015
- D4 Cultural Committee Minutes Report



## Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 27 April 2015 at 8.00pm.**

- Present Her Worship the Mayor, Councillor Toni Zeltzer  
Councillors Ted Bennett  
Anthony Boskovitz  
Peter Cavanagh  
Luise Elsing  
Greg Levenston (Chaired Matter of Urgency – R1 UP Committee)  
Anthony Marano  
Andrew Petrie  
Matthew Robertson  
Deborah Thomas  
Susan Wynne  
Jeff Zulman
- Staff: Craig Bennett (Manager – Governance & Council Support)  
Chris Bluett (Manager – Strategic Planning)  
Sharon Campisi (Acting Director – Community Services)  
Allan Coker (Director – Planning & Development)  
Stephen Dunshea (Director – Corporate Services)  
Gary James (General Manager)  
Tom O’Hanlon (Director – Technical Services)  
Anne White (Acting Team Leader, Strategic Planning)
- Also in Attendance: Nil
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## Confirmation of Minutes

(Wynne/Elsing)

- 1/6 THAT the Minutes of the Council Meeting held on 13 April 2015 be taken as read and confirmed.

**Adopted**

(Wynne/Elsing)

- 2/6 THAT the Minutes of the Strategic & Corporate Committee Meeting held on 23 April 2015 be taken as read and confirmed.

**Adopted**

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## Leave of Absence

Nil

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## Apologies

- 3/6 Apologies were received and accepted from Councillors James Keulemans, Katherine O'Regan & Elena Wise and Leave of Absence granted.

**Adopted**

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## Declarations of Interest

In accordance with section 451(4) of the Local Government Act 1993 Councillor Anthony Boskovitz declared a "*special disclosure of pecuniary interest*" in relation to item R1 (Public Exhibition and Approval of the Draft Woollahra Development Control Plan 2014). The special disclosure was made regarding 9A Cooper Park Road as he is acting on behalf of the new owners.

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## Petitions

**Petition No:** 1  
**From:** Kevin Weiss  
**Tabled by Councillor:** Councillor Susan Wynne  
**File No:**

The Petition was in terms,

### Alienation of Wiston Gardens/Spring Street Laneway to The Community

I live near and regularly use the public laneway that runs between Wiston Gardens and Spring Street, Double Bay. This laneway is heavily used by fellow pedestrians living in the community.

I strongly object to the alienation of the laneway, including by way of sale or lease, to the community. I support the laneway remaining a public thoroughfare for the whole community's unrestricted use and enjoyment.

**(Wynne/Cavanagh)**

- 4/6** That the petition lie on the table for fourteen (14) days and ask that the petition being taken into account with the appropriate Development Application should one come in.

**Adopted**

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## Suspension of Standing Orders

### Councillor Wynne

- 5/6 THAT Standing Orders be suspended to allow Councillor Wynne to comment on the extreme weather conditions last week and ANZAC Day.

### Adopted

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

**Councillor Wynne advised:**

### Extreme Weather Conditions

On the very extreme weather conditions in Sydney last week. Councillor Wynne acknowledged and praised the work done by the Woollahra Council staff in responding to the residents' needs so swiftly.

### ANZAC Day

That she had the honour of attending the march on Saturday. Her daughter was in the Kambala marching band. Many schools were represented. The day means a lot to her as her father fought in World War 2. It was very sad to see so very few veterans marching but the turnout for the event was extraordinary.

**The Council noted the information.**

### Councillor Cavanagh

- 6/6 THAT the Suspension of Standing Orders continue to allow Councillor Cavanagh to also advise Council of his attendance at the Paddington RSL ANZAC ceremonies on Sunday 19 April.

### Adopted

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

**Councillor Cavanagh advised:**

### Paddington RSL

That he represented the Mayor at the Paddington RSL ANZAC on Sunday 19 April. As it is the Anzac Centenary, marking 100 years since our involvement in the First World War, there were representatives from both Australia and New Zealand. It was a very enjoyable evening with everyone singing along to World War 1 songs.

**The Council noted the information.**

**Councillor Marano**

- 7/6 THAT the Suspension of Standing Orders continue to allow Councillor Marano to report on the ANZAC service at the Cenotaph in Steyne Park, Double Bay.

**Adopted**

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

**Councillor Marano advised:**

**ANZAC Service in Double Bay**

That there were over 200 people at the service. In addition to himself, Councillor Marano reported that Councillors Keulemans, Robertson, Zeltzer, Thomas, Bennett and Levenston also attended the service.

The Honourable Malcolm Turnbull MP, Federal Member for Wentworth, spoke at the service and the Honourable Gabrielle Upton MP, Member for Vaucluse also spoke at the event. They also laid wreaths. Many school children were there placing poppies at the cenotaph.

The Mayor thanked Councillor Thomas for reading Ataturk's letter to mothers of ANZACs in tribute to those killed at Gallipoli.

**The Council noted the information.**

**Councillor Robertson**

- 8/6 THAT the Suspension of Standing Orders continue to allow Councillor Robertson to advise of the professionalism of the staff response to the adverse weather conditions last week.

