

# Extraordinary Council Meeting

Wednesday 7 September 2005

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# Extraordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Wednesday 7 September 2005 at 7.30pm.**

Present: His Worship the Mayor, Councillor Rundle

Councillors Anthony Boskovitz  
John Comino  
Claudia Cullen  
Christopher Dawson  
Marcus Ehrlich  
Tanya Excell  
Wilhelmina Gardner  
Keri Huxley  
Julian Martin  
Andrew Petrie  
Isabelle Shapiro  
David Shoebridge  
Fiona Sinclair King  
John Walker

Staff: A Coker (Director – Planning & Development)  
G Clarke (Director – Corporate Services)  
W Hatton (Director – Technical Services)  
G James (General Manager)  
K Walshe (Director – Community Services)  
L Windle (Manager – Governance)  
B Daintry (Manager – Development Control)  
J Henderson (Manager - Communications)  
C Rechichi (Manager Customer Service)

Also in Attendance: Nil

## **Apologies**

Nil

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## **Declarations of Interest**

Nil

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**Item No:** 1  
**Subject:** **Annual Fee for the Mayor & Councillors to 30 June 2006**  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** To inform Councillors about the fees payable to the Mayor and Councillors.

**(Huxley/Comino)**

**Resolved:**

**1/17** THAT the Council's resolution adopted on 30 May 2005 in relation to annual fees for the Mayor and Councillors be noted.

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**Item No:** 2  
**Subject:** **Election of Mayor for the next twelve (12) months**  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** To facilitate the election of the Mayor

**Note:** The General Manager as Returning Officer called for nominations. When nominations closed there were 2 nominations. They were:

Councillor Petrie  
Councillor Rundle

The Returning Officer asked the meeting as to the method of voting.

**Motion moved by Councillor Huxley**  
**Seconded by Councillor Shoebridge**

That the method of election of the Mayor be by open voting.

**Resolved:**

**2/17** That the method of election of the Mayor be by open voting.

**Note:** The Returning Officer then asked for a show of hands for each of the candidates. The result was:-

Councillor Petrie	8 votes
Councillor Rundle	7 votes

Councillor Petrie was declared elected as the Mayor for the period to September 2006.

The Mayor assumed the Chair.

**Item No:** 3  
**Subject:** **Election of Deputy Mayor for the next twelve (12) months**  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** To facilitate the Election of the Deputy Mayor.

**Note:** The General Manager as Returning Officer called for nominations. When nominations closed there were 2 nominations. They were:

Councillor Ehrlich  
Councillor Excell

The Returning Officer asked the meeting as to the method of voting.

**Motion moved by Councillor Huxley**  
**Seconded by Councillor Shoebridge**

That the method of election of the Deputy Mayor be by open voting.

**Resolved:**

**3/17** That the method of election of the Deputy Mayor be by open voting.

**Note:** The Returning Officer then asked for a show of hands for each of the candidates. The result was:-

Councillor Ehrlich	8 votes
Councillor Excell	6 votes

Councillor Ehrlich was declared elected as the Deputy Mayor for the period to September 2006.

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**Item No:** 4  
**Subject:** **Appointment of Committees for the next twelve (12) months**  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** For the Council to appoint the members of the various Committees of the Council.

**(Comino/Boskovitz)**

**Resolved:**

**4/17** That the meeting adjourn for a short period to allow informal discussion on the membership of the Committees.

**Note:** The Meeting adjourned at 7.40pm.  
The Meeting reconvened at 7.50pm with the following Councillors present:  
The Mayor Councillor Petrie, Councillors Boskovitz, Comino, Cullen, Dawson, Ehrlich, Excell, Gardner, Huxley, Martin, Shapiro, Shoebridge, Sinclair King, Rundle and Walker.

**Motion moved by Councillor Comino  
Seconded by Councillor Huxley**

1. That the Development Control Committee consist of the following Councillors:  
  
The Mayor, Councillor Petrie as ex-officio and Councillors Shapiro, Comino, Dawson, Boskovitz, Rundle, Shoebridge and Martin
2. That the Corporate and Works Committee comprise the following Councillors:  
  
The Mayor, Councillor Petrie as ex-officio and Councillors Sinclair King, Ehrlich, Walker, Huxley, Cullen, Gardner and Excell.
3. That the Community and Environment Committee comprise the following Councillors:  
  
The Mayor, Councillor Petrie as ex-officia and Councillors Boskovitz, Sinclair King, Ehrlich, Cullen, Excell, Walker and Martin.
4. That the Urban Planning Committee comprise the following Councillors:  
  
The Mayor, Councillor Petrie as ex-officio and Councillors Rundle, Shoebridge, Comino, Shapiro, Dawson, Huxley and Gardner.
5. That the Strategic and Corporate Committee comprise the Mayor, Councillor Petrie and all Councillors.

**Amendment moved by Councillor Sinclair King  
Seconded by Councillor Cullen**

That the Committee membership moved by Councillor Comino be adopted subject to Councillors Excell and Gardner being included as members of the Development Control Committee and the Corporate and Works Committee having five Committee members.

**The Amendment was put and Lost  
The Motion was adopted.**

**Resolved**

- 5/17 1. That the Development Control Committee comprise the following Councillors to September 2006:-

The Mayor, Councillor Petrie, ex-officio  
Councillor Boskovitz  
Comino  
Dawson  
Martin  
Rundle  
Shapiro  
Shoebridge

2. That the Corporate and Works Committee comprise the following Councillors to September 2006:-

The Mayor, Councillor Petrie, ex-officio  
Councillor Cullen  
Ehrlich  
Excell  
Gardner  
Huxley  
Sinclair King  
Walker

3. That the Community and Environment Committee comprise the following Councillors to September 2006:-

The Mayor, Councillor Petrie, ex-officio  
Councillor Boskovitz  
Cullen  
Ehrlich  
Excell  
Martin  
Sinclair King  
Walker

4. That the Urban Planning Committee comprise the following Councillors to September 2006:-

The Mayor, Councillor Petrie, ex-officio  
 Councillor Comino  
                     Dawson  
                     Gardner  
                     Huxley  
                     Rundle  
                     Shapiro  
                     Shoebridge

5. That the Strategic and Corporate Committee comprise of the following Councillors to September 2006:-

The Mayor, Councillor Petrie, ex-officio  
 All Councillors

**Note:** A Division was called by Councillors Rundle and Shoebridge

**For the Motion**

Councillor Comino  
 Councillor Huxley  
 Councillor Dawson  
 Councillor Walker  
 Councillor Shapiro  
 Councillor Boskovitz  
 Councillor Ehrlich  
 Councillor Petrie

**Against the Motion**

Councillor Gardner  
 Councillor Martin  
 Councillor Excell  
 Councillor Rundle  
 Councillor Sinclair King  
 Councillor Cullen  
 Councillor Shoebridge

8/7

**Item No:** 5  
**Subject:** Representation on other Committees & Organisations  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** To authorise the Mayor to make appointments to various other Committees and organisations.

**(Comino/Huxley)**

**Resolved:**

- 6/17 a. That a report be brought to the appropriate Committee to review the need for each of the other Committees and organisations having regard to the original purpose of the appointment.
- b. That the Mayor invite expressions of interest from Councillors as to which other Committees and organisations they wish to serve on.

- c. That subject to the outcome of the report and review in resolution (a) above, the Mayor be authorised to appoint the Councillor representatives to the other Committees and organizations.
- d. That the existing appointees to other Committees and organizations remain until the report and review mentioned in (a) above is carried out.

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**Item No:** 6  
**Subject:** **Delegations of Authority to the Mayor & Deputy Mayor for the next twelve (12) months**  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** To delegate certain powers to the Mayor and Deputy Mayor to facilitate the business of the Council.

(Comino/Huxley)

**7/17 Resolved:**

- a. Mayor's Delegation

THAT subject to compliance with the requirements of the Local Government Act, 1993, and Regulations thereunder, and any expressed policy of the Council or regulations of any public authority other than the Council, and pursuant to Section 377 of the Local Government Act, 1993, the Mayor be authorised to exercise or perform on behalf of the Council the following powers, authorities, duties or functions; such authorisation to be effective whilessoever he/she remains in the position of Mayor:

- (a) To authorise, in conjunction with the General Manager and Chairperson of the Development Control Committee, on the recommendation of the appropriate Staff Officer of the Council, the resisting of any Appeal to the Land and Environment Court, against a decision of the Council in respect of a development or related application.
- (b) To authorise the briefing of Counsel, in the resisting of any Appeal, if such is recommended by the Council Solicitors and/or staff.
- (c) To refer to the General Manager any matter considered to need investigation and report.
- (d) To consent, where Court determined constraints prevent reporting to the Development Control Committee before the hearing, in consultation with the General Manager, to the entering into of consent orders where Council's Solicitors have recommended consent orders be entered into, subject to satisfactory conditions, arrangements as to costs where appropriate and all parties including parties who made submissions be advised of the decision,
- (e) To have delegated authority for the appointment of a Review Panel on an annual basis, to conduct the General Manager's Contract and Performance Agreement Review in accordance with the Terms of Reference adopted by Council on 14 August 2000.