**Adopted**

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

**Councillor Robertson advised:**

**Professionalism of Staff**

That he wanted to add further to the remarks from Councillor Wynne regarding the professionalism of the staff in responding to the adverse weather conditions last week. In his opinion the response was extremely timely and professional. He congratulated the staff for the timely and professional response to the unprecedented situation.

He particularly appreciated the early communication from the Director, Technical Services. This gave him the peace of mind that the response was on course. He thoroughly appreciated the way things were handled and praised staff for a job well done.

**The Council noted the information.**

**Councillor Levenston**

- 9/6 THAT the Suspension of Standing Orders continue to allow Councillor Levenston to advise of his attendance at the Yom Hashoa , the official opening of the joint works depot of Woollahra and Waverley Councils, the opening of the Waverley Action Youth Services (WAYS) Event and Youth Week, the opening of the Starting Schools Forum at the Rose Bay Secondary College, the opening of the Double Bay Public Schools ANZAC Day ceremony, the Emanuel Synagogue and the ANZAC Day Service held in Double Bay.

**Adopted**

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

**Councillor Levenston advised:**

**Yom Hashoa – Held at City Recital Hall.**

That he and Councillor Zulman had the pleasure of representing the Council on behalf of the Mayor at the observation of Yom Hashoa, also known as Holocaust Remembrance Day, held at the City Recital Hall. There were more than 1,200 people at this absolutely moving event.

This event was to commemorate the passing of 70 years since the end of WWII and the liberation from the Nazi concentration camps.

**Official Opening of the Joint Works Depot – Woollahra and Waverley Councils**

That a number of Councillors went to the opening of the joint works depot for Woollahra and Waverley on Friday April 17, 2015. This is a tremendous facility which the staff are enjoying.

**Opening of the WAYS and the Opening of Youth Week Held at Bondi Beach**

That he represented Council on behalf of the Mayor at the opening of the WAYS Youth Service and Youth Week which was held at Bondi Beach on Sunday 19 April 2015.

Councillor Elsing was also in attendance.

**Starting Schools Forum at the Rose Bay Secondary College**

That he represented Council on behalf of the Mayor at the Forum. Waverley Council was represented at the event. This was the eighth year that the event has been held. About 300 parents attended this annual event and it was well received.

**Opening of the Double Bay Public Schools ANZAC Day Ceremony**

That he represented Council on behalf of the Mayor at the event held on Thursday 23 April. There was 400 school children in attendance. He laid a wreath on behalf of Council.

**Emmanuel Synagogue**

That he represented Council on behalf of the Mayor at the event, which was held on Friday April 24 2015. The event was attended by a number of Waverley Councillors and other dignitaries.

**ANZAC Memorial Service**

That he attended the ANZAC Memorial Service held in Double Bay on Saturday 25 April. He congratulated everyone involved in getting this service up and running.

**The Council noted the information.**

**Councillor Elsing**

- 10/6** THAT the Suspension of Standing Orders continue to allow Councillor Elsing to advise Council of the Bondi Blitz and to comment on the extreme weather conditions in Sydney.

**Adopted**

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

**Councillor Elsing advised:**

**Bondi Blitz**

That this is an event held in Youth Week. It is a very important event for Woollahra Council. The REELise Film Festival was welcomed to have a stand at the event.

Councillor Elsing wanted to particularly thank Yasmin London from the New South Wales Police, Rose Bay Local Area Command, Benko Ure from the Holdsworth Community, Karen Hamilton, the REELise Film Festival Director and a number of volunteers from the Holdsworth Community Centre.

REELise used the opportunity to promote the 2015-2016 film competition theme Take It Too Far (TITF).

The Mayor would like to on behalf of Council formally write to Karen Hamilton and her group and Yasmin London for their efforts in presenting at WAYS.

She further advised that she will be making a presentation at the WAYS event being held this week.

**Extreme Weather Conditions**

That the recent extreme weather conditions had a major impact on the trees in the municipality. She congratulated the staff on their efforts in cleaning up after the extreme conditions.

**The Council noted the information.**

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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 20 April 2015 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Tender for External Audit Services**  
**Author:** Don Johnston, Chief Financial Officer  
**File No:** 15/45713  
**Reason for Report:** To recommend the appointment of Council's External Auditor for the six years ending 30 June 2020

(Thomas/Wynne)

**11/6 Resolved without debate:**

- A. That Hill Rogers Spencer Steer be re-appointed as Council's External Auditor for the six years ending 30 June 2020 for an initial year's fee of \$55,000 (exclusive of GST) with subsequent years fees being indexed by movements in the Consumer Price Index.
- B. That the successful and unsuccessful tenderers be advised accordingly.

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**Item No:** R2 Recommendation to Council  
**Subject:** **2015/16 Draft Budget**  
**Author:** Don Johnston, Chief Financial Officer  
**File No:** 15/37115  
**Reason for Report:** To present the 2015/16 Draft Budget to the Committee.

**Motion moved by Councillor Boskovitz**  
**Seconded by Councillor Bennett**

- A. THAT the report on the Draft 2015/2016 Budget be received and noted.
- B. THAT the Draft Budget be **Deferred** from exhibition until such time as Council investigates further the potential for a 3% saving on its current operating budget.
- C. THAT Council note a further report will be presented to the Corporate & Works Committee considering refinancing opportunities for the Kiaora Place development.

**Amendment moved by Councillor Wynne  
Seconded by Councillor Petrie**

- A. THAT the report on the Draft 2015/16 Budget be received and noted.
- B. THAT the Draft Budget be incorporated into the Delivery Program 2013 to 2017 and 2015/16 Operational Plan for the purpose of public exhibition.
- C. THAT Council note a further report will be presented to the Corporate & Works Committee considering refinancing opportunities for the Kiaora Place development.
- D. THAT the Draft 2015/16 Budget be amended to include a \$500,000 transfer from the Property Reserve to fund any preliminary costs associated with progressing options for development of a new Rose Bay carpark.

**Councillor Robertson Foreshadowed an Amendment.**

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

**A further Amendment moved by Councillor Robertson**

- A. THAT the report on the Draft 2015/16 Budget be received and noted.
- B. THAT the Draft Budget be incorporated into the Delivery Program 2013 to 2017 and 2015/16 Operational Plan for the purpose of public exhibition.
- C. THAT Council note a further report will be presented to the Corporate & Works Committee considering refinancing opportunities for the Kiaora Place development.
- D. THAT the Draft 2015/16 Budget be amended to include a \$500,000 transfer from the Property Reserve to fund any preliminary costs associated with progressing options for development of a new Rose Bay carpark.
- E. THAT Council delete the following line items from the Draft Capital Budget, including :
  - (i) 9.39 Parks and Reserves – Synthetic Sports Field for \$1.3 Million.
  - (ii) 9.86 Council Officers – Administration Building Upgrades - \$265,000

**The Amendment lapsed for want of a seconder.**

**The Motion was put and carried.**

**(Wynne/Petrie)**

**12/6 Resolved:**

- A. THAT the report on the Draft 2015/16 Budget be received and noted.
- B. THAT the Draft Budget be incorporated into the Delivery Program 2013 to 2017 and 2015/16 Operational Plan for the purpose of public exhibition.

- C. THAT Council note a further report will be presented to the Corporate & Works Committee considering refinancing opportunities for the Kiaora Place development.
- D. THAT the Draft 2015/16 Budget be amended to include a \$500,000 transfer from the Property Reserve to fund any preliminary costs associated with progressing options for development of a new Rose Bay carpark.

**Note:** A Division was requested by Councillor Robertson.

***For the Motion***

Councillor Cavanagh  
 Councillor Elsing  
 Councillor Levenston  
 Councillor Marano  
 Councillor Petrie  
 Councillor Thomas  
 Councillor Wynne  
 Councillor Zeltzer  
 Councillor Zulman

***Against the Motion***

Councillor Bennett  
 Councillor Boskovitz  
 Councillor Robertson

9/3

**Item No:** R3 Recommendation to Council

**Subject:** **Voluntary Planning Agreement - Scottish Hospital (Dillon Street Reserve)**

**Author:** Paul Fraser, Manager - Open Space & Trees

**File No:** 15/38389

**Reason for Report:** To detail the terms of the proposed planning agreement between the Presbyterian Church Property Trust and Council for the dedication of land adjoining Dillon Street Reserve.

**Note:** In accordance with Council's meeting procedures and policy this matter is referred to full Council to enable the Director, Planning & Development to table advice to the Council Meeting in relation to the need for a Section 96 modification to the consent to enable the dedication of an area of land which is different from that specified in condition E24 of the consent and to also advise who is the consent authority if a Section 96 Application is necessary.

**Note:** The Director Planning and Development provided verbal advice to Council in relation to the need for the section 96 modifications to the consent.

**Motion moved by Councillor Robertson  
 Seconded by Councillor Petrie**

THAT through the Mayor, Council write to Urbis, who are acting for the Presbyterian Church (New South Wales) Property Trust to request the full dedication of 1,366 square metres be made by way of a Voluntary Planning Agreement in relation to the development at the Scottish Hospital site.

**Amendment moved by Councillor Boskovitz  
Seconded by Councillor Zulman**

- A. That Council agree to the proposed terms of the Voluntary Planning Agreement (VPA) prepared by Urbis on behalf of the Presbyterian Church (New South Wales) Property Trust.
- B. Upon the agreement of terms, the VPA is placed on public exhibition for 28 days.

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

**(Robertson/Petrie)**

**13/6 Resolved:**

THAT through the Mayor, Council write to Urbis, who are acting for the Presbyterian Church (New South Wales) Property Trust to request the full dedication of 1,366 square metres be made by way of a Voluntary Planning Agreement in relation to the development at the Scottish Hospital site.