To ensure, through the General Manager and staff generally, that the interests of the Council and its community are protected by the authorisation of necessary actions relating to the resisting of Appeals, instructing of Solicitors and Counsel as necessary, conferring with applicants and others; PROVIDED THAT in the exercise of such powers and authorities the Mayor shall not act contrary to specific Council resolutions taken beforehand.

### **Deputy Mayor's Delegations**

Subject to compliance with the requirements of the Local Government Act 1993, and Regulations thereunder, and any expressed policy or direction of the Council, and subject to any direction given by the Mayor, the Council pursuant to the provisions of Section 377 of the Local Government Act 1993 and every other power it hereunto enabling hereby delegates to the Deputy Mayor, from the time being and from time to time, of the Council to exercise and perform on behalf of the Council the powers, authorities, duties and functions delegated to the Mayor PROVIDED THAT the Deputy Mayor may exercise such powers, authorities, duties and functions only on the request of the Mayor or when the Mayor is prevented by illness, absence or otherwise from performing any duty of his or her office or during such time as a casual vacancy exists in the office of Mayor.

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**Item No:** 7  
**Subject:** **Delegations of Authority to Standing Committees**  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** For the Council to adopt Delegations and responsibilities of Council's Standing Committees.

(Comino/Huxley)

### **Resolved:**

**8/17** THAT the delegations and responsibilities of the Council's five (5) Standing Committees adopted at the Council Meeting on 15 April 2004 and detailed in this report, be reaffirmed.

**Item No:** 8  
**Subject:** **Chairpersons of Committees**  
**Author:** Gary James, General Manager  
**File No:** 40.G  
**Reason for Report:** For the Council to determine which method is to be used to determine the Chairperson of Committees.

**Motion moved by Councillor Shoebridge**  
**Seconded by Councillor Cullen**

That the Chairperson of each Standing Committee be elected by each Committee at their first meeting.

**Amendment moved by Councillor Comino**  
**Seconded by Councillor Huxley**

That the Chairperson of each Standing Committee be elected by the Council.

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

**Resolved:**

**9/17** That the Chairperson of each Standing Committee be elected by the Council.

**Motion moved by Councillor Comino**  
**Seconded by Councillor Huxley**

That the following persons be elected as Chairpersons of each of the Councils Standing Committees:

Development Control Committee – Councillor Dawson  
Corporate and Works Committee – Councillor Walker  
Urban Planning Committee – Councillor Huxley  
Community and Environment Committee – Councillor Boskovitz  
Strategic and Corporate Committee – The Mayor, Councillor Petrie

**Amendment moved by Councillor Shoebridge**

That the following persons be elected as Chairpersons of each of the Councils Standing Committees:

Development Control Committee – Councillor Rundle  
Corporate and Works Committee – Councillor Gardner  
Urban Planning Committee – Councillor Shoebridge  
Community and Environment Committee – Councillor Excell  
Strategic and Corporate Committee – The Mayor, Councillor Petrie

**Foreshadowed Amendment put by Councillor Rundle**

That each Committee Chairperson be elected individually.

**Councillor Shoebridge withdrew his Amendment.  
Councillor Comino withdrew his Motion**

**Motion moved by Councillor Rundle  
Seconded by Councillor Boskovitz**

**10/17** That each Committee Chairperson be elected individually.

**Adopted**

**Motion moved by Councillor Comino  
Seconded by Councillor Huxley**

That Councillor Dawson be elected as Chairperson of the Development Control Committee

**Amendment moved by Councillor Shoebridge  
Seconded by Councillor Cullen**

That Councillor Rundle be elected as the Chairperson of the Development Control Committee.