**Note:** A Division was requested by Councillor Boskovitz.

***For the Motion***

Councillor Bennett  
Councillor Cavanagh  
Councillor Elsing  
Councillor Levenston  
Councillor Marano  
Councillor Petrie  
Councillor Robertson  
Councillor Thomas  
Councillor Wynne  
Councillor Zeltzer  
Councillor Zulman

***Against the Motion***

Councillor Boskovitz

***11/1***

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## Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 13 April 2015 Submitted to the Council for Determination

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- Item No:** R1 Recommendation to Council
- Subject:** **Public Exhibition and Approval of the Draft Woollahra Development Control Plan**
- Author:** Jacquelyne Della Bosca – Acting Manager, Strategic Planning  
Anne White – Acting Team Leader, Strategic Planning
- File No:** SC2424 and 1078.G Draft Woollahra Development Control Plan 2014
- Reason for Report:** To advise of submissions received to the public exhibition of Draft Woollahra Development Control Plan (DCP) 2014.  
To identify proposed amendments to the exhibited version of the Draft DCP arising from practitioner workshops, submissions and internal review.  
To obtain Council's decision to approve Draft Woollahra Development Control Plan 2015, as amended.
- Note:** In accordance with section 451(4) of the Local Government Act 1993 Councillor Anthony Boskovitz declared a “*special disclosure of pecuniary interest*” in relation to this Item. The special disclosure was made regarding 9A Cooper Park Road as he is acting on behalf of the new owners.

**(Bennett/Petrie)**

**14/6 Resolved without debate:**

1. That the report on the public exhibition of the Draft Woollahra Development Control Plan 2015 be deferred for further consideration and referred to a future Strategic and Corporate Committee Meeting, to be scheduled by the Mayor. This is to expedite the item and to allow all Councillors to attend and also to consider any additional submissions from the public.
2. That Council Staff prepare a further report to the Strategic and Corporate Committee Meeting responding to submissions and proposed amendments put forward at the Urban Planning Committee Meeting.

*Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

***For the Motion******Against the Motion***

Councillor Bennett  
Councillor Boskovitz  
Councillor Cavanagh  
Councillor Elsing  
Councillor Levenston  
Councillor Marano  
Councillor Petrie  
Councillor Robertson  
Councillor Wise  
Councillor Wynne  
Councillor Zeltzer  
Councillor Zulman

Nil

***12/0***

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## **Matter of Urgency**

### **Urban Planning Committee**

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**Item with Recommendation from the Committee Meeting of Monday 27 April 2015 submitted to the Council for Determination**

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**Item No:** R1 Recommendation to Council  
**Subject:** Minutes of The Double Bay Working Party Meeting 31 March 2015  
**Author:** Peter Kauter – Manager Placemaking  
**File No:** 15/50627  
**Reason for Report:** To submit the minutes of the Double bay Working Party meeting 31/0302015.

**Note:** Councillor Levenston assumed the Chair for this item to allow the Mayor to debate the issue.

**(Boskovitz/Elsing)**

**Resolved:**

**15/6** THAT in accordance with Council’s Code of Meeting Practice, Item R1 of the Urban Planning Committee Meeting held on 27 April 2015 be brought forward as a Matter of Urgency (PART D of the Urban Planning Committee Recommendation only) to enable Council to consider a request from the Urban Planning Committee to re-schedule the Corporate and Works Committee meeting to be held on Monday May 4, 2015 from 6 pm. to 8 pm.

**Adopted**

**The Deputy Mayor ruled Urgency.**

**Motion moved by Councillor Bennett**

**Seconded by Councillor Boskovitz**

THAT the Corporate and Works Committee on the 4<sup>th</sup> May 2015 commence at 5.30 pm. to enable all Councillors to attend for the matter relating to the funding of the Double Bay Chamber of Commerce.

**Amendment moved by Councillor Thomas**

**Seconded by Councillor Zulman**

THAT the Corporate and Works Committee on the 4<sup>th</sup> May 2015 commence at 8 pm. to enable all Councillors to attend for the matter relating to the funding of the Double Bay Chamber of Commerce.

**The Amendment was put and carried.**

**The Amendment became the Motion.**

**The Motion was put and carried.**

**(Thomas/Zulman)**

**16/6 Resolved:**

THAT the Corporate and Works Committee on the 4<sup>th</sup> May 2015 commence at 8 pm. to enable all Councillors to attend for the matter relating to the funding of the Double Bay Chamber of Commerce.

**Note:** Parts A, B and C of the Recommendation (R1) of the Urban Planning Meeting held on Monday 27 April, 2015 will be submitted to Council for consideration at the Ordinary Council Meeting to be held on Monday May 11, 2015.

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## Community & Environment Committee

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### Items with Recommendations from the Committee Meeting of Monday 13 April 2015 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** **Minutes of the Animal Advisory Committee Meeting of 18 February 2015 and Amendment to the Adopted Terms of Reference**

**Author:** Colin DeCosta, Coordinator – Regulatory Services

**File No:** 15/35639

**Reason for Report:**

1. To submit the minutes of the Animal Advisory Committee meeting of 18 February 2015 in accordance with the adopted ‘Terms of Reference’.
2. To recommend an amendment of the Animal Advisory Committee adopted ‘Terms of Reference’ in response to the minutes of 18 February 2015

**Note:** Late correspondence was tabled by Ericka of SCPAG.

**(Marano/Bennett)**

**17/6 Resolved:**

1. That the minutes of the Animal Advisory Committee meeting of Wednesday 18 February 2015 be received and noted.
2. That the Animal Advisory Committee Terms of Reference adopted by Council on 10 December 2012 be amended by rewording clause 8.2 as follows;

*“8.2 Meetings will be held at the Council Chambers twice a year on the third Wednesday of the months of April and October.”*

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## Strategic & Corporate Committee

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### Items with Recommendations from the Committee Meeting of Thursday 23 April 2015 Submitted to the Council for Determination

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- Item No:** R1 Recommendation to Council
- Subject:** **Public Exhibition and Approval of The Draft Woollahra Development Control Plan 2014**
- Author:** Anne White – Acting Team Leader Strategic Planning
- File No:** SC2424 and 1078.G Draft Woollahra Development Control Plan 2014
- Reason for Report:** To respond to the submissions and proposed amendments put forward at the Urban Planning Committee Meeting on 13 April 2015.  
To obtain Council's decision to approve Woollahra Development Control Plan 2015.
- Note:** In accordance with section 451(4) of the Local Government Act 1993 Councillor Anthony Boskovitz declared a “*special disclosure of pecuniary interest*” in relation to this Item. The special disclosure was made regarding 9A Cooper Park Road.
- Note:** Late correspondence was tabled by Council’s Acting Team Leader, Anne White, The Mayor Councillor Toni Zeltzer & Chris Howe on behalf of the Eastern Design and Planning Professionals Affiliation (EDPPA).

**Motion moved by Councillor Petrie  
Seconded by Councillor Boskovitz**

- A. That the Woollahra Development Control Plan 2015 (version dated 13 April 2015) be adopted by Council, subject to the following:
- (i) All of the recommended changes specifically identified in **Annexure 1** of the report to the Strategic and Corporate Committee Meeting of 23 April, 2015.
  - (ii) An additional change to Issue 1 on page 3 of **Annexure 1**, relating to the definition of pavilions to be amended to state “*A structure which must be located at the rear of the existing building, which is separated from the principal building by a lightweight linking structure.*”
  - (iii) All of the recommended changes identified in the late correspondence from Council staff to the Strategic and Corporate Committee Meeting of 23 April 2015, being the responses from staff to the matters raised by the Paddington Society.
  - (iv) Inclusion of all controls proposed by GSA Planning in their submission dated 30 January 2015 applying to Chapter G6 4A Nelson Street and 118 Wallis Street, Woollahra.
  - (v) **Ch B3 General Development** Controls, section 3.1.3 Objectives, insert new Objective O2 To ensure that the form and scale of development is not excessive and maintains the continuity of building forms.

- (vi) **Ch B3 General Development Controls**, section 3.2.3 Side setbacks, amend Objective O2 to state the following:  
To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.
- (vii) **Ch B3 General Development Controls**, section 3.2.3 Side setbacks, amend Objective O10 to state the following: To improve amenity and facilitate daylight and solar access to the site and adjoining properties.
- (viii) **Ch B3 General Development Controls**, section 3.4 Excavation, amend Control C3 to state the following:

A variation to the volume shown in Figures 14 and 15 will be considered, however the maximum volume of excavation permitted will only be the amount needed to accommodate:

- a) car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council: and
  - b) No change
  - c) No change
- (ix) **Ch B3 General Development Controls**, section 3.5.2 Overshadowing, amend objective O1: To minimise overshadowing to adjoining properties.
  - (x) **Ch B3 General Development Controls**, section 3.7.1 Landscaped areas and private open space insert two new objectives:  
O9 To ensure that landscaping contributes positively to the streetscape and the amenity of adjoining residents.  
O10 To ensure that landscaping allows view sharing.
  - (xi) **Ch E2 Stormwater and Floor Risk Management**, section 2.2.9 Low level properties and easements, amend note as follows:  
The applicant must make a reasonable attempt to provide a gravity feed system to drain the site. The applicant must make formal approaches to all possible downstream property owners.
  - (xii) **Ch E3 Tree Management**, section 3.3.1 Matters to be considered – all applications, amend point 2: Where pruning is proposed, the view pruning guidelines in the Woollahra Tree Management Policy 2011 will apply.
  - (xiii) **Ch E3 Tree Management**, section 3.3.1 Matters to be considered – all applications, insert new point 3: Where pruning for solar access is proposed, this will be considered making allowances for the tree's health, growth habit, structural stability and growing environment.
  - (xiv) **Ch E3 Tree Management**, section 3.3.3 Matters that do not justify tree removal or pruning, amend the following two points and note:
    - 2. Removal of a tree for minor shading.
    - 3. Removal of a tree for minor damage to infrastructure, such as retaining walls and pipes, where the damage can be repaired or the infrastructure restored with the retention of the tree.

Note: Limited space in the urban environment means tree roots can come into conflict with buildings. Tree removal will only be considered after alternative options that reduce conflict and accommodate tree growth have been explored. Removal is warranted where a tree is causing damage to a building or major damage to a retaining wall that forms a common boundary between two properties, which cannot be ameliorated through other means such as root pruning.