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

**Resolved:**

**11/17** That Councillor Dawson be elected as Chairperson of the Development Control Committee

**Note:** A Division was called by Councillors Rundle and Martin

**For the Motion**

Councillor Comino  
Councillor Huxley  
Councillor Dawson  
Councillor Walker  
Councillor Shapiro  
Councillor Ehrlich  
Councillor Boskovitz  
Councillor Petrie

**Against the Motion**

Councillor Gardner  
Councillor Martin  
Councillor Excell  
Councillor Sinclair King  
Councillor Cullen  
Councillor Shoebridge  
Councillor Rundle

**8/7**

**Motion moved by Councillor Comino  
Seconded by Councillor Huxley**

That Councillor Walker be elected as Chairperson of the Corporate and Works Committee.

**Amendment moved by Councillor Shoebridge  
Seconded by Councillor Gardner**

That Councillor Excell be elected as Chairperson of the Corporate and Works Committee.

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

**Resolved:**

**12/17** That Councillor Walker be elected as Chairperson of the Corporate and Works Committee.

**Note:** A Division was called by Councillors Rundle and Huxley

**For the Motion**

Councillor Comino  
Councillor Huxley  
Councillor Sinclair King  
Councillor Dawson  
Councillor Walker  
Councillor Shapiro  
Councillor Ehrlich  
Councillor Boskovitz  
Councillor Petrie

**Against the Motion**

Councillor Gardner  
Councillor Martin  
Councillor Excell  
Councillor Rundle  
Councillor Cullen  
Councillor Shoebridge

**9/6**

**Motion moved by Councillor Comino  
Seconded by Councillor Boskovitz**

That Councillor Huxley be elected as Chairperson of the Urban Planning Committee.

**Amendment moved by Councillor Rundle  
Seconded by Councillor Cullen**

That Councillor Shoebridge be elected as Chairperson of the Urban Planning Committee.

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

**Resolved:**

**13/17** That Councillor Huxley be elected as Chairperson of the Urban Planning Committee.

**Note:** A Division was called by Councillors Shoebridge and Huxley

**For the Motion**

Councillor Comino  
 Councillor Huxley  
 Councillor Dawson  
 Councillor Walker  
 Councillor Shapiro  
 Councillor Ehrlich  
 Councillor Boskovitz  
 Councillor Petrie

**Against the Motion**

Councillor Gardner  
 Councillor Martin  
 Councillor Excell  
 Councillor Sinclair King  
 Councillor Cullen  
 Councillor Shoebridge  
 Councillor Rundle

**8/7**

**Motion moved by Councillor Comino  
 Seconded by Councillor Huxley**

That Councillor Boskovitz be elected as Chairperson of the Community and Environment Committee.

**Amendment moved by Councillor Shoebridge  
 Seconded by Councillor Excell**

That Councillor Cullen be elected as Chairperson of the Community and Environment Committee.

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

**Resolved:**

**14/17** That Councillor Boskovitz be elected as Chairperson of the Community and Environment Committee.

**Note:** A Division was called by Councillors Huxley and Shoebridge

**For the Motion**

Councillor Comino  
 Councillor Huxley  
 Councillor Sinclair King  
 Councillor Dawson  
 Councillor Walker  
 Councillor Shapiro  
 Councillor Ehrlich  
 Councillor Boskovitz  
 Councillor Petrie

**Against the Motion**

Councillor Gardner  
 Councillor Martin  
 Councillor Excell  
 Councillor Rundle  
 Councillor Cullen  
 Councillor Shoebridge

**9/6**

(Comino/Huxley)

**Resolved:**

**15/17** That the Mayor, Councillor Petrie be the Chairperson of the Strategic and Corporate Committee.

**Note:** The Mayor, Councillor Petrie acknowledged and commended Councillor Rundle for his contributions during his term as Mayor over the last eighteen months.

Councillor Comino also thanked Councillor Rundle for his contributions during his term as Mayor.

Councillor Shoebridge also commended the work Councillor Rundle did as Mayor.

Councillor Boskovitz wished the new Mayor and Chairpersons of Committees the best of luck with their tasks ahead.

Councillor Rundle expressed a vote of thanks to the General Manager, Directors Council and staff for their assistance during his term as Mayor. Councillor Rundle also thanked the Councillors for their assistance over the last eighteen months.

**Note:** The Mayor, Councillor Petrie outlined the matters that he saw as the priorities for the Council and the Office of Mayor during the next twelve months.

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There being no further business the meeting concluded at 8.30pm.

*We certify that the pages numbered 1587 to 1601 inclusive are the Minutes of the Extraordinary Meeting of Woollahra Municipal Council held on 7 September 2005 and confirmed by Council at the ordinary Meeting of Council on 19 September 2005 as correct.*

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**General Manager**

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**Mayor**