- (xv) **Ch B3 General Development Controls**, section 3.5 Streetscape character, amend objective O4: To ensure that roof forms are consistent with the existing predominant roof forms in the street and minimise impacts to neighbouring properties.
- (xvi) **Ch B3 General Development Controls**, section 3.5 Streetscape character, amend control C5: In heritage conservation areas or where the existing immediate streetscape is predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.
- B. That Council establish a working party to review Chapter B3 General Development Controls, in particular controls relating to building bulk, scale, envelope, floorplates, setbacks and site excavation, and any other DCP controls that the working party believe are necessary to review and amend to enable a high level of architectural quality, built form and environmental amenity to be achieved within the municipality; and
- (i) The Working Party include representatives from design and planning organisations practicing in the municipality as appointed by the Mayor;
  - (ii) Council staff regularly report on the progress and any recommendations from the Working Party to the Urban Planning Committee.
  - (iii) The review and recommendations of the Working Party be reported to the Urban Planning Committee within four (4) months from the date that the Development Control Plan comes into effect.
- C. That the working party referred to in B above also consider and review the minimum lot widths for:
- Detached dual occupancies;
  - Attached dwellings and
  - Residential flat buildings or multi dwelling housing containing four or more dwellings, in conjunction with the relevant minimum lot size controls in the Woollahra Local Environmental Plan 2014.

#### **Amendment moved by Councillor Robertson**

- A. That the Woollahra Development Control Plan 2015 (version dated 13 April 2015) be adopted by Council, subject to the following:
- (i) All of the recommended changes specifically identified in **Annexure 1** of the report to the Strategic and Corporate Committee Meeting of 23 April, 2015.
  - (ii) An additional change to Issue 1 on page 3 of **Annexure 1**, relating to the definition of pavilions to be amended to state “*A structure which must be located at the rear of the existing building, which is separated from the principal building by a lightweight linking structure.*”
  - (iii) All of the recommended changes identified in the late correspondence from Council staff to the Strategic and Corporate Committee Meeting of 23 April 2015, being the responses from staff to the matters raised by the Paddington Society.
  - (iv) **Ch B3 General Development Controls**, section 3.5 Streetscape character, amend objective O4: To ensure that roof forms are consistent with the existing predominant roof forms in the street and minimise impacts to neighbouring properties.
  - (v) **Ch B3 General Development Controls**, section 3.5 Streetscape character, amend control C5: In heritage conservation areas or where the existing immediate streetscape is predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.

#### **The Amendment lapsed for want of a seconder.**

**The Motion was put and carried.****(Petrie/Boskovitz)****18/6 Resolved:**

- A. That the Woollahra Development Control Plan 2015 (version dated 13 April 2015) be adopted by Council, subject to the following:
- (i) All of the recommended changes specifically identified in **Annexure 1** of the report to the Strategic and Corporate Committee Meeting of 23 April, 2015.
  - (ii) An additional change to Issue 1 on page 3 of **Annexure 1**, relating to the definition of pavilions to be amended to state “*A structure which must be located at the rear of the existing building, which is separated from the principal building by a lightweight linking structure.*”
  - (iii) All of the recommended changes identified in the late correspondence from Council staff to the Strategic and Corporate Committee Meeting of 23 April 2015, being the responses from staff to the matters raised by the Paddington Society.
  - (iv) Inclusion of all controls proposed by GSA Planning in their submission dated 30 January 2015 applying to Chapter G6 4A Nelson Street and 118 Wallis Street, Woollahra.
  - (v) **Ch B3 General Development Controls**, section 3.1.3 Objectives, insert new Objective O2 To ensure that the form and scale of development is not excessive and maintains the continuity of building forms.
  - (vi) **Ch B3 General Development Controls**, section 3.2.3 Side setbacks, amend Objective O2 to state the following:  
To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.
  - (vii) **Ch B3 General Development Controls**, section 3.2.3 Side setbacks, amend Objective O10 to state the following: To improve amenity and facilitate daylight and solar access to the site and adjoining properties.
  - (viii) **Ch B3 General Development Controls**, section 3.4 Excavation, amend Control C3 to state the following:  
A variation to the volume shown in Figures 14 and 15 will be considered, however the maximum volume of excavation permitted will only be the amount needed to accommodate:
    - a) car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council: and
    - b) No change
    - c) No change
  - (ix) **Ch B3 General Development Controls**, section 3.5.2 Overshadowing, amend objective O1: To minimise overshadowing to adjoining properties.
  - (x) **Ch B3 General Development Controls**, section 3.7.1 Landscaped areas and private open space insert two new objectives:  
O9 To ensure that landscaping contributes positively to the streetscape and the amenity of adjoining residents.  
O10 To ensure that landscaping allows view sharing.
  - (xi) **Ch E2 Stormwater and Floor Risk Management**, section 2.2.9 Low level properties and easements, amend note as follows:

The applicant must make a reasonable attempt to provide a gravity feed system to drain the site. The applicant must make formal approaches to all possible downstream property owners.

- (xii) **Ch E3 Tree Management**, section 3.3.1 Matters to be considered – all applications, amend point 2: Where pruning is proposed, the view pruning guidelines in the Woollahra Tree Management Policy 2011 will apply.
- (xiii) **Ch E3 Tree Management**, section 3.3.1 Matters to be considered – all applications, insert new point 3: Where pruning for solar access is proposed, this will be considered making allowances for the tree's health, growth habit, structural stability and growing environment.
- (xiv) **Ch E3 Tree Management**, section 3.3.3 Matters that do not justify tree removal or pruning, amend the following two points and note:
  - 2. Removal of a tree for minor shading.
  - 3. Removal of a tree for minor damage to infrastructure, such as retaining walls and pipes, where the damage can be repaired or the infrastructure restored with the retention of the tree.

Note: Limited space in the urban environment means tree roots can come into conflict with buildings. Tree removal will only be considered after alternative options that reduce conflict and accommodate tree growth have been explored. Removal is warranted where a tree is causing damage to a building or major damage to a retaining wall that forms a common boundary between two properties, which cannot be ameliorated through other means such as root pruning.

- (xv) **Ch B3 General Development Controls**, section 3.5 Streetscape character, amend objective O4: To ensure that roof forms are consistent with the existing predominant roof forms in the street and minimise impacts to neighbouring properties.
  - (xvi) **Ch B3 General Development Controls**, section 3.5 Streetscape character, amend control C5: In heritage conservation areas or where the existing immediate streetscape is predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.
- B. That Council establish a working party to review Chapter B3 General Development Controls, in particular controls relating to building bulk, scale, envelope, floorplates, setbacks and site excavation, and any other DCP controls that the working party believe are necessary to review and amend to enable a high level of architectural quality, built form and environmental amenity to be achieved within the municipality; and
- (i) The Working Party include representatives from design and planning organisations practicing in the municipality as appointed by the Mayor;
  - (ii) Council staff regularly report on the progress and any recommendations from the Working Party to the Urban Planning Committee.
  - (iii) The review and recommendations of the Working Party be reported to the Urban Planning Committee within four (4) months from the date that the Development Control Plan comes into effect.
- C. That the working party referred to in B above also consider and review the minimum lot widths for:
- Detached dual occupancies;
  - Attached dwellings and
  - Residential flat buildings or multi dwelling housing containing four or more dwellings, in conjunction with the relevant minimum lot size controls in the Woollahra Local Environmental Plan 2014.

*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 Boskovitz  
Councillor Cavanagh  
Councillor Elsing  
Councillor Levenston  
Councillor Marano  
Councillor Petrie  
Councillor Wise  
Councillor Wynne  
Councillor Zeltzer  
Councillor Zulman

Robertson

***11/1***

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## Notice of Motion

**Item No:** 1  
**From:** Councillor Boskovitz  
**Date:** 21 April 2015  
**File No:** 15/50029

(Boskovitz/Wynne)

**19/6 Resolved:**

THAT Council investigate, in consultation with the local residents in the immediate area, the replacement of the bus stop near the corner of Village Lower Road and Hopetoun Avenue with a more suitable bus stop.

### Background

Council has spent significant money on Hopetoun Avenue to beautify it, make it more traffic and pedestrian friendly and to ensure the more efficient movement of storm water yet the above mentioned bus stop is incredibly ugly and subject of a great deal of antisocial behaviour due to its design and location.

In respect of antisocial behaviour, the closed nature of the bus stop and the lack of lighting lead to graffiti from time to time, regular public drinking and subsequent anti-social behaviour including breaking of bottles, littering, very loud foul language and vomiting.

The new bus stop should be more in keeping with other style bus stops in the area with a clear back wall which allows for passive surveillance.

### Adopted

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**Item No:** 2  
**From:** Councillor Boskovitz  
**Date:** 22 April 2015  
**File No:** 15/50315

(Boskovitz/Wynne)

**20/6 Resolved:**

That Council investigate the installation of a drop off/pick up zone near the Rose Bay shopping village on Dover Road, Rose Bay. The said drop off/pick up zone can service elderly people who are visiting the doctors surgery and/or Parisi's and the IGA supermarket.

### Adopted

**Item No:** 3  
**From:** Councillors Boskovitz, Petrie and Zeltzer  
**Date:** 27 April 2015  
**File No:** 900.G

**Note:** This Notice of Motion has been submitted as a Matter of Urgency to the Council Meeting of 27 April 2015 due to the pressing nature of the relief efforts.

**(Boskovitz/Petrie)**

**Resolved:**

**21/6** THAT in accordance with Council's Code of Meeting Practice, Notice of Motion 3 be brought forward as a Matter of Urgency to expedite the donation of the funds to the New South Wales Storm Relief Fund.

**Adopted**

**The Deputy Mayor ruled Urgency.**

**(Boskovitz/Petrie)**

**22/6** **Resolved:**

THAT Council donate \$10,000.00 to the New South Wales Storm Relief Fund run by the Salvation Army in conjunction with the Daily Telegraph and various other organisations, to assist with the flood clean up in rural and regional areas of New South Wales.

**Adopted**

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## Questions for Next Meeting

**Item No:** 13  
**Subject:** Questions for Next Meeting  
**Author:** Gary James, General Manager  
**File No:** 467.G/Q 10  
**Reason for Report:** To allow Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Boskovitz)

23/6 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

**Adopted**

### Resignation of Councillor Boskovitz

Prior to the commencement of the Questions for the next meeting Councillor Boskovitz advised Council that he tendered his resignation to the General Manager today, effective from Friday 1 May 2015.

Many of the Councillors praised and thanked Councillor Boskovitz for his passion and commitment to the Woollahra Community over the past 12 years. They all wished him well for the future.

**Note:** A Mayoral Minute will be submitted to the next Ordinary Council Meeting formally recognising Councillor Boskovitz for his achievements on Council and it will also detail the process to be followed now that Councillor Boskovitz has resigned.

**The following questions were asked:-**

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**Councillor Petrie asking:**

We have a vexing problem in Bay Street, Double Bay near the ferry wharf where the unrestricted car spaces are being used on a permanent basis by both a car that has been there since August and a fitness trailer advertising its operations which has been there for at least three months. When are we going to resolve this issue?

**Director Technical Services in response:**

Madam Mayor, can I just confirm what Councillor Petrie is saying. Is he saying that this trailer is parked in the spaces where we are proposing the changes to the traffic rules or is this one outside of that area? Is that the one where we are about to amend those restrictions?

**Councillor Petrie in clarification:**

It's in the unrestricted site where that car has been there for a year.

**Director Technical Services further in response:**

Is that the one where we are about to amend those restrictions?

**Councillor Petrie further in clarification:**

Yes but I am wondering when this is going to change?

**Director Technical Services further in response:**

I will have to take this question on notice.

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**Councillor Petrie asking:**

I have had numerous complaints bordering on anger about a trailer advertising the ridding of cockroaches in Woollahra. A significant member of the community has raised his concerns stating that this trailer is a blot on the community. I did approach the Manager of Compliance, Tim Tuxford about ringing these people. The trailers are still there. Could we ring these people and ask them to remove it?

**Director Planning and Development in response:**

Madam Mayor we can do that.

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**Councillor Robertson asking:**

Firstly to you Madam Mayor the questions on notice that I asked recently in relation to any communications you may have had with the Hakoah Club representatives to give you the opportunity to respond. Do you want me to read them all out?

**Mayor in response:**

I have seen them Councillor Robertson. I would like to respond now. It's in regard to any meetings or communications that I might have had with Hakoah. They have been very, very few and far between and I believe one of them you attended which was late last year around this table. Subsequent to that there were probably two short meetings in which the staff and other Councillors attended. I have never had a meeting with them on my own. Some of the communications were to do with internal matters to do with Hakoah. Other than that there was one telephone call from my personal assistant asking me to ring Mr Farkas. He was just simply asking a question on process, how long will it take to get from Urban Planning to Full Council? And that was about it. That's the extent of it. I don't know if you realise in any meeting I attend, I have the staff with me if I can. If it's at Council I have the staff with me. I try to have my meetings at Council and I make no undertakings. I simply am there to listen to what is put before me but I have never on any occasions made an undertaking.

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**Councillor Robertson asking:**

To your knowledge have any Woollahra Councillors or yourself had any meetings with the Mayor of Waverley, Councillor Sally Betts, in which amalgamations were discussed?

**Mayor in response:**

I have not had a meeting with Sally Betts for quite a long time. I have never had private meetings with Sally Betts. The only meetings that I attended were official meetings that some of our key staff attended when we looked at the model of 3 Councils rather than 5. I understood right from the start when that first report came to us that it didn't stack up financially or otherwise for us to even contemplate an amalgamation with the three. We have remained in touch. Their staff are in communication with ours, we are sharing consultants, so we cannot be accused of choosing consultants that just argue our case for autonomy. I think that all Councillors received a summary of where we are up to. I haven't had private conversations with Sally Betts on this. I really don't share Sally Betts' views to be honest.

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**Councillor Robertson asking:**

So am I to infer from that response Madam Mayor that you are not aware of any other Councillors on this Council having attended any meetings on that subject?

Did Councillors have your endorsement to represent Woollahra in discussions about amalgamations?

**Mayor in response:**

Now that you bring that up Councillor Robertson I am aware of what you are referring to and I have spoken to both Councillors. We are all Liberal Councillors and many Councillors get together with their counterparts in neighbouring Councils. Sometimes it is a social visit to catch-up, sometimes it is to talk about State and Federal politics. There is long friendship involved there. I have spoken to both Councillors that have come up in this particular matter and they have both given me an undertaking which I believe. For a start both of them have been away off and on for quite some time and have had no recent meetings with Sally Betts. They know that they cannot put forward the position of Woollahra Council because that is a position that is resolved by 15 Councillors. So the story going around is incorrect.

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**Councillor Robertson asking:**

Does Council have a litter reduction strategy in place? Are there regular street clean ups to attend to nature strips? Those in Ormond Street, Paddington are the ones that have been brought to my recent attention, with residents asking if Council will consider developing and implementing a litter reduction strategy.

**Director Technical Services in response:**

On notice Madam Mayor.

There being no further business the meeting concluded at 10.20 pm.

*We certify that the pages numbered 1217 to 1246 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 27 April 2015 and confirmed by Council at the Ordinary Meeting of Council on 11 May 2015 as correct.*

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**General Manager**

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**Mayor**